

# Official Journal of the European Union

# C 162



English edition

## Information and Notices

Volume 60

23 May 2017

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## II

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

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case M.8379 — SGID/Hellenic Republic/IPTO)****(Text with EEA relevance)**

(2017/C 162/01)

On 10 May 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 32017M8379. EUR-Lex is the online access to European law.

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

**Non-opposition to a notified concentration****(Case M.8388 — Ares/Baupost/Nova Eventis)****(Text with EEA relevance)**

(2017/C 162/02)

On 12 May 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 32017M8388. EUR-Lex is the online access to European law.

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

**Non-opposition to a notified concentration**  
**(Case M.8447 — EDF/CDC/Mitsubishi Corporation/NGM)**  
**(Text with EEA relevance)**  
(2017/C 162/03)

On 17 May 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 32017M8447. 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>

22 May 2017

(2017/C 162/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1243	CAD	Canadian dollar	1,5174
JPY	Japanese yen	125,18	HKD	Hong Kong dollar	8,7533
DKK	Danish krone	7,4432	NZD	New Zealand dollar	1,6120
GBP	Pound sterling	0,86353	SGD	Singapore dollar	1,5581
SEK	Swedish krona	9,7895	KRW	South Korean won	1 256,08
CHF	Swiss franc	1,0911	ZAR	South African rand	14,8198
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,7457
NOK	Norwegian krone	9,3723	HRK	Croatian kuna	7,4415
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	
CZK	Czech koruna	26,488	MYR	Malaysian ringgit	4,8395
HUF	Hungarian forint	308,65	PHP	Philippine peso	55,863
PLN	Polish zloty	4,1927	RUB	Russian rouble	63,7417
RON	Romanian leu	4,5609	THB	Thai baht	38,642
TRY	Turkish lira	4,0027	BRL	Brazilian real	3,7029
AUD	Australian dollar	1,5049	MXN	Mexican peso	20,9641
			INR	Indian rupee	72,5570

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

**Information provided by the Commission in accordance with Article 8, second subparagraph, of Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services <sup>(1)</sup>**

**Statistics on technical regulations notified in 2016 under the Directive (EU) 2015/1535 notification procedure**

(Text with EEA relevance)

(2017/C 162/05)

I. Table showing the different types of reactions addressed to Member States of the European Union regarding their respective notified drafts.

Member States	Number of Notifications	Comments <sup>(1)</sup>			Detailed opinions <sup>(2)</sup>		Proposals for EU legislation	
		MS	COM	EFTA <sup>(3)</sup> TR <sup>(4)</sup>	MS	COM	6.3 <sup>(5)</sup>	6.4 <sup>(6)</sup>
Belgium	30	1	6	0	0	1	0	0
Bulgaria	14	3	6	0	2	3	0	0
Czech Rep.	38	10	13	0	7	6	0	0
Denmark	34	2	9	0	1	2	0	0
Germany	63	12	18	0	11	4	0	0
Estonia	14	2	1	0	0	0	0	0
Ireland	11	4	2	0	16	1	0	0
Greece	8	3	3	0	0	1	0	0
Spain	19	3	4	0	0	3	0	0
France	80	10	14	0	4	11	0	0
Croatia	18	6	9	0	3	2	0	0
Italy	40	4	9	0	3	3	0	0
Cyprus	2	0	2	0	0	1	0	0
Latvia	8	2	1	0	0	1	0	0
Lithuania	7	3	1	0	1	0	0	0
Luxembourg	3	2	1	0	0	0	0	0
Hungary	31	6	3	0	3	3	0	0
Malta	10	2	5	0	0	3	0	0

<sup>(1)</sup> OJ L 241, 17.9.2015, p. 1. Hereinafter 'the Directive'.

