# Official Journal of the European Union



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<sup>(1)</sup> Text with EEA relevance

IV

(Notices)

# NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

# EUROPEAN COMMISSION

## Euro exchange rates (1) 11 December 2014

(2014/C 444/01)

#### 1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,2428	CAD	Canadian dollar	1,4281
JPY	Japanese yen	147,20	HKD	Hong Kong dollar	9,6348
DKK	Danish krone	7,4387	NZD	New Zealand dollar	1,5892
GBP	Pound sterling	0,79270	SGD	Singapore dollar	1,6323
SEK	Swedish krona	9,3575	KRW	South Korean won	1 368,53
CHF	Swiss franc	1,2012	ZAR	South African rand	14,3385
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,6916
NOK	Norwegian krone	9,0060	HRK	Croatian kuna	7,6740
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 384,00
CZK	Czech koruna	27,633	MYR	Malaysian ringgit	4,3385
HUF	Hungarian forint	308,14	PHP	Philippine peso	55,262
LTL	Lithuanian litas	3,45280	RUB	Russian rouble	68,6459
PLN	Polish zloty	4,1798	THB	Thai baht	40,792
RON	Romanian leu	4,4508	BRL	Brazilian real	3,2593
TRY	Turkish lira	2,8153	MXN	Mexican peso	18,0523
AUD	Australian dollar	1,5056	INR	Indian rupee	77,5644

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

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# Interim update of the weightings applicable to the remuneration of officials, temporary staff and contract staff of the European Union serving in third countries (1)

(2014/C 444/02)

#### FEBRUARY 2014

Place of employment	Economic parity February 2014	Exchange rate February 2014 (*)	Weighting February 2014 (**)
Angola	185,2	132,841	139,4
Bangladesh	67,43	106,304	63,4
Brazil	2,730	3,29550	82,8
Central African Republic	676,7	655,957	103,2
Gabon	688,6	655,957	105,0
Ghana	2,254	3,17585	71,0
Guyana	177,2	283,400	62,5
Indonesia (Banda Aceh)	9 649	16 551,4	58,3
Indonesia (Jakarta)	10 605	16 551,4	64,1
Malawi	293,5	594,720	49,4
Sudan	7,592	8,07741	94,0
Tunisia	1,461	2,20440	66,3
Uzbekistan	2 070	2 991,02	69,2
Venezuela	9,144	8,54090	107,1

(\*) 1 EUR = x units of local currency, except USD for: Cuba, El Salvador, Ecuador, Liberia, Panama, D.R. Congo, Timor-Leste. (\*\*) Brussels and Luxembourg = 100.

#### MARCH 2014

Place of employment	Economic parity March 2014	Exchange rate March 2014 (*)	Weighting March 2014 (**)
Belarus	7 703	13 380,0	57,6
Djibouti	191,6	242,696	78,9
Madagascar	2 564	3 196,80	80,2
South Africa	7,041	14,6986	47,9
Switzerland (Bern)	1,432	1,21610	117,8
United States (Washington)	1,148	1,36560	84,1

(\*) 1 EUR = x units of local currency, except USD for: Cuba, El Salvador, Ecuador, Liberia, Panama, D.R. Congo, Timor-Leste. (\*\*) Brussels and Luxembourg = 100.

<sup>(&</sup>lt;sup>1</sup>) Eurostat Report of 22 September 2014 on the interim adjustment of weightings (correction coefficients) applicable to the remuneration of officials, temporary staff and contract staff of the European Union serving in Extra-EU delegations in accordance with Article 64, Annex X and Annex XI of the Staff Regulations applicable to officials and other servants of the European Union. Further information on the methodology is available on the Eurostat website ('Statistics Database' > 'Economy and finance' > 'Prices' > 'Correction coefficients').

APRIL 2014

Place of employment	Economic parity April 2014	Exchange rate April 2014 (*)	Weighting April 2014 (**)
Guinea	7 344	9 683,32	75,8
Malawi	311,6	569,779	54,7
Paraguay	3 965	6 096,61	65,0
Peru	3,297	3,86834	85,2
Swaziland	7,370	14,5839	50,5
Timor Leste	1,480	1,37590	107,6
Venezuela	9,989	8,65730	115,4
Yemen	256,2	295,667	86,7
Zambia	7,236	8,55505	84,6

(\*) 1 EUR = x units of local currency, except USD for: Cuba, El Salvador, Ecuador, Liberia, Panama, D.R. Congo, Timor-Leste. (\*\*) Brussels and Luxembourg = 100.

Place of employment	Economic parity May 2014	Exchange rate May 2014 (*)	Weighting May 2014 (**)		
Barbados	3,015	2,78001	108,5		
Brazil	2,893	3,06830	94,3		
Iceland	166,6	154,990	107,5		
Israel	4,808	4,80280	100,1		
Jordan	0,8725	0,980263	89,0		
Samoa	2,786	3,16892	87,9		
Senegal	647,0	655,957	98,6		
South Korea	1 386	1 423,99	97,3		
Sudan	8,093	8,22737	98,4		
Uzbekistan	2 224	3 147,06	70,7		
Venezuela	10,55	8,69946	121,3		

## MAY 2014

(\*) 1 EUR = x units of local currency, except USD for: Cuba, El Salvador, Ecuador, Liberia, Panama, D.R. Congo, Timor-Leste. (\*\*) Brussels and Luxembourg = 100.

Place of employment	Economic parity June 2014	Exchange rate June 2014 (*)	Weighting June 2014 (**)
Belarus	8 094	13 730,0	59,0
Canada	1,263	1,47960	85,4
Costa Rica	594,9	757,079	78,6
Egypt	6,008	9,77075	61,5
Lesotho	6,843	14,2260	48,1
Mexico	12,01	17,5678	68,4

#### JUNE 2014

Place of employment	Economic parity June 2014	Exchange rate June 2014 (*)	Weighting June 2014 (**)
Moldova	11,22	18,8527	59,5
Nigeria	203,9	211,780	96,3
Norway	10,91	8,11850	134,4
Panama	0,8890	1,36380	65,2
Russia	50,75	46,9447	108,1
Ukraine	8,607	15,9030	54,1
Venezuela	11,42	8,58117	133,1

(\*) 1 EUR = x units of local currency, except USD for: Cuba, El Salvador, Ecuador, Liberia, Panama, D.R. Congo, Timor-Leste. (\*\*) Brussels and Luxembourg = 100.

