

Official Journal

of the European Communities

ISSN 0378-6986

C 325

Volume 41

23 October 1998

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	Commission	
98/C 325/01	Ecu	1
98/C 325/02	Commission notice concerning the alliance agreements between Air France and Continental Airlines (Case IV/36.314) and Air France and Delta Airlines (Case IV/36.315) (¹)	2
98/C 325/03	Prior notification of a concentration (Case No IV/M.1331 — ING/BHF) (¹)	4
	<i>II Preparatory Acts</i>	
	Commission	
98/C 325/04	Proposal for a European Parliament and Council Directive on a common framework for electronic signatures (¹)	5
98/C 325/05	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (Miscellaneous amendments 1998) (¹)	12



<u>Notice No</u>	Contents (continued)	Page
	III <i>Notices</i>	
	Commission	
98/C 325/06	Media II — Development and distribution (1996 to 2000) — Implementation of a programme encouraging the development and distribution of European audiovisual works — Call for proposals 10/98 — Support for the networking of firms engaged in the production of animated films (Industrial platforms)	15
98/C 325/07	Notice of open competition	16

I

(Information)

COMMISSION

Ecu ⁽¹⁾

22 October 1998

(98/C 325/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,3855	Finnish markka	5,95180
Danish krone	7,44328	Swedish krona	9,22885
German mark	1,95751	Pound sterling	0,701642
Greek drachma	334,542	United States dollar	1,18493
Spanish peseta	166,329	Canadian dollar	1,83428
French franc	6,56335	Japanese yen	140,592
Irish pound	0,785192	Swiss franc	1,60144
Italian lira	1936,56	Norwegian krone	8,79695
Dutch guilder	2,20753	Icelandic krona	81,1679
Austrian schilling	13,7725	Australian dollar	1,89377
Portuguese escudo	200,716	New Zealand dollar	2,26132
		South African rand	6,78374

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789,
- give their own telex code,
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu,
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic fax answering service (No 296 10 97/296 60 11) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ L 379, 30.12.1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ L 189, 4.7.1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ L 349, 23.12.1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ L 349, 23.12.1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ L 345, 20.12.1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ L 345, 20.12.1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ L 311, 30.10.1981, p. 1).

Commission notice concerning the alliance agreements between Air France and Continental Airlines (Case IV/36.314) and Air France and Delta Airlines (Case IV/36.315)

(98/C 325/02)

(Text with EEA relevance)

Air France has concluded two alliance agreements, with Continental Airlines and Delta Airlines respectively, in order to establish transatlantic alliances.

(c) Gateway segments and Behind and beyond segments

As regards Gateways segments, each carrier shall be entitled to receive and to purchase as a block 50 % of the seats on flights operated by the other carrier on the Gateway segments (blocked space). Each carrier shall have exclusive control of the seat inventory of blocks of seats purchased by it.

I. AGREEMENT BETWEEN AIR FRANCE AND CONTINENTAL AIRLINES

On 8 November 1996, Air France and Continental Airlines (Continental) concluded a cooperation agreement consisting of a development agreement, a code share agreement, a frequency plus agreement, a onepass agreement and a revenue settlement agreement.

As regards Behind and Beyond segments, each carrier will make available for sale by the other carrier all seats in the fare buckets agreed on on flights connecting with Gateway Segments. The revenue stemming from such operations will be allocated between the carriers.

A. Procedural Aspects

With reference to this agreement, the Commission decided on 7 January 1998 to initiate proceedings under Article 89 of the EC Treaty as far as services between Europe and the United States are concerned.

On points beyond US Gateways or Paris where it is not possible to code share, both carriers will give to each other a selling status of 'preferred carriers'.

B. Summary of the agreement submitted by the parties

2. Alignment of networks and schedules

1. Code sharing

On 7 April 1997, Continental moved its operations to CDG terminal 2 and Air France to EWR terminal C. The parties will jointly plan the schedule and the type of aircraft of their code-shared services.

(a) Code-shared flights

The parties will enter into a code share agreement on all transatlantic flights operated by Air France and Continental, namely Houston Intercontinental (IAH) — Paris Charles de Gaulle (CDG) and New York Newark (EWR) — Paris CDG (hereinafter referred to as 'Gateways segments') and on internal US routes and beyond-Paris routes operated respectively by Continental and Air France.

3. Pricing

Each carrier will independently and at its sole discretion establish and determine the tariffs and fares for flights operated on code-shared segments that utilise its designator code. Joint fares will be established by mutual agreement where permissible.

