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## Information and Notices

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**Commission**

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## II

*(Information)*

## INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COMMISSION

**Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty****Cases where the Commission raises no objections***(2009/C 190/01)*

Date of adoption of the decision	29.4.2009
Reference number of State Aid	N 53/08
Member State	Poland
Region	—
Title (and/or name of the beneficiary)	Pomoc na restrukturyzację dla PABO Sp. z o.o.
Legal basis	Ustawa z dnia 30.8.2002 r. o restrukturyzacji niektórych należności publicznoprawnych od przedsiębiorców Ustawa z dnia 29.8.1997 r. Ordynacja podatkowa
Type of measure	Individual aid
Objective	Restructuring a firm in difficulty
Form of aid	Remission of tax liabilities
Budget	PLN 569 263
Intensity	—
Duration (period)	Aid ad hoc
Economic sectors	Agriculture
Name and address of the granting authority	Urząd Skarbowy Łódź Polesie ul. 6-go Sierpnia 84/86 90-646 Łódź POLSKA/POLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/index.htm](http://ec.europa.eu/community_law/state_aids/index.htm)

Date of adoption of the decision	26.2.2009
Reference number of State Aid	N 128/08
Member State	Germany
Region	Brandenburg
Title (and/or name of the beneficiary)	Vertragsnaturschutz
Legal basis	Artikel 2 Brandenburgisches Naturschutzgesetz
Type of measure	Aid scheme
Objective	Protection and improvement of the environment
Form of aid	Direct grant
Budget	Annual expenditure: EUR 1,9 million Overall budget: EUR 11,4 million
Intensity	Up to 100 % of eligible costs
Duration (period)	After the approval by the Commission retrospectively from 1.1.2008 to 31.12.2013
Economic sectors	Agriculture
Name and address of the granting authority	Landesumweltamt Brandenburg Seeburger Chaussee 14476 Potsdam DEUTSCHLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/index.htm](http://ec.europa.eu/community_law/state_aids/index.htm)

Date of adoption of the decision	9.6.2009
Reference number of State Aid	N 652/08
Member State	Slovak Republic
Region	—
Title (and/or name of the beneficiary)	Lesné hospodárske plány
Legal basis	zákon č. 326/2005 Z. z. o lesoch v znení neskorších predpisov zákon č. 523/2004 Z. z. o rozpočtových pravidlách verejnej správy v znení neskorších predpisov zákon č. 231/1999 Z. z. o štátnej pomoci v znení neskorších predpisov
Type of measure	Scheme
Objective	Forestry
Form of aid	Subsidised service

Budget	—
Intensity	100 % of eligible expenses
Duration (period)	Date of Commission approval until 31 December 2013
Economic sectors	Forestry
Name and address of the granting authority	Ministerstvo pôdohospodárstva SR Dobrovičova 12 812 66 Bratislava SLOVENSKO/SLOVAKIA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/index.htm](http://ec.europa.eu/community_law/state_aids/index.htm)

Date of adoption of the decision	23.4.2009
Reference number of State aid	N 112/09
Member State	The Netherlands
Region	—
Title (and/or name of the beneficiary)	Wijziging van de garantie voor landbouw bedrijven, onderdeel „garantstelling plus”
Legal basis	Kaderwet LNV-subsidies en Regeling LNV-subsidies
Type of measure	Guarantee
Objective	The measure concerns the adjustment of the budget and the amount of the load and subsequently the guarantee. The guarantees given to support the investment in the resurrection, overtaking, the up keeping or improvement of a small or medium sized agricultural enterprise.
Form of aid	After payment of a premium, guarantee of 80 % of a loan for agricultural investments
Budget	EUR 1,8 million (total amount with combined with N 358/08: EUR 5,9 million).
Intensity	Guarantee plus: 3,33 %, Guarantee plus on non-preferential loan: 3,15 %
Duration (period)	2009-2013, after approval by the Commission
Economic sectors	Agricultural sector
Name and address of the granting authority	Ministry of Agriculture, Nature and Food Quality Postbus 20401 2500 EK Den Haag NEDERLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/index.htm](http://ec.europa.eu/community_law/state_aids/index.htm)

Date of adoption of the decision	13.7.2009
Reference number of State aid	N 366/09
Member State	Germany
Region	—
Title (and/or name of the beneficiary)	Änderung der Verordnung über Steuererleichterungen für Agrardiesel
Legal basis	Entwurf eines Änderungsgesetzes zur Änderung der Artikel 57 und 67 des Energiesteuergesetzes vom 15. Juli 2006 (BGBl. I S. 1534 zuletzt geändert durch Artikel 30 des Gesetzes vom 19. Dezember 2008 (BGBl. S. 2794)
Type of measure	Aid scheme
Objective	Reduction of energy costs of primary agricultural and forestry production
Form of aid	Tax refund
Budget	EUR 570 million
Intensity	20 %
Duration (period)	Until 31.12.2009
Economic sectors	A1 — Crop and animal production, hunting and related service activities
Name and address of the granting authority	Hauptzollamt
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/index.htm](http://ec.europa.eu/community_law/state_aids/index.htm)

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## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COMMISSION

Euro exchange rates <sup>(1)</sup>

12 August 2009

(2009/C 190/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,4170	AUD Australian dollar	1,7201
JPY Japanese yen	135,77	CAD Canadian dollar	1,5633
DKK Danish krone	7,4445	HKD Hong Kong dollar	10,9828
GBP Pound sterling	0,85965	NZD New Zealand dollar	2,1294
SEK Swedish krona	10,2656	SGD Singapore dollar	2,0509
CHF Swiss franc	1,5276	KRW South Korean won	1 767,31
ISK Iceland króna		ZAR South African rand	11,5202
NOK Norwegian krone	8,7325	CNY Chinese yuan renminbi	9,6853
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,3259
CZK Czech koruna	25,768	IDR Indonesian rupiah	14 162,71
EEK Estonian kroon	15,6466	MYR Malaysian ringgit	5,0027
HUF Hungarian forint	273,60	PHP Philippine peso	68,102
LTL Lithuanian litas	3,4528	RUB Russian rouble	46,0900
LVL Latvian lats	0,7010	THB Thai baht	48,277
PLN Polish zloty	4,1813	BRL Brazilian real	2,6176
RON Romanian leu	4,2218	MXN Mexican peso	18,5200
TRY Turkish lira	2,1267	INR Indian rupee	68,5330

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

## NOTICES FROM MEMBER STATES

**Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001**

(2009/C 190/03)

**Aid No:** XA 39/09

**Duration of scheme or individual aid award:** Until 31 December 2011

**Member State:** Spain

**Objective of aid:**

**Region:** Principado de Asturias

**Title of aid scheme or name of company receiving an individual aid:** Asociación de Criadores de *Cabra Bermeja* (ACRIBER)

Implementation of the programme for the conservation of the local breed of *Bermeja* goat

**Legal basis:** Convenio de colaboración entre el Gobierno del Principado de Asturias y la Asociación de Criadores de *Cabra Bermeja* (ACRIBER) para el desarrollo del programa de conservación de la raza autóctona asturiana *Bermeja* durante el trienio 2009-2011

The following Articles of Regulation (EC) No 1857/2006 apply:

*Article 15 Provision of technical support in the agricultural sector.* Eligible costs: cost of organising training programmes for breeders, cost of consultancy services provided by third parties, cost of organising knowledge-sharing forums, competitions and exhibitions, cost of disseminating scientific knowledge, cost of publications.

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:**

The maximum amount of aid to be granted in each year under the agreement will be:

2009	2010	2011
EUR 14 000	EUR 15 500	EUR 17 000

Pursuant to the condition stipulated in Article 15(4), technical support will be available to all owners of animals registered in the herd book for this breed, without membership of the association being a prerequisite for using the service.

*Article 16 Support for the livestock sector.* Eligible costs: cost of maintaining the herd book.

**Maximum aid intensity:**

The maximum aid intensity to be granted for each of the headings of the action programme to be implemented by the beneficiary of the aid will be:

In accordance with the provisions of Articles 15(3) and 16(3) of the above mentioned Regulation, the aid will be granted in kind by means of subsidised services and must not involve direct payments of money to producers

Programme headings	Maximum subsidy intensity
I. Maintenance of the herd-book	100 %
II. Technical support	100 %

**Sector(s) concerned:** Goat breeding

**Name and address of the granting authority:**

**Date of implementation:** From the date of publication of the registration number of the exemption request on the website of the Commission's Directorate-General for Agriculture and Rural Development

Consejería de Medio Rural y Pesca del Principado de Asturias  
C/ Coronel Aranda, s/n 4ª planta  
33071 Oviedo (Asturias)  
ESPAÑA



**Website:**

The text of the cooperation agreement can be consulted at <http://www.asturias.es>, at the URL

<http://www.asturias.es/Asturias/descargas/CONVENIOS%20GANADERIA/ACRIBER%2009%20%20convenio.pdf>

**Other information: —**

*El Director General de Investigación y Tecnología Agroalimentaria*

Manuel LAINEZ ANDRÉS

**Aid No:** XA 60/09

**Member State:** Italy

**Region:** Sardegna

**Title of aid scheme:**

Legge regionale 11 marzo 1998, n. 8, articolo 23 (aiuti per i danni alla produzione agricola).

