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Information and Notices

Notice No | Contents | Page

EN

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[1] Text with EEA relevance
[2] Text of relevance to the EEA and to the EC/Switzerland Agreement

(Continued overleaf)

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[1] Text of relevance to the EEA and to the EC/Switzerland Agreement
[2] Text with EEA relevance

(Continued on inside back cover)

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration

(Case COMP/M.5728 — Credit Agricole/Société Générale Asset Management)

(Text with EEA relevance)

(2010/C 107/01)

On 22 December 2009, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

— in the merger section of the Competition website of the Commission (http://ec.europa.eu/competition/mergers/cases/). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,

— in electronic form on the EUR-Lex website (http://eur-lex.europa.eu/en/index.htm) under document number 32009M5728. EUR-Lex is the on-line access to the European law.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates [1]

26 April 2010

(2010/C 107/02)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,3321	AUD	Australian dollar	1,4336
JPY	Japanese yen	125,46	CAD	Canadian dollar	1,3310
DKK	Danish krone	7,4420	HKD	Hong Kong dollar	10,3421
GBP	Pound sterling	0,86240	NZD	New Zealand dollar	1,8417
SEK	Swedish krona	9,5680	SGD	Singapore dollar	1,8220
CHF	Swiss franc	1,4341	KRW	South Korean won	1 470,83
ISK	Iceland króna		ZAR	South African rand	9,8016
NOK	Norwegian krone	7,8505	CNY	Chinese yuan renminbi	9,0937
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,2575
CZK	Czech koruna	25,430	IDR	Indonesian rupiah	12 000,70
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,2407
HUF	Hungarian forint	263,42	PHP	Philippine peso	58,918
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	38,7700
LVL	Latvian lats	0,7077	THB	Thai baht	42,940
PLN	Polish zloty	3,8788	BRL	Brazilian real	2,3254
RON	Romanian leu	4,1178	MXN	Mexican peso	16,1730
TRY	Turkish lira	1,9667	INR	Indian rupee	59,1390

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

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

DECISION No H4

of 22 December 2009

concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2010/C 107/03)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems [1], under which the Administrative Commission shall establish the factors to be taken into account for drawing up accounts relating to the costs to be borne by the institutions of the Member States under this Regulation and to adopt the annual accounts between those institutions, based on the report of the Audit Board referred to in Article 74,

Having regard to Article 74 of Regulation (EC) No 883/2004, under which the Administrative Commission shall determine the composition and working methods of the Audit Board, which shall deliver reports and a reasoned opinion for decisions to be taken by the Administrative Commission pursuant to Article 72(g),

HAS DECIDED AS FOLLOWS:

Article 1

1. The Audit Board provided for in Article 74 of Regulation (EC) No 883/2004 on the coordination of social security schemes is attached to the Administrative Commission for the Coordination of Social Security Systems.

2. The Audit Board shall, when carrying out its functions as laid down in Article 74(a) to (f) of Regulation (EC) No 883/2004, operate under the authority of the Administrative Commission, from which it shall receive directives. Within this framework the Audit Board shall present a long-term work programme to the Administrative Commission for approval.

Article 2

1. The Audit Board shall, in principle, reach its decisions on the basis of documentary evidence. It can request from the competent authorities any information or enquiries it deems necessary for the investigation of the matters submitted for its examination. Where necessary, subject to the prior approval of the Chair of the Administrative Commission, the Audit Board may delegate a member of the Secretariat or certain members of the Audit Board to carry out, on the spot, any investigation required for the pursuit of its work. The Chair of the Administrative Commission shall notify the representative on the Administrative Commission of the Member State concerned that this investigation is being made.

2. The Audit Board shall facilitate the final closing of accounts in cases where a settlement cannot be reached within the period set out in Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems [2]. The reasoned request for the Audit Board opinion on a dispute under Article 67(7) of Regulation (EC) No 987/2009 shall be referred to the Audit Board by one of the parties not less than 25 working days before the start of a meeting.

3. The Audit Board may set up a Conciliation Panel to assist its work in dealing with the reasoned request for the Audit Board opinion, submitted by one of the parties, in accordance with point 2 of this Article.

The details of the composition, term, tasks, working methods as well as the system of Chairmanship of the Conciliation Panel shall be contained in a mandate decided upon by the Audit Board.

Article 3

1. The Audit Board shall be composed of two representatives of each of the Member States of the European Union appointed by the competent authorities of those States.

Any member of the Audit Board unable to attend may be replaced by a deputy appointed for that purpose by the competent authorities.

2. The representative of the European Commission or his alternate on the Administrative Commission shall act in a consultative capacity within the Audit Board.

[1] OJ L 166, 30.4.2004, p. 1.

[2] OJ L 284, 30.10.2009, p. 1.

