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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

List of appointments made by the Council

August-December 2019 (social field)

(2020/C 24/01)

Committee	End of term of office	Publication in OJ	Person replaced	Resignation	Member/alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Advisory Committee on Safety and Health at Work	28.2.2022	OJ C 100 15.3.2019	Ms Julia SCHITTER	Resignation	Alternate	Employers	Austria	Ms Stephanie PROPST	Industriellenvereinigung	4.10.2019
Advisory Committee on Safety and Health at Work	28.2.2022	OJ C 100 15.3.2019	Ms My BILLSTAM	Resignation	Member	Trade unions	Sweden	Ms Cyrene WAERN	Landorganisationen i Sverige (LO)	28.11.2019
Advisory Committee on Safety and Health at Work	28.2.2022	OJ C 100 15.3.2019	Ms Rosa SANTOS FERNÁNDEZ	Resignation	Member	Employers	Spain	Ms Miriam PINTO LOMEÑA	CEOE	2.12.2019
Advisory Committee on Freedom of Movement for Workers	24.9.2020	OJ C 366, 10.10.2018	Ms Anja DANGUBIČ	Resignation	Alternate	Government	Slovenia	Ms Tanja GAŠPERŠIČ	Ministry of Labour, Family, Social Affairs and Equal Opportunities	8.11.2019
Advisory Committee on Freedom of Movement for Workers	24.9.2020	OJ C 366, 10.10.2018	Mr Milan MOLOKÁČ	Resignation	Member	Government	Slovakia	Ms Martina JANÍKOVÁ	Ministry of Labour, Social Affairs and Family of the Slovak Republic	8.11.2019
Advisory Committee on Freedom of Movement for Workers	24.9.2020	OJ C 366, 10.10.2018	Ms Sonja MALEC	Resignation	Member	Government	Slovenia	Ms Nuša MAJHENC	Ministry of Labour, Family, Social Affairs and Equal Opportunities	16.12.2019

Committee	End of term of office	Publication in OJ	Person replaced	Resignation	Member/alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Ms Anje VRIJ	Resignation	Member	Government	Netherlands	Mr Wiebren van DIJK	Ministry of Social Affairs and Employment	16.9.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Ms Marina GORDÓN ORTÍZ	Resignation	Member	Employers	Spain	Ms Olimpia del AGUILA CAZORLA	CEOE	4.10.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Mr Martin GLEITSMANN	Resignation	Member	Employers	Austria	Ms Caroline GRAF-SCHIMEK	Wirtschaftskammer Österreich	4.10.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Ms Sandra FRANKIĆ	Resignation	Member	Government	Croatia	Ms Blaženka KAMENJAŠEVIĆ	Ministry of Labour and Pension System	14.10.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Mr Kieran LEA	Resignation	Alternate	Government	Ireland	Ms Dearbháil NIC GIOLLA MHICÍL	Department of Employment Affairs and Social Protection	24.10.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Mr Stanisław RÓŻYCKI	Resignation	Member	Trade Unions	Poland	Ms Katarzyna DUDA	OPZZ	8.11.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Ms Christina BREIT	Resignation	Member	Employers	Germany	Mr Stefan MONDORF	Bundesvereinigung der Deutschen Arbeitgeberverbände	8.11.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Ms Anne SCHOLZ	Resignation	Alternate	Employers	Germany	Ms Carmen BÂRSAN	Bundesvereinigung der Deutschen Arbeitgeberverbände	8.11.2019
Advisory Committee for the Coordination of Social Security Systems	19.10.2020	OJ C 341 16.10.2015	Ms Tuuli GLANTZ	Resignation	Member	Trade Unions	Finland	Ms Pirjo VÄÄNÄNEN	The Central Organisation of Finnish Trade Unions (SAK)	8.11.2019

Committee	End of term of office	Publication in OJ	Person replaced	Resignation	Member/alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Management Board of the European Agency for Safety and Health at Work	31.3.2023	OJ C 135 11.4.2019	Ms Rosa SANTOS FERNÁNDEZ	Resignation	Member	Employers	Spain	Ms Miriam PINTO LOMEÑA	CEOE	2.12.2019
Management Board of the European Foundation for the Improvement of Living and Working Conditions	31.3.2023	OJ C 135, 11.4.2019	Ms Viktória SZŰCS	Resignation	Member	Trade unions	Hungary	Mr Gyula PALLAGI	MSZSZ	4.10.2019
Management Board of the European Foundation for the Improvement of Living and Working Conditions	31.3.2023	OJ C 135, 11.4.2019	Mr Péter DOROGI	Resignation	Alternate	Trade unions	Hungary	Ms Viktória SZŰCS	SZEF	4.10.2019
Management Board of the European Foundation for the Improvement of Living and Working Conditions	31.3.2023	OJ C 135, 11.4.2019	Ms Jonna JONSSON	Resignation	Member	Government	Swedem	Ms Viktoria BERGSTRÖM	Ministry of Employment	8.11.2019
Management Board of the European Foundation for the Improvement of Living and Working Conditions	31.3.2023	OJ C 135, 11.4.2019	Ms Rossella BENEDETTI	Resignation	Member	Trade unions	Italy	Mr Andrea MONE	Italian Worker's Trade unions Confederation (CISL)	8.11.2019
Management Board of the European Foundation for the Improvement of Living and Working Conditions	31.3.2023	OJ C 135, 11.4.2019	Mr Orlando MONTORO PEINADO	Resignation	Alternate	Government	Spain	Ms María CALLE GARCÍA	Ministry of Labour, Migration and Social Security	28.11.2019

EUROPEAN COMMISSION

Euro exchange rates ([1])

23 January 2020

(2020/C 24/02)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,1091	CAD	Canadian dollar	1,4599
JPY	Japanese yen	121,50	HKD	Hong Kong dollar	8,6201
DKK	Danish krone	7,4732	NZD	New Zealand dollar	1,6797
GBP	Pound sterling	0,84498	SGD	Singapore dollar	1,4971
SEK	Swedish krona	10,5473	KRW	South Korean won	1 295,15
CHF	Swiss franc	1,0734	ZAR	South African rand	15,9503
ISK	Iceland króna	137,80	CNY	Chinese yuan renminbi	7,6897
NOK	Norwegian krone	9,9678	HRK	Croatian kuna	7,4438
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 141,43
CZK	Czech koruna	25,159	MYR	Malaysian ringgit	4,5140
HUF	Hungarian forint	337,19	PHP	Philippine peso	56,514
PLN	Polish zloty	4,2439	RUB	Russian rouble	68,6301
RON	Romanian leu	4,7788	THB	Thai baht	33,883
TRY	Turkish lira	6,5771	BRL	Brazilian real	4,6253
AUD	Australian dollar	1,6149	MXN	Mexican peso	20,7527
			INR	Indian rupee	79,0965

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

Opinion of the Advisory Committee on mergers at its meeting of 20 February 2019 concerning a preliminary draft decision relating to Case M.8436 — General Electric Company/LM Wind Power Holding (Art.14(1) proc.)