Aiuti per la ripresa dell'attività economica e produttiva delle aziende agricole danneggiate dalle piogge alluvionali del 22 ottobre, del 4, 27 e 28 novembre 2008

**Legal basis:**

L.R. 11 marzo 1998, n. 8, articolo 23

Deliberazione della Giunta regionale n. 69/28 del 10.12.2008

Deliberazione 13/20 del 24.3.2009 — Modifica della deliberazione della Giunta regionale 69/28 del 10.12.2008 recante «L.R. 11 marzo 1998, n. 8, articolo 23 — Aiuti per la ripresa dell'attività economica e produttiva delle aziende agricole danneggiate dalle piogge alluvionali del 22 ottobre, del 4 e del 27/28 novembre 2008 — (Spesa EUR 22 000 000,00 — UPB S06.04.006 — CAP. SC06.0970 — FR.)»

**Annual expenditure planned under the scheme:** The total financial allocation set aside for the aid is EUR 19 800 000,00

**Maximum aid intensity:**

Up to a maximum of 80 % (90 % in less-favoured areas) of the eligible costs of the repair of damaged buildings and equipment of the holdings.

Any sums received through insurance schemes and costs not incurred as a result of the adverse weather conditions will be deducted from the amount of the aid.

**Date of implementation:** The aid applies with effect from the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development.

**Duration of scheme:** Until 28 November 2012

**Objective of aid:**

Article 11 of Commission Regulation (EC) No 1857/2006

The primary objective of the regional scheme is recovery of the economic and production activity of the agricultural holdings damaged by the adverse weather conditions of 22 October, 4 November and 27 and 28 November 2008. The purpose of the aid is to repair damaged buildings and equipment of the holdings.

**Sector concerned:** Primary production

**Name and address of the granting authority:**

Regione Autonoma della Sardegna  
Assessorato dell'agricoltura e riforma agro-pastorale  
Via Pessagno 4  
09125 Cagliari  
ITALIA

**Website:**

deliberazione n. 69/28 del 10 dicembre 2008:

[http://www.regione.sardegna.it/documenti/1\\_72\\_20081212132916.pdf](http://www.regione.sardegna.it/documenti/1_72_20081212132916.pdf)

deliberazione n. 13/20 del 10 dicembre 2008:

[http://www.regione.sardegna.it/documenti/1\\_73\\_20090324182537.pdf](http://www.regione.sardegna.it/documenti/1_73_20090324182537.pdf)

*Il Direttore Servizio sostegno delle imprese agricole e sviluppo delle competenze*

Dr.ssa Bianca CARBONI

**Aid No:** XA 83/09

**Member State:** Italy

**Region:** Sardegna

**Title of aid scheme:** Legge regionale 11 marzo 1998, n. 8, articolo 23 (aiuti per i danni alla produzione agricola). Aiuti per la ripresa dell'attività economica e produttiva delle aziende agricole danneggiate dall'uragano del 12 settembre 2008

**Legal basis:**

L.R. 11 marzo 1998, n. 8, articolo 23

Deliberazione della Giunta regionale N. 8/16 del 4.2.2009

Deliberazione 13/19 del 24.3.2009 — Modifica della deliberazione della Giunta regionale 8/16 DEL 4.2.2009 recante «L.R. 11 marzo 1998, n. 8, articolo 23 — L.R. Aiuti per la ripresa dell'attività economica e produttiva delle aziende agricole danneggiate dall'uragano del 12 settembre 2008. (Spesa EUR 1 300 000,00 — UPB S06.04.006 — CAP. SC06.0973 — AS — D. Lgs. n. 143 del 4 giugno 1997)»

**Annual expenditure planned under the scheme:** The total financial allocation set aside for the aid is EUR 1 300 000,00

**Maximum aid intensity:**

Up to a maximum of 80 % (90 % in the less-favoured areas) of the eligible costs of repairing damaged buildings and equipment of the holdings.

Any amounts received through insurance schemes and costs not incurred as a result of the adverse weather conditions will be deducted from the amount of the aid.

**Date of implementation:** The aid applies with effect from the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development.

**Duration of scheme:** Until 12 September 2012

**Objective of aid:**

Article 11 of Commission Regulation (EC) No 1857/2006

The primary objective of the regional scheme is recovery of the economic and production activity of the agricultural holdings damaged by the hurricane of 12 September 2008. The purpose of the aid is to repair damaged buildings and equipment of the holdings.

**Sector concerned:** Primary production

**Name and address of the granting authority:**

Regione Autonoma della Sardegna  
Assessorato dell'agricoltura e riforma agro-pastorale  
Via Pessagno 4  
09125 Cagliari  
ITALIA

**Website:**

deliberazione n. 8/16 del 4.2.2009:

[http://www.regione.sardegna.it/documenti/1\\_72\\_20090204174753.pdf](http://www.regione.sardegna.it/documenti/1_72_20090204174753.pdf)

deliberazione n. 13/19 del 24.3.2009

[http://www.regione.sardegna.it/documenti/1\\_73\\_20090324182434.pdf](http://www.regione.sardegna.it/documenti/1_73_20090324182434.pdf)

*Il Direttore Servizio sostegno delle imprese agricole e sviluppo delle competenze*

Dr.ssa Bianca CARBONI

**Aid No:** XA 86/09

**Member State:** Spain

**Region:** Castilla y León

**Title of aid scheme:** Ayudas a los programas de mejora genética de razas ganaderas

**Legal basis:**

Apartados h), i) y j) del artículo 3 de la Orden AYG/540/2009, de la Consejería de Agricultura y Ganadería por la que se establecen las bases reguladoras de la concesión de las ayudas a los programas de mejora genética de razas ganaderas en Castilla y León (artículo 15).

Apartados a), c), f), g), k) y l) del artículo 3 de la Orden AYG/540/2009, de la Consejería de Agricultura y Ganadería por la que se establecen las bases reguladoras de la concesión de las ayudas a los programas de mejora genética de razas ganaderas en Castilla y León (artículo 16).

This aid scheme makes use of the exemption laid down in Commission Regulation (EC) No 1857/2006 of 15 December 2006 and complies with Article 15 and 16 of that Regulation.

**Planned annual expenditure:** EUR 500 000

**Maximum aid intensity:** 70-100 %

**Date of implementation:** From the date on which the registration number of the exemption request is published on the website of the European Commission's Directorate-General for Agriculture and Rural Development.

**Duration of scheme or individual aid award:** Until 31 December 2013

**Objective of the aid:** Technical support to the agricultural sector (Articles 15 and 16 of Regulation (EC) No 1857/2006)

**Sector(s) concerned:** Agriculture, cattle farming, forestry and the agri-food sector

**Name and address of the granting authority:** Dirección General de Producción Agropecuaria

**Website:**

The full text of the aid scheme will be published on the website of the Castile-Leon Government

Direct link: [http://www.jcyl.es/scsiau/Satellite/up/es/EconomiaEmpleo/Page/PlantillaN3/1175259771003/\\_/\\_?asm=jcyl&paginaNavegacion=&seccion=](http://www.jcyl.es/scsiau/Satellite/up/es/EconomiaEmpleo/Page/PlantillaN3/1175259771003/_/_?asm=jcyl&paginaNavegacion=&seccion=)

**Aid No:** XA 101/09

**Member State:** Italy

**Agency:** ISMEA, Istituto di servizi per il mercato agricolo ed agroalimentare

**Title of aid scheme or name of company receiving an individual aid:** Agevolazioni per il subentro in agricoltura, parte aiuti per il primo insediamento

**Legal basis:** Delibera del Consiglio di Amministrazione ISMEA del 19 febbraio 2009 n. 9 e successive modificazioni intervenute

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** The annual expenditure planned under the scheme is approximately EUR 20 million.

**Maximum aid intensity:** A grant of EUR 25 000 is paid as start-up aid.

**Date of implementation:** The scheme will enter into force with effect from the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development.

**Duration of scheme or individual aid award:** six years

**Objective of aid:**

To encourage new entrepreneurs and generational turnover in agriculture.

The start-up aid is granted in accordance with Article 7 of Regulation (EC) No 1857/2006 and Article 22 of Regulation (EC) No 1698/2005, as amended by Council Regulation (EC) No 74/2009.

**Sector(s) concerned:** Agriculture: primary production

**Name and address of the granting authority:**

ISMEA

Official address:

Via C. Celso 6  
00161 Roma RM  
ITALIA

Administrative address:

Via Nomentana 183  
00161 Roma RM  
ITALIA

**Website:**

<http://www.ismea.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/2841>

How to access the page: go to <http://www.ismea.it> (home page), click on 'Sviluppo d'impresa' and then on 'Subentro in agri-coltura'.

**Other information:**

This scheme brings Aid No: XA 428/07 into line with the new legal basis, in accordance with which the aid may be applied in the entire country.

For the purposes of this adjustment, the following documents have been submitted to the Commission:

- summary sheet for investment aid for primary production, within the meaning of Regulation (EC) No 1857/2006;
- summary sheet for investment aid for the processing and marketing of agricultural products, within the meaning of Regulation (EC) No 800/2008;
- summary sheet for aid for technical support, within the meaning of Regulation (EC) No 1857/2006;
- summary sheet for the granting of start-up aid for young farmers, within the meaning of Regulation (EC) No 1857/2006.

The scheme also involves the granting of aid for technical support for the processing and marketing of agricultural products (*de minimis* aid) and of investment aid for agritourism, both in accordance with Regulation (EC) No 1998/2006.