Member States	Number of Notifications	Comments <sup>(1)</sup>			Detailed opinions <sup>(2)</sup>		Proposals for EU legislation	
		MS	COM	EFTA <sup>(3)</sup> TR <sup>(4)</sup>	MS	COM	6.3 <sup>(5)</sup>	6.4 <sup>(6)</sup>
Netherlands	45	6	9	0	4	4	0	0
Austria	34	3	12	0	3	1	0	0
Poland	28	5	5	0	4	0	0	0
Portugal	3	3	0	0	1	1	0	0
Romania	6	0	0	0	0	0	0	0
Slovenia	20	2	10	0	10	3	0	0
Slovakia	12	8	9	0	1	1	0	0
Finland	43	8	7	0	5	5	0	0
Sweden	33	5	5	0	0	0	0	0
United Kingdom	46	1	6	0	0	5	0	0
<b>EU total</b>	<b>700</b>	<b>116</b>	<b>170</b>	<b>0</b>	<b>79</b>	<b>65</b>	<b>0</b>	<b>0</b>

<sup>(1)</sup> Article 5.2 of the Directive.

<sup>(2)</sup> Article 6.2 of the Directive.

<sup>(3)</sup> Under the Agreement on the European Economic Area, EFTA countries which are contracting parties to this Agreement shall apply Directive (EU) 2015/1535, adapted as necessary in accordance with Annex II, Chapter XIX, Point 1, and may therefore issue comments concerning drafts notified by European Union Member States. Switzerland may also issue such comments, on the basis of an informal agreement on the exchange of information in the field of technical regulations.

<sup>(4)</sup> The notification procedure under the Directive was extended to Turkey under the Association Agreement concluded with that country (the Association Agreement between the European Economic Community and Turkey (OJ 217, 29.12.1964, p. 3687/64) and Decisions 1/95 and 2/97 of the EC-Turkey Association Council).

<sup>(5)</sup> Article 6.3 of the Directive requiring Member States to postpone the adoption of the notified draft (with the exception of draft regulations relating to Information Society services) for 12 months from its reception by the Commission if the latter announces its intention to propose or adopt a directive, a regulation or a decision on this subject.

<sup>(6)</sup> Article 6.4 of the Directive requiring Member States to postpone the adoption of the notified draft for 12 months from its reception by the Commission if the latter announces its finding that the draft concerns a matter which is covered by a proposal for a directive, regulation or decision presented to the European Parliament and the Council.

II. Table showing the breakdown by sector of the drafts notified by Member States of the European Union.

Sector	BE	BG	CZ	CY	DK	DE	EE	IE	GR	ES	FR	HR	IT	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Total
Building and construction	5	3	8	1	7	18	2	3	0	4	4	3	4	0	2	0	1	0	9	17	3	0	3	1	2	18	1	12	131
Agriculture, fisheries and food	4	9	13	0	7	5	0	7	1	5	16	3	14	4	2	0	6	8	8	2	5	0	1	8	1	8	6	2	145
Chemical products	2	1	2	0	1	4	1	0	1	3	1	0	0	0	0	0	0	0	5	1	0	0	1	0	0	4	5	0	32
Pharmaceutical products	0	1	2	0	0	5	4	0	0	0	11	0	0	1	1	0	6	0	0	0	0	1	0	0	0	1	1	3	37
Domestic and leisure equipment	0	0	0	0	1	1	0	0	0	5	1	0	3	2	0	0	0	1	0	2	4	0	0	0	1	1	1	1	24
Mechanical	0	0	1	0	1	0	1	0	0	0	0	7	3	0	1	0	1	0	5	1	2	0	0	2	0	0	3	3	31
Energy, minerals, wood	2	0	1	0	3	2	0	0	5	0	4	0	0	0	0	1	0	0	7	0	5	0	0	0	3	0	1	3	37
Environment, packaging	2	0	5	0	1	3	2	0	0	0	7	2	8	0	1	0	4	0	8	3	2	2	1	0	1	0	0	3	55
Health, medical equipment	1	0	0	0	2	1	0	0	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10
Transport	6	0	0	0	10	7	1	0	1	2	5	0	1	0	0	0	2	0	1	2	3	0	0	0	1	7	11	11	71
Telecommunications	3	0	0	0	0	10	2	0	0	0	2	0	0	0	0	2	1	0	0	1	0	0	0	0	0	2	2	6	31
Miscellaneous products	0	0	6	1	1	1	1	1	0	0	4	3	5	0	0	0	6	0	0	1	2	0	0	1	2	0	2	1	38
Information society services	5	0	0	0	0	6	0	0	0	0	19	0	2	1	0	0	4	1	2	4	2	0	0	8	1	2	0	1	58
<b>Total per Member State</b>	<b>30</b>	<b>14</b>	<b>38</b>	<b>2</b>	<b>34</b>	<b>63</b>	<b>14</b>	<b>11</b>	<b>8</b>	<b>19</b>	<b>80</b>	<b>18</b>	<b>40</b>	<b>8</b>	<b>7</b>	<b>3</b>	<b>31</b>	<b>10</b>	<b>45</b>	<b>34</b>	<b>28</b>	<b>3</b>	<b>6</b>	<b>20</b>	<b>12</b>	<b>43</b>	<b>33</b>	<b>46</b>	<b>700</b>