#### Annual update of the weightings applicable to the remuneration of officials, temporary staff and contract staff of the European Union serving in third countries (1)

(2014/C 444/03)

Place of employment	Economic parity July 2014	Exchange rate July 2014 (*)	Weighting July 2014 (**)
Afghanistan (***)			
Albania	84,56	140,200	60,3
Algeria	74,36	108,102	68,8
Angola	188,8	132,977	142,0
Argentina (***)			
Armenia	424,3	556,270	76,3
Australia	1,470	1,44600	101,7
Azerbaijan	1,025	1,06822	96,0
Bangladesh	67,08	105,616	63,5
Barbados	2,974	2,73859	108,6
Belarus	8 208	13 870,0	59,2
Belize	1,915	2,71719	70,5
Benin	622,9	655,957	95,0
Bolivia	6,792	9,41142	72,2
Bosnia and Herzegovina (Banja Luka)	1,190	1,95583	60,8
Bosnia and Herzegovina (Sarajevo)	1,407	1,95583	71,9
Botswana	6,238	12,0192	51,9
Brazil	3,030	2,99050	101,3
Burkina Faso	648,9	655,957	98,9
Burundi	1 425	2 104,54	67,7
Cambodia	4 481	5 523,50	81,1
Cameroon	612,9	655,957	93,4
Canada	1,283	1,45560	88,1
Cape Verde	77,78	110,265	70,5
Central African Republic	695,9	655,957	106,1

<sup>(1)</sup> Eurostat report of 30 October 2014 on the 2014 annual adjustment of remuneration and pensions of EU officials in accordance with Articles 64 and 65 and Annex XI of the Staff Regulations applicable to officials and other servants of the European Union adjusting with effect from 1 July 2014 the correction coefficients applied to the remuneration of active staff serving in Intra-EU and Extra-EU duty stations, to the pensions of retired staff, and for pension transfers. Further information on the methodology is available on the Eurostat website ('Statistics Database' > 'Economy and finance' > 'Prices' >

<sup>&#</sup>x27;Correction coefficients').

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Place of employment	Economic parity July 2014	Exchange rate July 2014 (*)	Weighting July 2014 (**)
Chad	745,8	655,957	113,7
Chile	403,6	749,972	53,8
China	7,596	8,46890	89,7
Colombia	2 21 3	2 569,89	86,1
Comoros	334,3	491,968	68,0
Congo (Brazzaville)	783,5	655,957	119,4
Costa Rica	584,4	742,937	78,7
Croatia	5,795	7,57300	76,5
Cuba (*)	0,9925	1,36200	72,9
Democratic Republic of the Congo (Kinshasa) (*)	1,838	1,36200	134,9
Djibouti	181,3	242,056	74,9
Dominican Republic	36,44	59,0950	61,7
Ecuador (*)	0,9862	1,36200	72,4
Egypt	6,036	9,75670	61,9
El Salvador (*)	0,9548	1,36200	70,1
Eritrea	23,69	20,7603	114,1
Ethiopia	24,25	26,5854	91,2
Fiji	1,649	2,50564	65,8
Former Yugoslav Republic of Macedonia	35,89	61,6863	58,2
Gabon	697,9	655,957	106,4
Gambia	32,61	57,0500	57,2
Georgia	1,572	2,40900	65,3
Ghana	2,378	4,08380	58,2
Guatemala	8,160	10,6115	76,9
Guinea (Conakry)	7 449	9 537,04	78,1
Guinea-Bissau	586,5	655,957	89,4
Guyana	177,0	282,325	62,7
Haiti	50,35	61,9572	81,3
Honduras	21,70	28,5433	76,0
Hong Kong	10,72	10,5573	101,5
Iceland	173,8	154,850	112,2
India	53,48	81,8630	65,3

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Place of employment	Economic parity July 2014	Exchange rate July 2014 (*)	Weighting July 2014 (**)
Indonesia (Banda Aceh)	9 7 3 1	16 369,0	59,4
Indonesia (Jakarta)	10 711	16 369,0	65,4
Iraq (***)			
Israel	4,747	4,67080	101,6
Ivory Coast	645,7	655,957	98,4
Jamaica	134,2	150,486	89,2
Japan	139,4	138,090	100,9
lordan	0,8586	0,965658	88,9
Kazakhstan	200,6	249,760	80,3
Kenya	94,74	119,029	79,6
Kosovo (1)	0,7168	1,00000	71,7
Kyrgyzstan	50,77	70,9029	71,6
Laos	9 408	10 927,0	86,1
Lebanon	1 589	2 0 5 3, 2 2	77,4
Lesotho	6,871	14,4394	47,6
Liberia (*)	1,372	1,36200	100,7
Libya (***)			
Madagascar	2 7 3 4	3 208,74	85,2
Malawi	321,1	541,045	59,3
Malaysia	3,088	4,37540	70,6
Mali	657,6	655,957	100,3
Mauritania	243,9	408,930	59,6
Mauritius	32,50	41,1444	79,0
Mexico	11,82	17,7087	66,7
Moldova	11,27	19,0345	59,2
Montenegro	0,6414	1,00000	64,1
Могоссо	7,826	11,2075	69,8
Mozambique	32,85	42,2600	77,7
Myanmar	780,3	1 317,74	59,2
Namibia	9,199	14,4394	63,7

<sup>(&</sup>lt;sup>1</sup>) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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Place of employment	Economic parity July 2014	Exchange rate July 2014 (*)	Weighting July 2014 (**)
Nepal	93,34	131,120	71,2
New Caledonia	130,6	119,332	109,4
New Zealand	1,741	1,55420	112,0
Nicaragua	18,88	35,3468	53,4
Niger	535,4	655,957	81,6
Nigeria	200,4	211,439	94,8
Norway	10,92	8,36800	130,5
Pakistan	71,00	134,336	52,9
Panama (*)	0,8911	1,36200	65,4
Papua New Guinea	3,838	3,30583	116,1
Paraguay	3 997	5 985,99	66,8
Peru	3,315	3,81905	86,8
Philippines	42,56	59,6600	71,3
Russia	51,00	45,8969	111,1
Rwanda	708,2	928,137	76,3
Samoa	2,723	3,10321	87,7
Saudi Arabia	3,504	5,10750	68,6
Senegal	677,8	655,957	103,3
Serbia	83,95	115,545	72,7
Sierra Leone	6 878	5 967,19	115,3
Singapore	2,054	1,70150	120,7
Solomon Islands	11,92	9,82683	121,3
Somalia (***)			
South Africa	7,152	14,4394	49,5
South Korea	1 367	1 380,96	99,0
South-Sudan (Juba)	3,558	4,01790	88,6
Sri Lanka	124,2	177,165	70,1
Sudan	8,689	8,10479	107,2
Suriname	2,783	4,49460	61,9
Swaziland	7,447	14,4394	51,6
Switzerland (Bern)	1,469	1,21620	120,8
Switzerland (Geneva)	1,503	1,21620	123,6