Rapporteur: Romania

(2020/C 24/03)

1. The Advisory Committee (9 Member States) agrees with the Commission that GE negligently submitted incorrect information in the Form CO in case M.8283 — GE/LM WIND in violation of Article 14(1)(a) of the Merger Regulation ([1]) and Article 4(1) of the Implementing Regulation ([2]). One Member State abstains.

2. The Advisory Committee (10 Member States) agrees with the Commission that a fine should be imposed on GE pursuant to Article 14(1)(a) of the Merger Regulation.

([1]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the 'Merger Regulation') (OJ L 24, 29.1.2004, p. 1).

([2]) Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the 'Implementing Regulation') (OJ L 133, 30.4.2004, p. 1), as amended by Commission Regulation (EC) No 1033/2008 (OJ L 279, 22.10.2008, p. 3) and by Commission Implementing Regulation (EU) No 1269/2013 (OJ L 336, 14.12.2013, p. 1).

Opinion of the Advisory Committee on mergers at its meeting of 29 March 2019 concerning a preliminary draft decision relating to Case M.8436 – General Electric Company/LM Wind Power Holding

(Art.14(1) proc.)

Rapporteur: BELGIUM

(2020/C 24/04)

1. The Advisory Committee (4 Member States) agrees with the factors taken into consideration by the Commission for the purposes of determining the level of the fines to be imposed on GE pursuant to Article 14(1)(a) of the Merger Regulation ([1]).

2. The Advisory Committee (4 Member States) agrees with the actual level of the fines proposed by the Commission.

([1]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the 'Merger Regulation') (OJ L 24, 29.1.2004, p. 1).

Final Report of the Hearing Officer [1]

Case M.8436 — General Electric Company/LM Wind Power Holding (Article 14(1))

(Text with EEA relevance)

(2020/C 24/05)

Introduction and background

1. This report concerns a draft decision (the 'Draft Decision') pursuant to Article 14(1) of Council Regulation (EC) No 139/2004 [2] ('EUMR'). The Draft Decision finds that General Electric Company ('GE') negligently submitted incorrect information in a notification (the 'Original Form CO') made pursuant to Article 4 EUMR in the context of Case M.8283 — General Electric Company/LM Wind Power Holding (the 'Authorisation Proceedings').

2. The Authorisation Proceedings concerned a concentration (the 'Reviewed Concentration') whereby GE acquired sole control, for the purposes of Article 3(1)(b) EUMR, over LM Wind Power Holding A/S. The Reviewed Concentration was notified on 11 January 2017 by means of the Original Form CO.

3. On 1 February 2017, the Commission Directorate-General for Competition ('DG Competition') informed GE in a meeting that the Commission would consider the possibility of opening an infringement investigation against GE for the submission of incorrect or misleading information in the Original Form CO.

4. GE withdrew the Original Form CO on 2 February 2017 and replaced it on 13 February 2017. The Commission authorised the Reviewed Concentration on 20 March 2017.

The present proceedings

5. By letter of 9 March 2017, the Commission indicated to GE that it had opened proceedings in the present case (M.8436) that might lead to the imposition of a fine pursuant to Article 14(1) EUMR for failure to submit, in the Original Form CO, information that was correct and not misleading. That letter described the documents that would be included in the investigation file for the present case.

6. On 6 July 2017, the Commission issued a statement of objections addressed to GE (the 'SO'). The Commission's provisional conclusion in the SO was that GE, with respect to its offshore product development plans, 'intentionally or at least negligently supplied incorrect or misleading information in the Original Form CO'.

7. On 13 July 2017, GE obtained access to material on the Commission's investigation file in the present case that was not already in GE's possession in the context of the Authorisation Procedure.

8. The initial deadline for GE to respond in writing to the SO was 31 August 2017. DG Competition revised this deadline several times, initially to allow GE to explore with it the possibility, available in the Commission's recent decisional practice, of a procedure characterised by a reduced fine reflecting heightened cooperation.

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[1] Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29) ('Decision 2011/695/EU').

[2] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1).

9. Such a 'cooperation procedure' would in particular – not unlike the settlement procedure under Article 10a of Commission Regulation (EC) No 773/2004 ([3]) available in cartel cases – reflect procedural efficiencies arising from a party's acknowledgement of facts and liability by way of a reduction of the fine that might otherwise be imposed by the Commission at the end of a standard procedure (here, for the application of Article 14 EUMR). To assist the party concerned in deciding in a free and informed way whether to opt for such a cooperation procedure, the Commission may disclose to that party a likely range of fines that would apply under a cooperation procedure.

10. In certain meetings in 2017, DG Competition discussed the possibility of a cooperation procedure with GE. Also in 2017, GE submitted, 'without prejudice' (to any response to the SO), draft papers setting out facts and mitigating circumstances that it considered relevant.

11. In a meeting on 7 February 2018, the Commission communicated to GE the percentage reduction for cooperation and the corresponding range of fines that were available if GE opted for a cooperation procedure. For the purposes of this meeting, the College of the Members of the European Commission (the 'College of Commissioners' or the 'College') had previously approved that reduction and that range of fines.

12. On 12 March 2018, GE declined to pursue a cooperation procedure. Proceedings accordingly continued following the standard procedure.

13. GE submitted its written response to the SO on the applicable revised deadline of 6 April 2018. This response (the 'SO Response') took issue with the Commission's provisional conclusions in the SO. It also raised two procedural objections.

Procedural objections in the SO Response

Claim of a case team conflict of interest giving rise to (the appearance of) bias

14. GE notes that essentially the same case team in DG Competition (the 'Case Team') ran (i) the Authorisation Procedure, (ii) separate but partly concurrent merger control proceedings in a case concerning the same sector as the Authorisation Procedure and (iii) the investigation leading to the SO. GE claims that this gives rise to a conflict of interest 'which creates at least the appearance of bias on the part of the Commission'. According to GE, this is because inherent in GE's case in the present proceedings is a 'criticism of the failure of the [Case Team] to make proper use of information' provided by GE in the Authorisation Procedure and the other merger control proceedings. For GE, a decision on the merits of that criticism would 'involve that team pronouncing on the diligence and propriety of its own conduct'. GE thus expresses a 'fear that the [Case Team] lacks impartiality, contravening the principle of good administration and detracting from the outward appearance of a fair decision-making process'. GE also states that it took the view that 'availing itself of the opportunity of an oral hearing would be an exercise in futility'.