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**Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001**

(2009/C 190/04)

**Aid No:** XA 103/09

**Member State:** Italy

**Agency:** ISMEA, Istituto di servizi per il mercato agricolo ed agroalimentare

**Title of aid scheme or name of company receiving an individual aid:** Agevolazioni per il subentro in agricoltura, parte assistenza tecnica

**Legal basis:** Delibera del Consiglio di Amministrazione ISMEA del 19 febbraio 2009 n. 9 e successive modificazioni intervenute

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** Planned annual expenditure is approximately EUR 20 million

**Maximum aid intensity:** The aid consists of grants covering up to 100 % of eligible expenditure

**Date of implementation:** The scheme will enter into force with effect from the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of scheme or individual aid award:** 6 years

**Objective of aid:**

To encourage new entrepreneurs and generational change in agriculture — technical support. The provision of Regulation (EC) No 1857/2006 used to exempt this scheme is Article 15.

Eligible costs:

- education and training,
- provision of farm management services and auxiliary services,
- organisation of and participation in competitions, exhibitions and fairs.

The aid will be granted in the form of subsidised services and will not involve direct payments to producers. It will be accessible to all eligible parties in the areas concerned, based on objectively defined criteria. Where the provision of technical support is undertaken by producer groups or other organisations, membership of such groups or associations will not

be a condition for access to the service. Any contributions of non-members towards the administrative costs of the association or organisation concerned will be strictly limited to the costs of the service.

For the processing and marketing of agricultural products, only education and training costs will be eligible, in accordance with Regulation (EC) No 1998/2006, up to a maximum of EUR 200 000 per beneficiary in any three-year period

**Sector(s) concerned:** Agriculture: primary production

**Name and address of the granting authority:**

ISMEA

Official address:  
Via C. Celso 6  
00161 Roma RM  
ITALIA

Administrative address:  
Via Nomentana 183  
00161 Roma RM  
ITALIA

**Website:**

<http://www.ismea.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/2841>

How to access the page: go to <http://www.ismea.it> (home page), click on 'Sviluppo d'impresa' and then on 'Subentro in agricoltura'

**Other information:**

This scheme brings Aid No: XA 81/08 into line with the new legal basis, in accordance with which the aid may be applied in the entire country.

For the purposes of this adjustment, the following documents have been submitted to the Commission:

- summary sheet for investment aid for primary production, within the meaning of Regulation (EC) No 1857/2006,
- summary sheet for investment aid for the processing and marketing of agricultural products, within the meaning of Regulation (EC) No 800/2008,

- summary sheet for aid for technical support, within the meaning of Regulation (EC) No 1857/2006,
- summary sheet for the granting of start-up aid for young farmers, within the meaning of Regulation (EC) No 1857/2006.

The scheme also involves the granting of aid for technical support for the processing and marketing of agricultural products (*de minimis* aid) and of investment aid for agritourism, both in accordance with Regulation (EC) No 1998/2006.

**Aid No:** XA 104/09

**Member State:** Italy

**Agency:** ISMEA, Istituto di servizi per il mercato agricolo ed agroalimentare

**Title of aid scheme or name of company receiving an individual aid:** Agevolazioni per il subentro in agricoltura, parte investimenti nelle aziende agricole di produzione primaria

**Legal basis:** Delibera del Consiglio di Amministrazione ISMEA del 19 febbraio 2009 n. 9 e successive modificazioni intervenute

**Annual expenditure under the scheme or overall amount of individual aid granted to the company:**

Planned annual expenditure is approximately EUR 20 million.

The subsidised loans, varying in duration from 5 to 10 years (this may be increased to 15 years, but only for projects in the agricultural production sector), are to be reimbursed in arrears in equal half-yearly instalments. The interest rate applicable is set at 36 % of the reference rate published each month in the *Official Journal of the European Union*

**Maximum aid intensity:**

The aid that may be granted for the execution of business plans consists of subsidised loans and outright grants. The recoverable part of the aid (i.e. the value of the subsidised loan) may not be less than 50 % of the total aid granted.

For investments in agricultural undertakings, the following maximum intensity levels apply:

- 60 % of eligible investments in less-favoured areas or in the areas, as referred to in Article 36(a)(i), (ii) and (iii) of Regulation (EC) No 1698/2005, designated by Member States in accordance with Articles 50 and 94 of that Regulation,
- 50 % of eligible investments in other areas.

The total aid granted to an individual undertaking may in no case exceed EUR 400 000 over any three-year period, or EUR 500 000 for undertakings situated in less-favoured areas or in areas, as referred to in Article 36(a)(i), (ii) or (iii) of Regulation (EC) No 1698/2005, designated by Member States in accordance with Articles 50 and 94 of that Regulation.

Aid granted must comply with the prohibitions and restrictions applicable under the Council Regulations on the common market organisations.

Aid may not be granted for:

- the purchase of production rights, animals or annual plants,
- the planting of annual plants,
- the manufacture of products which imitate, or can be substituted for, milk and milk products.

**Date of implementation:** The scheme will enter into force with effect from the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of scheme or individual aid award:** 6 years

**Objective of aid:**

To encourage new entrepreneurs and generational change in agriculture.

The following expenditure is eligible for aid:

- (a) feasibility studies, including market surveys;
- (b) agronomic and land-improvement works;
- (c) the purchase or construction of buildings;
- (d) building authorisation fees;
- (e) utility connections, plant, machinery and equipment;
- (f) design services;
- (g) patents and licences.

In the primary production sector, aid may be granted for the purchase of land, other than land for construction purposes, costing up to 10 % of the eligible expenditure for the investment.

For the primary production sector, the provision of Regulation (EC) No 1857/2006 used to exempt this scheme is Article 4

**Sector(s) concerned:** Agriculture: primary production



**Name and address of the granting authority:**

ISMEA

Official address:  
Via C. Celso 6  
00161 Roma RM  
ITALIA

Administrative address:  
Via Nomentana 183  
00161 Roma RM  
ITALIA

**Website:**

<http://www.ismea.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/2841>

How to access the page: go to <http://www.ismea.it> (home page), click on 'Sviluppo d'impresa' and then on 'Subentro in agricoltura'

**Other information:**

This scheme brings Aid No: XA 80/08 into line with the new legal basis, in accordance with which the aid may be applied in the entire country.

For the purposes of this adjustment, the following documents have been submitted to the Commission:

- summary sheet for investment aid for primary production, within the meaning of Regulation (EC) No 1857/2006,
- summary sheet for investment aid for the processing and marketing of agricultural products, within the meaning of Regulation (EC) No 800/2008,
- summary sheet for aid for technical support, within the meaning of Regulation (EC) No 1857/2006,
- summary sheet for the granting of start-up aid for young farmers, within the meaning of Regulation (EC) No 1857/2006.

The scheme also involves the granting of aid for technical support for the processing and marketing of agricultural products (*de minimis* aid) and of investment aid for agritourism, both in accordance with Regulation (EC) No 1998/2006.

**Aid No:** XA 137/09

**Member State:** France

**Region:** The relocation of farm buildings in the public interest can also be financed by regional, county and local authorities where they so wish

**Title of aid scheme:** Aides au transfert de bâtiments agricoles dans l'intérêt public

**Legal basis:**

Articles L 1511-1 et suivants et article L 4211-1 du Code général des collectivités territoriales

Code de l'expropriation pour cause d'utilité publique

Délibérations des collectivités territoriales relatives aux projets concernés

Code de l'environnement: risques naturels majeurs articles L. 561-1 à L 565-2

Code de l'environnement: sites inscrits et classés articles L. 341-1 à L. 341-15

**Annual expenditure planned under the scheme:**  
EUR 2 000 000 from the central government in 2009 and  
EUR 4 000 000 from regional, county and local authorities

**Maximum aid intensity:**

The maximum rate of aid in the case of relocation in the public interest will be 100 %, for the dismantling or obligatory decommissioning of buildings and their re-erection on another site.

In the case of investments to modernise facilities or to increase production, the maximum rate of aid will be 50 % in less-favoured areas and 40 % in other areas. Those rates may be increased by 5 % in the case of young farmers

**Date of implementation:** Following acknowledgement of receipt by the European Commission

**Duration of scheme:** Until 31 December 2013

**Objective of aid:**

The purpose of the measure is to permit the relocation of farm buildings, in all sectors of production, where essential for environmental or public safety reasons or because of a serious natural hazard. For example, the relocation of installations that experts have recognised to be at a serious risk from avalanches, mud flows or landslides, possibly made more likely by climate change.

In certain cases, installations may need to be relocated for other reasons of public interest, such as urban planning, reasons related to tourism (listed sites, improvements to the public road network, etc.).

The projects concerned fall within the scope of Article 6 of Commission Regulation (EC) No 1857/2006 of 15 December 2006

**Sector(s) concerned:** All agricultural production sectors in which farm buildings have to be relocated for reasons of public interest. The aid may be granted to lessors (owners) or farmers using the farm buildings being relocated

**Name and address of the authority responsible:**

Ministère de l'agriculture et de la pêche  
Sous-direction des entreprises agricoles  
3 rue Barbet de Jouy  
75349 Paris 07 SP  
FRANCE

**Website:**

[http://agriculture.gouv.fr/sections/thematiques/europe-international/aides-d-etat-projets/downloadFile/FichierAttache\\_2\\_f0/aides\\_projet\\_transferts\\_batiments.pdf?nocache=1239714919.54](http://agriculture.gouv.fr/sections/thematiques/europe-international/aides-d-etat-projets/downloadFile/FichierAttache_2_f0/aides_projet_transferts_batiments.pdf?nocache=1239714919.54)

**Aid No:** XA 140/09

**Member State:** Spain

**Region:** Comunidad Valenciana

**Title of aid scheme or name of company receiving an individual aid:** Ayudas para proyectos de formación en las Escuelas de Formación Profesional Agrarias

**Legal basis:** Proyecto de Orden de 2009, de la Conselleria de Agricultura, Pesca y Alimentación, por la que se establecen las bases reguladoras y se convocan ayudas para proyectos de formación en las Escuelas de Formación Profesional Agrarias

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:**

The aid will be paid from heading 12.02.01.542.20.4 — T6127 of the expenditure budget of the regional government and is planned at EUR 200 000 per year.

