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Information and Notices

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II

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

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case COMP/M.6656 — Gunvor Ingolstadt/Gunvor Deutschland/Petroplus Assets)****(Text with EEA relevance)**

(2012/C 240/01)

On 3 August 2012, 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 32012M6656. EUR-Lex is the on-line access to the European law.

Non-opposition to a notified concentration**(Case COMP/M.6654 — Melrose PLC/Elster Group SE)****(Text with EEA relevance)**

(2012/C 240/02)

On 3 August 2012, 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 32012M6654. EUR-Lex is the on-line access to the European law.
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

9 August 2012

(2012/C 240/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,2301	AUD Australian dollar	1,1639
JPY Japanese yen	96,53	CAD Canadian dollar	1,2230
DKK Danish krone	7,4424	HKD Hong Kong dollar	9,5405
GBP Pound sterling	0,78710	NZD New Zealand dollar	1,5171
SEK Swedish krona	8,2669	SGD Singapore dollar	1,5326
CHF Swiss franc	1,2010	KRW South Korean won	1 386,43
ISK Iceland króna		ZAR South African rand	9,9548
NOK Norwegian krone	7,2955	CNY Chinese yuan renminbi	7,8226
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,5025
CZK Czech koruna	25,135	IDR Indonesian rupiah	11 652,07
HUF Hungarian forint	276,79	MYR Malaysian ringgit	3,8193
LTL Lithuanian litas	3,4528	PHP Philippine peso	51,414
LVL Latvian lats	0,6960	RUB Russian rouble	38,9790
PLN Polish zloty	4,0678	THB Thai baht	38,760
RON Romanian leu	4,5443	BRL Brazilian real	2,4913
TRY Turkish lira	2,1959	MXN Mexican peso	16,1949
		INR Indian rupee	68,0180

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

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

RECOMMENDATION No S1

of 15 March 2012

concerning financial aspects of cross-border living organ donations

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

(2012/C 240/04)

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 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 Article 168(7) TFEU,

Having regard to Article 48 TFEU,

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

Whereas:

- (1) Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care.
- (2) Union action shall not affect national provisions on the donation or medical use of organs and blood.
- (3) Regulation (EC) No 883/2004 does not provide a solution for the reimbursement of sickness benefits in

kind to a living donor where his applicable legislation excludes or does not provide for the reimbursement of costs and the legislation of the organ recipient does not cover the donor's costs.

- (4) It is acknowledged that organ transplantation is a cost-effective treatment that has brought immense benefits to patients and living donations need to be performed in a manner that minimises the social risk to the individual donor.
- (5) The competent institution of the organ recipient should find a humanitarian ad hoc solution and reimburse the benefits in kind necessitated by cross-border living donation, if the applicable legislation of the organ donor does not provide reimbursement for living organ donors or for living organ donations in general.
- (6) The living donor has to be able to take an independent decision on the basis of all the relevant information and should be informed in advance about the health care coverage, reimbursement of costs relating to the cross-border organ donation and possible loss of income compensated by sickness cash benefits,

RECOMMENDS:

1. The competent authorities of an organ recipient, when they prepare or authorise the living organ donation with an organ coming from a living donor insured in another Member State, should consider the access of the living donor to the health care system for problems related to the procedure of donation;

2. The competent authorities of an organ recipient shall find a humanitarian solution and reimburse the benefits in kind necessitated by cross-border living donation for the donor, if the legislation covering the donor does not provide entitlement to sickness benefits in kind for the donor;

⁽¹⁾ OJ L 166, 30.4.2004, p. 1, (as corrected in OJ L 200, 7.6.2004, p. 1).

⁽²⁾ 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 (OJ L 284, 30.10.2009, p. 1).

3. The competent authority of the donor shall provide sickness cash benefits in accordance with the legislation it applies, regardless of which Member State the organ donation took place in or of who was the organ recipient. Possible loss of income by the donor linked to the donation should be treated like any other incapacity for work by the donor's applicable legislation as there is no reason to treat the incapacity for work related to the organ donation differently from other incapacities based on medical grounds.

