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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ 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.8550 — USS/L/Goldman Sachs/Redexis Gas)****(Text with EEA relevance)**

(2017/C 234/01)

On 13 July 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 ⁽¹⁾. 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 32017M8550. EUR-Lex is the on-line access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

19 July 2017

(2017/C 234/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,1533	CAD Canadian dollar	1,4540
JPY Japanese yen	129,03	HKD Hong Kong dollar	9,0059
DKK Danish krone	7,4369	NZD New Zealand dollar	1,5640
GBP Pound sterling	0,88485	SGD Singapore dollar	1,5773
SEK Swedish krona	9,5598	KRW South Korean won	1 294,27
CHF Swiss franc	1,0994	ZAR South African rand	14,8896
ISK Iceland króna		CNY Chinese yuan renminbi	7,7889
NOK Norwegian krone	9,3018	HRK Croatian kuna	7,4143
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	15 359,65
CZK Czech koruna	26,035	MYR Malaysian ringgit	4,9436
HUF Hungarian forint	306,42	PHP Philippine peso	58,633
PLN Polish zloty	4,2127	RUB Russian rouble	68,0915
RON Romanian leu	4,5670	THB Thai baht	38,751
TRY Turkish lira	4,0576	BRL Brazilian real	3,6432
AUD Australian dollar	1,4532	MXN Mexican peso	20,1750
		INR Indian rupee	74,1515

⁽¹⁾ Source: reference exchange rate published by the ECB.

EUROPEAN DATA PROTECTION SUPERVISOR

Summary of the Opinion of the European Data Protection Supervisor on the Proposal for a Regulation on Privacy and Electronic Communications (ePrivacy Regulation)

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

(2017/C 234/03)

This Opinion outlines the position of the EDPS on the Proposal for a Regulation on Privacy and Electronic Communications, which is to repeal and replace the ePrivacy Directive.

Without the ePrivacy Regulation, the EU privacy and data protection framework would be incomplete. While the GDPR — the General Data Protection Regulation — is a great achievement, we need a specific legal tool to protect the right to private life guaranteed by Article 7 of the Charter of Fundamental Rights, of which confidentiality of communications is an essential component. The EDPS therefore welcomes and supports the Proposal which aims to do just that. The EDPS also supports the choice of legal instrument, i.e. a regulation which will be directly applicable and contribute to a greater level of harmonisation and consistency. He welcomes the ambition to provide a high level of protection with respect to both content and metadata and supports the objective of extending the confidentiality obligations to a broader range of services — including the so-called ‘over the top’ services (OTTs) — which reflects the progress of technology. He also considers that the decision to grant enforcement powers solely to data protection authorities, and the availability of the cooperation and consistency mechanisms within the future European Data Protection Board (EDPB), will contribute to more consistent and effective enforcement across the EU.

At the same time, the EDPS has concerns whether the Proposal, as it stands, can in fact deliver on its promise to ensure a high level of protection of privacy in electronic communications. We need a new legal framework for ePrivacy, but we need a smarter, clearer and stronger one. There is still a lot to do: the complexity of the rules, as outlined in the Proposal, is daunting. Communications are sliced into metadata, content data, data emitted by terminal equipment. Each being entitled to a different level of confidentiality and subject to different exceptions. This complexity may bring a risk of — perhaps unintended — gaps in protection.

Most of the definitions on which the Proposal relies will be negotiated and decided in the context of a different legal instrument: the European Electronic Communications Code. There is no legal justification today for linking the two instruments so closely and the competition and market-focused definitions from the Code are simply not fit for purpose in the fundamental rights context. The EDPS therefore argues for including a set of necessary definitions in the ePrivacy Regulation, taking into account its intended scope and objectives.