Total expenditure is anticipated to be EUR 1 000 000 for the entire duration of the scheme

**Maximum aid intensity:** Up to 100 % of the costs

**Date of implementation:** From the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of scheme or individual aid award:** Until 31 December 2013

**Objective of aid:**

The professionalisation of Valentia's agricultural sector to increase the profitability of agricultural holdings and adapt to market requirements. The aim is to tailor the training available to the needs of the sector.

The aid is granted under Article 15 of Commission Regulation (EC) No 1857/2006 of 15 December 2006 on the application of Articles 87 and 88 of the EC Treaty to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001 (published in the OJ L 358, 16.12.2006)

**Statistical Classification of Economic Activities in the European Community (NACE):** A-0161: Support activities for crop production

**Name and address of the granting authority:**

Conselleria de Agricultura Pesca y Alimentación  
C/ Amadeo de Saboya, 2  
46010 Valencia  
ESPAÑA

**Website:**

[http://www.agricultura.gva.es/especiales/ayudas\\_agrarias/pdf/efpa.pdf](http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/efpa.pdf)

**Other information:** —

Valencia, 17 April 2009

*El Director General de Investigación y Tecnología Agroalimentaria*  
Manuel LAINEZ ANDRÉS

**Aid No:** XA 141/09

**Member State:** Spain

**Region:** Comunidad Valenciana

**Title of aid scheme or name of company receiving an individual aid:** Ayudas destinadas a paliar los daños producidos por las tormentas padecidas durante los últimos días del mes de septiembre en determinados municipios de la Comunidad Valenciana

**Legal basis:** Proyecto de Resolución de ... de 2008, de la Conselleria de Agricultura, Pesca y Alimentación, por la que se establecen ayudas para paliar los daños producidos por las tormentas padecidas durante los últimos días del mes de septiembre en determinado municipios de la Comunidad Valenciana



**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** The annual expenditure planned in respect of 2009 is EUR 1 080 000

**Maximum aid intensity:** The estimated aid intensity, taking account of the assessment formula laid down in Article 3 of the Order and on the basis of a supporting study, is 37 % for the cultivation of citrus fruit and 36 % for the cultivation of pomegranates

**Date of implementation:** From the publication of the registration number of the request for exemption on the website of the European Commission's Directorate-General for Agriculture and Rural Development

**Duration of scheme or individual aid award:** From 2009 to 2013

**Objective of aid:** Given that the combined agricultural insurance system only covers production damages, the objective of the draft Order is to grant financial assistance

designed to facilitate the recovery of the production capacity of the affected holdings and to defray the associated costs. This aid is granted under Article 11 of Regulation (EC) No 1857/2006

**Sector(s) concerned:** Natural or legal persons or jointly owned entities, holders of agricultural holdings that meet the requirements of the Order laying down the basic rules, that undertake to make the investment set out in the Order and that meet the definition of a small or medium-sized enterprise set out in Annex I to Regulation (EC) No 800/2008

**Name and address of the granting authority:** Conselleria de Agricultura, Pesca y Alimentación de la Comunidad Valenciana (España)

**Website:**

[http://www.agricultura.gva.es/especiales/ayudas\\_agrarias/pdf/tormentas2008.pdf](http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/tormentas2008.pdf)

**Other information:** —

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**Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001**

(2009/C 190/05)

**Aid No:** XA 142/09

**Member State:** Kingdom of Spain

**Region:** Comunidad Autónoma de Canarias

**Title of aid scheme:** Subvenciones destinadas al fomento de la lucha integrada contra plagas y enfermedades en los cultivos agrícolas

**Legal basis:** Proyecto de Orden de la Consejería de Agricultura, Ganadería, Pesca y Alimentación, por la que se convocan para el año 2009 las subvenciones destinadas al fomento de la lucha integrada contra plagas y enfermedades en los cultivos agrícolas y se aprueban las bases que rigen la misma

**Annual expenditure planned under the scheme:** EUR 500 000 (five hundred thousand euros)

**Maximum aid intensity:** Under Rule 3 of the above draft Order, the aid referred to in Article 1 may cover up to 100 % of the salaries of the technical staff recruited, up to a maximum of EUR 15 000 per person

**Date of implementation:** From the date of publication of the registration number of the request for exemption provided for in Regulation (EC) No 1857/2006 on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of scheme or individual aid award:** Until 31 December 2009 or before that date if the appropriation allocated to fund the aid (EUR 500 000) is used up

**Objective of aid:**

Aid to compensate farmers for the costs of prevention and eradication of animal or plant diseases or pest infestations, i.e. for the costs of health checks, tests and other screening measures, the purchase and administration of vaccines, medicines and plant protection products, the slaughter and destruction of animals and destruction of crops. This aid is provided in accordance with Article 10(1) of Regulation (EC) No 1857/2006.

1. The aim is to establish the rules that will govern the call for applications for the 2009 financial year for aid to fund the promotion of the integrated control of crop pests and diseases.

2. The subsidy is intended to improve the plant health and the quality of plant products by means of integrated pest control programmes and the joint implementation of phytosanitary measures, developed by the Plant Protection Associations and adapted to the binding framework health scheme in Annex II to the Order.

3. Aid may be provided for expenditure on hiring technical staff for carrying out the integrated pest control programmes and the joint implementation of phytosanitary measures since 1 January 2009.

The aid may cover up to 100 % of the salaries of the technical staff recruited, up to a maximum of EUR 15 000 per person.

4. The aid governed by the notice must not, in accordance with Article 10(1) of Regulation (EC) No 1857/2006 of 15 December 2006, involve direct payments of money to producers but must be granted by means of subsidised services

**Sector(s) concerned:** In accordance with Rule 2(1) of the draft Order, the aid will be paid directly to the beneficiaries, the Plant Protection Associations, recognised by the Department of Agriculture, Livestock, Fisheries and Food and entered on the Register of Plant Protection Associations, in accordance with the provisions of Decree 221/2008 of 18 November (Official Gazette of the Canary Islands No 239, 28 November 2008), which provide the services provided for in Rule 2(1) of the draft Order and meet the conditions set out in Annex I to Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214 of 9.8.2008)

**Name and address of the granting authority:**

Consejería de Agricultura, Ganadería, Pesca y Alimentación  
(Dirección General de Agricultura)  
Edificio de Usos Múltiples, II  
Avda. José Manuel Guimerá, 8 — 3ª planta  
38071 Santa Cruz de Tenerife  
ESPAÑA

**Website:**

[http://www.gobiernodecanarias.org/agricultura/otros/reglamento\\_CE\\_pymes.htm](http://www.gobiernodecanarias.org/agricultura/otros/reglamento_CE_pymes.htm)

**Other information: —**

Las Palmas de Gran Canaria, April 2009

*Director General de Asuntos Económicos con la Unión Europea*

Ildefonso SOCORRO QUEVEDO

**Aid No:** XA 143/09

**Member State:** Kingdom of Spain

**Region:** Comunidad Autónoma de Canarias

**Title of aid scheme:** Ayudas destinadas a compensar a los agricultores por las pérdidas causadas por la 'Ralstonia solanacearum (Smith) Yabuuchi et al' y de la 'Tecia solanivora Povolny', ambas en el cultivo de la papa

**Legal basis:** Proyecto de Orden de la Consejería de Agricultura, Ganadería, Pesca y Alimentación, por la que se convocan para el año 2009 las ayudas destinadas a compensar a los agricultores por las pérdidas causadas por la 'Ralstonia solanacearum (Smith) Yabuuchi et al' y de la 'Tecia solanivora Povolny', ambas en el cultivo de la papa, y se aprueban las bases que rigen la misma

**Annual expenditure planned under the scheme:** EUR 200 000 (two hundred thousand euros)

**Maximum aid intensity:**

Under Rule 3 of the above draft Order, the amount of aid will be as follows:

(a) In the case of 'Ralstonia solanacearum (Smith) Yabuuchi et al', the aid to be paid will be determined by multiplying:

1. the maximum quantity of thirty-six euro cents by square metres of unplanted land (0,36 EUR/m<sup>2</sup>);
2. the quantity of thirty euro cents per kilogram of plants eliminated (0,30 EUR/kg).

(b) In the case of 'Tecia solanivora Povolny', the aid to be paid will be determined by multiplying a maximum of twenty-five euro cents by kilogram of potatoes eliminated (0,25 EUR/kg)

**Date of implementation:** From the date of publication of the registration number of the request for exemption provided for in Regulation (EC) No 1857/2006 on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of scheme or individual aid award:** Until 31 December 2009 or before that date if the appropriation allocated to fund the aid (EUR 200 000) is used up

**Objective of aid:**

Aid to compensate farmers for losses caused by animal or plant diseases or pest infestations. Article 10(2) of Regulation (EC) No 1857/2006.

1. The aim is to establish the rules that will govern the award of aid, for the 2009 financial year, intended to compensate farmers for the losses caused by 'Ralstonia solanacearum (Smith) Yabuuchi et al' and 'Tecia solanivora Povolny', both in potato cultivation.

2. The aim of the aid is to compensate farmers for the losses caused by 'Ralstonia solanacearum (Smith) Yabuuchi et al' and 'Tecia solanivora Povolny', both in potato cultivation.