The Chair of the Administrative Commission

Karin MØHL LARSEN

NOTICES FROM MEMBER STATES

Summary information communicated by Member States on State aid granted in conformity with Commission Regulation (EC) No 736/2008 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises active in the production, processing and marketing of fisheries products

(Text with EEA relevance)

(2012/C 240/05)

Aid No: SA.33856 (11/XF)**Member State:** France**Authority granting the aid:** Ministère de l'agriculture, de l'alimentation, de la pêche, de la ruralité et de l'aménagement du territoire.**Name of company receiving the aid:** Aide versée au Comité régional des pêches maritimes et des élevages marins du Languedoc-Roussillon en vue de mettre en place des opérations de transfert d'anguilles argentées (stade adulte) pour l'unité de gestion de l'anguille Rhône-Méditerranée et un suivi scientifique du déroulement et des résultats de ces opérations.**Legal basis:**

Décret n° 99-1060 du 16 décembre 1999 relatif aux subventions de l'État pour des projets d'investissement

Décret n° 2000-675 du 17 juillet 2000 pris pour l'application de l'article 10 du décret n° 99-1060 du 16 décembre 1999 relatif aux subventions de l'État pour des projets d'investissement

Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel

Amount of ad hoc aid granted: EUR 350 000 in 2011 (maximum overall amount)**Maximum aid intensity:** 98 %**Date of entry into force:** 2011**Duration of individual aid award (planned date of final payment):** The deadline for submitting the request for payment of the balance of the aid is 31 December 2012.**Objective of aid:** The objective is temporarily to transfer silver eels downstream of barriers while they undergo maintenance in order to restore ecological continuity and to carry out a scientific analysis of the procedure. The aid is intended to help France achieve the objectives laid down in Council

Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel, and in particular the fifth indent of Article 2(8). The aid is intended to contribute to improving the probability of achieving a level of escapement to the sea of at least 40 % of the silver eel biomass at the adult stage, this being the best possible estimate of the level of escapement if the stock is free from anthropogenic influences, in accordance with Article 2(4) of Council Regulation (EC) No 1100/2007 of 18 September 2007.

Relevant articles:

Article 18 — Aid for measures intended to protect and develop aquatic fauna and flora

Article 21 — Aid for pilot projects

Activity concerned: Fisheries of Mediterranean waters, lagoons and rivers with the objective of releasing silver eels into the sea**Name and address of the granting authority:**Ministère de l'agriculture, de l'alimentation, de la pêche, de la ruralité et de l'aménagement du territoire
Direction des pêches maritimes et de l'aquaculture
Bureau de la pisciculture et de la pêche continentale
3 place de Fontenoy
75007 Paris
FRANCE**Web address where the full text of the scheme or the criteria and conditions under which ad hoc aid is granted outside of an aid scheme can be found:**<http://agriculture.gouv.fr/europe-et-international>**Motivation:**

The planned aid will make it possible to finance the action proposed without using appropriations under the European Fisheries Fund (EFF).

Recourse to EFF measure 3.2 (cf. Article 38 of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund) is not possible in view of the use already made of the corresponding budgetary allocation.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of an anti-subsidy proceeding concerning imports of stainless steel wires
originating in India**

(2012/C 240/06)

The European Commission ('the Commission') has received a complaint pursuant to Article 10 of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), alleging that imports of stainless steel wires, originating in India, are being subsidised and are thereby causing material injury to the Union industry.

1. Complaint

The complaint was lodged on 28 June 2012 by the European Confederation of Iron and Steel Industries (Eurofer) ('the complainant') on behalf of producers representing a major proportion, in this case more than 50 %, of the total Union production of stainless steel wires.

2. Product under investigation

The product subject to this investigation is defined as follows:

wire of stainless steel containing by weight:

- 2,5 % or more of nickel, other than wire containing by weight 28 % or more but not more than 31 % of nickel and 20 % or more but not more than 22 % of chromium,
- less than 2,5 % of nickel, other than wire containing by weight 13 % or more but not more than 25 % of chromium and 3,5 % or more but not more than 6 % of aluminium ('the product under investigation').