We also need to pay particular attention to the question of processing of electronic communications data by controllers other than providers of electronic communications services. The additional protections offered to communications data would be pointless if they could easily be circumvented by, for example, transferring the data to third parties. It should also be ensured that the ePrivacy rules do not permit a lower standard of protection than that enshrined in the GDPR. For example, consent should be genuine, offering a freely given choice to users, as required under the GDPR. There should be no more ‘tracking walls’. In addition, the new rules must also set strong requirements for privacy by design and by default. Finally, in this Opinion, the EDPS also addresses other pressing issues, including the restrictions to the scope of the rights.

1. INTRODUCTION AND BACKGROUND

This Opinion (Opinion) is in response to a request of the European Commission (Commission) to the European Data Protection Supervisor (EDPS), as an independent supervisory authority and advisory body, to provide an opinion on the

Proposal for a Regulation on Privacy and Electronic Communications⁽¹⁾ (the Proposal). The Proposal is intended to repeal and replace Directive 2002/58/EC on privacy and electronic communications (the ePrivacy Directive)⁽²⁾. The Commission also requested the opinion of the Article 29 Data Protection Working Party (WP29), to which the EDPS contributed as a full member⁽³⁾.

This Opinion follows upon our Preliminary Opinion 5/2016 on the review of the ePrivacy Directive (2002/58/EC)⁽⁴⁾, issued on 22 July 2016. The EDPS may also provide further advice in subsequent stages of the legislative procedure.

The Proposal is one of the key initiatives of the Digital Single Market Strategy⁽⁵⁾, aimed at reinforcing trust and security in digital services in the EU with a focus on ensuring a high level of protection for citizens and a level playing field for all market players across the EU.

The Proposal seeks to modernise and update the ePrivacy Directive as part of the wider effort to provide a coherent and harmonised legal framework for data protection in Europe. The ePrivacy Directive particularises and complements Directive 95/46/EC⁽⁶⁾, which will be replaced by the recently adopted General Data Protection Regulation (GDPR)⁽⁷⁾.

The EDPS first, in Section 2, summarises his main observations about the Proposal, focusing on the Proposal's positive aspects. Second, in Section 3, he raises his remaining key concerns and provides recommendations how to address them. Additional concerns and recommendations for further improvements are described in the Annex to this Opinion, discussing the Proposal in more detail. Addressing the concerns raised in this Opinion and its Annex and further improving the text of the ePrivacy Regulation would not only serve to better protect end-users and other data subjects concerned, but also introduce more legal certainty for all stakeholders involved.

4. CONCLUSIONS

The EDPS welcomes the Commission's Proposal for a modernised, updated and strengthened ePrivacy Regulation. He shares the view that there is a continued need to have specific rules to protect the confidentiality and security of electronic communications in the EU and to complement and particularise the requirements of the GDPR. He also considers that we need simple, targeted and technologically neutral legal provisions that provide strong, smart and effective protection for the foreseeable future.

The EDPS welcomes the declared ambition to provide a high level of protection with respect to both content and meta-data, in particular the key positive elements outlined in Section 2.1.

Whilst welcoming the Proposal, the EDPS remains concerned about a number of provisions that risk undermining the intention of the Commission to ensure a high level of protection of privacy in electronic communications. In particular, the EDPS has the following key concerns:

- the definitions under the Proposal must not depend on the separate legislative procedure concerning the Directive establishing the European Electronic Communications Code⁽⁸⁾ (the EECC Proposal);

⁽¹⁾ Proposal for a Regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on privacy and electronic communications), COM(2017) 10 final, 2017/0003 (COD).

⁽²⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).

⁽³⁾ WP29 Opinion 1/2017 on the Proposed Regulation for the ePrivacy Regulation (2002/58/EC) (WP247), adopted on 4 April 2017. See also WP29 Opinion 3/2016 on the evaluation and review of the ePrivacy Directive (2002/58/EC) (WP240), adopted on 19 July 2016.

⁽⁴⁾ See https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2016/16-07-22_Opinion_ePrivacy_EN.pdf.

⁽⁵⁾ A Digital Single Market Strategy for Europe, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, 6 May 2015 (COM(2015) 192 final) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0192&from=EN>.