3. The Audit Board shall be assisted by an independent expert or expert team with professional training and experience in matters concerning the functions of the Audit Board, in particular as regards its tasks under Articles 64, 65 and 69 of Regulation (EC) No 987/2009.

Article 4

1. The office of Chair of the Audit Board shall be held by a member belonging to the Member State whose representative on the Administrative Commission holds the office of Chair of that Commission.

2. The Chair of the Audit Board may, in conjunction with the Secretariat, take all steps required to solve without delay all problems within the competence of the Audit Board.

3. As a rule, the Chair of the Audit Board shall chair meetings of working parties set up to examine problems for which the Audit Board is competent; if, however, he/she is incapacitated or if certain specific problems are being examined, the Chair may be represented by another person designated by him/her.

Article 5

1. Decisions shall be taken by simple majority, each Member State having only one vote.

The opinions of the Audit Board must indicate whether they were reached unanimously or by majority. They must, where appropriate, set out the conclusions or reservations of the minority.

Whenever an opinion is not reached unanimously, the Audit Board shall submit it to the Administrative Commission together with a report containing in particular a statement of and the reasons for the opposing views.

It shall also appoint a rapporteur responsible for supplying the Administrative Commission with all the information the latter deems appropriate in order to enable it to settle the dispute in question.

The rapporteur shall not be selected from the representatives of countries involved in the dispute.

2. The Audit Board may decide to adopt decisions and reasoned opinions by the use of written procedure if such a procedure was agreed at a prior meeting of the Audit Board. To this end the Chair shall communicate the text to be adopted to the members of the Audit Board. The Members shall be given a set time limit of at least ten working days, within which Members shall have the possibility to state that they reject the proposed text or abstain from the voting. No response within the set time limit shall be considered as an affirmative vote.

The Chair may also decide to launch a written procedure in case no prior agreement had been obtained in a meeting of the Audit Board. In such a case, only written agreements to the proposed text shall be counted as affirmative votes and the set time limit of at least 15 working days shall be given.

The Chair shall, at the expiry of the set time limit, inform the members of the result of the voting. A decision having received the required number of affirmative votes shall be considered adopted on the last day set for the period within which members were asked to respond.

3. If a member of the Audit Board in the course of the written procedure proposes that the text shall be amended, the Chair shall either:

(a) recommence the written procedure by communicating the proposed amendment to the members in accordance with the procedure in paragraph 2; or

(b) cancel the written procedure in order to have the matter discussed at the next meeting,

depending on which procedure the Chair considers appropriate for the matter in question.

4. If a member of the Audit Board before the expiry of the time limit set for responding, requests that the proposed text shall be examined at a meeting of the Audit Board, the written procedure shall be cancelled.

The matter shall then be examined at the following meeting of the Audit Board.

Article 6

The Audit Board may set up ad-hoc groups consisting of a limited number of persons to prepare and present the Audit Board with proposals for adoption on specific issues.

The Audit Board shall for each ad-hoc group decide who is to be the rapporteur, the tasks to be carried out and the time limit within which the group has to present the result of its work to the Audit Board. These shall be laid down in a written mandate decided upon by the Audit Board.

Article 7

1. The Secretariat of the Administrative Commission shall prepare and organise the meetings of the Audit Board and draw up the minutes thereof. It shall carry out the work required for the functioning of the Audit Board. The agenda, date and duration of the Audit Board meetings shall be agreed with the Chair.

2. The agenda shall be forwarded by the Secretariat of the Administrative Commission to the members of the Audit Board and the members of the Administrative Commission not less than 15 working days before the start of each meeting. The documents relating to the items on the agenda should be made available at least 10 working days before the start of the meeting. This does not apply for documents providing general information which do not need to be approved.

3. Notes relating to the upcoming meeting of the Audit Board should be sent to the Secretariat of the Administrative Commission at least 20 working days before the start of the meeting. This does not apply for documents providing general information which do not need to be approved.

Notes containing the input for the Statement of annual accounts stipulated in Article 69(1) of Regulation (EC) No 987/2009 shall follow the format and include the details specified by the independent expert or expert team referred to in Article 3(3) of this Decision. Each delegation shall send this note to the Secretariat by 31 July of a year following the year in question.

Article 8

In so far as is necessary, the rules of the Administrative Commission shall apply to the Audit Board.

Article 9

This Decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of entry into force of the Implementing Regulation.