3. Allegation of subsidisation

The product allegedly being subsidised is the product under investigation, originating in India ('the country concerned'), currently falling within CN codes 7223 00 19 and 7223 00 99. These CN codes are given for information only.

It is alleged that the producers of the product concerned from India have benefitted from a number of subsidies granted by the Government of India and from regional subsidies.

The subsidies consist, inter alia, of the duty entitlement passbook scheme, the advance authorisation scheme, schemes conferring benefits to industries located in special economic zones/export oriented units, the export promotion capital goods scheme, pre-shipment and post-shipment export financing, loan guarantees from the Government of India, exemption of export credit from interest taxes, duty-free replenishment certificate scheme/duty-free imports authorisation scheme, duty drawback scheme, income tax incentive for research and development, focus product scheme and regional subsidies by the state of Maharashtra (inter alia, sales tax/trade tax incentive, electricity duty exemption, octroi refund, special capital incentive) and by the state of Gujarat (industrial incentive schemes).

It is alleged that the above schemes are subsidies since they involve a financial contribution from the Government of India or other regional governments (including public bodies) and confer a benefit to the recipients. They are alleged to be contingent upon export performance and/or limited to specific companies or limited to certain groups of industries and/or regions and are therefore specific and countervailable.

⁽¹⁾ OJ L 188, 18.7.2009, p. 93.

4. Allegation of injury and causation

The complainant has provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms and in terms of market share.

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

5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 10 of the basic Regulation.

The investigation will determine whether the product under investigation originating in the country concerned is being subsidised and whether these subsidised imports have caused injury to the Union industry. If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

The Government of India has been invited for consultations.

5.1. Procedure for the determination of subsidisation

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

5.1.1. Investigating exporting producers

5.1.1.1. Procedure for selecting exporting producers to be investigated in India

(a) Sampling

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

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all

exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with information on their company(ies) requested in Annex A to this notice.

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

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

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers, and to the authorities of the country concerned.

All exporting producers, selected to be in the sample, and the authorities of the country concerned will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

The questionnaire for exporting producers will request information on, inter alia, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the product under investigation, the total sales of the company(ies) and of the product under investigation and the amount of financial contribution and benefit from the alleged subsidies or subsidy programmes.

The questionnaire for the authorities will request information on, inter alia, the alleged subsidies or subsidy programme(s), the authorities responsible for their operation, the manner and functioning of such operation, the legal basis, the eligibility criteria and other terms and conditions, the recipients and the amount of financial contribution and benefit conferred.

Without prejudice to the application of Article 28 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers'). Without

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

prejudice to Section (b) below, the countervailing duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average margin of subsidisation established for the exporting producers in the sample ⁽¹⁾.

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

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

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

5.1.2. Investigating unrelated importers ⁽²⁾ ⁽³⁾

Unrelated importers of the product under investigation from the country concerned to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the inves-

tigation 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 27 of the basic Regulation.

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

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

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

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

The questionnaire will request information on, inter alia, the structure of their company(ies), the activities of the company(ies) in relation to the product under investigation and the sales of the product under investigation.

5.2. Procedure for the determination of injury and investigating Union producers

A determination of injury is based on positive evidence and involves an objective examination of the volume of the subsidised imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is

⁽¹⁾ Pursuant to Article 15(3) of the basic Regulation, any zero and *de minimis* amounts of countervailable subsidies and amounts of countervailable subsidies established in the circumstances referred to in Article 28 of the basic Regulation shall be disregarded.

⁽²⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person 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 directly or indirectly control a third person; or (h) they are members of the same family. 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 (OJ L 253, 11.10.1993, p. 1). In this context, 'person' means any natural or legal person.

