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

## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case M.8361 — Qatar Airways/Alisarda/Meridiana)****(Text with EEA relevance)**

(2017/C 122/01)

On 22 March 2017, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 <sup>(1)</sup>. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32017M8361. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

## IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND  
AGENCIES

## EUROPEAN COMMISSION

**Euro exchange rates <sup>(1)</sup>****13 April 2017**

(2017/C 122/02)

**1 euro =**

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,0630	CAD Canadian dollar	1,4069
JPY Japanese yen	116,01	HKD Hong Kong dollar	8,2652
DKK Danish krone	7,4376	NZD New Zealand dollar	1,5178
GBP Pound sterling	0,84763	SGD Singapore dollar	1,4845
SEK Swedish krona	9,5820	KRW South Korean won	1 202,93
CHF Swiss franc	1,0686	ZAR South African rand	14,3805
ISK Iceland króna		CNY Chinese yuan renminbi	7,3227
NOK Norwegian krone	9,1033	HRK Croatian kuna	7,4255
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	14 091,66
CZK Czech koruna	26,704	MYR Malaysian ringgit	4,6905
HUF Hungarian forint	312,55	PHP Philippine peso	52,584
PLN Polish zloty	4,2450	RUB Russian rouble	59,9350
RON Romanian leu	4,5189	THB Thai baht	36,503
TRY Turkish lira	3,8991	BRL Brazilian real	3,3277
AUD Australian dollar	1,4027	MXN Mexican peso	19,7661
		INR Indian rupee	68,4915

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

**Euro exchange rates <sup>(1)</sup>****18 April 2017**

(2017/C 122/03)

**1 euro =**

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,0682	CAD Canadian dollar	1,4273
JPY Japanese yen	116,26	HKD Hong Kong dollar	8,3040
DKK Danish krone	7,4381	NZD New Zealand dollar	1,5186
GBP Pound sterling	0,84375	SGD Singapore dollar	1,4937
SEK Swedish krona	9,5908	KRW South Korean won	1 221,05
CHF Swiss franc	1,0686	ZAR South African rand	14,3001
ISK Iceland króna		CNY Chinese yuan renminbi	7,3524
NOK Norwegian krone	9,1093	HRK Croatian kuna	7,4370
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	14 203,32
CZK Czech koruna	26,759	MYR Malaysian ringgit	4,7113
HUF Hungarian forint	312,58	PHP Philippine peso	53,064
PLN Polish zloty	4,2363	RUB Russian rouble	59,8860
RON Romanian leu	4,5180	THB Thai baht	36,693
TRY Turkish lira	3,9423	BRL Brazilian real	3,3194
AUD Australian dollar	1,4155	MXN Mexican peso	19,8272
		INR Indian rupee	69,0080

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

**COMMISSION DECISION****of 18 April 2017****on the Facility for Refugees in Turkey amending Commission Decision C(2015) 9500 of 24 November 2015 <sup>(1)</sup>**

(2017/C 122/04)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Articles 210(2) and 214(6),

Whereas:

- (1) Commission Decision C(2015) 9500 final established a coordination mechanism — the Facility for Refugees in Turkey ('the Facility') - to assist Turkey in addressing the immediate humanitarian and development needs of the refugees and their host communities, national and local authorities in managing and addressing the consequences of the inflow of refugees. The Facility aims at coordinating and streamlining actions financed from the Union's budget and bilateral contributions from Member States.
- (2) The Representatives of the Governments of the Member States agreed in Coreper on 3 February 2016 on a 'Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey between the EU Member States and the Commission' <sup>(2)</sup> (hereinafter referred to as 'Common Understanding') and on a Model Contribution Certificate by which the Member States commit to make their contributions to the Refugee Facility for Turkey.
- (3) In Coreper on 3 February 2016, Member States agreed to remove references on interest for late contributions from both the draft Common Understanding and the draft Model Contribution Certificate. Commission Decision C(2016) 855 amended Commission Decision C(2015) 9500 final in order to align it to the Common Understanding.
- (4) According to point 2 of the Common Understanding, the Commission shall be responsible for managing the contributions in compliance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>(3)</sup> and Commission Delegated Regulation (EU) No 1268/2012 <sup>(4)</sup>. This includes provisions on the establishment of amounts receivable <sup>(5)</sup> and on payment for default (late) interest <sup>(6)</sup>.
- (5) Article 83(1) of Delegated Regulation (EU) No 1268/2012 provides that any amount receivable not paid within the deadline indicated in the debit note shall bear interest without prejudice to any specific provisions deriving from the application of sector-specific regulations.
- (6) Member States' contributions to the Facility for Refugees in Turkey are voluntary and, unlike in the case of own resources, do not correspond to a pre-existing obligation. It is thus not appropriate to request Member States to pay interest for the late payment of their contributions to the Refugee Facility for Turkey. Commission Decision C(2015) 9500 should thus be amended accordingly in order to establish a derogation from Article 83(1) RAP.
- (7) The Commission will continue to monitor and inform the Steering Committee of the Facility on the timely payment of the Member States contributions to the Facility for Refugees in Turkey which is key to ensure the achievement of its objectives.
- (8) This Decision should apply retroactively from 10 February 2016, the date of the adoption of Decision C(2016) 855 in order to cover the contributions already made by Member States,