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Place of employment	Economic parity July 2014	Exchange rate July 2014 (*)	Weighting July 2014 (**)
Syria (***)			
Taiwan	33,51	40,7109	82,3
Tajikistan	4,510	6,71017	67,2
Tanzania	1 441	2 251,16	64,0
Thailand	32,70	44,2210	73,9
Timor Leste (*)	1,400	1,36200	102,8
Togo	557,1	655,957	84,9
Trinidad and Tobago	6,772	8,59430	78,8
Tunisia	1,474	2,28050	64,6
Turkey	2,183	2,89440	75,4
Turkmenistan	2,396	3,88170	61,7
Uganda	2 507	3 538,38	70,9
Ukraine	8,681	16,1832	53,6
United Arab Emirates	3,984	4,99120	79,8
United States (New York)	1,252	1,36200	91,9
United States (Washington)	1,079	1,36200	79,2
Uruguay	28,79	31,1081	92,5
Uzbekistan	2 359	3 1 4 9, 3 5	74,9
Vanuatu	134,8	130,534	103,3
Venezuela	11,93	8,56984	139,2
Vietnam	15 962	29 051,5	54,9
West Bank — Gaza Strip	5,255	4,67080	112,5
Yemen	261,2	292,680	89,2
Zambia	7,368	8,28275	89,0
Zimbabwe (***)			

(\*) 1 EURO = x units of local currency (USD for Cuba, El Salvador, Ecuador, Liberia, Panama, D.R. Congo and Timor-Leste).
 (\*\*) Brussels and Luxembourg = 100 %.
 (\*\*\*) Not available because of local instability or unreliable data.

#### Annual update of the correction coefficients applicable from 1 July 2014 to the remuneration and pensions of officials and other servants of the European Union (1)

(2014/C 444/04)

Country/Place —	Remuneration	Transfer (*)	Pension
Country/Place	1.7.2014		1.7.2014
Bulgaria	55,1	56,0	100,0
Czech Republic	75,0	70,5	100,0
Denmark	133,0	131,3	131,3
Germany	97,2	96,4	100,0
Bonn	94,6		
Karlsruhe	95,0		
Munich	107,7		
Estonia	78,6	80,1	100,0
Ireland	115,9	106,3	106,3
Greece	86,8	84,7	100,0
Spain	94,5	90,2	100,0
France	116,8	107,1	107,1
Croatia	77,6	72,2	100,0
Italy	100,4	94,5	100,0
Varese	93,1		
Cyprus	81,2	85,8	100,0
Latvia	76,5	74,8	100,0
Lithuania	71,4	71,1	100,0
Hungary	71,4	64,0	100,0
Malta	83,4	84,2	100,0
Netherlands	107,8	104,7	104,7
Austria	107,2	104,4	104,4
Poland	74,1	67,6	100,0
Portugal	82,2	85,2	100,0
Romania	69,5	63,8	100,0
Slovenia	84,7	81,4	100,0
Slovakia	79,0	73,1	100,0
Finland	123,0	114,5	114,5
Sweden	127,5	115,9	115,9
United Kingdom	150,7	120,7	120,7
Culham	116,7		

<sup>(1)</sup> Eurostat report of 30 October 2014 on the 2014 annual adjustment of remuneration and pensions of EU officials in accordance with Articles 64 and 65 and Annex XI of the Staff Regulations applicable to officials and other servants of the European Union adjusting with effect from 1 July 2014 the correction coefficients applied to the remuneration of active staff serving in Intra-EU and Extra-EU duty stations, to the pensions of retired staff, and for pension transfers. Further information on the methodology is available on the Eurostat website ('Statistics Database' > 'Economy and finance' > 'Prices' >

<sup>&#</sup>x27;Correction coefficients').

# Update with effect from 1 July 2014 of the rate of contribution to the pension scheme of officials and other servants of the European Union (1)

(2014/C 444/05)

The rate of the contribution referred to in Article 83(2) of the Staff Regulations shall be 10,1 %, with effect from 1 July 2014.

<sup>(1)</sup> Eurostat Report on the 2014 actuarial assessment of the Pension Scheme for European Officials of 1 September 2014.

# COURT OF AUDITORS

#### Special Report No 18/2014 'EuropeAid's evaluation and results-oriented monitoring systems'

(2014/C 444/06)

The European Court of Auditors hereby informs you that Special Report No 18/2014 'EuropeAid's evaluation and results-oriented monitoring systems' has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors' website: http://eca.europa.eu

A hard copy version of the report may be obtained free of charge on request to the Court of Auditors:

European Court of Auditors Publications (PUB) 12, rue Alcide De Gasperi 1615 Luxembourg LUXEMBOURG

Tel. +352 4398-1 E-mail: eca-info@eca.europa.eu

or by filling in an electronic order form on EU-Bookshop.

V

(Announcements)

## PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

## EUROPEAN COMMISSION

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

(2014/C 444/07)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (<sup>1</sup>) ('the basic Regulation'), alleging that imports of certain aluminium foils, originating in the People's Republic of China, are being dumped and are thereby causing material injury to the Union industry.

#### 1. **Complaint**

The complaint was lodged on 28 October 2014 on behalf of six Union producers ('the complainants') representing 25 % or more of the total Union production of aluminium foils which are subject to this investigation.

#### 2. **Product under investigation**

The product subject to this investigation is certain aluminium foil of a thickness of less than 0,021 mm, not backed, not further worked than rolled, in rolls of a weight exceeding 10 kg, and excluding aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm in rolls of a width not exceeding 650 mm (the product under investigation').

#### 3. Allegation of dumping

The product allegedly being dumped is the product under investigation, originating in the People's Republic of China ('the country concerned'), currently falling within CN code ex 7607 11 19. This CN code is given for information only.

Since, in view of the provisions of Article 2(7) of the basic Regulation, the People's Republic of China is considered to be a non-market economy country, the complainants have established a normal value for the imports from the People's Republic of China on the basis of the price in a market economy third country, namely Turkey. The allegation of dumping is based on a comparison of the normal value thus established with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

On this basis the dumping margin calculated is significant for the country concerned.

#### 4. Allegation of injury and causation

The complainants have provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms and have increased in terms of market share.

The *prima facie* evidence provided by the complainants shows that the volume and the prices of the imported product under investigation have had, among other consequences, a negative impact on the quantities sold, the level of prices charged and the market share held by the Union industry, resulting in substantial adverse effects on the overall performance and the financial situation and the employment situation of the Union industry.