⁽³⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of subsidisation.

materially injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

5.2.1. *Investigating Union producers*

In view of the large number of Union producers involved in this proceeding 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 27 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in Section 5.6 below). 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 15 days of the date of publication of this notice in the *Official Journal of the European Union*. All interested parties wishing to submit any other relevant information regarding the selection of the sample must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

The questionnaire will request information on, inter alia, the structure of their company(ies) and the financial and economic situation of the company(ies).

5.3. *Procedure for the assessment of Union interest*

Should the existence of subsidisation and injury caused thereby be established, a decision will be reached, pursuant to Article 31 of the basic Regulation, as to whether the adoption of anti-subsidy measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise

specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 31 will only be taken into account if supported by factual evidence at the time of submission.

5.4. *Other written submissions*

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.5. *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 should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

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

Interested parties are required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying questionnaire replies must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 28(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22960751 (subsidy) / +32 22988817 (injury)
E-mail: TRADE-SSW-SUBSIDY@ec.europa.eu
TRADE-SSW-INJURY@ec.europa.eu

6. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 28 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the

request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among other things, to subsidisation, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on Trade DG's website: http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm

8. Schedule of the investigation

The investigation will be concluded, pursuant to Article 11(9) of the basic Regulation, within 13 months of the date of the publication of this notice in the *Official Journal of the European Union*. In accordance with Article 12(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Union*.

Interested parties should be aware that the time limits set out in this notice and those set out by the Commission in its communications with the parties should be complied with in order to ensure that the investigation is concluded within the deadlines prescribed by the basic Regulation.

9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX A

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

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF STAINLESS STEEL WIRES ORIGINATING IN INDIA**INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN INDIA**

This form is designed to assist exporting producers in India in responding to the request for sampling information made in point 5.1.1.1. a) of the notice of initiation.

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

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the turnover in the accounting currency of the company during the period 1 April 2011 - 31 March 2012 for sales (export sales to the Union for each of the 27 Member States ⁽²⁾ separately and in total and domestic sales) of stainless steel wires as defined in the notice of initiation and the corresponding weight or volume. State the currency used.

	Volume in tonnes		Value in the accounting currency (INR)
Export sales to the Union, for each of the 27 Member States separately and in total, of the product under investigation, manufactured by your company	Total		
	Name each Member State ⁽³⁾		
Domestic sales of the product under investigation, manufactured by your company			

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 29 of Council Regulation (EC) No 597/2009 (OJ L 188, 18.7.2009, p. 93) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

⁽²⁾ The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

⁽³⁾ Add additional rows where necessary.

ANNEX B

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

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF STAINLESS STEEL WIRES ORIGINATING IN INDIA**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 5.1.2. 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.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail 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 ⁽²⁾ and resales on the Union market after importation from India, during the period 1 April 2011–31 March 2012, of stainless steel wires as defined in the notice of initiation and the corresponding weight or volume.

	Volume in tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation into the Union		
Resales on the Union market after importation from India of the product under investigation		

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 29 of Council Regulation (EC) No 597/2009 (OJ L 188, 18.7.2009, p. 93) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures

⁽²⁾ The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

Notice of initiation of an anti-dumping proceeding concerning imports of stainless steel wires originating in India

(2012/C 240/07)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), alleging that imports of stainless steel wires, originating in India, are being dumped and are thereby causing material injury to the Union industry.

1. Complaint

The complaint was lodged on 28 June 2012 by the European Confederation of Iron and Steel Industries (Eurofer) ('the complainant') on behalf of producers representing a major proportion, in this case more than 50 %, of the total Union production of stainless steel wires.

2. Product under investigation

The product subject to this investigation is defined as follows:

wire of stainless steel containing by weight:

- 2,5 % or more of nickel, other than wire containing by weight 28 % or more but not more than 31 % of nickel and 20 % or more but not more than 22 % of chromium,
- less than 2,5 % of nickel, other than wire containing by weight 13 % or more but not more than 25 % of chromium and 3,5 % or more but not more than 6 % of aluminium ('the product under investigation').