15. As an EU institution, the Commission is subject to the principle of good administration, enshrined in Article 41 of the Charter of Fundamental Rights of the European Union (the 'Charter'). That principle entails among other things the duty of the competent institution to examine carefully and impartially all the relevant aspects of the individual case. ([4]) The corresponding right, reaffirmed in Article 41(1) of the Charter, of every person to have his affairs treated impartially encompasses, on the one hand, subjective impartiality, in so far as no officer of the institution concerned who is responsible for the matter may show bias or personal prejudice, and, on the other hand, objective impartiality, in so far as there must be sufficient guarantees to exclude any doubt as to bias on the part of the institution concerned ([5]). It follows from case law that subjective impartiality is presumed unless the contrary is proved ([6]).

([3]) Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18).

([4]) See judgments in *Technische Universität München*, C-269/90, EU:C:1991:438, paragraph 14, and *Teva* v *Commission*, T-679/14, EU:T:2018:919, paragraph 54.

([5]) See judgments in *Ziegler* v *Commission*, C-439/11 P, EU:C:2013:513, paragraph 155; *ICAP* v *Commission*, T-180/15, EU:T:2017:795, paragraph 272; *KF* v *SatCen* T-286/15, EU:T:2018:718, paragraph 176; *Teva* v *Commission*, T-679/14, EU:T:2018:919, paragraph 54; and *Servier* v *Commission*, T-691/14, EU:T:2018:922, paragraph 119.

([6]) See, to that effect, judgments in *Chronopost and La Poste* v *UFEX and Others*, C-341/06 P and C-342/06 P, EU:C:2008:375, paragraph 54; and *IDDE* v *Parliament*, T-118/17, EU:T:2018:76, paragraph 27.

16. To the extent that GE suggests that the Case Team and, by extension, the Commission are subjectively biased, GE has put forward no evidence to support this suggestion. At most, in respect of the Case Team only, GE merely asserts the existence of a conflict of interest. Such an assertion is not such as to show that the Case Team or the Commission lacked objectivity in this procedure ([7]). Accordingly, in line with the above-mentioned case law, it can be presumed that the present proceedings are not tainted by subjective bias. In any event, as emerges from paragraphs 17 to 21 below (particularly paragraph 21), even if GE had demonstrated subjective bias on the part of one or more members of the Case Team, that would not suffice to show that the Commission as an institution was subjectively biased, as GE appears to suggest ([8]).

17. As regards GE's allegation of objective bias in the present proceedings, this overlooks (i) the fact that a final decision in these proceedings is not one of the Case Team but of the Commission as an institution, acting through the College, at the end of a procedure involving numerous actors other than the Case Team, and (ii) the associated internal checks and balances in proceedings for the application of Article 14 EUMR.

18. Even before a draft decision in a given case under Article 14 EUMR is deliberated upon in the College (see further paragraph 21 below), the relevant actors other than the case team dealing with the case in DG Competition include:

— the Commissioner for Competition, assisted by the members of the private office attached to that Commissioner;

— DG Competition's senior management, including the Director-General of DG Competition;

— DG Competition's relevant horizontal coordination unit;

— the Chief Economist's Team (where appropriate ([9]));

— the Commission's Legal Service ([10]);

— 'associated services' in the Commission ([11]);

— the Hearing Officer ([12]); and

— the Advisory Committee on concentrations ([13]).

([7]) See, by analogy, judgments in *Volkswagen* v *Commission*, T-62/98, EU:T:2000:180, paragraph 272; *Teva* v *Commission*, T-679/14, EU:T:2018:919, paragraph 58; and *Servier* v *Commission*, T-691/14, EU:T:2018:922, paragraph 137.

([8]) See, by analogy, judgment in *ABB Asea Brown Boveri* v *Commission*, T-31/99, EU:T:2002:77, paragraph 104.

([9]) In the present proceedings, given their subject matter, the Chief Economist's Team was not involved.

([10]) The Legal Service, which is independent of DG Competition and reports directly to the President of the Commission, performs an important advisory and reviewing role, designed to ensure the legal soundness of the Commission's actions and decisions. In accordance with the Commission's internal rules and practice, the Legal Service was regularly consulted in the course of the present proceedings.

([11]) Depending on the subject matter involved, Directorates-General other than DG Competition are also consulted as 'associated services' in the course of drawing up a draft decision for the consideration of the College. In the present proceedings, the Directorates-General for Energy (DG Energy) and for Internal Market, Industry, Entrepreneurship and SMEs (DG Grow) have been consulted.

([12]) The primary role of the Hearing Officer, whom GE did not call upon in the present proceedings, is to 'safeguard the effective exercise of procedural rights throughout competition proceedings before the Commission' (see Article 1(2) of Decision 2011/695/EU). Allied with this role is an internal reporting and advisory role within the Commission. For example, the Hearing Officer may 'present any observations on any matter arising out of any competition proceeding to the competent member of the Commission' (Article 3(5) of Decision 2011/695/EU). Such observations are not necessarily limited to matters of due process. According to Article 3(7) of Decision 2011/695/EU, if an issue regarding the effective exercise of procedural rights cannot be resolved with DG Competition, it may be referred to the Hearing Officer for independent review. Where there is an oral hearing, the Hearing Officer produces an internal interim report and may in addition issue a separate internal report on 'the further progress and impartiality of proceedings' (see Article 14(1) and (2) of Decision 2011/695/EU). Pursuant to Articles 16 and 17 of Decision 2011/695/[…]*, the Hearing Officer examines, among other things, whether a draft decision before the Advisory Committee or the College deals only with objections in respect of which the party concerned has been afforded the opportunity of making known its views. In accordance with Article 3(1) of Decision 2011/695/EU, the Hearing Officer acts independently.

* Should read: 'EU'.

([13]) In accordance with Article 19(3) to (7) EUMR.

19. The applicable system of checks and balances includes, among other things, the entitlement of an addressee of a statement of objections to develop its arguments at an oral hearing. Rather than being, as GE asserts, an 'exercise in futility', an oral hearing in the present case would have served, among other things, to rectify GE's impression apparent from the SO Response that the course and outcome of present proceedings was being determined exclusively, or even primarily, by the Case Team. Most if not all the relevant actors mentioned above would have been represented at such a hearing.