<sup>(&</sup>lt;sup>1</sup>) OJ L 343, 22.12.2009, p. 51.

#### 5. **Procedure**

Having determined, after informing the Member States, that the complaint has been lodged by or on behalf of the Union 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.

The investigation will determine whether the product under investigation originating in the country concerned is being dumped and whether the dumped imports have caused injury to the Union industry. If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

#### 5.1. **Procedure for the determination of dumping**

Exporting producers (<sup>1</sup>) of the product under investigation from the People's Republic of China concerned are invited to participate in the Commission investigation.

- 5.1.1. Investigating exporting producers
- 5.1.1.1. Procedure for selecting exporting producers to be investigated in the People's Republic of China
- (a) Sampling

In view of the potentially large number of exporting producers in the People's Republic of China involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with information on their company(ies) requested in Annex I to this Notice.

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

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the People's Republic of China and associations of exporting producers will be notified by the Commission, via the authorities of the People's Republic of China if appropriate, of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers, and to the authorities of the People's Republic of China.

All exporting producers selected to be in the sample will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be

<sup>(&</sup>lt;sup>1</sup>) An exporting producer is any company in the country(ies) concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.

cooperating ('non-sampled cooperating exporting producers'). Without prejudice to section (b) below, the antidumping duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample (').

#### (b) Individual dumping margin for companies not included in the sample

Non-sampled cooperating exporting producers may request, pursuant to Article 17(3) of the basic Regulation, that the Commission establish their individual dumping margins. The exporting producers wishing to claim an individual dumping margin must request a questionnaire and return it duly completed within 37 days of the date of notification of the sample selection, unless otherwise specified. The Commission will examine whether they can be granted an individual duty in accordance with Article 9(5) of the basic Regulation. Those exporting producers in the non-market economy country who consider that market economy conditions prevail for them in respect of the manufacture and sale of the product under investigation, may submit a properly substantiated market economy treatment claim to this effect ('MET claim') and return it duly completed within the deadlines specified in section 5.1.2.2 below.

However, exporting producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

#### 5.1.2. Additional procedure with regard to exporting producers in the non-market economy country concerned

#### 5.1.2.1. Selection of a market economy third country

Subject to the provisions of section 5.1.2.2 below, in accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the People's Republic of China normal value will be determined on the basis of the price or constructed value in a market economy third country. For this purpose the Commission will select an appropriate market economy third country. The Commission has provisionally chosen Turkey. Interested parties are hereby invited to comment on the appropriateness of this choice within 10 days of the date of publication of this Notice in the *Official Journal of the European Union*. According to the information available to the Commission, other market economy suppliers of the Union are, inter alia, the Republic of Korea and Russia. With the aim of finally selecting the market economy third country the Commission will examine whether there is production and sales of the product under investigation in those market economy third countries for which there are indications that the production of the product under investigation is taking place.

#### 5.1.2.2. Treatment of exporting producers in the non-market economy country concerned

In accordance with Article 2(7)(b) of the basic Regulation, individual exporting producers in the country concerned, which consider that market economy conditions prevail for them in respect of the manufacture and sale of the product under investigation, may submit a properly substantiated market economy treatment claim to this effect ('MET claim'). MET will be granted if the assessment of the MET claim shows that the criteria laid down in Article 2(7)(c) of the basic Regulation (<sup>2</sup>) are fulfilled. The dumping margin of the exporting producers granted MET will be calculated, to the extent possible and without prejudice to the use of facts available pursuant to Article 18 of the basic Regulation, by using their own normal value and export prices in accordance with Article 2(7)(b) of the basic Regulation.

The Commission will send MET claim forms to all the exporting producers in the People's Republic of China selected to be in the sample and to non-sampled cooperating exporting producers that wish to apply for an individual dumping margin, to any known association of exporting producers, and to the authorities of the People's Republic of China. The Commission will assess only MET claim forms submitted by the exporting producers in the People's Republic of China selected to be in the sample and by the non-sampled cooperating exporting producers whose request for an individual dumping margin has been accepted.

All exporting producers claiming MET must submit a completed MET claim form within 21 days of the date of the notification of the sample selection or of the decision not to select a sample, unless otherwise specified.

<sup>(1)</sup> Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation will be disregarded.

<sup>(&</sup>lt;sup>2</sup>) The exporting producers have to demonstrate in particular that: (i) business decisions and costs are made in response to market conditions and without significant State interference; (ii) firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes; (iii) there are no significant distortions carried over from the former non-market economy system; (iv) bankruptcy and property laws guarantee legal certainty and stability and (v) exchange rate conversions are carried out at market rates.

#### 5.1.3. Investigating unrelated importers $\binom{1}{2}$

Unrelated importers of the product under investigation from the People's Republic of China to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample. The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties must do so within 15 days of the date of publication of this Notice in the Official Journal of the European Union, unless otherwise specified, by providing the Commission with the information on their company(ies) requested in Annex II to this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this Notice in the Official Journal of the European Union, unless otherwise specified.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

#### 5.2. Procedure for the determination of injury and investigating Union producers

A determination of injury is based on positive evidence and involves an objective examination of the volume of the dumped imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

In view of the large number of Union producers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample. The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in section 5.6 below). Other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample must contact the Commission within 15 days of the date of publication of this Notice in the Official Journal of the European Union.

<sup>(&</sup>lt;sup>1</sup>) Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly control a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

<sup>(&</sup>lt;sup>2</sup>) The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

All interested parties wishing to submit any other relevant information regarding the selection of the sample must do so within 21 days of the publication of this Notice in the Official Journal of the European Union, unless otherwise specified.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

#### 5.3. **Procedure for the assessment of Union interest**

Should the existence of dumping and injury caused thereby be established, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether the adoption of anti-dumping measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

#### 5.4. **Other written submissions**

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice in the Official Journal of the European Union.

#### 5.5. **Possibility to be heard by the Commission investigation services**

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

#### 5.6. Instructions for making written submissions and sending completed questionnaires and correspondence

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing (a) the Commission to use the information and data for the purpose of this trade defence proceeding and (b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their right of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' (<sup>1</sup>).

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.

<sup>(&</sup>lt;sup>1</sup>) A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Interested parties are invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc\_148003.pdf The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission Directorate-General for Trade Directorate H Office: CHAR 04/039 1040 Bruxelles/Brussel BELGIQUE/BELGIË

E-mail for dumping issues and Annex I: TRADE-CAF-DUMPING@ec.europa.eu

E-mail for injury issues and Annex II: TRADE-CAF-INJURY@ec.europa.eu

#### 6. Non-cooperation

In cases where 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 on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of 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.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

#### 7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among other things, to dumping, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/

#### 8. Schedule of the investigation

The investigation will be concluded, pursuant 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*. In accordance with 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*.