⁽⁶⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽⁷⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁸⁾ Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code, COM (2016) 590 final/2, 2016/0288(COD) of 12.10.2016.

- the provisions on end-user consent need to be strengthened. Consent must be requested from the individuals who are using the services, whether or not they have subscribed for them and from all parties to a communication. In addition, data subjects who are not parties to the communications must also be protected;
- it must be ensured that the relationship between the GDPR and the ePrivacy Regulation does not leave loopholes for the protection of personal data. Personal data collected based on end-user consent or another legal ground under the ePrivacy Regulation must not be subsequently further processed outside the scope of such consent or exception on a legal ground which might otherwise be available under the GDPR, but not under the ePrivacy Regulation;
- the Proposal lacks ambition with regard to the so-called ‘tracking walls’ (also known as ‘cookie walls’). Access to websites must not be made conditional upon the individual being forced to ‘consent’ to being tracked across websites. In other words, the EDPS calls on the legislators to ensure that consent will be genuinely freely given;
- the Proposal fails to ensure that browsers (and other software placed on the market permitting electronic communications) will by default be set to prevent tracking individuals’ digital footsteps;
- the exceptions regarding tracking of location of terminal equipment are too broad and lack adequate safeguards;
- the Proposal includes the possibility for Member States to introduce restrictions; these call for specific safeguards.

These main concerns — along with recommendations how to address them — are outlined in this Opinion. Beyond our general comments and key concerns detailed in the main body of the Opinion, the EDPS also provides further — and sometimes more technical — comments and recommendations on the Proposal in an Annex, in particular, to facilitate the work of legislators and other stakeholders who wish to further improve the text during the legislative process. Finally, we also note the importance of a swift processing of this important dossier by the legislators, to ensure that the ePrivacy Regulation, as intended, may apply as of 25 May 2018, the date when the GDPR itself will also become applicable.

The importance of confidentiality of communications as laid down in Article 7 of the Charter is growing with the increased role that electronic communications play in our society and economy. The safeguards outlined in this Opinion will play a key role in ensuring the success of the Commission’s long term strategic objectives outlined in its DSM Strategy.

Done at Brussels, 24 April 2017.

Giovanni BUTTARELLI

European Data Protection Supervisor

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of a partial interim review of the countervailing measures applicable to
imports of certain rainbow trout originating in Turkey**

(2017/C 234/04)

The European Commission ('the Commission') has received a request for an interim review pursuant to Article 19 of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾ ('the basic anti-subsidy Regulation').

1. Request for review

The request for review was lodged by the Aegean Exporters Association ('the applicant'), on behalf of producers/exporters of rainbow trout of Turkey ('the country concerned').

2. Product under review

The product subject to this review is rainbow trout (*Oncorhynchus mykiss*)

- live weighing 1,2 kg or less each, or
- fresh, chilled, frozen and/or smoked:
 - in the form of whole fish (with heads on), whether or not gilled, whether or not gutted, weighing 1,2 kg or less each, or
 - with heads off, whether or not gilled, whether or not gutted, weighing 1 kg or less each, or
 - in the form of fillets weighing 400 g or less each,

originating in Turkey and currently falling within CN codes ex 0301 91 90, ex 0302 11 80, ex 0303 14 90, ex 0304 42 90, ex 0304 82 90 and ex 0305 43 00 (TARIC codes 0301 91 90 11, 0302 11 80 11, 0303 14 90 11, 0304 42 90 10, 0304 82 90 10 and 0305 43 00 11) ('product under review').

3. Existing measures

The measures currently in force are a definitive countervailing duty imposed by Commission Implementing Regulation (EU) 2015/309 ⁽²⁾.

The applicant alleges that the continued imposition of the measure on imports of the product under review at its current level is no longer necessary to offset the countervailable subsidisation. In this respect, the applicant has provided sufficient evidence showing a significant change in the structure and the terms of the implementation of the direct subsidies granted to producers on a per kg of rainbow trout produced. With the new modalities eligibility limits are reached much faster, and for any production above that limit, no more subsidies are granted. Therefore this change resulted in a significant decrease of the subsidy amount received by, in particular, the large exporting producers of the product under review.