The Chair of the Administrative Commission

Lena MALMBERG

DECISION No S6

of 22 December 2009

concerning the registration in the Member State of residence under Article 24 of Regulation (EC) No 987/2009 and the compilation of the inventories provided for in Article 64(4) of Regulation (EC) No 987/2009

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2010/C 107/04)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems [1], under which it is made responsible for dealing with all administrative questions and questions of interpretation arising from Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 [2],

Having regard to Article 35(2) of the aforementioned Regulation (EC) No 883/2004,

Having regard to Articles 24, 64(4) and (6) of Regulation (EC) No 987/2009 and Article 74 of Regulation (EC) No 883/2004,

Acting in accordance with the conditions laid down in Article 71(2) of Regulation (EC) No 883/2004,

HAS DECIDED AS FOLLOWS:

The rules for registration according to Article 24 of Regulation (EC) No 987/2009 (hereinafter 'Implementing Regulation') and for keeping an inventory provided for in Article 64(4) of the Implementing Regulation shall be as following:

I. **Registration provided for in Article 24 of the Implementing Regulation**

1. For the purposes of applying Article 24 of the Implementing Regulation, the following procedure shall be laid down.

The competent institution shall forward at the request of person concerned a relevant document according to Article 17, 22, 24, 25 or 26 of Regulation (EC) No 883/2004 (hereinafter 'Basic Regulation') and Article 24(1) of the Implementing Regulation (hereinafter 'entitlement document') to the person concerned, who must submit this document to the institution of the place of his/her residence when registering for the granting of benefits in kind.

At the request of the institution of the place of residence, the competent institution shall forward an entitlement document to that institution.

The competent institution shall inform the institution of the place of residence of any change or cancellation of the entitlement document. The receiving institution must either confirm, or contest that change or cancellation to the sending institution.

The institution of the place of residence shall inform the competent institution about the registration of the person concerned as well as of any change or cancellation of such registration. The information shall be provided as soon as the information essential for this purpose becomes available to the institution of the place of residence. The receiving institution must either confirm, or contest that change or cancellation to the sending institution.

2. The date with effect from which the cost of benefits in kind shall be reimbursable according to Articles 35 and 41 of the Basic Regulation and Articles 62 and 63 of the Implementing Regulation is:

(a) the date on which entitlement to benefits in kind is acquired under the legislation of the competent Member State, recorded in the entitlement document;

(b) the date of change of residence or registration where this is subsequent to the date referred to under (a) above and is recorded in the document issued by the institution of the place of residence according to Article 24(2) of the Implementing Regulation.

If the members of the family of an insured person, the pensioner or one of the members of his family are still entitled to receive benefits, in connection with carrying out a professional activity or receiving a replacement income, under the legislation of their country of residence or of another Member State, on a priority basis, in accordance with the Regulations, the registration shall begin at the day following the date on which such entitlement ends.

3. The date with effect from which the cost of benefits in kind shall cease to be paid according to Articles 35 and 41 of the Basic Regulation and Articles 62 and 63 of the Implementing Regulation is the date of cancellation of registration notified by the institution of the place of residence to the competent institution or the date of cancellation of the entitlement document notified by the competent institution to the institution of the place of residence.

[1] OJ L 166, 30.4.2004, p. 1.
[2] OJ L 284, 30.10.2009, p. 1.

This date shall be stated in the cancellation document and shall be the date on which the entitlement document ceases to apply, namely,

(i) the date of death or the date on which the person concerned changes residence to another Member State;

(ii) the date on which entitlement to benefits in kind under the legislation of the country of residence or of another Member State is acquired, in accordance with the Regulations, in connection with the carrying out of a professional activity or in connection with the granting of a pension;

(iii) the date from which family members cease to meet the conditions of entitlement to benefits in kind as family members under the legislation of the Member State of residence.

It is incumbent upon all national institutions to act so as to minimise the time period between the end date of the entitlement or the registration and the date when the cancelation document is communicated. In particular the determination of residence of the insured person should be based on proper scrutiny as per Article 11 of the Implementing Regulation.

II. **Inventory provided for in Article 64(4) of the Implementing Regulation**

Family members of insured persons, pensioners and/or members of their families

1. The institution of the place of residence of the Member State that is listed in Annex 3 to the Implementing Regulation shall calculate the fixed amount of benefits in kind provided to family members of the insured person according to Article 17 of the Basic Regulation and to pensioners and/or members of their families according to Article 24, 25 or 26 of the Basic Regulation on the basis of an inventory kept for that purpose up to date, by taking as a basis its own information or that provided by the competent institution concerning acquisition of entitlement or suspension or withdrawal of such entitlement.

The inventories referred to in Article 64(4) of the Implementing Regulation shall indicate the number of monthly fixed amounts due in respect of a single year for each family member of an insured person, pensioner and/or member of his/her family.

2. For the purposes of calculating the number of monthly lump-sum payments, the period during which the persons concerned may claim benefits shall be counted in months.

The number of months shall be obtained by counting as a whole month the calendar month which contains the day from which the calculation of the fixed amounts has been made.

The calendar month during which entitlement has ceased shall not be counted unless it is a complete month.

If the total period is less than one month, it shall be counted as a month.

In case a person moves from one age group to another during the period claimed, the month in which the change of age group appears is completely counted into the higher age group.