3. Aid may also be granted to defray the costs of the following, arising from the adoption of phytosanitary measures laid down in the Order of 6 August 2008 on the eradication and control of 'Ralstonia solanacearum (Smith) Yabuuchi et al' and of 'Tecia solanivora Povolny', both in potato cultivation (Official Gazette of the Canary Islands No 169, 25 August 2008):

A. For 'Ralstonia solanacearum (Smith) Yabuuchi et al' in the islands of La Palma and Tenerife:

1. Eliminating volunteer potato and tomato plants as well as other host plants of the organism including solanaceous weeds. The elimination will consist of the removal and deposit of the vegetables in containers for controlled waste.

2. Not planting the following plants in contaminated earth:

(a) potatoes or potato tubers.

(b) tomato plants or seeds.

(c) other host plants, as per Annex I, Section I of Royal Decree 1644/2007 of 22 October 2007 on the control of the harmful organism 'Ralstonia solanacearum (Smith) Yabuuchi et al';

(d) other crops in which the organism could survive or propagate.

B. For 'Tecia solanivora (Povolny)' throughout the territory of the Autonomous Community of the Canary Isles:

1. Removing all the damaged (potato) tubers from the ground and depositing them in controlled landfills.

2. Selecting the (potato) tubers before storage, eliminating all those that are damaged and depositing them in containers for controlled waste.

4. Aid will not be granted for damages set out in the previous paragraph if the requirements set out in the compulsory measures for both harmful organisms laid down in the Order of 6 August 2008 were not met

**Sector(s) concerned:** In accordance with Rule 2(1) of the draft Order, the aid will be paid direct to natural and legal persons that fulfil the conditions laid down in Annex I to Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Article 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214 of 9.8.2008)

**Name and address of the granting authority:**

Consejería de Agricultura, Ganadería, Pesca y Alimentación  
(Dirección General de Agricultura)  
Edificio de Usos Múltiples, II  
Avda. José Manuel Guimerá, 8 — 3ª planta  
38071 Santa Cruz de Tenerife  
ESPAÑA

**Website:**

[http://www.gobiernodecanarias.org/agricultura/otros/reglamento\\_CE\\_pymes.htm](http://www.gobiernodecanarias.org/agricultura/otros/reglamento_CE_pymes.htm)

**Other information: —**

Las Palmas de Gran Canaria, April 2008

*Director General de Asuntos Económicos con la Unión Europea*  
Ildefonso SOCORRO QUEVEDO

**Aid No:** XA 144/09

**Member State:** Spain

**Region:** Comunitat Valenciana

**Name of company receiving an individual aid:** Universidad Cardenal Herrera-CEU

**Legal basis:** Resolución de la Consellera de Agricultura Pesca y Alimentación, que concede la subvención basada en una línea nominativa descrita en la ley 17/2008 de presupuestos de la Generalitat

**Annual expenditure planned:** EUR 24 000 during 2009

**Maximum aid intensity:** 100 % of the eligible expenditure

**Date of implementation:** From the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of individual aid award:** During 2009 and until 31 December 2013

**Objective of aid:**

Project to provide technical assistance for the education and training of livestock owners and those working directly in the livestock sector for the year 2009.

The costs of organising the training programme, participants' travel and subsistence costs, the costs of renting premises, of publications, and of measures to disseminate scientific knowledge, provided that no companies or brands are mentioned, will be covered.

The eligible costs covered by the aid are those referred to in Article 15 (technical support in the agricultural sector) of Regulation (EC) No 1857/2006

**Sector(s) concerned:** Livestock owners and those working directly in the livestock sector

**Name and address of the granting authority:**

Conselleria de Agricultura, Pesca y Alimentación  
C/ Amadeo de Saboya, 2  
46010 Valencia  
ESPAÑA

**Website:**

[http://www.agricultura.gva.es/especiales/ayudas\\_agrarias/pdf/nominativa%20ceu.pdf](http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/nominativa%20ceu.pdf)

**Other information: —**

Valencia, 17 April 2009

*La directora general de Producción Agraria*  
Laura PEÑARROYA FABREGAT

**Aid No:** XA 146/09

**Member State:** Spain

**Region:** Comunitat Valenciana

**Name of company receiving an individual aid:** Asociación de Ganaderos de Caprino de Raza Murciano-Granadina de la Comunidad Valenciana

**Legal basis:** Resolución de la Consellera de Agricultura Pesca y Alimentación, que concede la subvención basada en una línea nominativa descrita en la ley 17/2008 de presupuestos de la Generalitat

**Annual expenditure planned:** EUR 10 000 during 2009

**Maximum aid intensity:** 100 % of the eligible expenditure

**Date of implementation:** From the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of individual aid award:** During 2009 and until 31 December 2013

**Objective of aid:** A plan for the promotion and preservation of the Murciano-Granadina goat involving maintenance of the herd book (Article 16), training of farmers and the dissemination, and greater awareness, of the breed (Article 15). The scheme will cover the costs of the services provided, the consumables required for monitoring milk production and carrying out analyses, of services provided by third parties (maintenance of the computer software, compilation of genealogical charts, analysis of samples, technical advice to farmers) and those relating to the producer training programme

**Sector(s) concerned:** Owners of goat farms in the region whose stock includes Murciano-Granadina goats

**Name and address of the granting authority:**

Conselleria de Agricultura, Pesca y Alimentación  
C/ Amadeo de Saboya, 2  
46010 Valencia  
ESPAÑA

**Website:**

[http://www.agricultura.gva.es/especiales/ayudas\\_agrarias/pdf/amurval2009.pdf](http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/amurval2009.pdf)

**Other information:** —

Valencia, 17 April 2009

*La directora general de Producción Agraria*  
Laura PEÑARROYA FABREGAT

**Aid No:** XA 149/09

**Member State:** Spain

**Region:** Castilla-La Mancha (provincia de Toledo)

**Title of aid scheme or name of company receiving an individual aid:** Subvenciones para el desarrollo del programa de Mejora Genética de la cabaña ganadera de la provincia de Toledo, durante el año 2009

**Legal basis:** Bases reguladoras de la convocatoria de subvenciones para el desarrollo del programa de mejora genética de la cabaña ganadera de Toledo, durante el año 2009

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** Planned expenditure under the scheme in 2009 is EUR 148 552 (one hundred and forty-eight thousand five hundred and fifty two EUR)

**Maximum aid intensity:**

The maximum aid intensity is:

- 70 % for tests to determine the yield or genetic quality of livestock and for the establishment and maintenance of herd books,
- 40 % for the introduction of innovative animal breeding practices,
- 100 % for technical support.

The maximum aid per beneficiary is EUR 2 500.

The aid will be granted in kind by means of subsidised services and may not involve direct payments of money to producers

**Date of implementation:** From the date of publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development

**Duration of scheme or individual aid award:** Applications must be submitted before 15 November 2009. The final date for deciding on aid applications and notifying applicants is 14 December 2009. The final date for providing proof of expenditure incurred on the activities covered by the aid is 31 December 2009



**Objective of the aid:**

The principal objective is to provide aid to small and medium-sized holdings. The secondary objective is to help maintain and improve the genetic quality of the livestock population in the Province of Toledo.

Expenditure will be eligible where it is clearly an inherent part of the activity supported, is incurred in 2009 before the final date for providing proof of expenditure, fulfils the conditions laid down in Commission Regulation (EC) No 1857/2006 of 15 December 2006 (OJ L 358, 16.12.2006) and is related exclusively to the following:

- the introduction at farm level of innovative animal breeding techniques or practices that effectively help maintain and improve the genetic quality of livestock, with the exception of costs relating to the introduction or performance of artificial insemination (Article 16(1)(c) of Regulation (EC) No 1857/2006),
- the administrative costs of establishing and maintaining herd books (Article 16(1)(a) of Regulation (EC) No 1857/2006),
- tests performed by or on behalf of third parties to determine the genetic quality or yield of livestock, with the exception of controls undertaken by the owner of the livestock and routine controls of milk quality (Article 16(1)(b) of Regulation (EC) No 1857/2006),
- technical support (Article 15(2)(a) and (c) of Regulation (EC) No 1857/2006). Eligible costs for consultancy relate exclusively to fees for services that do not constitute a continuous or periodic activity or relate to the enterprise's usual operating expenditure.

Expenditure on the processing or marketing of agricultural products will not be eligible.

- Taxes will be considered eligible expenditure where the beneficiary of the aid actually pays them. Under no circumstances will VAT be considered to be eligible expenditure when it is deductible for the beneficiary

**Sector(s) concerned:** Dairy holdings (cattle, sheep and goat)

**Name and address of the granting authority:**

Excma. Diputación Provincial de Toledo  
Plaza de la Merced, 4  
45002 Toledo  
ESPAÑA

**Website:**

<http://bop.diputoledo.es/Boletines/2009/Febrero/bop11022009.pdf>

**Other Information:**

The aid will be accessible to all holdings eligible on the basis of a number of objective conditions. Where the provision of services is undertaken by producer groups or other agricultural mutual support organisations, membership of such groups or organisations is not a condition for access to the service. Any contribution of non-members towards the administrative costs of the group or organisation concerned must be limited to the proportional costs of providing the service.

Aid will not be granted in contravention of any prohibitions or restrictions laid down in Council Regulations establishing common organisations of the market, even where such prohibitions and restrictions refer only to Community support. The rules of the invitation to apply for aid will be amended where appropriate to reflect amendments to Community rules that might affect this aid.