<sup>(1)</sup> As amended by Commission Decision C(2016) 855 final.

<sup>(2)</sup> See doc. COMBUD 49/1/16 REV1.

<sup>(3)</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

<sup>(4)</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

<sup>(5)</sup> Article 78 of Regulation (EU, Euratom) No 966/2012 and Article 81 of Commission Delegated Regulation (EU) No 1268/2012.

<sup>(6)</sup> Article 83 of Delegated Regulation (EU) No 1268/2012.

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision C(2015) 9500 is amended as follows:

In Article 6 the following text is added to paragraph 3:

'No interest shall be due for the late payment by a Member State of a contribution to the Facility for Refugees in Turkey.'

*Article 2*

This Decision shall apply from 10 February 2016.

Done at Brussels, 18 April 2017.

*For the Commission*

Günther H. OETTINGER

*Member of the Commission*

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## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

## EUROPEAN COMMISSION

**Notice concerning the anti-dumping measures in force in respect of imports to the Union of steel ropes and cables originating, inter alia, in the People's Republic of China, as extended to imports of steel ropes and cables consigned from, inter alia, the Republic of Korea, whether declared as originating in the Republic of Korea or not**

(2017/C 122/05)

The measures currently in force are an anti-dumping duty imposed by Council Implementing Regulation (EU) No 102/2012 <sup>(1)</sup> on imports of steel ropes and cables originating, inter alia, in the People's Republic of China as extended, inter alia, to imports of steel ropes and cables consigned from the Republic of Korea whether declared as originating in the Republic of Korea or not, as last amended by Commission Implementing Regulation (EU) 2016/1167 <sup>(2)</sup> ('the measures in force').

Imports into the Union of the product under review consigned from the Republic of Korea are subject to a duty of 60,4 %, with the exception of the product manufactured by companies that are exempted. One company located in the Republic of Korea, namely Kiswire Ltd, whose exports to the Union of steel ropes and cables are exempted from the anti-dumping duty, informed the Commission that their official address had changed as set out below.

The company claimed that the change of address does not affect their right to benefit from the duty applied to under the previous address. The Commission examined the information supplied and concluded that the change of address does not affect the findings of Implementing Regulation (EU) No 102/2012.

The table set out in Article 1(4) of Implementing Regulation (EU) No 102/2012, as last amended by Implementing Regulation (EU) 2016/1167, is replaced by the following table:

Country	Company	TARIC additional code
The Republic of Korea	Bosung Wire Rope Co., Ltd, 568, Yongdeok-ri, Hallim-myeon, Gimae-si, Gyeongsangnam-do, 621-872	A969
	Chung Woo Rope Co., Ltd, 1682-4, Songjung-Dong, Gangseo-Gu, Busan	A969
	CS Co., Ltd, 287-6 Soju-Dong Yangsan-City, Kyoungnam	A969
	Cosmo Wire Ltd, 4-10, Koyeon-Ri, Woong Chon-Myon Ulju-Kun, Ulsan	A969
	Dae Heung Industrial Co., Ltd, 185 Pyunglim — Ri, Daesan-Myun, Haman — Gun, Gyeongnam	A969

<sup>(1)</sup> OJ L 36, 9.2.2012, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2016/1167 of 18 July 2016 amending Council Implementing Regulation (EU) No 102/2012 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic of China, as extended to imports of steel ropes and cables consigned from, inter alia, the Republic of Korea, whether declared as originating in the Republic of Korea or not (OJ L 193, 19.7.2016, p. 19).