(b) Exclusivity

The code share agreement is exclusive except that Continental may enter into any code share relationship with Alitalia, Czech Airlines, Saudia and Aer Lingus, and Air France may enter into a code share agreement with another major US airline and with US regional airlines.

4. Frequent flyer programmes

On 1 April 1997, the carriers launched fully reciprocal participation in each carrier's frequent flyer programmes, whereby the programme members of each carrier can earn and redeem miles on the eligible flights of the other carrier.

5. *Marketing and product*

The carriers will undertake coordinated marketing activities. However, each carrier will maintain its own identity.

6. *Special prorate agreement*

On 1 April 1997, Air France and Continental implemented a special prorate agreement by which each carrier offers the other preferential prorates on passengers connecting on their respective worldwide networks. An identical agreement should be arranged also with respect to interline cargo.

7. *Ground handling*

The parties will cooperate in order to offer a unique ground service product with appropriate signage and will engage in reciprocal handling.

II. AGREEMENT BETWEEN AIR FRANCE AND DELTA AIRLINES

On 4 June 1997, Air France and Delta Airlines (Delta) concluded an alliance agreement consisting of a general agreement, a code share agreement, a special prorate agreement and a frequent flyer programme agreement.

A. *Procedural aspects*

With reference to this agreement, the Commission decided on 7 January 1998 to initiate proceedings under Article 89 of the EC Treaty as far as services between Europe and the United States are concerned.

B. *Summary of the agreement submitted by the parties*

1. *Code sharing*

(a) *Code-shared flights*

Air France and Delta will enter into code share agreements to provide air transportation services on some transatlantic city pairs routes (namely the routes between Paris CDG on the one side and New York JFK, Miami International (MIA), Chicago O'Hare (ORD), Washington Dulles (IAD), Los Angeles (LAX), San Francisco (SFO), Atlanta (ATL) and Cincinnati (CVG) on the other side and the route New York JFK — Nice (NCE)) and on city pairs routes beyond their respective gateways (beyond CDG for Air France and beyond ATL, CVG, JFK, LAX for Delta).

(b) *Exclusivity*

The parties will not enter into any other partnerships arbitrarily. With the exception of the Delta partnership with Swissair, Sabena and Austrian Airlines and the Air France partnership with Continental, they will not expand in scope any of the existing partnerships (in North America for Air France and in Europe for Delta) without first consulting with the other partner.

Furthermore, the parties agreed that:

- (i) Delta will not code share with any other airline on the routes between CDG and the following airports: LYS; MRS; BOD; SXB; TLS; MPL; NTE; CFE; PUF; BES; NCE; CMN; RAK; RBA; AGA; TUN; SFA; CPT; LAD; BKO; DLA; YAO; LBV; NIM; OUA; NKC; NDJ; KWI; DHA; SEZ.
- (ii) Delta will not code share with any airline other than Swissair, Sabena and Austrian on the routes between CDG and the following airports: NAP; FLR; TRN; BLQ; JNB; LOS; NBO; CAI; DEL; TLV; JED; RUH; DAM.
- (iii) Air France will not code share with any other airline on the routes between JFK, CVG, ATL and LAX on the one side and the following airports on the other side: ANC; CLT; CMH; DEN; RSW; GSO; GSP; IND; JAX; MCI; LAS; MEM; MKE; MSP; BNA; MSY; MCO; PHX; PDX; RDU; STL; SLC; SAN; SEA; TPA.

(c) *Blocked space*

The parties will agree the number of seats allotted from Air France to Delta, and vice versa, for each code-share transatlantic flight (blocked space).

(d) *Behind and beyond*

Each carrier will make available for sale by the other carrier the available seats in the fare buckets agreed on on some specified flights over the routes listed in paragraph II.B.I(b). The revenue stemming from such operations will be allocated between the parties on a coupon-by-coupon basis in accordance with the special prorate agreement.

2. *Alignment of networks and schedules*

The parties will grant to each other access at their respective new locations (i.e. CDG for Delta and ATL for Air France). The parties will jointly plan the schedules of their code-share services.

3. *Pricing*

Each party will independently and at its sole discretion establish and determine its own tariffs and fares for the code-share flights.

4. *Frequent flyer programmes*

Air France and Delta have launched fully reciprocal participation in each carrier's frequent flyer programmes, whereby the program members of each carrier can earn and redeem miles on the eligible flights of the other.

5. *Ground handling*

The parties will engage in reciprocal handling and will agree the airlines' trade marks in airport signage.