3. Allegation of dumping

The product allegedly being dumped is the product under investigation, originating in India ('the country concerned'), currently falling within CN codes 7223 00 19 and 7223 00 99. These CN codes are given for information only.

The allegation of dumping from India is based on a comparison of the domestic price with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

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

4. Allegation of injury and causation

The complainant has provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms and in terms of market share.

The *prima facie* evidence provided by the complainant shows that the volume and the prices of the imported product under investigation have had, among other consequences, a

negative impact on the quantities sold, the level of prices charged and the market share held by the Union industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Union industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

The investigation will determine whether the product under investigation originating in the country concerned is being dumped and whether the dumped imports have caused injury to the Union industry. If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

5.1. Procedure for the determination of dumping

Exporting producers ⁽²⁾ of the product under investigation from the country concerned are invited to participate in the Commission investigation.

5.1.1. Investigating exporting producers

5.1.1.1. Procedure for selecting exporting producers to be investigated in the country concerned

(a) Sampling

In view of the potentially large number of exporting producers in the country concerned involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.

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

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

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers, and to the authorities of the country concerned.

All exporting producers selected to be in the sample will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

The questionnaire will request information on, inter alia, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production, the sales of the product under investigation on the domestic market of the country concerned and the sales of the product under investigation to the Union.

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to Section (b) below, the anti-dumping duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample ⁽¹⁾.

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

Non-sampled cooperating exporting producers may request, pursuant to Article 17(3) of the basic Regulation, that the

Commission establish their individual dumping margins ('individual dumping margin'). The exporting producers wishing to claim an individual dumping margin must request a questionnaire and return them duly completed within the deadlines specified in the following sentence. The completed questionnaire reply must be submitted within 37 days of the date of notification of the sample selection, unless otherwise specified.

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

5.1.2. Investigating unrelated importers ⁽²⁾ ⁽³⁾

Unrelated importers of the product under investigation from the country concerned to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding 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, are hereby requested to make themselves known to the Commission. These parties must do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the information on their company(ies) requested in Annex B to this notice.

⁽²⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person 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 directly or indirectly control a third person; or (h) they are members of the same family. 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 (OJ L 253, 11.10.1993, p. 1). In this context, 'person' means any natural or legal person.

⁽³⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

⁽¹⁾ Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation will be disregarded.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

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

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

The questionnaire will request information on, inter alia, the structure of their company(ies), the activities of the company(ies) in relation to the product under investigation and the sales of the product under investigation.

5.2. Procedure for the determination of injury and investigating Union producers

A determination of injury is based on positive evidence and involves an objective examination of the volume of the dumped imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is materially injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

In view of the large number of Union producers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in Section 5.6 below). 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 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

All interested parties wishing to submit any other relevant information regarding the selection of the sample must do so

within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

The questionnaire will request information on, inter alia, the structure of their company(ies) and the financial and economic situation of the company(ies).

5.3. Procedure for the assessment of Union interest

Should the existence of dumping and injury caused thereby be established, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether the adoption of anti-dumping measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

5.4. Other written submissions

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.5. 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 should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within

15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.6. Instructions for making written submissions and sending completed questionnaires and correspondence

Interested parties are required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate their name, address, e-mail address, telephone and fax numbers. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying questionnaire replies must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 18(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 08/20
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22984120 (dumping) / +32 22988817 (injury)
E-mail: TRADE-SSW-DUMPING@ec.europa.eu
TRADE-SSW-INJURY@ec.europa.eu

6. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final 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.

7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for the Directorate-General for Trade. The Hearing

Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among other things, to dumping, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on Trade DG's website: http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm

8. Schedule of the investigation

The investigation will be concluded, pursuant to Article 6(9) of the basic Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. In accordance with Article 7(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Union*.

Interested parties should be aware that the time limits set out in this notice and those set out by the Commission in its communications with the parties should be complied with in order to ensure that the investigation is concluded within the deadlines prescribed by the basic Regulation.