III. Table showing the breakdown by number of comments issued by the European Commission concerning drafts notified by Iceland, Lichtenstein, Norway <sup>(2)</sup> and Switzerland <sup>(3)</sup>.

Country	Notifications	EC Observations <sup>(1)</sup>
Iceland	6	1
Liechtenstein	1	2
Switzerland	1	5
Norway	34	6
<b>Total</b>	<b>42</b>	<b>14</b>

<sup>(1)</sup> The only type of reaction provided for under the Agreement on the European Economic Area (see note 3 of the table of point I and footnote 2) is the possibility that the European Commission issues comments (Article 5.2 of the Directive as included in Annex II, Chapter XIX, Point 1 of this Agreement). The same type of reaction may be issued with regard to notifications from Switzerland on the basis of the informal agreement between the EU and this country (see note 3 of the table of point I and footnote 2).

IV. Table showing the breakdown by sector of drafts notified by Iceland, Norway, Liechtenstein and Switzerland.

Sector	Iceland	Liechtenstein	Norway	Switzerland	Total
Agriculture, fishing and foodstuffs	0	0	4	0	4
Mechanics	1	0	11	0	12
Building and construction	0	0	4	0	4
Transport	0	0	10	0	10
Telecoms	0	0	1	1	2
Goods and miscellaneous products	0	0	2	0	2
Environment	2	0	1	0	3
Information society services	0	0	1	0	1
Domestic and leisure equipment	0	1	0	0	1
Pharmaceuticals and cosmetics	3	0	0	0	3
<b>Total per country</b>	<b>6</b>	<b>1</b>	<b>34</b>	<b>1</b>	<b>42</b>

V. Table showing drafts notified by Turkey and the comments issued by the European Commission relating to these drafts

Turkey	Notifications	EC Comments
<b>Total</b>	<b>15</b>	<b>3</b>

<sup>(2)</sup> The Agreement on the European Economic Area (see note 3 of the table of point I) lays down the obligation for EFTA countries party to this Agreement to notify draft technical regulations to the Commission.

<sup>(3)</sup> On the basis of the informal agreement on the exchange of information in the field of technical regulations (see note 3 of the table of point I), Switzerland also submits its draft technical regulations to the Commission.