III. **Final provisions**

This Decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of entry into force of the Implementing Regulation.

The Chair of the Administrative Commission

Lena MALMBERG

DECISION No S7

of 22 December 2009

concerning the transition from Regulations (EEC) Nos 1408/71 and 574/72 to Regulations (EC) Nos 883/2004 and 987/2009 and the application of reimbursement procedures

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2010/C 107/05)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72 (a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems [1], under which the Administrative Commission is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 [2],

Having regard to Articles 87 to 91 of Regulation (EC) No 883/2004,

Having regard to Article 64(7) and Articles 93 to 97 of Regulation (EC) No 987/2009,

Whereas:

(1) Regulations (EC) Nos 883/2004 and 987/2009 enter into force on 1 May 2010 and Regulations (EEC) Nos 1408/71 and 574/72 shall be repealed on the same date, except for the situations governed by Article 90(1) of Regulation (EC) No 883/2004 and Article 96(1) of Regulation (EC) No 987/2009.

(2) It is necessary to clarify the determination of debtor and creditor Member State in situations where benefits in kind were provided or authorised under Regulations (EEC) Nos 1408/71 and 574/72 but the reimbursements of costs for these benefits are settled after Regulations (EC) Nos 883/2004 and 987/2009 enter into force, in particular where the competence for bearing of the costs changes under the new Regulations.

(3) It is necessary to clarify which procedure for reimbursement shall be applied in situations where benefits in kind were provided under Regulations (EEC) Nos 1408/71 and 574/72 but the reimbursement procedure takes place after the date of entry into force of Regulations (EC) Nos 883/2004 and 987/2009.

(4) Paragraph 5 of Decision No H1 clarifies the status of certificates (E-forms) and the European Health Insurance Card (including the Provisional Replacements Certificates) issued before the date of entry into force of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009.

(5) Provisions of paragraph 4 of Decision S1 and paragraph 2 of Decision No S4 lay down the general principles on the responsibility for the costs of benefits provided on the basis of a valid European Health Insurance Card (EHIC) which should also apply in transitional situations.

(6) Under Article 62 and 63 of Regulation (EC) No 987/2009 those Member States that are not listed in Annex 3 of Regulation (EC) No 987/2009 shall reimburse benefits in kind supplied to family members who do not reside in the same Member State as the insured person and to pensioners and members of their family on the basis of actual expenditure as from 1 May 2010.

(7) The costs of benefits in kind provided under Articles 19(1), 20(1) and Article 27(1) and 27(3) of Regulation (EC) No 883/2004 shall be borne by the competent institution responsible for the costs of benefits in kind provided to family members who do not reside in the same Member State as the insured person and to pensioners and members of their family in their Member State of residence.

(8) Under Article 64(7) of Regulation (EC) No 987/2009 Member States listed in Annex 3 may after 1 May 2010 continue to apply for five years Articles 94 and 95 of Regulation (EEC) No 574/72 for the calculation of the fixed amounts.

(9) The Regulation (EC) No 987/2009 introduces new procedures for reimbursements of healthcare costs with the aim of speeding up the refunds between Member States and preventing a build-up of claims which remain unsettled for longer periods of time.

(10) There is a need for transparency and guidance for the institutions in the situations referred above to ensure unified and coherent application of Community provisions.

Acting in accordance with the conditions laid down in Article 71(2) of Regulation (EC) No 883/2004,

HAS DECIDED AS FOLLOWS:

I. Transitional arrangements for determining the Member State responsible for bearing the costs of scheduled treatment and necessary care with regard to the change in competence under Regulation (EC) No 883/2004

1. If a treatment was supplied to a person before 1 May 2010, the competence for bearing the person's costs shall be determined in accordance with the provisions of Regulation (EEC) No 1408/71.

[1] OJ L 166, 30.4.2004, p. 1.
[2] OJ L 284, 30.10.2009, p. 1.

2. If a person was authorised to go to the territory of another Member State to receive there the treatment appropriate to his/her condition (scheduled treatment) under Regulations (EEC) Nos 1408/71 and 574/72 and the treatment is provided partly or entirely after 30 April 2010, the costs of the entire treatment shall be borne by the institution which granted the authorisation.

3. If a treatment started to be supplied to a person under Article 22(3)(a) or Article 31(1)(a) of Regulation (EEC) No 1408/71, the costs of such treatment should be borne in accordance with provisions of these Articles even if the competence for bearing the person's costs has changed according to the provisions of Regulation (EC) No 883/2004. Nevertheless, if the treatment continues after 31 May 2010, the costs incurred after that date shall be borne by the institution competent under Regulation (EC) No 883/2004.