Country	Company	TARIC additional code
	Daechang Steel Co., Ltd, 1213, Aam-daero, Namdong-gu, Incheon	C057
	DSR Wire Corp., 291, Seonpyong-Ri, Seo-Myon, Suncheon-City, Jeonnam	A969
	Goodwire MFG. Co. Ltd, 984-23, Maegok-Dong, Yangsan-City, Kyungnam	B955
	Kiswire Ltd, 37, Gurak-Ro, 141 Beon-Gil, Suyeong-Gu, Busan, Korea 48212	A969
	Manho Rope & Wire Ltd, Dongho Bldg, 85-2 4 Street Joongang-Dong, Jong-gu, Busan	A969
	Line Metal Co. Ltd, 1259 Boncho-ri, Daeji-Myeon, Changnyeong-gun, Gyeongnam	B926
	Seil Wire and Cable, 47-4, Soju-Dong, Yangsan-Si, Kyungsangnamdo	A994
	Shin Han Rope Co., Ltd, 715-8, Gojan-Dong, Namdong-gu, Incheon	A969
	Ssang Yong Cable Mfg. Co., Ltd, 1559-4 Song-Jeong Dong, Gang-Seo Gu, Busan	A969
	Young Heung Iron & Steel Co., Ltd, 71-1 Sin-Chon Dong, Changwon City, Gyungnam	A969

**Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of tartaric acid originating in the People's Republic of China**

(2017/C 122/06)

Following the publication of a Notice of impending expiry <sup>(1)</sup> of the anti-dumping measures in force on the imports of tartaric acid originating in the People's Republic of China, the European Commission ('the Commission') has received a request for review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union <sup>(2)</sup> ('the basic Regulation').

**1. Request for review**

The request was lodged on 24 January 2017 by Distillerie Bonollo S.r.l., Caviro Distillerie S.r.l., Industria Chimica Valenzana S.p.a., Alvinisa Alcoholera Vinicola SA, and Comercial Quimica Sarasa SL ('the applicants'), representing more than 25 % of the total Union production of tartaric acid.

**2. Product under review**

The product subject to this review is tartaric acid, excluding D-(-)-tartaric acid with a negative optical rotation of at least 12,0 degrees, measured in a water solution according to the method described in the European Pharmacopoeia, currently falling within CN code ex 2918 12 00 (TARIC code 2918 12 00 90).

**3. Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 349/2012 <sup>(3)</sup>, as last amended by Council Implementing Regulation (EU) No 626/2012 <sup>(4)</sup>.

**4. Grounds for the review**

The request is based on the grounds that the expiry of the measures would be likely to result in continuation of dumping and continuation or recurrence of injury to the Union industry.

**4.1. Allegation of likelihood of continuation of dumping**

Since, in view of the provisions of Article 2(7) of the basic Regulation, the People's Republic of China ('the country concerned') is considered to be a non-market economy country, the applicants established 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 Argentina. The allegation of likelihood of continuation 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 review when sold for export to the Union.

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

**4.2. Allegation of likelihood of continuation or recurrence of injury**

The applicants have also provided *prima facie* evidence that imports of the product under review from the country concerned to the Union have remained significant in absolute terms and in terms of market shares.

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

The applicants also allege the likelihood of further injury. In this respect the applicants have also provided evidence that, should measures be allowed to lapse, the current import level of the product under review from the country concerned to the Union is likely to increase due to the potential of the manufacturing facilities of the exporting producers in the People's Republic of China.

<sup>(1)</sup> OJ C 329, 7.9.2016, p. 5.

<sup>(2)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(3)</sup> Council Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 110, 24.4.2012, p. 3).

<sup>(4)</sup> Council Implementing Regulation (EU) 2012 No 626/2012 amending Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China (OJ L 182, 13.7.2012, p. 1).

In addition, the applicants allege that any further substantial increase of imports at dumped prices from the country concerned would be likely to cause further injury to the Union industry should measures be allowed to lapse.

## 5. Procedure

Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11(2) of the basic Regulation.

The expiry review will determine whether the expiry of the measures would be likely to lead to a continuation or recurrence of dumping of the product under review originating in the country concerned and a continuation or recurrence of injury to the Union industry.