## VI. Table showing the breakdown by sector of drafts notified by Turkey

Sector	Turkey
Building and construction	7
Transport	2
Energy, minerals, wood	1
Mechanics	2
Miscellaneous products	3
<b>Total</b>	<b>15</b>

## VII. Statistics on infringement proceedings in progress in 2016 and launched on the basis of Article 258 TFEU for breach of the provisions of Directive (EU) 2015/1535

Country	Number of infringements in progress and launched in 2016
Poland	2
<b>EU total</b>	<b>2</b>

## EUROPEAN DATA PROTECTION SUPERVISOR

### **Summary of the Opinion of the European Data Protection Supervisor on the Proposal for a European Travel Information and Authorisation System (ETIAS)**

*(The full text of this Opinion can be found in English, French and German on the EDPS website [www.edps.europa.eu](http://www.edps.europa.eu))*

(2017/C 162/06)

EU border management policy has witnessed notable developments over the past years, due to the challenges posed by the influx of refugees and migrants, as well as security concerns heightened by the attacks in Paris, Brussels and Nice. The situation at present and the need to guarantee safety within the territory of the Member States prompted the Commission to launch several legislative initiatives aiming at improving control over persons accessing the Schengen Area.

One of these initiatives is the Proposal for a Regulation establishing a European Travel Information and Authorisation System ('ETIAS'), tabled by the Commission on 16 November 2016.

According to the Proposal, the system would require visa-exempt travellers to undergo a risk assessment with respect to security, irregular migration and public health risks prior to their arrival at the Schengen borders. This assessment would be carried out by means of cross-checking applicant's data submitted through ETIAS against other EU information systems, a dedicated ETIAS watchlist and screening rules. This process will result in granting — or denying — an automated authorisation for entering the EU.

With the ETIAS Proposal, the EU legislator appears to follow the increasing trend of addressing security and migration management purposes jointly, without taking into account the substantial distinctions between these two policy areas. The establishment of ETIAS would have a significant impact on the right to the protection of personal data, since various kinds of data, collected initially for very different purposes, will become accessible to a broader range of public authorities (i.e. immigration authorities, border guards, law enforcement authorities, etc.). For this reason, the EDPS considers that there is a need for conducting an assessment of the impact that the Proposal will entail on the right to privacy and the right to data protection enshrined in the Charter of Fundamental Rights of the EU, which will take stock of all existing EU-level measures for migration and security objectives.

Moreover, the ETIAS Proposal raises concerns regarding the process of determining the possible risks posed by the applicant. In this regard, specific attention should be given to the definition of those risks as such. Given that the consequence for an individual could be a denial of entry, the law should clearly define what the assessed risks are. The EDPS also questions the existence of the ETIAS screening rules. The EDPS understands that the legislator's objective is to create a tool enabling the automatic singling out of visa-exempt third country nationals suspected of posing such risks. Nonetheless, profiling, as any other form of computerised data analysis applied to individuals, raises serious technical, legal and ethical questions. Therefore, the EDPS calls for convincing evidence supporting the necessity of using profiling tools for the purposes of ETIAS.

Furthermore, the EDPS questions the relevance of collecting and processing health data as envisaged in the Proposal. He asks for better justification of the chosen data retention period and of the necessity of granting access to national law enforcement agencies and Europol.

Finally, he provides recommendations for instance on the division of roles and responsibilities between the different entities involved and the architecture and information security of ETIAS.

## I. INTRODUCTION

1. The European Commission's initiative of establishing a European Travel Information and Authorisation System (hereinafter referred to as 'ETIAS') dates back to a Communication of 2008 entitled 'Preparing the next steps in border management in the European Union' <sup>(1)</sup>. In this Communication, the Commission suggested new tools for the future management of European borders — notably the Entry/Exist System ('EES') and the Registered Traveller Programme ('RTP') — and considered for the first time the introduction of ETIAS, called an EU Electronic System of Travel Authorisation ('ESTA') at the time. The EDPS issued preliminary comments <sup>(2)</sup> on this Communication the same year.
2. In February 2011, the Commission issued a Policy Study <sup>(3)</sup> analysing four different options for the introduction of an EU ESTA. The Study reached the conclusion that the conditions were not met at the time to justify building an EU ESTA. In a Communication <sup>(4)</sup> of 2012 related to Smart Borders, the Commission considered that the establishment of an EU ESTA should be temporarily discarded but announced its intention to continue the work on the EES and the RTP.
3. In the Communication <sup>(5)</sup> 'Stronger and Smarter Information Systems for Borders and Security' of 6 April 2016, the Commission announced that it will assess the necessity, technical feasibility and the proportionality of establishing a future European Travel Information and Authorisation System. The same year, the Commission carried out a Feasibility Study, which used as a benchmark three other existing travel authorisation systems in the world: the ESTA in the USA, the eTA in Canada and the eVisitor in Australia.
4. On 16 November, the Commission released the Final Report of the Feasibility Study <sup>(6)</sup> (hereinafter referred to as '2016 Feasibility Study') as well as the Proposal for ETIAS (hereinafter referred to as 'the Proposal').
5. The EDPS welcomes that he was informally consulted by the Commission services before the adoption of the Proposal. However, he regrets that due to the very tight deadline and the importance and the complexity of the Proposal it was not possible to provide a meaningful contribution at that time.