Expenditure will be eligible only where it is necessary for implementing the planned measures and complies with Articles 15 and 16 of Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001 (OJ L 358, 16.12.2006), which lays down that aid will not be paid for routine controls of milk quality or the introduction or performance of artificial insemination and may not involve direct payments of money to producers.

The aid may not be cumulated with aid under other schemes if that results in the total aid exceeding the level of aid laid down in Rule 1. Any aid granted will be incompatible with any other aid that applicant livestock farm owners have received or may receive from the European Community or the Diputación de Toledo for the same purpose.

The aid will be granted by competitive tendering and will not exceed the individual limits, the maximum aid intensity or the total budget available as laid down in the rules of the invitation to apply for aid.

Any change to the conditions on which the award of the aid was based, and, in any event, the concurrent procurement for the same purpose of subsidies or aid granted by other national or international authorities or public or private entities not previously notified may result in a change to the award decision.

Failure to comply with any of the requirements and obligations may result in the cancellation, in part or in full, of the grant awarded by the Diputación Provincial de Toledo and, where appropriate, a demand for repayment of the amounts concerned and the payment of interest from the date the grant was paid, in accordance with Article 37 of Law No 38/2003 (General Subsidies Act).

Beneficiaries of the aid will be subject to the rules on infringements and penalties laid down in Title IV of the above Law.

Beneficiaries must fulfil the obligations set out in Article 14 of Law No 38/2003 (General Subsidies Act) and, in particular, must permit the Agricultural Department of the Diputación Provincial to carry out all the checks and verifications necessary to confirm that the subsidised activity or action has

been correctly carried out, providing, where appropriate, the necessary information.

The submission of aid applications and therefore the implementation of this scheme will take place only after publication of the registration number of the request for exemption on the website of the Commission's Directorate-General for Agriculture and Rural Development and no applications will be accepted in the meantime.

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## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

## COMMISSION

**Notice of initiation of an anti-dumping proceeding concerning imports of certain aluminium road  
wheels originating in the People's Republic of China**

(2009/C 190/06)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community (the basic Regulation) <sup>(1)</sup>, alleging that imports of certain aluminium road wheels, originating in the People's Republic of China (the country concerned), are being dumped and are thereby causing material injury to the Community industry.

**1. Complaint**

The complaint was lodged on 30 June 2009 by the Association of European Wheel Manufacturers (EUWA) (the complainant) on behalf of producers representing a major proportion, in this case more than 50 %, of the total Community production of certain aluminium road wheels.

**2. Product**

The product allegedly being dumped is aluminium road wheels of the motor vehicles of CN headings 8701 to 8705, whether or not with their accessories and whether or not fitted with tyres originating in the People's Republic of China (the product concerned), currently falling within CN codes ex 8708 70 10 and ex 8708 70 50. These CN codes are only given for information.

**3. Allegation of dumping**

In view of the provisions of Article 2(7) of the basic Regulation, the complainant established normal value for the People's Republic of China on the basis of the price in a market economy country, which is mentioned in point 5.1(d). The allegation of dumping is based on a comparison of normal value, thus calculated, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margin calculated is significant.

**4. Allegation of injury**

The complainant has provided *prima facie* evidence that imports of the product concerned from the People's Republic of China have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the level of prices charged by the Community industry, resulting in substantial adverse effects in particular on the profitability of the Community industry.

**5. Procedure**

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

**5.1. Procedure for the determination of dumping and injury**

The investigation will determine whether the product concerned originating in the People's Republic of China is being dumped and whether this dumping has caused injury.

**(a) Sampling**

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling in accordance with Article 17 of the basic Regulation.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.



(i) Sampling for exporters/producers in the People's Republic of China

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the format indicated in point 7:

- name, address, e-mail address, telephone, and fax numbers and contact person;
- the turnover in local currency and the volume in units of the product concerned sold for export to the Community during the period 1 July 2008 to 30 June 2009 for each of the 27 Member States separately and in total;
- the turnover in local currency and the volume in units of the product concerned sold on the domestic market during the period 1 July 2008 to 30 June 2009;
- the precise activities of the company worldwide with regard to the production of the product concerned;
- the names and the precise activities of all related companies<sup>(2)</sup> involved in the production and/or selling (export and/or domestic) of the product concerned;
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of the People's Republic of China, and any known associations of exporters/producers.

<sup>(2)</sup> For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

Since a company cannot be certain that it will be selected in the sample, exporters/producers that wish to claim an individual margin pursuant to Article 17(3) of the basic Regulation are advised to request a questionnaire and the market economy treatment and/or individual treatment (MET/IT) claim form within the deadline foreseen in point 6(a)(i) of this notice, and file these within the deadlines specified in point 6(a)(ii) first paragraph and 6(d) respectively of this notice. However, attention is drawn to the last sentence of point 5.1(b) of this notice.

(ii) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone, and fax numbers and contact person;
- the total turnover in euro of the company during the period 1 July 2008 to 30 June 2009;
- the total number of employees;
- the precise activities of the company with regard to the product concerned;
- the volume in units and value in euro of imports into and resales made in the Community market during the period 1 July 2008 to 30 June 2009 of the imported product concerned originating in the People's Republic of China;
- the names and the precise activities of all related companies<sup>(3)</sup> involved in the production and/or selling of the product concerned;
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

<sup>(3)</sup> See footnote 2.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

(iii) Sampling for Community producers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all Community producers, or representatives acting on their behalf, are hereby requested to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone, and fax numbers and contact person;
- the total turnover in euro of the company during the period 1 July 2008 to 30 June 2009;
- the precise activities of the company with regard to the production of the product concerned;
- the value in euro of sales of the product concerned made in the Community market during the period 1 July 2008 to 30 June 2009;
- the volume in units of sales of the product concerned made in the Community market during the period 1 July 2008 to 30 June 2009;
- the volume in units of the production of the product concerned during the period 1 July 2008 to 30 June 2009;
- the names and the precise activities of all related companies<sup>(4)</sup> involved in the production and/or selling of the product concerned;
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion or inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

(iv) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the samples after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the samples must reply to a questionnaire within the time limit set in point 6(b)(iii) and must cooperate within the framework of the investigation.

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Community industry and to any association of producers in the Community, to the sampled exporters/producers in People's Republic of China, to any known association of exporters/producers, to the sampled importers, to any known association of importers named in the complaint, to known users and to the authorities of People's Republic of China.

Exporters/producers in People's Republic of China who wish to claim an individual margin, with a view to the application of Articles 17(3) and 9(6) of the basic Regulation, must submit a completed questionnaire within the time limit set in point 6(a)(ii) of this notice. They therefore have to request a questionnaire within the time limit set in point 6(a)(i). However, such parties should be aware that if sampling is applied to exporters/producers, the Commission may, nonetheless, decide not to calculate an individual margin for them if the number of exporters/producers is so large that individual examination would be unduly burdensome and would prevent the timely completion of the investigation.

(c) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence has to reach the Commission within the time limit set in point 6(a)(ii).

<sup>(4)</sup> See footnote 2.

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii).

(d) *Selection of the market economy country*

In accordance with Article 2(7)(a) of the basic Regulation, it is envisaged to choose Turkey as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in point 6(c).

(e) *Market economy treatment and individual treatment claims*

For those exporters/producers in the People's Republic of China who claim and provide sufficient evidence that they operate under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. Exporters/producers intending to submit duly substantiated claims must do so within the specific time limit set in point 6(d). The Commission will send claim forms to all exporters/producers in the People's Republic of China who have either been included in the sample or named in the complaint and to any association of exporters/producers named in the complaint, as well as to the authorities of the People's Republic of China. This claim form may also be used by the applicant to claim individual treatment, i.e. that it meets the criteria laid down in Article 9(5) of the basic Regulation.

## 5.2. Procedure for assessment of Community interest

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Commission may send questionnaires to the known Community industry, importers, their representative associations, representative users and representative consumer organisations. Such parties, including those not known to the Commission, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii), make themselves known and provide the Commission with information. The parties which have acted in conformity with the preceding sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in point 6(a)(iii). It should be noted that any information submitted pursuant to Article 21 of the basic Regulation will only be taken into account if supported by factual evidence at the time of submission.

## 6. Time limits

### (a) General time limits

- (i) For parties to request a questionnaire or other claim forms

All interested parties should request a questionnaire or other claim forms as soon as possible, but not later than 10 days after the publication of this notice in the *Official Journal of the European Union*.

- (ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. All exporters/producers concerned by this proceeding, who wish to apply for individual examination in accordance with Article 17(3) of the basic Regulation, must also submit a questionnaire reply within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limits specified in point 6(b)(iii).

### (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

### (b) Specific time limit in respect of sampling

- (i) The information specified in point 5.1(a)(i), 5.1(a)(ii) and 5.1(a)(iii) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.
- (ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(iv) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

(c) *Specific time limit for the selection of the market economy country*

Parties to the investigation may wish to comment on the appropriateness of Turkey which, as mentioned in point 5.1(d), is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

(d) *Specific time limit for submission of claims for market economy and/or for individual treatment*

Duly substantiated claims for market economy treatment (as mentioned in point 5.1(e)) and/or for individual treatment pursuant to Article 9(5) of the basic Regulation, must reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

## 7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party). All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' <sup>(5)</sup> and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

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## 8. Non-cooperation

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favorable to that party than if it had cooperated.

## 9. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Union*.

## 10. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(6)</sup>.

## 11. Hearing Officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the hearing officer of Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details interested parties may consult the hearing officer's web pages of the website of Directorate-General for Trade (<http://ec.europa.eu/trade>).

