

English edition

## Information and Notices

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(Acts adopted under Title VI of the Treaty on European Union)

**COUNCIL ACT**

**of 12 March 1999**

**adopting the rules governing the transmission of personal data by Europol to third States and third bodies**

(1999/C 88/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) <sup>(1)</sup>, and in particular Article 18(2) thereof,

Having regard to the draft prepared by the Management Board after consultation of the Joint Supervisory Body referred to in Article 24 of the Europol Convention,

Whereas it is for the Council, acting unanimously, to adopt the general rules governing the transmission of data by Europol to third States or third bodies, taking into account the circumstances referred to in Article 18(3) of the Europol Convention,

HAS ADOPTED THE FOLLOWING RULES:

*Article 1*

**Definitions**

For the purposes of these rules:

- (a) 'third States' means States that are not Member States of the European Union as referred to in Article 10(4)(4) of the Europol Convention;
- (b) 'third bodies' means the bodies referred to in Article 10(4)(1) to (3) and (5) to (7) of the Europol Convention, hereinafter referred to as:
  - 'European Union-related bodies', i.e. those referred to in Article 10(4)(1) to (3) of the Europol Convention;
  - 'non-European-related bodies', i.e. those referred to in Article 10(4)(5) to (7) of the Europol Convention;
- (c) 'agreement' means an agreement as referred to in Article 3 of this act;
- (d) 'personal data' means any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified,

directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;

- (e) 'processing of personal data' means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;
- (f) 'competent authorities' means the authorities referred to in Article 5(1) of this act.

*Article 2*

**Transmission of personal data**

1. Europol may, under the conditions laid down in Article 18 of the Europol Convention, transmit personal data to a third State or third body on the basis of any of the following:

- (a) an agreement between Europol and a third State or third body in accordance with Article 3 of this act;
- (b) exceptionally, where the Director considers transmission of the data to be absolutely necessary
  - to safeguard the essential interests of the Member States concerned within the scope of Europol's objectives;
  - in the interests of preventing imminent danger associated with crime.

2. For the purposes of paragraph 1, account shall be taken of the law and the administrative practice of the third State or non-European Union-related body in the field of data protection, including as to the authority responsible for data-protection matters.

3. For the transmission of personal data classified Europol 1, 2 or 3, an agreement as referred to in Article 18(6) of the Europol Convention is necessary; such agreement shall take account of the provisions of Europol's confidentiality rules.

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 1.

*Article 3***Agreements on transmission of personal data by Europol**

1. Europol may conclude agreements with third States and third bodies in order to fulfil the objectives laid down in Article 2 of the Europol Convention. Such agreements shall contain provisions concerning the recipient of the data, the type of data to be transmitted and the purposes for which the data are to be transmitted or used.

2. The Council, acting unanimously, may determine the third States or non-European Union-related bodies with which agreements are to be negotiated.

The Management Board may determine the European Union-related bodies with which agreements are to be negotiated.

3. The Director of Europol shall, after obtaining the opinion of the Management Board and after prior authorisation by the Council acting unanimously, enter into negotiations on agreements with third States or non-European Union-related bodies. In reaching the decision on the authorisation, the Council shall take into account the condition laid down in Article 2(2). In addition to those laid down in paragraph 1, the Council may impose further conditions.

Agreements may be concluded only after unanimous approval by the Council. Such approval may be given only after the opinion of the Joint Supervisory Body has been obtained, via the Management Board. A decision of the Council may relate to one or more third States or one or more non-European Union-related bodies.

4. The Director of Europol shall, after prior authorisation by the Management Board, enter into negotiations on agreements with European Union-related bodies. In addition to those laid down in paragraph 1, the Management Board may impose further conditions.

The Agreement may be concluded only with the approval of the Management Board. Such approval may be given only after the Management Board has obtained the opinion of the Joint Supervisory Body.

*Article 4***Transmission of personal data under the authority of the Director**

The Director shall inform the Management Board and the Joint Supervisory Body without undue delay of any decision to transmit personal data taken under Article 2(1)(b) and of the reasons for that decision.