### 5.1. Review investigation period and period considered

The investigation of a continuation or recurrence of dumping will cover the period from 1 January 2016 to 31 December 2016 ('the review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury will cover the period from 1 January 2013 to the end of the review investigation period ('the period considered').

### 5.2. Procedure for the determination of a likelihood of continuation or recurrence of dumping

Exporting producers<sup>(1)</sup> of the product under review from the country concerned, including those that did not cooperate in the investigation(s) leading to the measures in force, are invited to participate in the Commission investigation.

#### 5.2.1. Investigating exporting producers

Procedure for selecting exporting producers to be investigated in the People's Republic of China

##### Sampling

In view of the potentially large number of exporting producers in the People's Republic of China involved in this expiry review 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, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, 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 the information on their company(ies) requested in Annex I to this Notice.

In order to obtain the 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 will be selected based on the largest representative volume of production, sales or exports which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain the 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.

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

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 cooperating ('non-sampled cooperating exporting producers').

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

##### *Selection of a market economy third country*

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.

In previous investigations Argentina and Australia were used as market economy third countries for the purpose of establishing normal value in respect of the People's Republic of China. For the purpose of the current investigation, the Commission envisages using again Argentina. According to the information available to the Commission, other market economy producers may be located, inter alia, in Australia, Brazil, Chile and India. 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 review in those market economy third countries for which there are indications that production of the product under review is taking place. Interested parties are hereby invited to comment on the choice of the analogue country within 10 days of the date of publication of this Notice in the *Official Journal of the European Union*.

#### 5.2.3. *Investigating unrelated importers* <sup>(1)</sup> <sup>(2)</sup>

Unrelated importers of the product under review from the People's Republic of China to the Union, including those that did not cooperate in the investigation(s) leading to the measures in force, are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this expiry review 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, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, 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.

<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 I to the questionnaire for these exporting producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party 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 control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). 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. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

<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.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under review 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 the 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.

### **5.3. Procedure for the determination of a likelihood of a continuation or recurrence of injury**

In order to establish whether there is a likelihood of a continuation or recurrence of injury to the Union industry, Union producers of the product under review are invited to participate in the Commission investigation.

#### **5.3.1. Investigating Union producers**

In view of the large number of Union producers involved in this expiry review 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 (this process is also referred to as 'sampling'). 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 5.7 below). Other Union producers, or representatives acting on their behalf, including Union producers who did not cooperate in the investigation(s) leading to the measures in force, 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*.

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 the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known associations 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.

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

Should the likelihood of continuation or recurrence of dumping and injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the 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 review.

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.

### **5.5. 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*.

### 5.6. *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 must be made in writing and must 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.

### 5.7. *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 rights 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 must 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.

Interested parties are invited to make all submissions and requests by email 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 email, 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](http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf) The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email 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 email, 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  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

E-mail: TRADE-R671-TARTARIC-DUMPING@ec.europa.eu  
TRADE-R671-TARTARIC-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, 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.

<sup>(1)</sup> A 'Limited' document is a document which is considered confidential 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). 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).

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 the likelihood of a continuation or recurrence of dumping and injury and Union interest.

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 11(5) of the basic Regulation within 15 months of the date of the publication of this Notice in the *Official Journal of the European Union*.

#### **9. Possibility to request a review under Article 11(3) of the basic Regulation**

As this expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any interested party considers that a review of the measures is warranted so as to allow for the possibility to amend the measures, that party may request a review pursuant to Article 11(3) of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the expiry review mentioned in this Notice, may contact the Commission at the address given above.

#### **10. 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 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>(1)</sup>.

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

## ANNEX I

<input type="checkbox"/>	'Limited' version <sup>(1)</sup>
<input type="checkbox"/>	Version 'For inspection by interested parties'
(tick the appropriate box)	

### ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF TARTARIC ACID ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

#### INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN THE 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 5.2.1 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	
Email address	
Telephone	
Fax	

#### 2. TURNOVER, SALES VOLUME, PRODUCTION AND PRODUCTION CAPACITY

As regards the product under review as defined in the Notice of Initiation and originating in the country concerned, for the review investigation period defined in Section 5.1 of the Notice, please indicate export sales to the Union for each of the 28 Member States <sup>(2)</sup> separately and in total, export sales to the rest of the world (total and the 5 biggest importing countries), domestic sales, production and production capacity. State the unit of weight or volume and the currency used.