4. If a treatment was provided under Article 19(1) or 27(1) of Regulation (EC) No 883/2004 after 30 April 2010 on basis of valid EHIC issued before 1 May 2010, the claim for the reimbursement of the costs of such treatment cannot be rejected on the grounds that the competence for persons' healthcare costs has changed according to the provisions of Regulation (EC) No 883/2004.

An institution which is obliged to refund the cost of benefits provided on the basis of an EHIC may request that the institution with which the person was rightly registered at the time of the award of the benefits shall refund the cost of those benefits to the first institution, or if the person was not entitled to use the EHIC, settle the matter with the person concerned.

II. **Transitional arrangements for calculation of Average costs**

1. The method of calculation of Average costs for years up to and including 2009 shall be subject to provisions of Articles 94 and 95 of Regulation (EEC) No 574/72 even if the Average costs are presented to the Audit Board after 30 April 2010.

2. Member States not listed in Annex 3 of Regulation (EC) No 987/2009 can, for the period from 1 January 2010 until 30 April 2010, either calculate new Average costs under Articles 94 and 95 of Regulation (EEC) No 574/72 or use the Average costs presented for year 2009.

III. **Procedure for reimbursement on the basis of actual expenditure**

1. Claims for reimbursement on the basis of actual expenditure recorded in the accounts of the creditor Member State before 1 May 2010 shall be subject to the financial provisions of Regulation (EEC) No 574/72.

These claims shall be introduced to the liaison body of the debtor Member State no later than 31 December 2011.

2. All claims for reimbursement on the basis of actual expenditure recorded in the accounts of the creditor Member State after 30 April 2010 shall be subject to the new rules of procedures in accordance with the provisions of Articles 66 to 68 of Regulation (EC) No 987/2009.

IV. **Procedure for reimbursement on the basis of fixed amounts**

1. Average costs regarding years up to and including 2009 shall be presented to the Audit Board no later than 31 December 2011. Average costs regarding year 2010 shall be presented to the Audit Board no later than 31 December 2012.

2. All claims for reimbursement on the basis of fixed amounts published in the *Official Journal of the European Union* before 1 May 2010 shall be introduced no later than 1 May 2011.

3. All claims for reimbursement on the basis of fixed amounts published after 30 April 2010 shall be subject to the new rules of procedures in accordance with the provisions of Articles 66 to 68 of Regulation (EC) No 987/2009.

V. **Final provisions**

1. When applying the transitional arrangements, the guiding principle shall be good cooperation between institutions, pragmatism and flexibility.

2. This Decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of entry into force of Regulation (EC) No 987/2009.

The Chair of the Administrative Commission

Lena MALMBERG

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 furfuraldehyde originating in the People's Republic of China

(2010/C 107/06)

Following the publication of a notice of impending expiry ([1]) of the anti-dumping measures in force on imports of furfuraldehyde originating, inter alia, in the People's Republic of China (country concerned), the Commission has received a request for review pursuant to Article 11 (2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ([2]) (the basic Regulation).

1. Request for review

The request was lodged on 28 January 2010 by two Union producers, Lenzing AG and Tanin Sevnica kemicna industrija d.d. (the applicants), representing a major proportion, in this case more than 50 % of the Union production of furfuraldehyde.

2. Product

The product under review is 2-furaldehyde (also known as furfuraldehyde or furfural), originating in the People's Republic of China (the product concerned), currently falling within CN code 2932 12 00.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 639/2005 ([3]).

4. Grounds for the review

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

In view of the provisions of Article 2(7) of the basic Regulation, the applicants established normal value for the exporting producers from the People's Republic of China on the basis of the sales prices in an appropriate market economy country, which is mentioned in point 5.1(d) of this notice. The allegation of continuation of dumping is based on a comparison of normal value, as set out in the preceding sentence, with the export prices of the product concerned when sold for export to the European Union under the inward processing regime.

On this basis, the dumping margins calculated are significant.

The applicants further allege the likelihood of recurrence of injurious dumping. In this respect, the applicants present evidence that, should measures be allowed to lapse, the current import level of the product concerned is likely to increase due to the existence of unused capacity in the country concerned.

The applicants allege that the removal of injury has been mainly due to the existence of measures and that any recurrence of substantial imports at dumped prices from the country concerned would likely lead to a recurrence of injury to the Union industry should measures be allowed to lapse.

5. Procedure

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

([1]) OJ C 16, 22.1.2010, p. 40.
([2]) OJ L 343, 22.12.2009, p. 51.
([3]) OJ L 107, 28.4.2005, p. 1.

5.1. ***Procedure for the determination of dumping and injury***

The investigation will determine whether the expiry review of the measures would be likely, or unlikely, to lead to a continuation of dumping and recurrence of injury.

(a) *Sampling*

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling, in accordance with Article 17 of the basic Regulation.