20. That system also includes the possibility of a 'peer review' exercise within the Commission ([14]) It is not DG Competition's practice to disclose the organisation of 'peer review panels' in given cases. ([15]) However, in the present case, it is worth revealing, exceptionally, that DG Competition organised a peer review panel in the present proceedings, in which I and the Legal Service participated. My disclosure here of the organisation of this peer review exercise is a precaution designed to avoid any semblance of the appearance, from GE's perspective, of Commission bias arising from GE's indirect criticism of the Case Team as described in paragraph 14 above.

21. At the end of a procedure for the adoption of a decision under Article 14 EUMR, the action of the Commission is governed by the principle of collegiality stemming from Article 250 TFEU ([16]). That principle is based on the equal participation of the Commissioners in the adoption of decisions, from which it follows in particular that decisions are the subject of collective deliberation ([17]). Accordingly, it can be seen from the case law that statements by a Commissioner responsible for competition matters or a member of a case team that are perceived by the party concerned as evidence of bias do not of themselves vitiate the legality of a final decision, since such a decision is not adopted by the Commissioner or official in question, but by the College ([18]).

22. In the light of all the above, GE's allegations of bias are unconvincing.

23. In addition, it is noteworthy – albeit not part of the support for the above conclusion – that the fine proposed in the Draft Decision is significantly lower than the bottom end of the fining range approved by the College for a possible cooperation procedure (see paragraph 11 above).

Claim that the College of Commissioners pre-judged this case before hearing GE

24. GE considers that it should have been given the opportunity to express its views before the College approved a range of fines for a possible cooperation procedure corresponding to a given percentage reduction of what the fine might otherwise have been (see paragraph 11 above). GE infers that, by not first hearing submissions from GE concerning, in particular, gravity and mitigating circumstances, the College 'seems to have effectively pre-judged the appropriate level of penalty'.

25. This objection overlooks the fact that the approval by the College of a range of fines was made solely for the purpose of a possible decision adopted under a cooperation procedure as outlined in paragraph 9 above. Since a decision on fines is one for the College, DG Competition could not itself indicate any such range without the approval of the College. The College's approval did not however have any bearing on the amount of fines that might be imposed under the standard procedure for the application of Article 14 EUMR.

([14]) In some cases, the Director-General of DG Competition, in agreement with the Commissioner, decides to conduct a 'peer review'. A peer review team consisting of DG Competition personnel from outside the relevant case team subjects the provisional working assessment of that case team to detailed scrutiny. Afterwards, a peer review panel chaired by a scrutiny officer is convened in order to have an open discussion within the Commission on the case. Among other things, the peer review panel can identify areas where further work is necessary, identify objections that should be dropped, or recommend that a case not be pursued further (see the text entitled 'Proceedings for the application of Articles 101 and 102 TFEU: Key actors and checks and balances' published by DG Competition in September 2011, accessed at http://ec.europa.eu/competition/antitrust/key_actors_en.pdf).

([15]) As noted in the judgment in *Servier* v *Commission*, T-691/14, EU:T:2018:922, paragraph 138.

([16]) Judgment in *Servier* v *Commission*, T-691/14, EU:T:2018:922, paragraph 127.

([17]) See, among others, judgments in *Vlaamse Televisie* […]* v *Commission*, T-266/97, EU:T:1999:144, paragraph 49; *BASF* v *Commission*, T-15/02, EU:T:2006:74, paragraph 611; and *Imperial Chemical Industries* v *Commission*, T-66/01, EU:T:2010:255, paragraphs 175, 176 and 178.

([18]) See, to that effect, judgments in *Vlaamse Televisie* […]* v *Commission*, T-266/97, EU:T:1999:144, paragraph 49, and *ABB Asea Brown Boveri* v *Commission*, T-31/99, EU:T:2002:77, paragraph 104.

* Should read: '*Maatschappij*'.

26. GE ultimately decided to pursue that standard procedure in preference to a cooperation procedure. That meant that the fines range approved by the College no longer served any purpose. Indeed, the abandonment of the possibility of a cooperation procedure meant that matters reverted to a clean slate under the standard procedure, with liability yet to be determined ([19]). GE could thus still contest the SO in full and still had the option of exercising in full those procedural rights that are triggered by the issuance of a statement of objections, in particular the right of access to the file and the right to respond to the SO in writing and in a formal oral hearing.

27. As is reflected in Article 41(2)(a) of the Charter, the right to be heard arises before any measure is taken which would adversely affect the addressee of that measure. GE was not the addressee of the approval of the College. More importantly, GE was not adversely affected by that approval. To the contrary, that approval positively affected GE in that it afforded it the option of a cooperation procedure, in addition to the normal option (which remained unaffected) of contesting the SO under the standard procedure. There was thus no need for GE to be heard before the approval by the College of a range of fines based on the hypothesis that GE would opt for decision adopted under a cooperation procedure.

28. For these reasons, GE's objection outlined in paragraph 24 above is unconvincing.

Concluding remarks

29. Compared to the Commission's provisional conclusions in the SO, the Draft Decision does not conclude that GE 'intentionally or at least negligently' supplied incorrect or misleading information in the Original Form CO. Rather, the Draft Decision finds that GE negligently supplied incorrect information. In addition, the Draft Decision does not take into account an impact of that incorrect information on any case other than the Authorisation Proceedings. In the light of this circumstance in particular, the fine proposed in the Draft Decision is below the fining range previously approved by the College for the purpose of a possible cooperation procedure (see paragraph 11 above).

30. I have not received any request or complaint in relation this procedure. In accordance with Article 16 of Decision 2011/695/EU, I have examined whether the Draft Decision deals only with objections in respect of which GE has been afforded the opportunity of making known its views. I conclude that it does. Overall, I consider that the effective exercise of procedural rights has been respected during the present proceedings.

Brussels, 1 April 2019.

Wouter WILS

([19]) See, by analogy, judgment in *Timab Industries and CFPR* v *Commission*, T-456/10, EU:T:2015:296, paragraphs 104 and 105, upheld on appeal in judgment in *Timab Industries and CFPR* v *Commission*, C-411/15 P, EU:C:2017:11, paragraphs 120 to 122.

SUMMARY OF COMMISSION DECISION

of 8 April 2019

declaring a concentration compatible with the internal market and the functioning of the EEA Agreement

(Case M.8436 – General Electric Company/LM Wind Power Holding (Article 14(1))

(notified under document C(2019)2569)

(Only the English version is authentic)

(Text with EEA relevance)

(2020/C 24/06)

On 8 April 2019 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings ([1]), and in particular Article 14(1) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/competition/elojade/isef/index.cfm?clear=1&policy_area_id=2

I. THE PARTIES

(1) General Electric Company ('GE', USA) is a global diversified company comprising a number of business units, each with its own divisions. GE Renewable Energy is the business unit that produces and supplies wind turbines on a global basis. GE Offshore Wind is the business unit within GE Renewable Energy that is responsible for manufacturing and supplying offshore wind turbines.