9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX A

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

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF STAINLESS STEEL WIRES ORIGINATING IN INDIA**INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN INDIA**

This form is designed to assist exporting producers in India in responding to the request for sampling information made in point 5.1.1.1. a) of the notice of initiation.

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

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the turnover in the accounting currency of the company during the period 1 April 2011-31 March 2012 for sales (export sales to the Union for each of the 27 Member States ⁽²⁾ separately and in total and domestic sales) of stainless steel wires as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume and the currency used.

	Volume in tonnes		Value in the accounting currency (INR)
Export sales to the Union, for each of the 27 Member States separately and in total, of the product under investigation, manufactured by your company	Total		
	Name each Member State ⁽³⁾		
Domestic sales of the product under investigation, manufactured by your company			

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009 p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

⁽³⁾ Add additional rows where necessary.

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

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and /or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

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

5. INDIVIDUAL DUMPING MARGIN

The company declares that, in the event that it is not selected to be in the sample, it would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual dumping margin in accordance with section 5.1.1.1 b) of the notice of initiation.

☐ Yes☐ No**6. CERTIFICATION**

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

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person 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 directly or indirectly control a third person; or (h) they are members of the same family. 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. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

ANNEX B

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

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF STAINLESS STEEL WIRES ORIGINATING IN INDIA**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 5.1.2. 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.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail 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 ⁽²⁾ and resales on the Union market after importation from India, during the period 1 April 2011–31 March 2012, of stainless steel wires as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume used.

	Volume in tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation into the Union		
Resales on the Union market after importation from India of the product under investigation		

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009 p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Notice published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case 39.230 — R  el/Alcan

(notified under document C(2012) 5758)

(Text with EEA relevance)

(2012/C 240/08)

1. INTRODUCTION

- (1) According to Article 9 of Council Regulation (EC) No 1/2003⁽¹⁾, the Commission may decide — in cases where it intends to adopt a decision requiring that an infringement is brought to an end and the parties concerned offer commitments to meet the concerns expressed to them by the Commission in its preliminary assessment — to make those commitments binding on the undertakings. Such a decision may be adopted for a specified period and shall conclude that there are no longer grounds for action by the Commission. According to Article 27(4) of the same Regulation, the Commission shall publish a concise summary of the case and the main content of the commitments. Interested parties may submit their observations within the time limit fixed by the Commission.

2. SUMMARY OF THE CASE

- (2) On 11 July 2012, the Commission adopted a preliminary assessment, pursuant to Article 9(1) of Regulation (EC) No 1/2003, concerning alleged infringements of the international aluminium producer Rio Tinto Alcan ('Alcan').
- (3) According to the preliminary assessment, Alcan's practice of contractually tying the licences of its Aluminium Pechiney ('AP') aluminium smelting (reduction) technology to the purchase of certain speciality cranes for aluminium reduction plants, so-called pot tending assemblies (PTAs), supplied by Alcan's subsidiary Electrification Charpente Levage SASU ('ECL'), may result in an infringement of Articles 101 and 102 of the TFEU and Articles 53 and 54 of the EEA Agreement. In its preliminary assessment, the Commission considered that Alcan has a dominant position on the relevant market for the licensing of aluminium smelting technology. For the purpose of this case, this market has been considered to be wider than

EEA and likely worldwide excluding China ('the relevant geographic market'). The preliminary assessment expressed the concern that Alcan's contractual practice may produce negative effects on innovation and prices and result in anticompetitive foreclosure on the relevant PTA market.