On request he shall transmit to the Management Board and the Joint Supervisory Body further information, such as the basis for his assessment that, given the circumstances of the transmission and in view of its objectives, the type of data to be transmitted and the purpose for which the data were transmitted, the level of data protection afforded by the recipient third State(s) or non-European Union-related body or bodies was adequate.

*Article 5***Competent authorities**

1. Transmission of personal data by Europol to third States and onward transmission within that State shall be restricted to competent authorities responsible under national law for preventing and combating criminal offences.

2. In negotiating agreements, Europol shall make every effort to ensure that, where possible, a third State designates one competent authority (the 'initial recipient') to act as the national contact point between Europol and the other competent authorities of that third State.

3. When transmitting personal data, Europol shall ensure that the recipient gives an undertaking that onward transmission of such data will be limited to competent authorities and take place under the same conditions as those applying to the original transmission.

4. Where it is not possible for a third State to designate one central competent authority to act as national contact point, agreements may, exceptionally, provide for the direct transmission of information by Europol to one or more competent authorities within the third State concerned.

5. Europol shall only transmit data to a competent authority of a third State or to a third body if that authority or body agrees that it will not communicate those data to other third States or third bodies.

6. The data recipient's competence in the field of crime prevention and crime fighting shall be specifically mentioned in any agreement concluded.

*Article 6***Purposes for which personal data are transmitted**

1. Personal data requested without any indication as to the purpose of and reason for the request shall not be transmitted.

The transmission of personal data revealing racial origin, political opinions or religious or other beliefs, or concerning health and sexual life as referred to in Article 6 of the Council of Europe Convention of 28 January 1981 for the protection of individuals with regard to

automatic processing of personal data shall be limited to absolutely necessary cases, in accordance with Article 4.

2. When Europol transmits personal data to a third State or third body, it shall ensure that the recipient gives an undertaking that the data will be used only for the purposes for which they were transmitted.

#### *Article 7*

##### **Correction and deletion of personal data**

1. When Europol transmits personal data to a third State or third body, it shall ensure that the recipient gives an undertaking that the personal data will be corrected or deleted if it emerges that they are incorrect, inaccurate, no longer up to date or should not have been transmitted. Where Europol notes that the personal data are incorrect, inaccurate, no longer up to date, or should not have been transmitted, the recipient third State or third body shall forthwith be informed thereof and requested to notify Europol that the data will be corrected or deleted. The Director of Europol shall inform the Management Board and the Joint Supervisory Body of Europol's activities in this field.

2. Any agreement concluded shall stipulate the obligation to correct or delete in accordance with the procedure referred to in paragraph 1.

3. When Europol transmits personal data it shall ensure that the recipient gives an undertaking that the data will be deleted where they are no longer necessary for the purposes for which they were transmitted.

#### *Article 8*

##### **Liability**

An agreement concluded shall contain appropriate provisions on liability in the event of unauthorised or incorrect data processing.

#### *Article 9*

##### **Entry into force**

These rules shall enter into force on the day following that of their adoption.

Done at Brussels, 12. March 1999.

*For the Council*

*The President*

O. SCHILY

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## I

*(Information)*

## COMMISSION

**Euro exchange rates <sup>(1)</sup>****29 March 1999**

(1999/C 88/02)

<b>1 euro</b>	=	7,4316	Danish krone
	=	325,9	Greek drachma
	=	8,955	Swedish krona
	=	0,6615	Pound sterling
	=	1,0692	United States dollar
	=	1,6185	Canadian dollar
	=	128,78	Japanese yen
	=	1,5943	Swiss franc
	=	8,3635	Norwegian krone
	=	77,8876	Icelandic króna <sup>(2)</sup>
	=	1,6904	Australian dollar
	=	2,0073	New Zealand dollar
	=	6,67983	South African rand <sup>(2)</sup>

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<sup>(1)</sup> *Source:* reference exchange rate published by the ECB.