(2) LM Wind Power Holding ('LM Wind', Denmark) is active in the design, testing, manufacturing and supply of wind turbine blades, both in the European Economic Area ('EEA') and worldwide.

II. THE PROCEDURE

(3) On 11 January 2017, GE formally notified to the Commission its proposed acquisition of LM Wind. In the notification, GE stated that it 'does not currently have any higher power output offshore wind turbine platforms in development'. Post-notification, the Commission found out, based on information provided by a third party, that GE was already actively marketing and offering to its customers a new higher output offshore wind turbine that it was developing.

(4) On 9 March 2017, by means of a letter, the services of the Commission informed GE of the on-going investigation into the possible provision of incorrect or misleading information. On 6 July 2017, the Commission addressed a Statement of Objections ('SO') to GE communicating its preliminary view on the procedural infringement.

(5) The possibility of a cooperation procedure was discussed with GE. After the Commission communicated the range of fines and the reduction offered to GE in case of cooperation, GE declined the cooperation procedure and then replied to the SO on 6 April 2018.

(6) On that basis, and having given GE's arguments due consideration, the decision imposes a fine pursuant to Article 14(1) of the Merger Regulation for the submission of incorrect information in the notification of the case M.8283 –General Electric Company/LM Wind Power Holding (the 'Decision').

(7) The Decision was consulted with the Member States during the Advisory Committees on Concentrations on 20 February 2019 and 29 March 2019, which provided a favourable opinion. The Hearing Officer provided its favourable opinion on the proceedings in his report which was submitted on 1 April 2019.

([1]) OJ L 24, 29.1.2004, p. 1.

III. **SUMMARY**

(8) The Commission has the power to impose fines for various negligent or intentional breaches of the procedural obligations under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the 'Merger Regulation').

(9) In particular, Article 14(1) of the Merger Regulation provides that the Commission may by decision impose on undertakings fines not exceeding 1 % of the aggregate turnover of the undertakings concerned 'where, intentionally or negligently: (a) they supply incorrect or misleading information in a submission, […] notification […] pursuant to Article 4'.

(10) The Decision declares that GE infringed Article 14(1) of the Merger Regulation and Article 4(1) of the Implementing Regulation by negligently submitting incorrect information in the notification of the acquisition of LM Wind on 11 January 2017. As a result, the Decision imposes a fine on GE pursuant to Article 14(1) of the Merger Regulation.

IV. **EXPLANATORY MEMORANDUM**

A. **The infringement**

(11) The Transaction consisted of the vertical integration of GE – a manufacturer of, inter alia, wind turbines – and the Danish wind turbine blade manufacturer LM Wind. By way of context, the Commission was conducting another investigation on the market for wind turbines at the same time, for the acquisition of Gamesa by Siemens (case M.8134 – SIEMENS/GAMESA). The two investigations ran largely in parallel. The infringement however only concerns GE's submissions in the investigation of its acquisition of LM Wind.

(12) In the notification of the Transaction, GE stated that it 'does not currently have any higher power output offshore wind turbine platforms in development'. Post-notification, the Commission found, based on information provided spontaneously by a third party, that GE was already offering to customers a new higher output offshore wind turbine that was in development.

(13) In addition to the notification, both before and after notification in both cases, the Commission submitted questions to GE in relation to the development of a higher output offshore turbine. GE made several submissions in the pre-notification phase, repeatedly and consistently downplaying the status of its development plans.

(14) During the investigation, a customer revealed spontaneously to the Commission that GE's product development was significantly more advanced than previously stated by GE. This submission contradicted GE's statement that it was not developing a higher output offshore wind turbine.

(15) Based on this third party intervention, the Commission – again – asked for detailed information and internal documents with regard to GE's development projects. Only at this point did GE submit correct information on its R & D projects. It appeared that GE was actively marketing a higher output offshore wind turbine that was in development, in contrast with its statements in the notification.

(16) On 1 February 2017, representatives of GE met with the Commission and were informed that its services considered the notification to be, at the very least, incomplete. The following day, GE formally withdrew the notification.

(17) GE then re-notified the concentration on 13 February 2017. The revised notification contained material information with respect to GE's offshore turbine product development activities that was absent from the original notification. A significant part of this information dated from prior to the submission of the original notification of the GE/LM Wind Transaction.

B. **Negligence of GE**

(18) The Commission considers that GE negligently provided incorrect information in the notification of the Transaction. In that regard, the Commission notes that R & D questions are standard sections contained in the template of the Form CO and are self-explanatory. Moreover, GE is a sophisticated company, it has extensive experience in filing notifications with the Commission and is familiar with the Form CO. This is confirmed by the fact that GE did provide extensive information with regard to its competitors' pipeline projects in those sections.

(19) In addition, GE was repeatedly asked the same questions with regard to its R & D projects, it had several occasions to submit the correct information. GE should have also been aware of the importance of the information requested, not only because it was an active player on the market and therefore knew the role of pipeline products to be competitive, but also because it was explicitly pointed out by the Commission.

(20) Finally, GE had been explicitly informed about the importance of supplying information correct and not misleading, and warned about the possibility of fines. By signing the Form CO, GE declared that the information contained therein was correct and that it was aware of the possibility of fines.

C. **The gravity**

(21) The infringement committed by GE is serious in nature. The Form CO is an essential source of information for the Commission to shape the market investigation. In addition, the information incorrectly submitted in this case concerned the core product of one of the two markets under investigation, namely offshore wind turbine pipeline products, in the market of offshore wind turbines.

(22) Moreover, pipeline products play a vital role in determining the competitiveness of suppliers of offshore wind turbines. Given the long lead times of offshore wind projects, suppliers often bid offering pipeline turbines that will be fully developed by the time they need to be installed. The Commission was thus prevented from correctly assessing the competitiveness of GE by lacking that information. The Commission needed to carry out a foreclosure analysis to assess whether GE would have had any incentive to foreclose rivals by discontinuing sales of LM Wind's blades to its competitors downstream. That assessment largely depended on GE's competitive position on the downstream market of offshore wind turbines, which in turn depended on GE's pipeline products given the long lead times characteristics of the market.

(23) While the outcome of the investigation would have remained unchanged in that the acquisition of LM Wind by GE would not have given rise to competition concerns, as shown in the final unconditional clearance decision, the Commission considers that the assessment would have been inaccurate without the correct information.