III. CONCLUSION

The Commission has not at this stage taken a decision on the applicability of Article 85 of the EC Treaty.

The Commission invites the Member States and all interested third parties to submit any comments they may have within 30 days from the date of publication of this notice, to the following address:

European Commission,
DG IV/D/2,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

Fax (32-2) 296 98 12

e-mail: enricomaria.armani@dg4.cec.be

Publication of this notice does not open the 90-day period referred to in Article 5(3) of Council Regulation (EEC) No 3975/87 of 14 December 1987.

Prior notification of a concentration

(Case No IV/M.1331 — ING/BHF)

(98/C 325/03)

(Text with EEA relevance)

1. On 16 October 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾, as last amended by Regulation (EC) No 1310/97⁽²⁾, by which ING Groep NV (ING) acquires within the meaning of Article 3(1)(b) of the Regulation control of BHF-Bank AG (BHF) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— ING: banking and insurance,

— BHF: corporate banking and other financial services.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. 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.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1331 — ING/BHF, to the following address:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

II

(Preparatory Acts)

COMMISSION

Proposal for a European Parliament and Council Directive on a common framework for
electronic signatures

(98/C 325/04)

(Text with EEA relevance)

COM(1998) 297 final — 98/0191(COD)

(Submitted by the Commission on 16 June 1998)

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 57(2) and Articles
66 and 100a thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and
Social Committee,

Having regard to the opinion of the Committee of the
Regions,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty,

(1) Whereas on 16 April 1997 the Commission
presented to the European Parliament, the Council,
the Economic and Social Committee and the
Commission of the Regions, a communication on a
European initiative in electronic commerce ⁽¹⁾;

(2) Whereas on 8 October 1997 the Commission
presented to the European Parliament, the Council,
the Economic and Social Committee and the
Committee of the Regions, a communication on
ensuring security and trust in electronic communi-
cation — towards a European framework for
digital signatures and encryption ⁽²⁾;

(3) Whereas on 1 December 1997, the Council invited
the Commission to submit as soon as possible a
proposal for a Directive of the European
Parliament and the Council on digital signatures;

(4) Whereas electronic communication and commerce
necessitate electronic signatures and related services
allowing data authentication; whereas divergent
rules with respect to legal recognition of electronic
signatures and the accreditation of certification
service providers in the Member States may create a
significant barrier to the use of electronic communi-
cations and electronic commerce and thus hinder
the development of the internal market; whereas
divergent actions in the Member States indicate the
need for harmonisation at Community level;

(5) Whereas the interoperability of electronic signature
products should be promoted; whereas, in
accordance with Article 7a of the Treaty, the
internal market is to comprise an area in which the
free movement of goods is to be ensured; whereas
essential requirements specific to electronic
signature products used by certification service
providers must be met in order to ensure free circu-
lation within the internal market and to build trust
in electronic signatures;

(6) Whereas the rapid technological development and
the global character of the Internet necessitate an
approach which is open to various technologies and
services capable of authenticating data elec-
tronically; whereas, however, digital signatures
based on public-key cryptography are currently the
most recognised form of electronic signature;

⁽¹⁾ COM(97) 157 final.

⁽²⁾ COM(97) 503 final.