## V. CONCLUSION

113. The EDPS welcomes the attention paid to data protection throughout the Proposal for the establishment of ETIAS.
114. In full respect for the role of the legislator in assessing the necessity and the proportionality of the proposed measures, the EDPS recalls that these two high-level legal requirements enshrined by the Charter can be scrutinised by the Court of Justice of the EU and that the EDPS is tasked with safeguarding them. He underlines that the lack of a (data protection) impact assessment does not make it possible to assess the necessity and proportionality of ETIAS as it is currently proposed.
115. Since the Proposal establishes an additional system involving the processing of a significant amount of personal data of third country nationals for immigration and security objectives, the EDPS advises the legislator to take a stock tacking exercise of all EU-level measures involving data processing for migration and security objectives and to conduct an in-depth analysis in terms of their goals and achievements.
116. In this context, the EDPS recommends to include a definition of irregular migration risks and security risks in the Proposal to comply with the purpose limitation principle.

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<sup>(1)</sup> Communication of 13 February 2008 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Preparing the next steps in border management in the European Union', COM(2008) 69 final.

<sup>(2)</sup> Preliminary Comments of the EDPS of 3 March 2008, available at: [https://secure.edps.europa.eu/EDPSWEB/webdav/shared/Documents/Consultation/Comments/2008/08-03-03\\_Comments\\_border\\_package\\_EN.pdf](https://secure.edps.europa.eu/EDPSWEB/webdav/shared/Documents/Consultation/Comments/2008/08-03-03_Comments_border_package_EN.pdf)

<sup>(3)</sup> Policy study on an EU Electronic System for travel Authorisation (EU ESTA) of February 2011, available at: [http://ec.europa.eu/dgs/home-affairs/e-library/docs/pdf/esta\\_annexes\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/pdf/esta_annexes_en.pdf)

<sup>(4)</sup> Communication of 25 October 2011 from the Commission to the European Parliament and the Council 'Smart borders — Options and the way ahead', COM(2011) 680 final.

<sup>(5)</sup> Communication of 6 April 2016 from the Commission to the European Parliament and the Council 'Stronger and Smarter Information Systems for Borders and Security', COM(2016) 205 final.

<sup>(6)</sup> Feasibility Study of 16 November 2016 for a European Travel Information and Authorisation System (ETIAS) — Final Report available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/legislative-documents/docs/20161116/etias\\_feasability\\_study\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/legislative-documents/docs/20161116/etias_feasability_study_en.pdf)