#### 9. **Processing of personal data**

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 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>1</sup>).

<sup>(&</sup>lt;sup>1</sup>) OJ L 8, 12.1.2001, p. 1.

ANNEX I

'Limited' version (1) Version 'For inspection by interested parties' 

(tick the appropriate box)

#### ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN ALUMINIUM FOIL ORIGINATING IN THE **PEOPLE'S REPUBLIC OF CHINA**

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN PEOPLE'S REPUBLIC OF CHINA

This form is designed to assist exporting producers in the People's Republic of China in responding to the request for sampling information made in point 5.1.1.1(a) of the notice of initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

#### 1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

#### 2. TURNOVER AND SALES VOLUME

Indicate the turnover of the company during the period 1 October 2013 to 30 September 2014 for sales (export sales to the Union for each of the 28 Member States (2) separately and in total and domestic sales) of certain aluminium foil as defined in the notice of initiation and the corresponding volume. State the volume in weight (metric tonnes) and the currency used.

		ume tonnes)	Value in accounting currency Specify the currency used
Export sales to the Union, for each of the 28 Member States separately and in total, of the product under investigation, manufactured by your company			
investigation, manufactured by your company	State (1):		
Domestic sales of the product under investigation, manufactured by your company			
(1) Add additional rows where necessary			

<sup>(1)</sup> This 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 (OJ L 145, 31,5,2001, p. 43). It is protected puscant to Anticle 4 of negulation (CD) No 1045/2001 of the Colopean Fanantent and of 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). The 28 Member States of the European Union are: Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia,  $(^{2})$ Slovakia, Finland, Sweden and United Kingdom.

#### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES (1)

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

Company name and location	Activities	Relationship

#### 4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

#### 5. INDIVIDUAL DUMPING MARGIN

The company declares that, in the event that it is not selected to be in the sample, it would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual dumping margin in accordance with section 5.1.1.1(b) of the notice of initiation.

🗌 Yes 🗌 No

#### 6. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify 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 Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

<sup>(1)</sup> In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

ANNEX II

'Limited' version (1) Version 'For inspection by interested parties' (tick the appropriate box)

#### ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN ALUMINIUM FOIL ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

#### INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.1.3 of the notice of initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

#### 1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

#### 2. TURNOVER AND SALES VOLUME

Indicate the total turnover of the company, and the turnover and volume for imports into the Union (2) and resales on the Union market after importation from the People's Republic of China, during the period 1 October 2013 to 30 September 2014 for sales of certain aluminium foil as defined in the notice of initiation. State the volume in weight (metric tonnes) and the currency in euros.

	Volume (metric tonnes)	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation into the Union		
Resales on the Union market after importation from the People's Republic of China of the product under investigation		

<sup>(1)</sup> This 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 (OJ L 145, 31,5,2001, p. 43). It is protected puscant to Anticle 4 of negulation (CD) No 1045/2001 of the Colopean Fanantent and of 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). The 28 Member States of the European Union are: Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia,  $(^{2})$ Slovakia, Finland, Sweden and United Kingdom.

#### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES (1)

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

Company name and location	Activities	Relationship

#### 4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

#### 5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify 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 Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

<sup>(1)</sup> In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

# PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

## EUROPEAN COMMISSION

#### Prior notification of a concentration

#### (Case M.7467 — Mitsubishi Heavy Industries/Mitsubishi Corporation/MHI Compressor International)

#### Candidate case for simplified procedure

(Text with EEA relevance)

(2014/C 444/08)

1. On 4 December 2014, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (<sup>1</sup>) by which Mitsubishi Heavy Industries Ltd ('MHI', Japan) and Mitsubishi Corporation ('MC', Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over MHI Compressor International Corporation ('MCO-I', USA).

- 2. The business activities of the undertakings concerned are:
- for MHI: international supplier of heavy industrial machinery, active in the business of shipbuilding and ocean development, power systems, nuclear energy systems, compressors and compressor trains, turbines, machinery and steel,
- for MC: involved in global trading activities including complex project management, strategic finance and investment, marketing, distribution and procurement services,
- For MCO-I: active in North American in the sales and marketing of compressors and compressor trains and related after-sales services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 (<sup>2</sup>) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7467 — Mitsubishi Heavy Industries/Mitsubishi Corporation/MHI Compressor International to the following address:

European Commission Directorate-General for Competition Merger Registry 1049 Bruxelles/Brussel BELGIQUE/BELGIË

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>&</sup>lt;sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

### OTHER ACTS

## EUROPEAN COMMISSION

#### Publication of an amendment application pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2014/C 444/09)

This publication confers the right to oppose the application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council (<sup>1</sup>).

AMENDMENT APPLICATION

#### COUNCIL REGULATION (EC) No 510/2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (2)

#### AMENDMENT APPLICATION IN ACCORDANCE WITH ARTICLE 9

#### 'JAMBON SEC DES ARDENNES'/'NOIX DE JAMBON SEC DES ARDENNES'

#### EC No: FR-PGI-0105-01173 — 6.11.2013

#### PGI (X) PDO ()

#### 1. Sections of the specification affected by the amendments

- $\boxtimes$  Name of product
- $\boxtimes$  Description of product
- $\Box$  Geographical area
- $\boxtimes$  Proof of origin
- $\boxtimes$  Method of production
- $-\Box$ Link
- $\boxtimes$  Labelling
- ⊠ National requirements
- $\boxtimes$  Other
  - Introduction of list of mandatory operations to be carried out in the geographical area;
  - update of names and contact details of applicant group and inspection body;

#### 2. Type of amendments

- $\square$  Amendment to Single Document or Summary Sheet
- $\Box$  Amendment to Specification of registered PDO or PGI for which neither the Single Document nor the Summary Sheet has been published
- □ Amendment to Specification that requires no amendment to the published Single Document (Article 9(3) of Regulation (EC) No 510/2006)
- □ Temporary amendment to specification resulting from imposition of obligatory sanitary or phytosanitary measures by the public authorities (Article 9(4) of Regulation (EC) No 510/2006)

<sup>&</sup>lt;sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>&</sup>lt;sup>(2)</sup> OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012.

#### 3. Amendment(s)

#### 3.1. Name of product

The name of the product has been changed to reflect the 'name of the food' specified in chapter 2 of the current specification. It is now: 'Jambon sec des Ardennes'/'Noix de Jambon sec des Ardennes'.