3. THE MAIN CONTENT OF THE OFFERED COMMITMENTS

- (4) Alcan does not agree with the Commission's preliminary assessment. It has nevertheless offered commitments pursuant to Article 9 of Regulation (EC) No 1/2003 to meet the Commission's competition concerns. The key elements of the commitments are as follows:
- (5) Alcan will modify the terms of its technology transfer agreements ('TTAs') entered into after the entry into force of the commitments, so that any licensee of the AP aluminium smelting technology will be entitled to purchase PTAs from ECL or from any recommended PTA supplier that has been determined to meet certain technical specifications for the relevant AP technology family.
- (6) Alcan will also introduce an objective and non-discriminatory pre-qualification process, which will give third party PTA suppliers the opportunity to become a recommended PTA supplier. This pre-qualification process is described in more detail in Annex 1 to the commitments.
- (7) Alcan will provide the technical specifications for pre-qualification to any third party PTA supplier upon request, subject to it having first entered into a non-disclosure agreement protecting the confidentiality of the specifications. Alcan will be entitled to refuse to supply the specifications to a PTA supplier located in, or controlled by an entity in, any IP sensitive country as defined in the text of the commitments.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1) ('Regulation (EC) No 1/2003').

- (8) Subject to continued compliance with the applicable technical specifications, the pre-qualification process will only have to be undertaken once by each third party PTA supplier for PTAs intended for installation in smelters for which a particular AP aluminium smelting technology family is used in construction.
- (9) The commitments will apply to all families of the technology developed by Alcan/AP for the production of aluminium through the electrolytic reduction of alumina by the Hall-Heroult process in reduction cells equipped with prebaked anodes, available for license to third parties and operating at an amperage of up to 450 kA, commonly known as the AP-18 family (including the AP-18, AP-22 and AP-24 variants) and the AP-30 family (including the AP-36, AP-37, AP-39 and AP 40 variants), including in each case any increased amperage variants of these respective families that may be developed and made available for licensing to third parties at any time during the term of the commitments.
- (10) The commitments will not apply to aluminium smelter projects based on AP aluminium smelting technology in which Alcan (or the group of companies to which Alcan belongs) has an ownership interest of 15 % or more or to projects located in a jurisdiction outside the relevant geographic market.
- (11) The commitments will apply to all requests for tender related to the licensing of AP aluminium smelting technology addressed to AP within five years from the commitments becoming effective ('the term'), even if the relevant TTA is concluded after the end of the term.
- (12) The commitments are published in full in English on the website of the Directorate-General for Competition at:

http://ec.europa.eu/competition/index_en.html

4. INVITATION TO MAKE COMMENTS

- (13) The Commission intends, subject to market testing, to adopt a decision under Article 9(1) of Regulation (EC) No 1/2003 declaring the commitments summarised above and published on the Internet, on the website of the Directorate-General for Competition, to be binding. If there are substantial changes to the commitments, a new market test will be launched.
- (14) In accordance with Article 27(4) of Regulation (EC) No 1/2003, the Commission invites interested third parties to submit their observations on the proposed commitments. If possible, comments should be reasoned and should set out the relevant facts. If a problem is identified, the Commission explicitly invites the respondent to submit a proposal for a solution.
- (15) All observations must reach the Commission not later than one month following the date of this publication. Interested third parties are also requested to submit a non-confidential version of their comments, in which any information they claim to be business secrets and other confidential information should be deleted and replaced as required by a non-confidential summary or by the words 'business secrets' or 'confidential'.
- (16) Observations can be sent to the Commission under reference number COMP/E-2/39230 — Réel/Alcan either by e-mail (COMP-GREFFE-ANTITRUST@ec.europa.eu), by fax (+32 22950128) or by post, to the following address:

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

Prior notification of a concentration**(Case COMP/M.6689 — Iridium/LBEIP/Desarrollo de Equipamientos Públicos)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2012/C 240/09)

1. On 31 July 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Lloyds Bank European Infrastructure Partners ('LBEIP') belonging to the Lloyds Banking Group and Iridium Concesiones de Infraestructuras, SA ('Iridium'), belonging to the group ACS acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Desarrollo de Equipamientos Públicos, S.L. ('DEP') by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- DEP is a transit transportation hubs concession management company,
- Iridium manages and operates all types of government concessions involving transport and public infrastructure works,
- ACS is a diversified construction and services group,
- LBEIP is a pension fund manager, which invests in infrastructure projects,
- The Lloyds Banking Group is a financial services group.

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.6689 — Iridium/LBEIP/Desarrollo de Equipamientos Públicos, 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').

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