(24) Finally, the Commission considers that GE negligently, as opposed to intentionally, provided incorrect information in the notification of the Transaction.

V. **FINES**

(25) Pursuant to Article 14(1)(a) of the Merger Regulation, a fine not exceeding 1 % of the aggregate turnover of the undertaking concerned in the year preceding the infringement decision can be imposed for submitting incorrect information in a notification pursuant to Article 4. The infringement decision is adopted in 2019. The turnover that is taken into account for the calculation of the fines is therefore GE's aggregate turnover in 2018, which amounted to USD […] billion (EUR […] billion).

(26) When imposing penalties under Article 14 of the Merger Regulation, the Commission takes into account the need to ensure that fines have a sufficiently punishing and deterring effect.

(27) When calculating the fine in the present case, the Commission has taken into consideration the serious nature of the infringement committed by GE. In terms of gravity, the Commission considers that the infringement is the result of negligence on the part of GE. It also takes into account that GE is a sophisticated undertaking with experience in merger proceedings and was aware of its obligations under the Merger Regulation and the consequences attached to an infringement of Article 14(1). Moreover, the Commission considers that the competitive assessment in case M.8283 – General Electric Company/LM Wind Power Holding would have been inaccurate if the incorrect information would not have been discovered.

(28) Concerning duration, an infringement of Article 14(1) of the Merger Regulation is an instantaneous infringement, committed on the date of implementation (11 January 2017).

(29) Finally, when setting the amount of the fine the Commission took into consideration with regard to proportionality the value of the transaction (EUR […] billion) as well as the turnover of the relevant business, notably the fact that GE Renewable Energy achieved in 2018 a turnover of USD […] billion (EUR […] billion), in relation to the aggregate turnover of GE.

VI. **CONCLUSION**

(30) For the reasons mentioned above, the Decision concludes that a fine should be imposed on GE for the infringement of Article 14(1) of the Merger Regulation and 4(1) of the Implementing Regulation.

COURT OF AUDITORS

Special Report 02/2020

The SME Instrument in action: an effective and innovative programme facing challenges

(2020/C 24/07)

The European Court of Auditors hereby informs you that Special Report 02/2020 The SME Instrument in action: an effective and innovative programme facing challenges has just been published.

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

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain welded pipes and tubes of iron or non-alloyed steel originating in Belarus, the People's Republic of China and Russia

(2020/C 24/08)

Following the publication of a Notice of impending expiry ([1]) of the anti-dumping measures in force on the imports of certain welded pipes and tubes of iron or non-alloy steel originating in Belarus, the People's Republic of China and Russia ('the countries concerned'), the European Commission ('the Commission') has received a request for a 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 ([2]) ('the basic Regulation').

1. Request for review

The request was lodged on 25 October 2019 by the Defence Committee of the welded steel tubes industry of the European Union ('the applicant') acting on behalf of producers representing more than 25 % of the total Union production of certain welded pipes and tubes of iron or non-alloy steel.

An open version of the request and the analysis of the degree of support by Union producers for the request are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

2. Product under review

The product subject to this review is welded tubes and pipes, of iron or non-alloy steel, of circular cross-section and of an external diameter not exceeding 168,3 mm, excluding line pipe of a kind used for oil or gas pipelines, casing and tubing of a kind used in drilling for oil or gas, precision tubes and tubes and pipes with attached fittings suitable for conducting gases or liquids for use in civil aircraft, currently falling under CN codes ex 7306 30 41, ex 7306 30 49, ex 7306 30 72 and ex 7306 30 77 (TARIC codes 7306 30 41 20, 7306 30 49 20, 7306 30 72 80 and 7306 30 77 80) and originating in Belarus, the People's Republic of China and Russia ('the product under review').

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Commission Implementing Regulation (EU) 2015/110 ([3]).

([1]) OJ C 166/7, 15.5.2019.

([2]) OJ L 176, 30.6.2016, p. 21.

([3]) Commission Implementing Regulation (EU) 2015/110 of 26 January 2015 imposing a definitive anti-dumping duty on imports of certain welded tubes and pipes of iron or non-alloy steel originating in Belarus, the People's Republic of China and Russia and terminating the proceeding for imports of certain welded tubes and pipes of iron or non-alloy steel originating in Ukraine following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 (OJ L 20, 27.1.2015, p. 6).

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 or recurrence of dumping and injury to the Union industry.

4.1. *Allegation of likelihood of recurrence of dumping*

4.1.1. *Belarus*

In view of the provisions of Article 2(7) of the basic Regulation, the applicant established normal value for the imports from Belarus on the basis of the price in an appropriate representative country, namely Ukraine. The allegation of likelihood of recurrence 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 Russia as there are currently no significant import volumes from Belarus to the Union.

On the basis of the above comparison, which shows dumping, the applicant alleges that there is a likelihood of recurrence of dumping from Belarus.

4.1.2. *The People's Republic of China*

In order to show dumping, the applicant claimed that it is not appropriate to use domestic prices and costs in the People's Republic of China ('the PRC'), due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation.

To substantiate the allegations of significant distortions, the applicant relied on the information contained in the report produced by the Commission services on 20 December 2017 ('Report on Significant Distortions in the Economy of the PRC for the purposes of the trade defence investigations' or 'the country report'), describing the specific market circumstances in the PRC. In particular, the applicant claimed that the production and sale of the product under review is potentially affected by the distortions mentioned, *inter alia*, in the chapter on cross-cutting distortions and in the section 'steel sector'.

Furthermore, the applicant alleges that the raw materials, hot-rolled flat products, are also subject to distortions and subsidisation, as already identified in Commission Implementing Regulation (EU) 2017/969 of 8 June 2017 imposing definitive countervailing duties on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China and amending Commission Implementing Regulation (EU) 2017/649 imposing a definitive anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China ([4]).

As a result, in view of Article 2(6a)(a) of the basic Regulation, the allegation of recurrence of dumping is based on a comparison of a constructed normal value on the basis of costs of production and sale reflecting undistorted prices or benchmarks in an appropriate representative country, with the export price (at ex-works level) of the product under review when sold for export to the Philippines, Peru, Myanmar and Nigeria in view of the current absence of significant import volumes from the PRC to the Union. On this basis, the dumping margins calculated are significant.

In light of the information available, the Commission considers that there is sufficient evidence pursuant to Article 5(9) of the basic Regulation tending to show that, due to significant distortions affecting prices and costs, the use of domestic prices and costs in the PRC is inappropriate, thus warranting the initiation of an investigation on the basis of Article 2(6a) of the basic Regulation.