(i) Sampling for exporters/producers in the People's Republic of China

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

— name, address, e-mail address, telephone and fax numbers, and contact person,

— the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Union during the period 1.4.2009 to 31.3.2010 for each of the 27 Member States separately and in total,

— the turnover in local currency and the volume in tonnes of the product concerned sold on the domestic market during the period 1.4.2009 to 31.3.2010,

— the turnover in local currency and the volume in tonnes for the product concerned sold to other third countries during the period 1.4.2009 to 31.3.2010,

— the precise activities of the company worldwide with regard to the product concerned,

— the names and the precise activities of all related companies [1] involved in the production and/or sales (export and/or domestic) of the product concerned,

— any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

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

(ii) Final selection of the sample

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the sample must reply to a questionnaire within the time limit set in point 6 (b)(iii) and must cooperate within the framework of the investigation.

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

(b) *Questionnaires*

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Union industry and to any known association of producers in the Union, to the sampled exporters/producers in the People's Republic of China and to any known association of exporters/producers, to the importers, to any known association of importers, and to the authorities of the exporting country concerned.

[1] For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

(c) *Collection of information and holding of hearings*

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in point 6(a)(ii).

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii).

(d) *Selection of the market economy country*

In the previous investigation Argentina was used as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. The Commission envisages using Argentina again for this purpose. Interested parties are hereby invited to comment on the appropriateness of this country within the specific time limit set in point 6(c).

5.2. ***Procedure for assessing the interest of the Union***

In accordance with Article 21 of the basic Regulation and in the event that the likelihood of a continuation of dumping and recurrence of injury is confirmed, a determination will be made as to whether maintaining the anti-dumping measures would not be against the Union interest. For this reason the Commission may send questionnaires to the known Union industry, importers, their representative associations, representative users and representative consumer organisations. Such parties, included those not known to the Commission, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii), make themselves known and provide the Commission with information. The parties which have acted in conformity with the preceding sentence may request a hearing, setting out the particular reasons why they should be heard, within the time limit set in point 6(a)(iii). It should be noted that any information submitted pursuant to Article 21 of the basic Regulation will only be taken into account if supported by factual evidence at the time of submission.

6. **Time limits**

(a) *General time limits*

(i) For parties to request a questionnaire

All interested parties who did not cooperate in the investigation leading to the measures subject to the present review should request a questionnaire or other claim forms as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Union*.

(ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limit specified in point 6(b)(iii).

(iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 37-day time limit.

(b) *Specific time limit in respect of sampling*

(i) The information specified in point 5.1(a)(i) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

(ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(ii) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

(iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample, unless otherwise specified.

(c) *Specific time limit for the selection of the market economy country*

Parties to the investigation may wish to comment on the appropriateness of Argentina which, as mentioned in point 5.1(d), is envisaged as a market economy country for the purpose of establishing normal value in respect of People's Republic of China. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

7. **Written submissions, questionnaire replies and correspondence**

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' [1] and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N-105 04/92
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22956505

8. **Non-cooperation**

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

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favourable to that party than if it had cooperated.

9. **Schedule of the investigation**

The investigation will be concluded, according to Article 11(5) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.

10. **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 level of 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 party to the proceeding considers that a review of the level of the measures is warranted so as to allow for the possibility to amend (i.e. increase or decrease) the level of the measures, that party may request a review in accordance with 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.

11. **Processing of personal data**

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data [2].

12. **Hearing Officer**

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of the Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details interested parties may consult the Hearing Officer's web pages of the website of the Directorate-General for Trade (http://ec.europa.eu/trade).

[1] This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document 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).

[2] OJ L 8, 12.1.2001, p. 1.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.5843 — Eli Lilly/Certain Animal Health Assets of Pfizer)

Candidate case for simplified procedure

(Text with EEA relevance)

(2010/C 107/07)

1. On 19 April 2010 the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 [1] by which the undertaking Elanco Animal Health Ireland Limited (EU), controlled by Eli Lilly & Co (USA), acquires within the meaning of Article 3(1)(b) of the EC Merger Regulation control of parts of the undertaking Pfizer Inc (USA) by way of a purchase of assets.

2. The business activities of the undertakings concerned are:

— for Eli Lilly and Co: research based, global pharmaceutical company engaged in the discovery, development, manufacture and sale of a range of pharmaceutical products for humans and animals,

— Pfizer Assets: rights to animal health products in the areas of multivalent feline vaccines, equine influenza and tetanus vaccines, swine *mycoplasma hyopneumoniae* vaccines, parasiticides for companion and production animals, and oral rehydration salts and to a tetracycline spray.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC 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 EC Merger Regulation [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. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5843 — Eli Lilly/Certain Animal Health Assets of Pfizer, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

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[1] OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').
[2] OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

Prior notification of a concentration

(Case COMP/M.5811 — Erste Bank/ASK)

(Text with EEA relevance)

(2010/C 107/08)

1. On 19 April 2010, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1], by which Erste Bank der österreichischen Sparkassen AG ('Erste Bank', Austria), which is controlled by Erste Group Bank AG, acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Allgemeine Sparkasse Oberösterreich Bankaktiengesellschaft ('ASK', Austria) by contract of management or by other means.