- (7) Whereas the internal market enables certification service providers to develop their cross-border activities with a view to increasing their competitiveness, and thus to offer consumers and business new opportunities to exchange information and to trade electronically in a secure way, regardless of frontiers; whereas in order to stimulate the Community-wide provision of certification services over open networks, certification service providers should in general be free to offer their services without prior authorisation; whereas there is no immediate need to ensure the free circulation of certification services by harmonising justified and proportionate national restrictions on the provision of those services;
- (8) Whereas voluntary accreditation schemes aiming at an enhanced level of service provision may offer certification service providers the appropriate framework to develop further their services towards the levels of trust, security and quality demanded by the evolving market; whereas such schemes should encourage the development of best practice among certification service providers; whereas certification service providers should be left free to adhere to and benefit from such accreditation schemes; whereas Member States should not prohibit certification service providers from operating outside such accreditation schemes; whereas it should be ensured that accreditation schemes do not reduce competition for certification services; whereas it is important to strike a balance between consumer and business needs;
- (9) Whereas this Directive should therefore contribute to the use and legal recognition of electronic signatures within the Community; whereas a regulatory framework is not needed for electronic signatures exclusively used within closed systems; whereas the freedom of parties to agree among themselves the terms and conditions under which they accept electronically signed data should be respected to the extent allowed by national law; whereas this Directive is not intended to harmonise national rules concerning contract law, particularly the formation and performance of contracts, or other non-contractual formalities requiring signatures; whereas for this reason the provisions concerning the legal effect of electronic signatures should be without prejudice to formal requirements prescribed by national law with regard to the conclusion of contracts or the rules determining where a contract is concluded;
- (10) Whereas in order to contribute to the general acceptance of electronic signatures, an electronic signature should not be denied legal validity solely on the grounds that it is in the form of electronic data, not based on a qualified certificate or on a certificate issued by an accredited certification service provider, or that the service provider who has issued the related certificate is from another Member State; whereas electronic signatures which are related to a trustworthy certification service provider who complies with the essential requirements should have the same legal effect as handwritten signatures; whereas it has to be ensured that electronic signatures can be used as evidence in legal proceedings in all Member States; whereas the legal recognition of electronic signatures should be based on objective criteria and not be linked to authorisation of the service provider involved; whereas harmonised rules concerning the legal effect of electronic signatures will preserve a coherent legal framework across the Community;
- (11) Whereas certification service providers offering certification services to the public are subject to national liability rules; whereas differences in the scope and content of such liability rules may result in legal uncertainty, particularly concerning third parties relying on their services; whereas such uncertainty will be detrimental to the development of cross-border trade and will hamper the proper functioning of the internal market; whereas harmonised liability rules provide legal security and predictability for both certification service providers and consumers; whereas such rules would contribute to the general acceptance and legal recognition of electronic signatures within the Community and consequently have a beneficial effect on the functioning of the internal market;
- (12) Whereas the development of international electronic commerce requires cross-border mechanisms which involve non-member countries; whereas those mechanisms should be developed at a business level; whereas in order to ensure interoperability at a global level, agreements on multilateral rules with non-member countries on mutual recognition of certification services could be beneficial;
- (13) Whereas in order to stimulate electronic communication and electronic commerce by ensuring user confidence, Member States should oblige certification service providers to respect data protection legislation and individual privacy and should be required to provide certification services also for pseudonyms at the request of the signatory;

whereas national law should lay down if and under what conditions the data revealing the identity of the data subject must be transferred for investigation of criminal offences; whereas certification service providers should inform users in advance of their conditions, in particular regarding the precise use of their certificates and limitations of their liability, in writing and in readily understandable language and using a durable means of communication;

(14) Whereas for the purposes of the application of this Directive, the Commission should be assisted by a consultative Committee;

(15) Whereas in accordance with the principles of subsidiarity and proportionality as set out in Article 3b of the Treaty, the objective of creating a harmonised legal framework for the provision of electronic signatures and related services cannot be sufficiently achieved by the Member States and can, therefore, be better achieved by the Community; whereas this Directive confines itself to the minimum required in order to achieve that objective and does not go beyond what is necessary for that purpose,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

This Directive covers the legal recognition of electronic signatures.

It does not cover other aspects related to the conclusion and validity of contracts or other non-contractual formalities requiring signatures.

It establishes a legal framework for certain certification services made available to the public.

Article 2

Definitions

For the purpose of this Directive:

1. 'electronic signature' means a signature in digital form in, or attached to, or logically associated with, data which is used by a signatory to indicate his approval

of the content of that data and meets the following requirements:

- (a) it is uniquely linked to the signatory,
- (b) it is capable of identifying the signatory,
- (c) it is created using means that the signatory can maintain under his sole control, and
- (d) it is linked to the data to which it relates in such a manner that any subsequent alteration of the data is revealed;

2. 'signatory' means a person who creates an electronic signature;

3. 'signature creation device' means unique data, such as codes or private cryptographic keys, or a uniquely configured physical device which is used by the signatory in creating an electronic signature;

4. 'signature verification device' means unique data, such as codes or public cryptographic keys, or a uniquely configured physical device which is used in verifying the electronic signature;

5. 'qualified certificate' means a digital attestation which links a signature verification device to a person, confirms the identity of that person and meets the requirements laid down in Annex I;

6. 'certification service provider' means a person who, or an entity which issues certificates or provides other services related to electronic signatures to the public;

7. 'electronic signature product' means hardware or software, or relevant components thereof, which are intended to be used by a certification service provider for the provision of electronic signature services.