Table I

#### Turnover, sales volume

	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 review, manufactured by your company	Total:		
	Name each Member State <sup>(1)</sup> :		
Export sales of the product under review, manufactured by your company to the rest of the world	Total:		
	Name the 5 biggest importing countries and give the respective volumes and values <sup>(1)</sup>		

<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 a confidential document pursuant to Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

<sup>(2)</sup> The 28 Member States of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.



	Tonnes	Value in accounting currency Specify the currency used
Domestic sales of the product under review, manufactured by your company		

(<sup>1</sup>) Add additional rows where necessary.

*Table II*  
**Production and production capacity**

	Tonnes
Your company's overall production of the product under review	
Your company's production capacity of the product under review	

### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES (<sup>1</sup>)

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 review. Such activities could include but are not limited to purchasing the product under review or producing it under sub-contracting arrangements, or processing or trading the product under review.

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 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:

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(<sup>1</sup>) In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party 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 control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). 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. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

## ANNEX II

<input type="checkbox"/>	'Limited' version <sup>(1)</sup>
<input type="checkbox"/>	Version 'For inspection by interested parties'
(tick the appropriate box)	

### ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF TARTARIC ACID 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 5.2.3 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	
Email address	
Telephone	
Fax	

#### 2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, and the turnover and weight or volume for imports into the Union <sup>(2)</sup> and resales on the Union market after importation from the People's Republic of China, during the review investigation period, of tartaric acid as defined in the Notice of Initiation and the corresponding weight or volume. State the unit of weight or volume used.

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

<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 a confidential document pursuant to Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

<sup>(2)</sup> The 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Croatia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

**3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES <sup>(1)</sup>**

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 review. Such activities could include but are not limited to purchasing the product under review or producing it under sub-contracting arrangements, or processing or trading the product under review.

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:

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<sup>(1)</sup> In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party 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 control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). 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. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

## PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

### EUROPEAN COMMISSION

#### **Prior notification of a concentration**

#### **(Case M.8421 — WestRock/MPS)**

**(Text with EEA relevance)**

(2017/C 122/07)

1. On 7 April 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which WestRock Company ('WestRock', USA) acquires sole control, within the meaning of Article 3(1)(b) of the Merger Regulation, of Multi Packaging Solutions International Limited ('MPS', Bermuda) by way of a purchase of shares.

2. The business activities of the undertakings concerned are:

- WestRock is a multinational provider of paper and packaging solutions for consumer and corrugated packaging markets. It provides a variety of packaging solutions such as folding cartons, paperboard, dispensing systems, point-of-purchase displays, corrugated containers, portioning and protective packaging to customers in the beauty and personal care, beverage, food, foodservice, healthcare, home and garden, retail and tobacco sectors. WestRock also manufactures kraft paper, bleached paperboard and coated recycled paperboard as well as offering commercial printing solutions;
- MPS is active in the manufacture and sale of specialty packaging solutions. This includes premium folding cartons, such as gift boxes, packaging inserts, such as leaflets and booklets, labels, mainly for pharmaceutical goods, consumer goods and media purposes, and rigid packaging, for perfumes and spirits.

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.

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](mailto:COMP-MERGER-REGISTRY@ec.europa.eu) or by post, under reference M.8421 — WestRock/MPS, to the following address:

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

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

**Prior notification of a concentration**  
**(Case M.8426 — Linde/PJSC Power Machines/JV)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2017/C 122/08)

1. On 7 April 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Linde AG (Germany) and PJSC Power Machines (Russia) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a joint venture company, currently named Linde Power Machines LLC (Russia) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Linde AG: Linde AG is an international gas and technology group active in industrial gases, medical gases, equipment, engineering and services sectors. It is composed of two main business divisions, the gases division and engineering division, and a smaller logistics services division.
- for PJSC Power Machines: PJSC Power Machines is a Russia-based manufacturer of power generation equipment and other devices for power plants, in particular turbines and generators.
- for Linde Power Machines LLC: Linde Power Machines LLC will be active in engineering, production and distribution of stainless steel heat exchange equipment for natural gas liquefaction units as well as provision of related services and spare parts and will be primarily active in Russia.

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 the 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 this 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 M.8426 — Linde/PJSC Power Machines/JV, to the following address:

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

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

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