In the light of the above, the Commission considers that there is sufficient *prima facie* evidence that the circumstances with regard to subsidisation have changed significantly and are of a lasting nature and, therefore, the measures should be reviewed.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ Commission Implementing Regulation (EU) 2015/309 of 26 February 2015 imposing a definitive countervailing duty on imports of certain rainbow trout originating in Turkey (OJ L 56, 27.2.2015, p. 12).

4. 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 subsidisation, the Commission initiates a review in accordance with Article 19 of the basic Regulation. The purpose of the review is to establish if the continued imposition of the measures is still necessary to offset the countervailable subsidy.

Following the review, it may be necessary to amend the rate of duty imposed on imports of certain rainbow trout originating in Turkey.

The Government of Turkey has been invited for consultations.

4.1. Procedure for the determination of the need for the continued imposition of the measures

Exporting producers⁽¹⁾ of the product under review from Turkey and the authorities of Turkey are invited to participate in the Commission investigation.

Investigating exporting producers

Procedure for selecting exporting producers to be investigated in Turkey

(a) Sampling

In view of the potentially large number of exporting producers in Turkey involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

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

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

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

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the 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 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 country concerned.

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 application of Article 28 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'). Without prejudice to section (b) below, the countervailing duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average amounts of subsidisation established for the exporting producers in the sample⁽²⁾.

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

⁽²⁾ Pursuant to Article 15(3) of the basic Regulation, any zero and *de minimis* amounts of countervailable subsidies and amounts of countervailable subsidies established in the circumstances referred to in Article 28 of the basic Regulation shall be disregarded.

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

Non-sampled cooperating exporting producers may request, pursuant to Article 27(3) of the basic Regulation, that the Commission establish their individual subsidy amounts. The exporting producers wishing to claim an individual subsidy margin must request a questionnaire and return it duly completed within 37 days of the date of notification of the sample selection, unless otherwise specified.

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

4.2. **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*.

4.3. **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.

4.4. **Instructions for making written submissions and sending completed questionnaires and correspondence**

Information submitted to the Commission for the purpose of trade defence investigations should 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 on a confidential basis should be labelled 'Limited' ⁽¹⁾. Any request for confidential treatment must be duly justified.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 29(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing information on a confidential basis 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. 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.

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 29 of Regulation (EU) 2016/1037 (OJ L 176, 30.6.2016, p. 55.) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures. It is also a document protected in accordance with Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Email: trade_trout_review@ec.europa.eu

5. 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 28 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 28 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.

6. 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 relating to the investigation.

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/>.

7. Schedule of the investigation

The investigation will be concluded, pursuant to Article 22(1) of the basic Regulation within 15 months of the date of the publication of this Notice in the *Official Journal of the European Union*.

8. 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 ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX

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

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS CERTAIN RAINBOW TROUT ORIGINATING IN TURKEY**INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN TURKEY**

This form is designed to assist exporting producers in Turkey in responding to the request for sampling information made in point 4.1(a) of the notice of initiation.

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

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone	
Fax	

2. TURNOVER, SALES VOLUME AND PRODUCTION

Indicate the turnover in the accounting currency of the company during the period 1 July 2016 - 30 June 2017 (export sales to the Union for each of the 28 Member States ⁽²⁾ separately and in total and domestic sales) of certain rainbow trout as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume and the currency used.

	Ton Whole Fish Equivalent (T WFE) (*)		Value in accounting currency Specify the currency used
Export sales to the Union, for each of the 28 Member States separately and in total, of the product under investigation, manufactured by your company	Total:		
	Name each Member State ⁽¹⁾ :		
Domestic sales of the product under investigation, manufactured by your company			

(*) Conversion factors from net weight to whole fish equivalent (WFE)

⁽¹⁾ Add additional rows where necessary.