Article 3

Market access

1. Member States shall not make the provision of certification services subject to prior authorisation.

2. Without prejudice to the provisions of paragraph 1, Member States may introduce or maintain voluntary accreditation schemes aiming at enhanced levels of certification service provision. All conditions related to such schemes must be objective, transparent, proportionate and non-discriminatory. Member States may not limit the number of certification service providers for reasons which fall under the scope of this Directive.

3. The Commission may, in accordance with the procedure laid down in Article 9, establish and publish reference numbers of generally recognised standards for electronic signature products in the *Official Journal of the European Communities*. Member States shall presume compliance with the requirements laid down in point (e) of Annex II when an electronic signature product meets those standards.

4. Member States may make the use of electronic signatures in the public sector subject to additional requirements. Such requirements shall be objective, transparent, proportionate, and non-discriminatory, and shall only relate to the specific characteristics of the application concerned.

Article 4

Internal market principles

1. Each Member State shall apply the national provisions it adopts pursuant to this Directive to certification service providers established on its territory and to the services they provide. Member States may not restrict the provision of certification services which originate in another Member State in the fields covered by this Directive.

2. Member States shall ensure that electronic signature products which comply with this Directive are permitted to circulate freely in the internal market.

Article 5

Legal effects

1. Member States shall ensure that an electronic signature is not denied legal effect, validity and enforceability solely on the grounds that the signature is in electronic form, or is not based on a qualified certificate, or is not based on a certificate issued by an accredited certification service provider.

2. Member States shall ensure that electronic signatures which are based on a qualified certificate issued by a certification service provider which fulfils the requirements set out in Annex II are, on the one hand, recognised as satisfying the legal requirement of a handwritten signature, and on the other, admissible as evidence in legal proceedings in the same manner as handwritten signatures.

Article 6

Liability

1. Member States shall ensure that, by issuing a qualified certificate, a certification service provider is liable to any person who reasonably relies on the certificate for:

- (a) accuracy of all information in the qualified certificate as from the date on which it was issued, unless the certification service provider has stated otherwise in the certificate;
- (b) compliance with all the requirements of this Directive in issuing the qualified certificate;
- (c) assurance that the person identified in the qualified certificate held, at the time of the issuance of the certificate, the signature creation device corresponding to the signature verification device given or identified in the certificate;
- (d) in cases where the certification service provider generates the signature creation device and the signature verification device, assurance that the two devices function together in a complementary manner.

2. Member States shall ensure that a certification service provider is not liable for errors in the information in the qualified certificate that has been provided by the person to whom the certificate is issued, if it can demonstrate that it has taken all reasonably practicable measures to verify that information.

3. Member States shall ensure that a certification service provider may indicate in the qualified certificate limits on the uses of a certain certificate. The certification service provider shall not be liable for damages arising from a contrary use of a qualified certificate which includes limits on its uses.

4. Member States shall ensure that a certification service provider may indicate in the qualified certificate a limit on the value of transactions for which the certificate is valid. The certification service provider shall not be liable for damages in excess of that value limit.

5. The provisions of paragraphs 1 to 4 shall be without prejudice to Council Directive 93/13/EEC⁽¹⁾.

⁽¹⁾ OJ L 95, 21.4.1993, p. 29.

*Article 7***International aspects**

1. Member States shall ensure that certificates issued by a certification service provider established in a non-member country are recognised as legally equivalent to certificates issued by a certification service provider established within the Community:

- (a) if the certification service provider fulfils the requirements laid down in this Directive and has been accredited in the context of a voluntary accreditation scheme established by a Member State; or
- (b) if a certification service provider established within the Community, which fulfils the requirements laid down in Annex II guarantees the certificate to the same extent as its own certificates; or
- (c) if the certificate or the certification service provider is recognised under the regime of a bilateral or multilateral agreement between the Community and non-member countries or international organisations.

2. In order to facilitate cross-border certification services with non-member countries and legal recognition of electronic signatures originating in non-member countries, the Commission will make proposals where appropriate to achieve the effective implementation of standards and international agreements applicable to certification services. In particular and where necessary, it will submit proposals to the Council for appropriate mandates for the negotiation of bilateral and multilateral agreements with non-member countries and international organisations. The Council shall decide by qualified majority.

*Article 8***Data protection**

1. Member States shall ensure that certification service providers and national bodies responsible for accreditation or supervision comply with the requirements laid down in Directives 95/46/EC⁽¹⁾ and 97/66/EC⁽²⁾ of the European Parliament and of the Council.