2. The business activities of the undertakings concerned are:

— for Erste Bank: banking and financial services, including deposit and lending operations for private and corporate customers, deposit services, payment services, asset management, investment banking, trade in securities, project and trade financing,

— for ASK: banking and financial services, including deposit and lending operations for private and corporate customers, deposit services, payment services, asset management.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. However, the final decision on this point is reserved.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5811 — Erste Bank/ASK, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

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

Prior notification of a concentration

(Case COMP/M.5786 — Française des Jeux/Groupe Lucien Barrière/JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2010/C 107/09)

1. On 19 April 2010 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [1] by which the undertaking Française des Jeux FDJ ('FDJ', France) and the Groupe Lucien Barrière ('GLB', France) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Newco ('Newco', France) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

— FDJ: a long-standing company providing gaming and sports betting services in France,

— GLB: jointly owned by Accor and the Barrière-Desseigne family, GLB is involved in the management of casinos, hotels and spa treatment centres, catering, and the management of golf courses and event solutions, mainly in France. GLB also organises an online poker game in Malta and the United Kingdom,

— Newco: a joint venture responsible for designing and operating an online poker internet site in France following the liberalisation of the French market in internet games of chance and gambling. Newco will also sell online poker games and multimedia software aimed at creating platforms to make the games accessible to surfers.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC 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 EC Merger Regulation [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. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5786 — Française des Jeux/Groupe Lucien Barrière/JV, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

[1] OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').
[2] OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

OTHER ACTS

COUNCIL

Notice for the attention of the persons and entities to which restrictive measures provided for in Council Decision 2010/231/CFSP and in Council Regulation (EU) No 356/2010 apply

(2010/C 107/10)

COUNCIL OF THE EUROPEAN UNION,

The following information is brought to the attention of the persons and entities that appear in the Annex to Council Decision 2010/231/CFSP [1] and in Annex I to Council Regulation (EU) No 356/2010 [2].

The Sanctions Committee established pursuant to United Nations Security Council Resolution (UNSCR) 751 (1992) concerning Somalia adopted on 12 April 2010 the list of persons and entities to which the provisions of paragraphs 1, 3 and 7 of UNSCR 1844 (2008) apply.

The persons and entities concerned may submit at any time a request to the UN Committee, together with any supporting documentation, for the decisions to include them in the UN list to be reconsidered. Such request should be sent to the following address:

United Nations — Focal point for delisting
Security Council Subsidiary Organs Branch
Room S-3055 E
New York, NY 10017
UNITED STATES OF AMERICA

See for more information at: http://www.un.org/sc/committees/751/comguide.shtml

Further to the UN decision, the Council of the European Union has determined that the persons and entities that appear in the above-mentioned Annexes should be included in the lists of persons and entities which are subject to the restrictive measures provided for in Decision 2010/231/CFSP and in Regulation (EU) No 356/2010.

The attention of the persons and entities concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the websites in Annex II to Regulation (EU) No 356/2010, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 5 of the Regulation).

The persons and entities concerned may submit a request to obtain the statement of reasons for listing provided by the UN Sanctions Committee, to the following address:

Council of the European Union
General Secretariat
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

[1] OJ L 105, 27.4.2010, p. 17.
[2] OJ L 105, 27.4.2010, p. 1.

The persons and entities concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the above-mentioned lists should be reconsidered, to the address provided above.

The attention of the persons and entities concerned is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, 2nd paragraph, and Article 263, 4th and 6th paragraphs, of the Treaty on the Functioning of the European Union.

Notice for the attention of the persons, entities and bodies to which restrictive measures provided for in Council Decision 2010/232/CFSP apply

(2010/C 107/11)

COUNCIL OF THE EUROPEAN UNION,

The following information is brought to the attention of the persons, entities and bodies that appear in Annex II to Council Decision 2010/232/CFSP [1].

Following a review of the list of persons, entities and bodies to which restrictive measures provided for in Council Common Position 2006/318/CFSP [2] on restrictive measures against Burma/Myanmar apply, the Council of the European Union has determined that the persons, entities and bodies that appear in the above-mentioned Annex II fulfil the criteria set out in that Common Position and they should consequently remain subject to the restrictive measures as renewed by Decision 2010/232/CFSP.

The attention of the persons, entities and bodies concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the websites in Annex IV to Council Regulation (EC) No 194/2008 [3], in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 13 of the Regulation).