<sup>(5)</sup> This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

<sup>(6)</sup> OJ L 8, 12.1.2001, p. 1.

**Notice of initiation of an anti-dumping proceeding concerning imports of certain stainless steel fasteners and parts thereof originating in India and Malaysia**

(2009/C 190/07)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')<sup>(1)</sup>, alleging that imports of certain stainless steel fasteners and parts thereof, originating in India and Malaysia ('the countries concerned'), are being dumped and are thereby causing material injury to the Community industry.

#### 1. Complaint

The complaint was lodged on 30 June 2009 by the European Industrial Fasteners Institute ('the complainant') on behalf of producers representing a major proportion, in this case more than 25 %, of the total Community production of stainless steel fasteners and parts thereof.

#### 2. Product

The product allegedly being dumped is stainless steel fasteners and parts thereof, originating in India and Malaysia ('the product concerned'), currently falling within CN codes 7318 12 10, 7318 14 10, 7318 15 30, 7318 15 51, 7318 15 61 and 7318 15 70. These CN codes are given only for information.

#### 3. Allegation of dumping

The allegation of dumping in respect of India is based on a comparison of normal value established on the basis of domestic prices and a constructed normal value, with the export prices of the product concerned when sold for export to the Community.

The allegation of dumping in respect of Malaysia is based on a comparison of a constructed normal value with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margins calculated are significant for the countries concerned.

#### 4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from India and Malaysia have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the market share held, the quantities sold

and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, and in particular on the profitability of the Community industry.

#### 5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

##### 5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in India and Malaysia is being dumped and whether this dumping has caused injury.

##### (a) Sampling

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling in accordance with Article 17 of the basic Regulation.

##### (i) Sampling for exporters/producers in India and Malaysia

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers in India and Malaysia, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the format indicated in point 7:

— name, address, e-mail address, telephone and fax numbers, and contact person,

— the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Community during the period 1 July 2008 to 30 June 2009 for each of the 27 Member States separately and in total,

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.



- the turnover in local currency and the volume in tonnes of sales of the product concerned on the domestic market during the period 1 July 2008 to 30 June 2009,
- the precise activities of the company worldwide with regard to the product concerned,
- the names and the precise activities of all related companies <sup>(2)</sup> involved in the production and/or selling (export and/or domestic) of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of India and Malaysia and any known associations of exporters/producers.

Since a company cannot be certain that it will be selected in the sample, exporters/producers that wish to claim an individual margin pursuant to Article 17(3) of the basic Regulation are advised to request a questionnaire within the deadline foreseen in point 6(a)(i) of this notice, and file this within the deadlines specified in point 6(a)(ii), first paragraph, of this notice. However, attention is drawn to the last sentence of point 5.1(b) of this notice.

#### (ii) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the total turnover in euro of the company during the period 1 July 2008 to 30 June 2009,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volume in tonnes and value in euro of imports into and resale made in the Community market during the period 1 July 2008 to 30 June 2009 of the imported product concerned originating in India and Malaysia,
- the names and the precise activities of all related companies <sup>(3)</sup> involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion or inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

#### (iii) Sampling for Community producers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all Community producers, or representatives acting on their behalf, are hereby requested to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

<sup>(2)</sup> For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

<sup>(3)</sup> See footnote 2.

- name, address, e-mail address, telephone and fax numbers, and contact person,
- the total turnover in euro of the company during the period 1 July 2008 to 30 June 2009,
- the precise activities of the company worldwide with regard to the product concerned,
- the value in euro of sales of the product concerned made in the Community market during the period 1 July 2008 to 30 June 2009,
- the volume in tonnes of sales of the product concerned made in the Community market during the period 1 July 2008 to 30 June 2009,
- the volume in tonnes of the production of the product concerned during the period 1 July 2008 to 30 June 2009,
- the names and the precise activities of all related companies<sup>(4)</sup> involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

#### (iv) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the samples after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the samples must reply to a questionnaire within the time limit set in point 6(b)(iii) and must cooperate within the framework of the investigation.

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

#### (b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Community industry and to any association of producers in the Community, to the sampled exporters/producers in India and Malaysia, to any known association of exporters/producers in the countries concerned, to the sampled importers, to any known association of importers, and to the authorities of the exporting countries concerned.

Exporters/producers in India and Malaysia claiming an individual margin, with a view to the application of Articles 17(3) and 9(6) of the basic Regulation, must submit a completed questionnaire within the time limit set in point 6(a)(ii) of this notice. They therefore have to request a questionnaire within the time limit set in point 6(a)(i). However, such parties should be aware that if sampling is applied to exporters/producers, the Commission may, nonetheless, decide not to calculate an individual margin for them if the number of exporters/producers is so large that individual examination would be unduly burdensome and would prevent the timely completion of the investigation.

#### (c) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence has to reach the Commission within the time limit set in point 6(a)(ii).

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii).

<sup>(4)</sup> See footnote 2.

## 5.2. Procedure for the assessment of Community interest

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Commission may send questionnaires to the known Community industry, importers, their representative associations, representative users and representative consumer organisations. Such parties, including those not known to the Commission, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii), make themselves known and provide the Commission with information. The parties which have acted in conformity with the preceding sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in point 6(a)(iii). It should be noted that any information submitted pursuant to Article 21 of the basic Regulation will only be taken into account if supported by factual evidence at the time of submission.

## 6. Time limits

### (a) General time limits

#### (i) For parties to request a questionnaire

All interested parties should request a questionnaire as soon as possible, but not later than 10 days after the publication of this notice in the *Official Journal of the European Union*.

#### (ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limits specified in point 6(b)(iii).

#### (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

### (b) Specific time limit in respect of sampling

#### (i) The information specified in points 5.1(a)(i), 5.1(a)(ii) and 5.1(a)(iii) should reach the Commission within 15

days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

#### (ii) All other information relevant for the selection of the sample as referred to in point 5.1(a)(iv) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

#### (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

## 7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' <sup>(5)</sup> and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

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## 8. Non-cooperation

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

<sup>(5)</sup> This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).



Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

#### 9. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Union*.

#### 10. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001

of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(6)</sup>.

#### 11. Hearing Officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of the Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details interested parties may consult the Hearing Officer's web pages of the website of the Directorate-General for Trade (<http://ec.europa.eu/trade>).

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<sup>(6)</sup> OJ L 8, 12.1.2001, p. 1.

**Notice of initiation of an anti-subsidy proceeding concerning imports of certain stainless steel fasteners and parts thereof originating in India and Malaysia**

(2009/C 190/08)

The Commission has received a complaint pursuant to Article 10 of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (the basic Regulation) <sup>(1)</sup>, alleging that imports of certain stainless steel fasteners and parts thereof, originating in India and Malaysia (the countries concerned), are being subsidised and are thereby causing material injury to the Community industry.

### 1. Complaint

The complaint was lodged on 30 June 2009 by the European Industrial Fasteners Institute (the complainant) on behalf of producers representing a major proportion, in this case more than 25 %, of the total Community production of stainless steel fasteners and parts thereof.

### 2. Product

The product allegedly being subsidised is stainless steel fasteners and parts thereof, originating in India and Malaysia (the product concerned), currently falling within CN codes 7318 12 10, 7318 14 10, 7318 15 30, 7318 15 51, 7318 15 61 and 7318 15 70. These CN codes are given only for information.

### 3. Allegation of subsidisation

It is alleged that the producers of the product concerned from India have benefited from a number of subsidies granted by the government of India and from regional subsidies. These subsidies consist of the advance authorisation scheme, the duty-free import authorisation scheme, the duty entitlement passbook scheme, the duty drawback scheme, the export promotion capital goods scheme, the export credit scheme, income tax exemption, schemes conferring benefits to industries located in special economic zones/export oriented units, the focus market scheme, and the package scheme of incentives of the government of Maharashtra.

It is alleged that the above schemes are subsidies since they involve a financial contribution from the government of India or other regional governments and confer a benefit to the recipients, i.e. to exporters/producers of stainless steel fasteners and parts thereof. They are alleged to be contingent upon export performance, and/or limited to specific companies and/or products and/or regions and therefore specific and countervailable.

It is alleged that the producers of the product concerned from Malaysia have benefited from a number of subsidies granted by the government of Malaysia. These subsidies consist of the double deduction for export promotion expenses, the single deduction for the promotion of exports, the double deduction

on export credit insurance premium, the increased exports allowance, the tax exemption on the value of increased exports, the tax deduction for acquisition of a foreign company, the pioneer status, the enhanced pioneer status, the investment tax allowance, the licensed manufacturing warehouse, the free zones, the principal customs area, and the export credit refinancing scheme.

It is alleged that the above schemes are subsidies since they involve a financial contribution from the government of Malaysia and confer a benefit to the recipients, i.e. to exporters/producers of stainless steel fasteners and parts thereof. They are alleged to be contingent upon export performance, and/or limited to specific companies and/or products and/or regions and therefore specific and countervailable.

### 4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from India and Malaysia have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the market share held, the quantities sold and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, and in particular on the profitability of the Community industry.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 10 of the basic Regulation.

#### 5.1. Procedure for the determination of subsidisation and injury

The investigation will determine whether the product concerned originating in India and Malaysia is being subsidised and whether this subsidisation has caused injury.

##### (a) Sampling

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling in accordance with Article 27 of the basic Regulation.

<sup>(1)</sup> OJ L 188, 18.7.2009, p. 93.