2. Member States shall ensure that a certification service provider may collect personal data only directly from the data subject and only in so far as it is necessary for the purposes of issuing a certificate. The data may not be collected or processed for other purposes without the consent of the data subject.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 24, 30.1.1998, p. 1.

3. Member States shall ensure that, at the signatory's request, the certification service provider indicates in the certificate a pseudonym instead of the signatory's name.

4. Member States shall ensure that, in the case of persons using pseudonyms, the certification service provider shall transmit the data concerning the identity of those persons to public authorities on request and with the consent of the data subject. Where according to national law the transfer of the data revealing the identity of the data subject is necessary for the investigation of criminal offences relating to the use of electronic signatures under a pseudonym, the transfer shall be recorded and the data subject informed of the transfer of the data relating to him as soon as possible after the investigation has been completed.

*Article 9***Committee**

The Commission shall be assisted by a Committee, called the 'Electronic Signature Committee' (hereinafter referred to as 'the Committee'), of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

*Article 10***Consultation of the Committee**

The Committee shall be consulted, where necessary, on the requirements for certification service providers laid down in Annex II and on generally recognised standards for electronic signature products pursuant to Article 3(3).

*Article 11***Notification**

1. Member States shall supply the Commission with the following information:

- (a) information on voluntary national accreditation regimes, including any additional requirements pursuant to Article 3(4);
- (b) the names and addresses of the national bodies responsible for accreditation and supervision;
- (c) the names and addresses of accredited national certification service providers.

2. Any information supplied under paragraph 1 and changes in respect of that information shall be notified by the Member States as soon as possible.

*Article 12***Review**

1. The Commission shall review the operation of this Directive and report thereon to the European Parliament and to the Council by 31 December 2002 at the latest.

2. The review shall, *inter alia*, assess whether the scope of the Directive should be modified taking account of technological and legal developments. The report shall in particular include an assessment, on the basis of the experience gained, of aspects of harmonisation. The report shall be accompanied, where appropriate, by complementary legislative proposals.

*Article 13***Implementation**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2000 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission all provisions of national law which they adopt in the field governed by this Directive and in related fields and a correlation table between this Directive and the national provisions adopted.

*Article 14***Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

*Article 15***Addressees**

This Directive is addressed to the Member States.

*ANNEX I***REQUIREMENTS FOR QUALIFIED CERTIFICATES**

Qualified certificates must contain:

- (a) the identifier of the certification service provider issuing it;
- (b) the unmistakable name of the holder or an unmistakable pseudonym which shall be identified as such;
- (c) a specific attribute of the holder such as, the address, the authority to act on behalf of a company, the creditworthiness, VAT or other tax registration numbers, the existence of payment guarantees or specific permits or licences;
- (d) a signature verification device which corresponds to a signature creation device under the control of the holder;

- (e) beginning and end of the operational period of the certificate;
- (f) the unique identity code of the certificate;
- (g) the electronic signature of the certification service provider issuing it;
- (h) limitations on the scope of use of the certificate, if applicable;
- (i) limitations on the certification service provider's liability and on the value of transactions for which the certificate is valid, if applicable.

ANNEX II

REQUIREMENTS FOR CERTIFICATION SERVICE PROVIDERS

Certification service providers must:

- (a) demonstrate the reliability necessary for offering certification services;
 - (b) operate a prompt and secure revocation service;
 - (c) verify by appropriate means the identity and capacity to act of the person to which a qualified certificate is issued;
 - (d) employ personnel which possesses the expert knowledge, experience, and qualifications necessary for the offered services, in particular competence at the managerial level, expertise in electronic signature technology and familiarity with proper security procedures; they must also exercise administrative and management procedures and processes that are adequate and which correspond to recognised standards;
 - (e) use trustworthy systems, and use electronic signature products that ensure protection against modification of the products so that they cannot be used to perform functions other than those for which they have been designed; they must also use electronic signature products that ensure the technical and cryptographic security of the certification processes supported by the products;
 - (f) take measures against forgery of certificates, and, in cases where the certification service provider generates private cryptographic signature keys, guarantee the confidentiality during the process of generating those keys;
 - (g) maintain sufficient financial resources to operate in conformity with the requirements laid down in this Directive, in particular to bear the risk of liability for damages, for example, by obtaining an appropriate insurance;
 - (h) record all relevant information concerning a qualified certificate for an appropriate period of time, in particular to provide evidence of certification for the purposes of legal proceedings. Such recording may be done electronically;
 - (i) not store or copy private cryptographic signature keys of the person to whom the certification service provider offered key management services unless that person explicitly asks for it;
 - (j) inform consumers before entering into a contractual relationship in writing, using readily understandable language and a durable means of communication, of the precise terms and conditions for the use of the certificate, including any limitations on the liability, the existence of a voluntary accreditation and the procedures for complaints and dispute settlement.
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Proposal for a Council Regulation (EC) amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71