- 3.2. Description of product
  - Increase of the minimum duration of the production process from 270 to 360 days: this provision improves the quality of the product by allowing the ham, during maturation, to develop more of its fruity aroma and dried meat taste. Following the extension of the maturation period, the minimum weight of the ham at the end of the minimum duration of the production process has been reduced from 6 to 5,5 kg to take account of the loss of weight resulting from increased drying time.
  - Deletion of on-the-bone grosse noix as a way of presenting 'Noix de jambon sec des Ardennes.' This is because the presence of the bone has proven problematic for cutting. Moreover, it is easier to bone the pieces before drying, which has led to this practice becoming widespread; the noix are now always boned before salting. Finally, the presence of bone is not necessary to achieve the organoleptic characteristics described in the specification.
  - Withdrawal of chemical (nitrates and nitrites) and microbiological characteristics, which simply comply with the general rules.
  - Deletion of parts of the description that are not objective in nature: 'delicious'; 'exquisite'; 'and to enjoy all its charming flavours'.
  - Addition of an exhaustive list of permitted forms of presentation: whole, whole boned, whole boned and rindless, boneless portion or sliced for the ham; whole, halved or sliced for the noix.
  - Addition of whole boned rindless ham: this presentation is intended only for sale by the slice.
  - The presentation 'boneless portion' replaces 'halved or quartered', which was not sufficiently precise and therefore difficult to check. In addition, given the variability of hams, the size of the portions was not homogeneous and therefore of little meaning for the PGI.
  - The more precise term 'moulded' has replaced the term 'pressed'. The two terms describe the same operation, which consists of pressing a ham or a noix in a mould to reduce the cavity left by boning and/or give it the desired shape.
  - The possibility of slicing the cushion is also extended to the grosse noix. Both pieces are easy to slice as they contain no bone.
- 3.3. Proof of origin
  - Due to the deletion of the requirement to use pork supplied from within the geographical area, the paragraphs relating to the traceability of pigs on farms and at the slaughterhouse have been removed.
  - Owing to developments in national legislation and regulations, the text under the heading 'Evidence that the product originates from the defined geographical area' has been consolidated to bring together, in particular, provisions on declaration requirements and the keeping of registers for tracing the product and monitoring production conditions.
  - Upon salting, the hams and grosses noix are indelibly marked (stamp on the rind or seal) with the week of production. For reasons of work organisation, in particular the cleaning of the premises, salting is carried out once a week. Therefore, the week number cross-referred to the date of salting and to the number of pieces recorded on the batch production slip makes it possible to check that the duration of the production process expressed in days has been respected.
  - As there is no rind, it is not possible to individually mark cushions at the salting stage. In order to ensure traceability, each batch is clearly identified and accompanied by a production slip specifying the number of pieces put into production and the date of salting.

- At the end of the minimum duration of the production process at the earliest, the pieces are sorted. Those that do not meet the criteria set out in the chapter relating to the description of the product are declassified; the number is recorded on the batch production slip. Those that do comply are marked with a branding iron in the case of hams and grosses noix, with an individual mark in the case of cushions. The date of branding and the number of pieces are recorded.
- Inclusion of a table with the different stages of production and the corresponding traceability: this enables individual pieces to be monitored throughout the production process.
- 3.4. Method of production
  - The carcasses of culled breeding animals are excluded as the products thus obtained would not meet the organoleptic characteristics of the PGI.
  - Deletion of the requirement to use pigs supplied from the geographical area: this gives operators more flexibility and enables them to supply themselves with pigs whilst complying with the raw material characteristics described in the specifications. Accordingly, the provisions relating to the husbandry and slaughtering of pigs and the choice of carcasses (provisions relating to pig farrowing and fattening houses, to slaughterhouses and cutting plants, and to keeping the livestock register) have also been deleted.
  - Deletion of the criterion relating to the feeding of pigs throughout the fattening process (minimum 75% grains and pulses). This criterion is now common practice in the pig sector.
  - Deletion of criterion of carcass weight (> 72 kg): these days, most operators just buy hams, as they have no use for whole carcasses. The weight of the trimmed ham (minimum 9,5 kg) is more meaningful for defining the technological pathway than the weight of the carcass from which it is taken;
  - Definition of precise, objective criteria for selecting the raw materials used:
    - Introduction of the requirement to use meat that has not been frozen so as to ensure the quality of the finished product, which is made only from fresh hams;
    - Increase in the weight of the trimmed ham used from 9 to 9,5 kg: this makes it possible to take account of the extension of the drying period by 90 days;
    - Visual defects are assessed on the trimmed ham and no longer on the carcass. This is because some defects
      do not affect the ham, and others can be corrected during trimming without affecting the quality of the
      product (hair removal blemishes, for example);
    - Introduction of criteria of pH (5,5 to 6,2) and of meat colour (neither too pale nor too dark) based on the Japanese scale (score from 2 to 5) so as to ensure the same quality for all hams and noix de jambon;
    - Deletion of ratio of lean meat: this criterion does not seem relevant as it is assessed in relation to the carcass. The thickness of fat on the hams is a better criterion given that the ultimate aim is to produce dry salted hams: this thickness has been defined as greater than or equal to 10 mm;
    - Addition of characteristics of the noix following cutting and trimming, which are not set out in much detail in the current specification.
    - Weight of fresh noix de jambon after cutting and trimming: the minimum weight has been reduced from 1,5 to 1,2 kg for cushions and from 3,5 to 3 kg for grosses noix to take account of the anatomical proportions observed.
  - Production of dried hams and dried noix de jambon:
    - The cutting of hams 10 cm from the top of the femur has been stipulated: this makes it possible to respect the anatomy of the hams and to make a smooth cut. This measure replaces the current wording, which defines the cut as 'an inch or so from the chump', as this wording is open to interpretation. Aside from this criterion of 10 cm, the choice of cutting method is left to the discretion of the pork butcher so as to take account of the shape of each piece.
    - Addition of the requirement to mark each piece with the week of salting and the year so as to meet the traceability requirements set out in the chapter on proof of origin.
    - Relaxation of the rules on the use of nitrates; their use is now optional;