⁽¹⁾ 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 29 of Council Regulation (EC) No 597/2009 (OJ L 188, 18.7.2009, p. 93) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

⁽²⁾ 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.

Indicate the production volume and capacity during the period 1 July 2016 - 30 June 2017 of certain rainbow trout as defined in the notice of initiation for each of the production licence your company has:

Licence number	Region	Maximum production quantity in Ton Whole Fish Equivalent (T WFE) (*)	Actual production quantity in Ton Whole Fish Equivalent (T WFE) (*)
Total of all licences			

(*) Conversion factors from net weight to whole fish equivalent (WFE)

Product presentation	Factor
Live	1,00
Fresh/chilled (gutted, head on)	0,85
Frozen (gutted, head on)	0,85
Fillets: Fresh/chilled	0,47
Fillets: Frozen	0,47
Fillets: Smoked	0,40

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

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation. In any case, please indicate whether your company produces live trout, fresh trout, frozen trout, fillets, smoked trout fillets or several of these product types (please list them).

Company name and location	Activities	Relationship

4. OTHER INFORMATION

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

5. INDIVIDUAL SUBSIDY MARGIN

The company declares that, in the event that it is not selected to be in the sample, it would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual subsidy margin in accordance with section 4.1(b) of the notice of initiation.

☐ Yes

☐ No

⁽¹⁾ 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 this context 'person' means any natural or legal person.

In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 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).

6. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.8575 — OTPP/AIMCo/Borealis/KIA/LCY)

Candidate case for simplified procedure

(Text with EEA relevance)

(2017/C 234/05)

1. On 13 July 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Ontario Teachers' Pension Plan Board ('OTPP', Canada), Alberta Investment Management Corporation ('AIMCo', Canada), Borealis European Holdings ('Borealis', The Netherlands), and Kuwait Investment Authority ('KIA', Kuwait) acquire within the meaning of Article 3(1)(b) of the Merger Regulation acquire each joint control of the London City Airport ('LCY', UK), by way of amending the shareholders agreement relating to LCY.

2. The business activities of the undertakings concerned are:

- for OTPP: administration of pension benefits and the investment of pension plan assets on behalf of approximately 318 000 active and retired teachers in the Canadian province of Ontario,
- for AIMCo: institutional investment manager,
- for Borealis: exclusive infrastructure manager for the Ontario Municipal Employees Retirement System Administration Corporation (OMERS) and owned by OMERS which manages a diversified global portfolio of stocks and bonds as well as real estate, infrastructure and private equity investments for over 470 000 members and retirees on behalf of approximately 1 000 employers across Ontario, Canada,
- for KIA: global investor, with investments in all main geographical areas and asset classes, covering equities, fixed income, treasury, private equity and property,
- for LCY: commercial airport in the City of London.

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 ⁽²⁾ 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.8575 — OTPP/AIMCo/Borealis/KIA/LCY to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Prior notification of a concentration**(Case M.8553 — Banco Santander/Banco Popular Group)****(Text with EEA relevance)**

(2017/C 234/06)

1. On 14 July 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Banco Santander, S.A. ('Santander', Spain) acquires, within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Banco Popular Español S.A. ('BPE', Spain) by way of a purchase of shares.

2. The business activities of the undertakings concerned are:

- Santander, active in banking, treasury and insurance services, is the parent company of an international group of banking and financial companies, operating mainly in Spain, other European countries including Portugal, the United Kingdom, Latin America and the United States,
- BPE is the parent company of the BPE group, which comprises the following financial entities: Banco Pastor, BPE Banca Privada, TotalBank and Banco BPE Portugal. BPE also holds a stake in Targobank and WiZink. BPE provides banking services as well as insurance services, both in Spain and Portugal. BPE is listed in the Madrid, Barcelona, Bilbao and Valencia stock exchanges.

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 or by post, under reference M.8553 — Banco Santander/Banco Popular Group, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