(Miscellaneous amendments 1998)

(98/C 325/05)

(Text with EEA relevance)

COM(1998) 547 final — 98/0285(CNS)

(Submitted by the Commission on 30 September 1998)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 51 and 235 thereof,

Having regard to the proposal from the Commission, presented after consulting the Administrative Commission on Social Security for Migrant Workers,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas it is appropriate to make certain amendments to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community⁽¹⁾ and (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community⁽²⁾; whereas these amendments are linked to changes which Member States have made to their social security legislation;

Whereas the application of Chapter 8 to orphan's pensions raises problems of interpretation and administration, and it is in the interests of the persons concerned for orphan's pensions to be calculated in accordance with the provisions of Chapter 3 of Title III, rather than on the basis of the provisions of Chapter 8;

Whereas it seems appropriate to amend section 'L. PORTUGAL' of Annex IIa in order to take into account the changes made to Portuguese legislation;

Whereas a new point should be added to section 'G. IRELAND' and another to section 'O. UNITED KINGDOM' of Annex VI in order to take into account the specific rules of priority in the event of accumulation of entitlement to family allowances under United Kingdom and Irish legislation through the exercising of a professional activity in the territory of one of those two Member States;

Whereas the provisions contained in the Annex to Regulation (EEC) No 574/72 have no direct influence on the determination of the rights of individuals;

Whereas it should be possible for all the Annexes to Regulation (EEC) No 574/72 to be amended by a Regulation adopted by the Commission at the request of the Member State or Member States concerned or their competent authorities, after the opinion of the Administrative Commission has been obtained; whereas in actual fact the purpose of amending these Annexes is simply to incorporate into a Community instrument decisions taken by the Member States concerned or their competent authorities;

Whereas it is necessary to amend section '43. SPAIN — ITALY' of Annex 5 to Regulation (EEC) No 574/72;

⁽¹⁾ OJ L 149, 5.7.1971, p. 2. Regulation as updated by Regulation (EC) No 118/97 (OJ L 28, 30.1.1997) and last amended by Regulation (EC) No 1606/98 (OJ L 209, 25.7.1998).

⁽²⁾ OJ L 74, 27.3.1972, p. 1. Regulation as updated by Regulation (EC) No 118/97 (OJ L 28, 30.1.1997) and last amended by Regulation (EC) No 1290/97 (OJ L 176, 4.7.1997).

Whereas, as a result of the administrative reorganisation in France concerning the examination of applications for the extension of postings or special postings, section 'E. FRANCE' of Annex 10 to Regulation (EEC) No 574/72 should be amended accordingly;

Whereas, in order to attain the objective of free movement for workers in the field of social security, it is necessary and appropriate to amend the rules relating to the coordination of national social security schemes through a Community legal instrument that is binding and directly applicable in each Member State;

Whereas this is consistent with the provisions of the third paragraph of Article 3b of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 is amended as follows:

1. Article 44(3) is replaced by the following:

'3. This Chapter shall not apply to increases in or supplements to pensions in respect of children granted in accordance with the provisions of Chapter 8'.

2. Article 78(1) is replaced by the following:

'1. The term "benefits", for the purposes of this Article, means family allowances and, where appropriate, supplementary or special allowances for orphans'.

3. Article 79(1) is replaced by the following:

'1. Benefits, within the meaning of Articles 77 and 78, shall be provided in accordance with the legislation determined by applying the provisions of those Articles by the institution responsible for administering such legislation and at its expense, as if the pensioner or the deceased had been subject only to the legislation of the competent State. However, if that legislation provides that the acquisition, retention or recovery of the right to benefits shall be dependent on the length of periods of insurance, employment, self-employment or residence, such length shall be determined taking into account, where appropriate, the provisions of Article 45 or, as the case may be, Article 72'.