- Deletion of the list of flavourings that can be used in the preparation of hams and noix de jambon; this list
  was not exhaustive. The operator can use other flavourings provided that the characteristics of the finished
  product are still compliant.
- Salting: to be carried out in several applications of dry salt. The current specification only permits salting by hand. Because of developments in production techniques, and at the time of the massage aimed at extracting residual blood, an initial salting may take place by means of the projection of dry salt by the massaging machines. Subsequent saltings are to be done by hand so as to adjust the quantity of salt and its distribution to each ham. The noix are salted in one go. This is therefore done exclusively by hand;
- The rules on hygiene on premises for drying and maturing have been deleted, as they are covered by general regulations.
- The durations and temperatures have been specified for the phases of rest from 6 to 13 weeks at a temperature below  $5 \,^{\circ}\text{C}$  and of drying/maturing from 34 to 44 weeks at a temperature between 10 and 18  $^{\circ}$ C. The aim of these provisions is to ensure that the production process of 'Jambon sec des Ardennes/Noix de jambon des Ardennes' proceeds properly.
- It is no longer stated that the duration of the production process is 'left to the discretion of the producer', as this did not constitute a requirement. Only the minimum durations remain.
- The minimum duration of the production process of 'Jambon sec des Ardennes' is increased from 270 to 360 days. This change improves the quality of the product by allowing the ham, during maturation, to develop more of its fruity aroma and dried meat taste.
- The traditional technique for boning hams, known as 'goujage', has been defined so as to provide a framework for this key step for the presentation of 'Jambon sec des Ardennes'/Noix de jambon sec des Ardennes', the pieces of which do not need to be sewn back together once the bones have been removed.
- Vacuum packaging or packaging in a protective atmosphere is made mandatory once the hams have been boned so as to remove any risk of microbial reproduction in the cavity left by the removal of the bones.
- Withdrawal of the provision relating to own checks by seasonal producers relating to the homogeneity of drying, salt content, smell and the quality of the fat. This provision belongs in the inspection plan.

#### 3.5. Labelling

- Deletion of comments about the characteristics of the product, the inspection body and the consumer service so as to limit the requirements to the labelling rules concerning the protected geographical indication;
- Deletion of the requirement that labelling must be approved by the certifying body: this provision does not belong in the specification;
- Requirement to display the EU's PGI logo to improve communication to the consumer.

#### 3.6. National requirements

Introduction of a table with the main points to be checked, as required by national legislation.

- 3.7. Other
  - The group now in charge of the PGI and making the amendment application is the association Les Charcuteries du Pays d'Ardennes. The information relating to the Ardennes de France group, which originated the request for registration, has therefore been deleted and replaced by the name and contact details of the group Les Charcuteries du Pays d'Ardennes.
  - Introduction of list of mandatory operations to be carried out in the geographical area: preparation of pieces (trimming), salting, drying and boning (with pressing, where applicable).
  - Inspection body: the group has chosen to change inspection body. The name and contact details of the inspection body A.d.F Certification are replaced by those of the new body designated by the group: Certipaq.

#### SINGLE DOCUMENT

#### COUNCIL REGULATION (EC) No 510/2006

# on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (3)

'JAMBON SEC DES ARDENNES'/'NOIX DE JAMBON SEC DES ARDENNES'

EC No: FR-PGI-0105-01173 — 6.11.2013

PGI(X)PDO()

#### 1. Name

'Jambon sec des Ardennes'/'Noix de Jambon sec des Ardennes'

#### 2. Member State or Third Country

France

#### 3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.2: Meat Products (cooked, salted, smoked, etc.)

- 3.2. Description of the product to which the name in (1) applies
  - (a) Physical characteristics:

'Jambon sec des Ardennes' and 'Noix de jambon sec des Ardennes' are dry-salted hams. The rubbing salt used contains spices, flavourings and sugar.

The minimum duration of the production process (from the time of salting) varies depending on the type of piece: 360 days for dry ham, 120 days for the grosse noix (made up of the noix (topside) and the sous-noix (fricandeau)) and 45 days for the cushion.

The minimum weight of the pieces at the end of the minimum duration of the production process is:

- 'Jambon sec des Ardennes' on the bone: 5,5 kg;

- 'Noix de jambon sec des Ardennes': 3 kg in the case of the grosse noix and 800 g in the case of the cushion.

The ham and the noix de jambon must be sufficiently dry and firm. They are not hard to the touch and do not appear bloated.

The fat of the ham and the noix is white in colour and firm in texture, and has a pleasant smell.

(b) Chemical characteristics

Jambon sec des Ardennes' and 'Noix de jambon sec des Ardennes' have a humidity rate for the fatless product of less than 65 %.

(c) Presentation of the product:

'Jambon sec des Ardennes' is sold wrapped or unwrapped, moulded or unmoulded:

- whole: boned or not,
- whole, boned and rindless,
- in boneless portions;
- sliced.

'Noix de jambon sec des Ardennes' is sold wrapped or unwrapped, moulded or unmoulded:

- whole;
- halved;
- sliced.

<sup>(3)</sup> Replaced by Regulation (EU) No 1151/2012.

3.3. Raw materials (for processed products only)

Hams from breeding boars and from sows are excluded from the production of 'Jambon sec des Ardennes' and 'Noix de jambon sec des Ardennes'.

(a) Characteristics of fresh hams used:

The fresh ham has the following characteristics following cutting and trimming:

- not having been frozen;
- weight greater than 9,5 kg trimmed, without the ventral part of the belly or the trotter;
- smooth cut, without the ventral part of the belly, which must not exceed 10 cm beyond the top of the femur;
- the trotter detached at the joint, the hamstring intact, the shank not pierced and the bone of the chump partly removed. The ham can also be salted in its entirety, including the trotter;
- none of the following visible defects: hair removal blemishes, torn or burned rind, bruising, ecchymosis, fractures, abscesses, soiling from faeces or conveyor lubricant;
- be taken from meat of homogeneous colour, neither too pale nor too dark, with:  $5.5 \le pH \le 6.2$ ;
- colour of the meat used on the Japanese scale: from 2 to 5;
- coverage with firm, white fat;
- thickness of fat greater than or equal to 10 mm, measured in line with the top of the femur.
- (b) Characteristics of fresh noix used:

'Noix de jambon sec des Ardennes' must keep their anatomical integrity. They are, with the exception of cushions, partially covered with rind. Grosses noix are boned before salting.

The fresh noix has the following characteristics following cutting and trimming:

- not having been frozen;
- depending on category: weight greater than 1,2 kg for cushions and greater than 4 kg for grosses noix;
- none of the following visible defects: hair removal blemishes, torn or burned rind, bruising, ecchymosis, fractures, abscesses, soiling from faeces or conveyor lubricant;
- be taken from meat of homogeneous colour, neither too pale nor too dark, with:  $5,5 \le pH \le 6,2$ ;
- coverage with firm, white fat in the case of grosses noix.
- 3.4. Feed (for products of animal origin only)
- 3.5. Specific steps in production that must take place in the defined geographical area

The production operations carried out in the geographical area are: acceptance of raw materials and preparation of pieces, salting, boning, and pressing.