The country report is available in the file for inspection by interested parties and on DG Trade's website ([5]).

4.1.3. *Russia*

With regard to imports from Russia, the allegation of likelihood of recurrence of dumping is based on a comparison of domestic price with the export price (at ex-works level) of the product under review when sold for export to all destinations as there are currently no significant import volumes from Russia to the Union.

On the basis of the above comparison, which shows dumping, the applicant alleges that there is a likelihood of recurrence of dumping from Russia.

([4]) OJ L 146, 9.6.2017, p. 17.

([5]) https://trade.ec.europa.eu/doclib/docs/2017/december/tradoc_156474.pdf
Documents cited in the country report may also be obtained upon a duly reasoned request.

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

The applicant alleges the likelihood of continuation or recurrence of injury. In this respect the applicant has provided sufficient evidence that, should measures be allowed to lapse, the current import level of the product under review from the countries concerned to the Union is likely to increase due to the existence of unused capacity of the manufacturing facilities of the exporting producers in the countries concerned and due to the attractiveness of the European Union market in terms of size and in terms of geographical proximity (the latter with regard to Belarus and Russia).

In addition, the applicant alleges that any further substantial increase of imports at dumped prices from the countries concerned would be likely to cause further injury to the Union industry should the 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 of a likelihood of dumping and injury 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 countries concerned and a continuation or recurrence of injury to the Union industry.

Regulation (EU) 2018/825 of the European Parliament and of the Council ([6]), which entered into force on 8 June 2018 (TDI Modernisation package), introduced significant changes to the timetable and deadlines previously applicable in anti-dumping proceedings. The time-limits for interested parties to come forward, in particular at the early stage of investigations, are shortened. Therefore, the Commission invites interested parties to respect the procedural steps and deadlines provided in this Notice as well as in further communications from the Commission.

5.1. *Review investigation period and period considered*

The investigation of a continuation or recurrence of dumping will cover the period from 1 January 2019 to 31 December 2019 ('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 2016 to the end of the investigation period ('the period considered').

5.2. *Comments on the request and the initiation of the investigation*

All interested parties are invited to make their views known on the inputs and the Harmonised System (HS) codes provided in the request ([7]) within 15 days of the date of publication of this Notice in the Official Journal of the European Union ([8]).

All interested parties wishing to comment on the request (including matters pertaining to injury and causality) or any aspects regarding the initiation of the investigation (including the degree of support for the request) must do so within 37 days of the date of publication of this Notice.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

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

In an expiry review, the Commission examines exports that were made to the Union in the review investigation period and, irrespective of exports to the Union, considers whether the situation of the companies producing and selling the product under review in the countries concerned is such that exports at dumped prices to the Union would be likely to continue or recur if measures expire.

([6]) Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union (OJ L 143, 7.6.2018, p. 1).

([7]) Information on HS codes is also provided in the executive summary of the review request, which is available on DG Trade's website (http://trade.ec.europa.eu/tdi/case_details.cfm?id=2435).

([8]) All references to the publication of this Notice will be references to publication of this Notice in the Official Journal of the European Union, unless otherwise specified.

Therefore, all producers ([9]) of the product under review from the countries concerned, irrespective of whether or not they exported the product under review to the Union in the review investigation period, are invited to participate in the Commission investigation.

5.3.1. *Investigating producers in the countries concerned*

In view of the potentially large number of producers in the countries concerned involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit the 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 producers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to this review, are hereby requested to provide the Commission with the information on their company (ies) requested in Annex I to this Notice within 7 days of the date of publication of this Notice.

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

If a sample is necessary, the 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 producers in the countries concerned, the authorities of the countries concerned and associations of producers in the countries concerned will be notified by the Commission, via the authorities of the country(ies) concerned if appropriate, of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample of producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

The Commission will add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for producers in the countries concerned is available in the file for inspection by interested parties and on DG Trade's website ([10]).

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 producers').

5.3.2. *Additional procedure with regard to the PRC subject to significant distortions*

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

Pursuant to point (e) of Article 2(6a), the Commission will, shortly after initiation, by means of a note to the file for inspection by interested parties, inform parties to the investigation about the relevant sources that it intends to use for the purpose of determining normal value in the PRC pursuant to Article 2(6a) of the basic Regulation. This will cover all sources, including the selection of an appropriate representative third country where appropriate. Parties to the investigation shall be given 10 days from the date at which that note is added to that file to submit comments.

According to the information available to the Commission, a possible representative third country for the PRC in this case is Mexico. With the aim of finally selecting the appropriate representative third country, the Commission will examine whether there are countries with a similar level of economic development as the PRC, in which there is production and sales of the product under review and in which relevant data are readily available. Where there is more than one such country, preference will be given, where appropriate, to countries with an adequate level of social and environmental protection.

([9]) A producer is any company in the country concerned which produces the product under review, including any of its related companies involved in the production, domestic sales or exports of the product under review.

([10]) http://trade.ec.europa.eu/tdi/case_details.cfm?id=2435

With regard to the relevant sources, the Commission invites all producers in the PRC to provide the information requested in Annex III to this Notice within 15 days of the date of publication of this Notice.

Furthermore, any submissions of factual information to value costs and prices pursuant to point (a) of Article 2(6a) of the basic Regulation must be filed within 65 days of the date of publication of this Notice. Such factual information should be taken exclusively from publicly available sources.

In order to obtain the information it deems necessary for its investigation with regard to the alleged significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission will also make available a questionnaire to the Government of the PRC.

5.3.3. *Investigating unrelated importers* ([11]) ([12])

Unrelated importers of the product under review from the countries concerned 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 (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 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 7 days of the date of publication of this Notice 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.

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

The Commission will also add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the sample selection, unless otherwise specified.

A copy of the questionnaire for unrelated importers is available in the file for inspection by interested parties and on DG Trade's website ([13]).

([11]) Only importers not related to producers in the country concerned can be sampled. Importers that are related to 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).

([12]) The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

([13]) http://trade.ec.europa.eu/tdi/case_details.cfm?id=2435

5.4. *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.

5.4.1. *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 comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample must contact the Commission within 7 days of the date of publication of this Notice. All comments regarding the provisional sample must be received within 7 days of the date of publication of this Notice, 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.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website ([14]).

5.5. *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, trade unions and representative consumer organisations are invited to provide the Commission with information on the Union interest. In order to participate in the investigation, the representative consumer organisations have to demonstrate that there is an objective link between their activities and the product under review.

Information concerning the assessment of Union interest must be provided within 37 days of the date of publication of this Notice, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. A copy of the questionnaires, including the questionnaire for users of the product under review, is available in the file for inspection by interested parties and on DG Trade's website ([15]). 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.