4. In Annex IIa, section 'L. PORTUGAL' is replaced by the following:

'L. PORTUGAL

(a) non-contributory family allowance for children and young persons and the associated additional sum payable for disability (Decree Law No 160/80 of 27 May 1980, as amended by Decree Law No 133-C/97 of 30 May 1997);

(b) non-contributory allowance for attending a special educational establishment (Decree Law No 160/80 of 27 May 1980, as amended by Decree Law No 133-C/97 of 30 May 1997);

(c) non-contributory orphan's pension (Decree Law No 160/80 of 27 May 1980, as amended by Decree Law No 133-C/97 of 30 May 1997);

(d) non-contributory State old-age and invalidity pension (Decree Law No 464/80 of 13 October 1980);

(e) non-contributory allowance for care provided by a third party (Decree Law No 160/80 of 27 May 1980, as amended by Decree Law No 133-C/97 of 30 May 1997);

(f) non-contributory widow's pension (Regulatory Decree No 52/81 of 11 November 1981).

5. Annex VI is amended as follows:

(a) the following point is added to section 'G. IRELAND':

'11. Entitlement to family income supplement granted solely under the legislation of Ireland shall be suspended where, over the same period and in respect of the same member of the family, family benefits are payable solely under the legislation of the United Kingdom or up to the amount of those benefits pursuant to Articles 73, 74, 77 or 78 of the Regulation';

(b) the following point is added to section 'O. UNITED KINGDOM':

'21. Entitlement to family credit granted solely under the legislation of the United Kingdom shall be suspended, where, over the same period and in respect of the same member of the family, family benefits are payable solely under the legislation of Ireland or up to the amount of those benefits pursuant to Articles 73, 74, 77 or 78 of the Regulation'.

Article 2

Regulation (EEC) No 574/72 is amended as follows:

1. Article 122 is replaced by the following:

*'Article 122***Special provisions concerning the amendment of the Annexes**

The Annexes to the implementing Regulation may be amended by a Commission Regulation at the request of the Member State or Member States concerned or their competent authorities, and after the opinion of the Administrative Commission has been obtained'.

2. Annex 5 is amended as follows:

- (a) under heading '43. SPAIN — ITALY', the word 'None' is replaced by the following:

'The Agreement of 21 November 1997 concerning Article 36(3) of the Regulation (reimbursement of sickness and maternity benefits in kind) and Articles 93, 94, 95, 100 and 102(5) of the

implementing Regulation (procedures for the refund of sickness and maternity insurance benefits and late claims).'

3. Annex 10 is amended as follows:

In section 'E. FRANCE', point 5 is replaced by the following:

- '5. For the purposes of applying Article 14(1)(b), Article 14a(1)(b) and Article 17 of the Regulation:

Centre de sécurité sociale des travailleurs migrants (Centre for the Social Security of Migrant Workers), Paris'.

Article 3

This Regulation shall enter into force on the first day of the month following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

III

(Notices)

COMMISSION

Media II — Development and distribution (1996 to 2000)**Implementation of a programme encouraging the development and distribution of European audiovisual works****Call for proposals 10/98****Support for the networking of firms engaged in the production of animated films (Industrial platforms)**

(98/C 325/06)

1. Introduction

This call for proposals is based on a Council Decision on the implementation of a programme encouraging the development and distribution of European audiovisual works (Media II — Development and distribution (1996 to 2000) ⁽¹⁾).

The operations to be implemented under that Decision include:

— encouraging the networking of firms engaged in the production of animated films.

2. Subject

This notice is intended for groups of independent European companies (industrial platforms) whose activities contribute to the attainment of the above objectives. It explains how to obtain the necessary documents in order to apply for financial support from the Community for their proposal.

The Commission department responsible for administering this call for proposals is the Unit for Measures to Develop the Audiovisual Industry in Directorate-General X (Information, Communication, Culture and Audiovisual Media).

European companies wishing to respond to this call for proposals and receive the Guidelines for the submission of proposals to obtain financial support should send their request by post or fax to:

European Commission, Mr Jacques Delmoly, Head of Unit, DG X/C/2, L 102 7/023, rue de la Loi/Wetstraat 200, B-1049 Brussels, fax (32-2) 299 92 14.

The Commission undertakes to send the above document within two days of receiving the request.

The closing date for the dispatch of proposals to the aforementioned address is: **9 November 1998.**

⁽¹⁾ OJ L 321, 30.12.1995, p. 33.

NOTICE OF OPEN COMPETITION

(98/C 325/07)

The Court of Justice of the European Communities are publishing in the *Official Journal of the European Communities* C 325 A of 23 October 1998 the following open competition:

German edition

CJ/LA/28 (interpreters of German mother tongue)

To obtain a copy of this Official Journal please apply to the Personnel Division of the Court of Justice of the European Communities, L-2925 Luxembourg.

Closing date for application: 27 November 1998