(i) Sampling for exporters/producers in India and Malaysia

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers in India and Malaysia, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the format indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person;
- the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Community during the period 1 July 2008 to 30 June 2009;
- the turnover in local currency and the sales volume in tonnes for the product concerned sold on the domestic market during the period 1 July 2008 to 30 June 2009;
- the precise activities of the company worldwide with regard to the product concerned;
- the names and the precise activities of all related companies <sup>(2)</sup> involved in the production and/or selling (export and/or domestic) of the product concerned;
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of the exporting country, and any known associations of exporters/producers.

Since a company cannot be certain that it will be selected in the sample, exporters/producers that wish

to claim an individual amount of countervailable subsidisation pursuant to Article 27(3) of the basic Regulation are advised to request a questionnaire within the deadline foreseen in point 6(a)(i) of this notice and file it within the deadline foreseen in point 6(a)(ii) first paragraph of this notice. However, attention is drawn to the last sentence of point 5(b) of this notice.

(ii) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person;
- the total turnover in euro of the company during the period 1 July 2008 to 30 June 2009;
- the total number of employees;
- the precise activities of the company with regard to the product concerned;
- the volume in tonnes and value in euro of imports into and resales made on the Community market during the period 1 July 2008 to 30 June 2009 of the imported product concerned originating in India and Malaysia;
- the names and the precise activities of all related companies <sup>(3)</sup> involved in the production and/or selling of the product concerned;
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

<sup>(2)</sup> For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

<sup>(3)</sup> See footnote 2.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

### (iii) Sampling for Community producers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all Community producers, or representatives acting on their behalf, are hereby requested to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers, and contact person;
- the total turnover in euro of the company during the period 1 July 2008 to 30 June 2009;
- the precise activities of the company worldwide with regard to the product concerned;
- the value in euro of sales of the product concerned made in the Community market during the period 1 July 2008 to 30 June 2009;
- the volume in tonnes of sales of the product concerned made in the Community market during the period 1 July 2008 to 30 June 2009;
- the volume in tonnes of the production of the product concerned during the period 1 July 2008 to 30 June 2009;
- the names and the precise activities of all related companies <sup>(4)</sup> involved in the production and/or selling of the product concerned;
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

### (iv) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the samples after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the samples must reply to a questionnaire within the time limit set in point 6(b)(iii) and must cooperate within the framework of the investigation.

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 27(4) and 28 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

### (b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Community industry and to any known association of producers in the Community, to the sampled exporters/producers in India and Malaysia, to any known association of exporters/producers in the countries concerned, to the sampled importers, to any known association of importers, and to the authorities of the exporting countries concerned.

Exporters/producers in India and Malaysia claiming an individual amount of countervailable subsidisation, with a view to the application of Articles 27(3) and 15(3) of the basic Regulation, must submit a completed questionnaire within the time limit set in point 6(a)(ii) of this notice. They therefore have to request a questionnaire within the time limit set in point 6(a)(i). However, such parties should be aware that if sampling is applied to exporters/producers, the Commission may, nonetheless, decide not to calculate an individual amount of countervailable subsidisation for them if the number of exporters/producers is so large that individual examination would be unduly burdensome and would prevent the timely completion of the investigation.

### (c) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence has to reach the Commission within the time limit set in point 6(a)(ii).

<sup>(4)</sup> See footnote 2.

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii).

## 5.2. Procedure for the assessment of Community interest

In accordance with Article 31 of the basic Regulation and in the event that the allegations of subsidisation and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of countervailing measures would not be against the Community interest. For this reason the Commission may send questionnaires to any known Community industry, importers, their representative associations, representative users and representative consumer organisations. Such parties, including those not known to the Commission, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii), make themselves known and provide the Commission with information. The parties which have acted in conformity with the preceding sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in point 6(a)(iii). It should be noted that any information submitted pursuant to Article 31 of the basic Regulation will only be taken into account if supported by factual evidence at the time of submission.

## 6. Time limits

### (a) General time limits

#### (i) For parties to request a questionnaire

All interested parties should request a questionnaire as soon as possible, but not later than 10 days after the publication of this notice in the *Official Journal of the European Union*.

#### (ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the parties making themselves known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limits specified in point 6(b)(iii).

### (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

### (b) Specific time limit in respect of sampling

(i) The information specified in points 5.1(a)(i), 5.1(a)(ii) and 5.1(a)(iii) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

(ii) All other information relevant for the selection of the sample as referred to in point 5.1(a)(iv) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

(iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

## 7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' <sup>(5)</sup> and, in accordance with Article 29(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission  
Directorate General for Trade  
Directorate H  
Office: N105 04/92  
1049 Brussels  
BELGIUM  
Fax +32 22979665

<sup>(5)</sup> This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 29 of the basic Regulation and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

## 8. Non-cooperation

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 28 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

## 9. Schedule of the investigation

The investigation will be concluded, according to Article 11(9) of the basic Regulation within 13 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 12(1) of the basic Regulation, provisional measures may be imposed no later than nine months

from the publication of this notice in the *Official Journal of the European Union*.

## 10. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the of Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(6)</sup>.

## 11. Hearing Officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the hearing officer of Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details interested parties may consult the hearing officer's web pages of the website of Directorate-General for Trade (<http://ec.europa.eu/trade>).

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<sup>(6)</sup> OJ L 8, 12.1.2001, p. 1.



## OTHER ACTS

## COMMISSION

**Notice for the attention of Mr Tahir Nasuf concerning his inclusion in the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

(2009/C 190/09)

1. Common Position 2002/402/CFSP<sup>(1)</sup> calls upon the Community to freeze the funds and economic resources of Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267 (1999) and 1333 (2000) to be updated regularly by the UN Committee established pursuant to UNSCR 1267 (1999).

The list drawn up by this UN Committee comprises:

- Al-Qaida, the Taliban and Usama bin Laden;
- natural or legal persons, entities, bodies and groups associated with Al-Qaida, the Taliban and Usama bin Laden; and
- legal persons, entities and bodies owned or controlled by, or otherwise supporting, any of these associated persons, entities, bodies and groups.

Acts or activities indicating that an individual, group, undertaking, or entity is 'associated with' Al-Qaida, Usama bin Laden or the Taliban include:

- (a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, Al-Qaida, the Taliban or Usama bin Laden, or any cell, affiliate, splinter group or derivative thereof;
- (b) supplying, selling or transferring arms and related materiel to any of them;
- (c) recruiting for any of them; or
- (d) otherwise supporting acts or activities of any of them.

2. The UN Committee decided on 7 February 2006 to add Mr Tahir Nasuf to the relevant list.

The natural person concerned may submit at any time a request to the UN Committee, together with any supporting documentation, for the decision to include him in the UN list referred to above, to be reconsidered. Such request should be sent to the following address:

United Nations — Focal point for delisting  
Security Council Subsidiary Organs Branch  
Room S-3055 E  
New York, NY 10017  
UNITED STATES OF AMERICA

<sup>(1)</sup> OJ L 139, 29.5.2002, p. 4. Common Position as last amended by Common Position 2003/140/CFSP (OJ L 53, 28.2.2003, p. 62)

See for more information at: <http://www.un.org/sc/committees/1267/delisting.shtml>

3. Further to this decision the Commission <sup>(1)</sup> has included Mr Tahir Nasuf in Annex I to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban <sup>(2)</sup>.

The following measures of Regulation (EC) No 881/2002 apply to the natural and legal persons, groups and entities concerned:

- (a) The freezing of all funds, other financial assets and economic resources belonging to them, or owned or held by them, and the prohibition to make funds, other financial assets and economic resources available to them or for their benefit, whether directly or indirectly (Articles 2 and 2a <sup>(3)</sup>); and
- (b) The prohibition to grant, sell, supply or transfer technical advice, assistance or training related to military activities to them, whether directly or indirectly (Article 3).

4. Following the judgment of the Court of Justice of 3 September 2008 in Joined Cases C-402/05 P and C-415/05 P, Yassin Abdullah Kadi and Al Barakaat International Foundation v Council, the UN Committee has provided grounds for listing of Mr Tahir Nasuf.

He may make a request for the grounds for his listing to the Commission. This request should be sent to:

European Commission  
'Restrictive measures'  
Rue de la Loi/Wetstraat 200  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

After having given him an opportunity to express his views on the grounds for listing, the Commission will review his inclusion in Annex I to Council Regulation (EC) No 881/2002 and a new decision concerning him will be made.

5. Personal data provided by Mr Tahir Nasuf will be handled in accordance with the rules of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(4)</sup>. Any request, e.g. for further information or in order to exercise the rights under Regulation (EC) No 45/2001 (e.g. access or rectification of personal data), should be sent to the Commission at the address mentioned under point 4 above.

6. For good order, the attention of the natural persons listed in Annex I is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s), as listed in Annex II to Regulation (EC) No 881/2002, in order to obtain an authorisation to use frozen funds, other financial assets and economic resources for essential needs or specific payments in accordance with Article 2a of that Regulation.

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<sup>(1)</sup> Regulation (EC) No 246/2006 (OJ L 40, 11.2.2006, p. 13).

<sup>(2)</sup> OJ L 139, 29.5.2002, p. 9.

<sup>(3)</sup> Article 2a was inserted by Council Regulation (EC) No 561/2003 (OJ L 82, 29.3.2003, p. 1).

<sup>(4)</sup> OJ L 8, 12.1.2001, p. 1.







OTHER ACTS

**Commission**

2009/C 190/09	Notice for the attention of Mr Tahir Nasuf concerning his inclusion in the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban .....	37
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