3.6. Specific rules on slicing, grating, packaging, etc.

Boning (optional) is carried out in the following manner: the bone of the chump is removed by opening the rind of the shank as far as the joint, then detaching the bone of the femur without opening the ham (this latter action being known locally as *goujage*). The tibia, the fibula and the femur are removed simultaneously. The rind is closed again afterwards. The boned ham is then vacuum packed or packed in a protective atmosphere in order to preserve its organoleptic qualities.

3.7. Specific rules on labelling

The labelling of 'Jambon sec des Ardennes' and 'Noix de jambon sec des Ardennes' must include the following:

- the name of the PGI 'Jambon sec des Ardennes' or 'Noix de jambon sec des Ardennes';
- the European Union's PGI logo;
- the duration of maturing.

In the event of non-prepacked sale, the name of the PGI 'Jambon sec des Ardennes' or 'Noix de jambon sec des Ardennes', along with the words 'Protected geographical indication', appear on signage or any other medium provided for the purpose.

#### 4. Concise definition of the geographical area

The geographical area includes the whole department of the Ardennes.

#### 5. Link with the geographical area

- 5.1. Specificity of the geographical area
  - (a) Natural factors

The northern part of the department of Ardennes, to the north of a line traced by the north east-south west depression of the Sormonne and Meuse valleys, is made up of the Ardenne massif, a huge stretch of slaty rock that peaks at 505 m in altitude. The southern part of the department is the northern edge of the chalky plain of Champagne. It is flatter and is dedicated to arable crops. Between these two entities, two areas stand out: Thiérache in the west and Argonne in the east. Numerous water courses weave their way through these undulating transitions.

The Ardennes department is located in an area of transition between a continental and a maritime climate. Rainfall is significant: up to 1 200 mm in Ardenne, and around 900 to 1 000 mm in Thiérache and Argonne. The average temperature in these regions is between 8 and 10 °C. It does not exceed 17 °C in summer and barely reaches 2 °C in winter.

The topography, due to the difference in altitude between the north (above 400 m) and the south (below (200 m) of the department, has a significant effect on the climate in the area. The acidic, slaty rock of the Ardennes massif produces a cooler, damper climate locally, which is accentuated by the significant forest cover. Finally, the numerous water courses have carved out valleys, each of which has its own microclimate. These are characterised by the formation of localised fog during the night (the department records up to 120 foggy days per year) and by wide temperature variations over the course of a day.

#### (b) Human factors

In the 19th century, pig rearing in the Ardennes was a family affair. In general, on farms, in the homes of farm workers, one or two pigs were fattened and consumed at home or sold locally. Victor Cayasse, in his book *Folklore de Guignicourt sur Vence et de Faissault* (1920), had this to say on the matter: 'each family killed at least one pig per year and lived the whole year on its salted, dried meat.' Jules Lefranc, in *Choses et gens de chez nous* (written around 1911), recounts the customs of the small village of Sainte Vaubourg at the time of his ancestors: 'the salting tub was usually kept in the cellar [...] The pieces, prepared beforehand, were taken down one by one to the salter, who carefully arranged them in layers, sprinkled them with pepper and spices and covered them in grey salt.[...] A month and a half later, the pig was desalted and [...] hams and pieces of bacon were hung.' Today's meat curing workers have inherited their know-how from this tradition of having pigs in the local domestic economy. Currently, this know-how is still being shared between different generations of meat curing workers, who regularly meet together to improve their products.

This know-how continues to be expressed in the choice of pieces, the method of dry salting, and the manual coating of the hams while leaving a 'window' that allows slow drying to prevent crusting and to keep the ham tender.

#### 5.2. Specificity of the product

Jambon sec des Ardennes' and 'Noix de jambon sec des Ardennes' develop a fruity aroma and a dried meat flavour during maturing. They have no smoky smell at all. They give off a subtle aroma of melon fruit and have a gentle, salty flavour. The smell of fat is very slight and not rancid.

Their excellent firmness makes it easy to cut them into thin slices. Their homogeneous texture is slightly springy and firm, not crispy. The *jambon sec* and *noix de jambon sec* are slightly juicy, pleasantly tender and melt in the mouth.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)

The link with the geographical area of 'Jambon sec des Ardennes' and 'Noix de jambon sec des Ardennes' is based on its specific quality and its reputation.

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The Ardennes department benefits from a damp climate thanks in particular to the significant rainfall and frequent fog. These conditions are favourable to the production of ham. The Ardennes climate provides three characteristics that are essential for the production of 'Jambon sec des Ardennes' and 'Noix de jambon sec des Ardennes': hygrometry, wind and suitable temperatures. These make drying and maturation slow and gradual. These storage conditions, together with the use of rubbing salt with added flavourings, spices and sugar, allow specific aromas and flavours to develop fully. The ham also becomes tender.

Historically, Ardennes families made hams for their own consumption thanks to the specific local climate. Salting was carried out during the colder months, as there was no refrigeration in those days. Hams are no longer dried in the kitchen or matured in the attic, but modern methods of cooling and hygrometric control make it possible to recreate and manage these conditions throughout the year.

The meat curing workers have been able to hold on to this ancestral knowledge of ham production.

The reputation of 'Jambon sec des Ardennes' dates from the 19th century. 'Jambon sec des Ardennes' is mentioned in several publications as a reference when it comes to meat curing. In 1866, a book on pork by Gustave Heuze explained that 'the most highly regarded French hams are prepared in the departments of Basses Pyrenées, Bas Rhin, Haut Rhin, Meuse, Moselle, Ardennes and Vosges.'

As one might expect, 'Jambon sec des Ardennes' appears on menus for banquets and meals at the end of the 19th century. For example, it was served at a lunch given on 21 August 1898 for the Minister of Public Works at the inauguration of the Raucourt railway, and on 9 November 1924 at the inauguration of the new town hall in Nouzonville.

'Jambon sec des Ardennes', made largely for sale locally by a large number of pork butchers/meat curers in the department, gradually became an industry in its own right and started being sold by wholesalers, as an advertisement from 1929 attests.

A survey carried out by the Auvergne Association of Meat Curers in March 1994, with support from the EEC and the Ministry of Agriculture, shows that 'Jambon sec des Ardennes' is known outside the department, despite the relatively modest scale of production. This survey showed that, when prompted, 23,4 % of respondents had heard of 'Jambon sec des Ardennes', putting it in fifth place out of nine hams mentioned.

#### Reference to publication of the specification

(Article 5(7) of Regulation (EC) No 510/2006 (4))

http://agriculture.gouv.fr/IMG/pdf/CDCIGPJambonsecdesArdennesetNoixdejambonsecdesArdennesV1\_BO\_cle86172f.pdf

(4) See footnote 3.

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