117. Furthermore, the EDPS is concerned whether the use of the ETIAS screening rules will be fully in line with the fundamental rights enshrined in the Charter. He recommends that the proposed ETIAS screening rules be subject to a prior comprehensive assessment of their impact on fundamental rights. He also wonders whether convincing evidence supports the necessity of using profiling tools for the purposes of ETIAS and, *quod non*, encourages the legislator to reconsider the use of profiling.
118. The EDPS questions the relevance and the efficiency of the collection and processing of health data as envisaged in the Proposal due to the lack of their reliability. He also wonders about the necessity to process such data due to the limited link between health risks and visa-exempt travellers.
119. As regards law enforcement and Europol access to ETIAS data, the EDPS stresses that convincing evidence supporting the necessity of such access is today missing. The EDPS recalls that necessity and proportionality of new schemes are to be assessed both globally, taking into consideration the already existing large-scale IT systems in the EU, and specifically, in the specific case of the third country nationals concerned who are legally visiting and entering the EU.
120. In addition to the main concerns identified above, the recommendations of the EDPS in the present opinion relate to the following aspects of the Proposal:
- the necessity and proportionality of the set of data collected,
  - the chosen data retention periods,
  - the interoperability of ETIAS with other IT systems,
  - the data subjects' rights and provided remedies,
  - the independent review of the conditions for access by law enforcement authorities,
  - the division of roles and responsibility between the EBCG Agency and eu-LISA,
  - the verification by the ETIAS Central Unit,
  - the architecture and information security of the ETIAS,
  - the statistics generated by the system, and
  - the role of the EDPS.
121. The EDPS remains available to provide further advice on the Proposal, also in relation to any delegated or implementing act adopted pursuant to the proposed Regulation, which might have an impact on the processing of personal data.

Brussels, 6 March 2017.

Giovanni BUTTARELLI  
European Data Protection Supervisor

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## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand**

(2017/C 162/07)

The European Commission ('the Commission') has received a request for a partial interim review pursuant to Article 11(3) 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>(1)</sup> ('the basic Regulation').

**1. Request for review**

The request for review was lodged by Hebei Yulong Casting Co., Ltd ('the applicant'), a Chinese exporting producer of threaded tube or pipe cast fittings of malleable cast iron, for imports originating in the People's Republic of China.

As the measures also apply to imports originating in Thailand, the Commission has decided on its own initiative to initiate the review for imports originating in Thailand.

The review is limited to the examination of the product scope as regards the clarification of whether certain product types fall within the scope of the anti-dumping measures applicable to imports of certain of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand ('the countries concerned').

**2. Product under review**

The product subject to this review is threaded tube or pipe cast fittings, of malleable cast iron, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid ('the product under review'), currently falling within CN code ex 7307 19 10 (TARIC code 7307 19 10 10).

**3. Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 430/2013 <sup>(2)</sup>.

**4. Grounds for the review**

The applicant requests the exclusion of certain threaded tube or pipe cast fittings of malleable cast iron from the scope of the current anti-dumping measures. The products alleged to be excluded are:

- bodies of compression fittings using DIN 28601 thread, and
- cross-shaped fittings with two unthreaded central through holes.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> Council Implementing Regulation (EU) No 430/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia (OJ L 129, 14.5.2013, p. 1).

The request pursuant to Article 11(3) is based on prima facie evidence provided by the applicant that the basic physical, technical and/or chemical characteristics of the products to be excluded significantly differ from those of the product under review. The same evidence is considered applicable to the product under review from both countries concerned.

## 5. Procedure

Having determined, after informing the Member States, that sufficient evidence exists to justify the initiation of a partial interim review limited to the examination of the product scope as regards the clarification of whether certain product types fall within the scope of the anti-dumping measures applicable to imports of the product under review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation.

Any Regulation which may result from this review might possibly have a retroactive effect as of the date of imposition of the relevant measures, or alternatively from a later date, for instance the date of publication of this Notice in the *Official Journal of the European Union*. All interested parties, and in particular importers, are invited to make their views known on this issue, and submit any evidence supporting those views.

### 5.1. Written submissions

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*.

In order to obtain information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant as exporting producer. In addition, the Commission may send questionnaires to interested parties that have come forward. 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*.

### 5.2. 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.

### 5.3. 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.

<sup>(1)</sup> A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Regulation (EU) 2016/1036 (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). 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 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-R661-MALLEABLE-FITTINGS@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.

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 product scope of the current measures.

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. 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.





ISSN 1977-091X (electronic edition)  
ISSN 1725-2423 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**