The persons, entities and bodies concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the above-mentioned list should be reconsidered. Any such request should be sent to the following address:

Council of the European Union
General Secretariat
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

The attention of the persons, entities and bodies concerned is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, 2nd paragraph, and Article 263, 4th and 6th paragraphs, of the Treaty on the Functioning of the European Union.

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[1] OJ L 105, 27.4.2010, p. 22.
[2] OJ L 116, 29.4.2006, p. 77.
[3] OJ L 66, 10.3.2008, p. 1.

EUROPEAN COMMISSION

Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2011 and undertakings intending to request for 2011 a quota for these substances intended for laboratory and analytical uses

(2010/C 107/12)

The Commission herewith also gives advanced notice that the concerned Internet pages indicated below are currently being revised and that the addresses may change. While an automatic forwarding will be ensured, in cases of doubt the Commission should be contacted to obtain the latest address.

I. This Notice is addressed to undertakings that are concerned by the Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer [1] (the Regulation) and that intend to **import** or **export** to or from the European Union, or that indent to request for 2011 a quota for laboratory and analytical uses, for any of the following substances covered by the Regulation during the period 1 January 2011 to 31 December 2011:

Group I: CFC 11, 12, 113, 114 or 115

Group II: other fully halogenated CFCs

Group III: halon 1211, 1301 or 2402

Group IV: carbon tetrachloride

Group V: 1,1,1 trichloroethane

Group VI: methyl bromide

Group VII: hydrobromofluorocarbons

Group VIII: hydrochlorofluorocarbons

Group IX: bromochloromethane

Dibromodifluoromethane (halon-1202).

II. As a general rule, the production, import and export of substances referred to under point I is prohibited, except for specific cases foreseen by the Regulation.

III. Any import or export of substances exempted from the general import or export ban requires a licence by the Commission, except in cases of transit, temporary storage, customs-warehousing or free zone procedure as referred to in Regulation (EC) No 450/2008, lasting no longer than 45 days. Also the import or export of Dibromodifluoromethane is exempted from the licensing requirement.

IV. Any production of controlled substances for laboratory and analytical uses requires a prior authorisation.

V. The request for a quota for laboratory and analytical uses follows the same procedure as indicated below for imports. Quotas will be allocated in line with Article 10(6) of the Regulation.

[1] OJ L 286, 31.10.2009, p. 1.

VI. Any undertaking that wishes to import or export controlled substances in 2011 and that has not requested an import licence or export authorisation in the previous years, needs to notify the Commission by submitting no later than **1 July 2010** the registration form available online at: http://ec.europa.eu/environment/ozone/ods.htm. Following the registration, undertakings need to follow the procedure described in paragraph VII.

VII. Undertakings that requested an import licence or export authorisation in previous years should complete and submit the relevant declaration form available online via the Main-ODS-database (http://ec.europa.eu/environment/ozone/ods.htm).

In the case of import declarations, a duly signed copy of the final declaration needs to be sent to the Commission after completion of the online declaration process:

European Commission
Directorate-General for the Environment
Unit ENV.C.4 — Industrial emissions and protection of the ozone layer
BU-1 2/147
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22920692
E-mail: env-ods@ec.europa.eu

The Commission encourages the submission of duly signed copies by e-mail.

VIII. The declaration forms in the ODS-database will be available as of 1 June 2010.

IX. Only duly completed declaration forms (in case of import declarations: the signed copies) that are free of errors received by **31 July 2010** will be considered as valid by the Commission.

Undertakings are encouraged to submit their declaration as soon as possible and sufficiently ahead of the deadline to allow for potential corrections within the declaration period.

The submission of a declaration by itself does not give any right to perform imports or exports.

X. Before an import or export, subject to licensing (see point III), takes place in 2011, undertakings must have submitted a corresponding declaration and must apply for a licence by the Commission using the online application form available in the online Main-ODS-database.

XI. To verify the nature of the substance and the purpose of the import or export as described by the undertaking in the licence request, the Commission may ask the applicant to submit additional information.

XII. A licence will be issued if the Commission is satisfied that the request is in accordance with the declaration and in conformity with the legal requirements. The applicant will be informed by e-mail about the acceptance of the licence request. The Commission reserves the right to withhold an export licence when the substance to be exported is not as described or may not be used for the purposes requested or cannot be exported in compliance with the Regulation.

The Commission may reject a request for a licence, when the competent authorities of the importing country have informed the Commission that the import of the controlled substance would adversely impact on the implementation of control measures of the importing country in place to comply with its obligations under the Protocol or would lead to an excess of the quantitative limits under the Protocol for that country.

XIII. Imports for free circulation in the European Union are subject to quantitative limits, determined by the Commission on the basis of the import declarations for controlled substances for the following uses:

(a) laboratory and analytical uses (subject to a production/import quota and quantitative limitation; see points IV and V above);

(b) critical uses (halons);

(c) feedstock uses;

(d) process agent uses.

European Commission

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