5.6. *Interested parties*

In order to participate in the investigation, interested parties, such as producers in the countries concerned, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under review.

Producers in the countries concerned, Union producers, importers and representative associations who made information available in accordance to the procedures described in sections 5.3 and 5.4 will be considered as interested parties if there is an objective link between their activities and the product under review.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under review. Being considered as an interested party is without prejudice to the application of Article 18 of the basic Regulation.

([14]) http://trade.ec.europa.eu/tdi/case_details.cfm?id=2435
([15]) http://trade.ec.europa.eu/tdi/case_details.cfm?id=2435

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: https://tron.trade.ec.europa.eu/tron/TDI. Please follow the instructions on that page to get access.

5.7. *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 particular, comments by interested parties regarding the product definition and product scope are to be made within 10 days from the date of publication of this Notice.

5.8. *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 as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

5.9. *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 the Commission a) 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' ([16]). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

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 a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (https://tron.trade.ec.europa.eu/tron/TDI) including scanned powers of attorney and certification sheets. By using TRON.tdi or e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or 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 via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

([16]) 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).

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

TRON.tdi (https://tron.trade.ec.europa.eu/tron/TDI)

Email injury aspects: TRADE-R713-WPT-INJURY@ec.europa.eu

Email dumping aspects Belarus: TRADE-R713-WPT-DUMPING-BY@ec.europa.eu

Email dumping aspects China: TRADE-R713-WPT-DUMPING-CN@ec.europa.eu

Email dumping aspects Russia: TRADE-R713-WPT-DUMPING-RU@ec.europa.eu

6. **Schedule of the investigation**

The investigation shall normally be concluded within 12 months and in any event no later than 15 months from the date of the publication of this Notice, pursuant to Article 11(5) of the basic Regulation.

7. **Submission of information**

As a rule, interested parties may only submit information in the timeframes specified in section 5 of this Notice.

In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. **Possibility to comment on other parties' submissions**

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 5 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments filed by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. **Extension to time limits specified in this Notice**

Extensions to time-limits provided for in this Notice may be granted upon request of interested parties showing due cause.

Extensions to the deadline to reply to questionnaires and to other time-limits as specified in this Notice or otherwise provided in specific communications with interested parties will be limited to a maximum of 3 additional days. Such an extension may be prolonged up to a maximum of 7 days where the requesting party demonstrates the existence of exceptional circumstances.

10. **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.

11. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services 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. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of 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/

12. **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.

13. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ([17]).

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade's website: https://ec.europa.eu/trade/policy/accessing-markets/trade-defence/

([17]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

ANNEX I

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

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN WELDED PIPES AND TUBES OF IRON OR NON-ALLOYED STEEL ORIGINATING IN BELARUS, THE PEOPLE'S REPUBLIC OF CHINA ('THE PRC') AND RUSSIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF PRODUCERS IN BELARUS, THE PRC AND RUSSIA

This form is designed to assist producers in Belarus, the PRC and Russia in responding to the request for sampling information made in point 5.3.1 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	
Country	
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 countries 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 ([1]) 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.

([1]) The 28 Member States of the European Union are: Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

Table I

Turnover, sales volume

	Specify the unit of measurement		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 (1):		
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 (1)		
Domestic sales of the product under review, manufactured by your company			

(1) Add additional rows where necessary.

Table II

Production and production capacity

	Specify the unit of measurement
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 ([2])

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:

([2]) 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

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

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN WELDED PIPES AND TUBES OF IRON OR NON-ALLOYED STEEL ORIGINATING IN BELARUS, THE PEOPLE'S REPUBLIC OF CHINA ('THE PRC') AND RUSSIA

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 5.3.3 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 ([1]) and resales on the Union market after importation from Belarus and/or the PRC and/or Russia, during the review investigation period, of certain welded pipes or tubes of iron or non-alloy steel as defined in the Notice of Initiation and the corresponding weight or volume. State the unit of weight or volume used.

	Specify the unit of measurement	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 Belarus of the product under review		

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

	Specify the unit of measurement	Value in euros (EUR)
Resales on the Union market after importation from the PRC of the product under review		
Resales on the Union market after importation from Russia of the product under review		

3. **ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES** ([2])

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:

([2]) 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 III

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

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN WELDED PIPES AND TUBES OF IRON OR NON-ALLOYED STEEL ORIGINATING IN BELARUS, THE PEOPLE'S REPUBLIC OF CHINA ('THE PRC') AND RUSSIA

INFORMATION REQUEST REGARDING THE INPUTS USED BY PRODUCERS IN THE PRC

This form is designed to assist producers in the People's Republic of China in responding to the request for input information made in point 5.3.2 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.

The requested information should be sent back to the Commission at the address specified in the Notice of initiation within 15 days from the date of publication of this Notice in the *Official Journal of the European Union*.

1. **IDENTITY AND CONTACT DETAILS**

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone	
Fax	

2. **INFORMATION ON THE INPUTS USED BY YOUR COMPANY AND RELATED COMPANIES**

Please provide a short description of the production process(es) of the product under review.

Please list all materials (raw and processed) and energy used in the production of the product under review as well as all by-products and waste that are sold or (re)introduced in the production process of the product under review. Where appropriate, provide the corresponding Harmonised System (HS) classification code ([1]) for each of the items inserted in the three tables. Please fill in a separate Annex for each of the related companies that produce the product under review in case the production process differs. Related companies that are involved in the manufacturing of upstream inputs used in the production of the product under review shall also fill in a separate Annex and identify the supplied input(s).

Raw Materials/energy	HS Code
(Add additional rows where necessary)	

By-products and waste	HS Code
(Add additional rows where necessary)	

The company hereby declares that the information provided above is accurate to the best of its knowledge.

Signature of the authorised official:

Name and title of the authorised official:

Date:

([1]) The Harmonized Commodity Description and Coding System generally referred to as 'Harmonized System' or simply 'HS' is a multipurpose international product nomenclature developed by the World Customs Organization (WCO).

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9718 — Cobepa/Gerflor)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 24/09)

1. On 16 January 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Cobepa SA ('Cobepa', Belgium), controlled by Vedihold SA,

— Topfloor SAS, the ultimate shareholding company of the Gerflor Group ('Gerflor', France).

Cobepa acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Gerflor.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Cobepa: privately-held investment company investing in Europe and North America,

— for Gerflor: manufacture and supply of flooring solutions and wall finishes for professional and non-profesional customers.

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 the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9718 — Cobepa/Gerflor

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 366, 14.12.2013, p. 5.

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

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