<sup>(2)</sup> *Source:* Commission.

**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL  
DURING THE PERIOD 15.3. TO 19.3.1999**

(1999/C 88/03)

(Text with EEA relevance)

*These documents may be obtained from the Sales Offices, the addresses of which are given on the back cover*

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(1999) 62	CB-CO-99-108-EN-C	Proposal for a Council Directive amending Directive 77/388/EEC as regards the possibility of applying on an experimental basis a reduced VAT rate on labour-intensive services (*)	17.2.1999	15.3.1999	8
COM(1999) 110	CB-CO-99-112-EN-C	Summary Report on the communications by the Member States on their inspection activities and findings and questions of principle in the field of traditional own resources — 1997	12.3.1999	15.3.1999	27
COM(1999) 124	CB-CO-99-124-EN-C	Proposal for a Council Regulation (EC) on development cooperation with South Africa	12.3.1999	15.3.1999	21
COM(1999) 126	CB-CO-99-117-EN-C	Re-examined proposal for a Council Decision amending Decision 389/93/EEC for a monitoring mechanism of Community CO <sub>2</sub> and other greenhouse gas emissions (*)	15.3.1999	15.3.1999	9
COM(1999) 100	CB-CO-99-102-EN-C	Report from the Commission on the implementation of Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the health and safety at work of pregnant workers and workers who have recently given birth or are breast-feeding (*)	15.3.1999	16.3.1999	50
COM(1999) 105	CB-CO-99-125-EN-C	Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee on a new European Union-Latin America partnership on the eve of the 21st century	9.3.1999	16.3.1999	27
COM(1999) 118	CB-CO-99-123-EN-C	Proposal for a Council Regulation (EC) establishing a double-checking system for exports of certain ECSC steel products from the Republic of Poland to the European Community for the period 1 April to 31 December 1999	15.3.1999	16.3.1999	14

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(1999) 119	CB-CO-99-119-EN-C	Proposal for a Council Decision on the position to be taken by the Community within the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, which entered into force on 1 February 1994, concerning the export of certain steel products from the Republic of Poland to the European Community	15.3.1999	16.3.1999	17
COM(1999) 120	CB-CO-99-120-EN-C	Communication from the Commission to the Council and the European Parliament on policy instruments to reduce stand-by losses of consumer electronic equipment <sup>(1)</sup>	15.3.1999	16.3.1999	17
COM(1999) 121	CB-CO-99-121-EN-C	Proposal for a Council Regulation (EC) introducing transitional measures for the management of certain Mediterranean fisheries and modifying Regulation (EC) No 1626/94 <sup>(2)</sup>	15.3.1999	16.3.1999	5
COM(1999) 91	CB-CO-99-097-EN-C	Commission report on the results obtained under the Media II programme (1996 to 2000) from 1 January 1996 to 30 June 1998	16.3.1999	17.3.1999	24
COM(1999) 127	CB-CO-99-127-EN-C	Report from the Commission to the Council and the European Parliament on the implementation of Directives 90/364/EEC, 90/365/EEC and 93/96/EEC (right of residence) <sup>(3)</sup>	17.3.1999	18.3.1999	30
COM(1999) 128	CB-CO-99-126-EN-C	Proposal for a Council Decision concerning the approval, on behalf of the Community, of the amendments to the Annexes to the Convention on the protection of the marine environment of the Baltic Sea area (Helsinki Convention) <sup>(3)</sup>	17.3.1999	18.3.1999	15
COM(1999) 130	CB-CO-99-129-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin	18.3.1999	18.3.1999	8
COM(1999) 131	CB-CO-99-130-EN-C	Communication from the Commission to the Council and the European Parliament — 'EXPO 2000 Hannover'	18.3.1999	18.3.1999	14

<sup>(1)</sup> This document contains an impact assessment on business, and in particular on SMEs.

<sup>(2)</sup> This document will be published in the *Official Journal of the European Communities*.

<sup>(3)</sup> Text with EEA relevance.

*NB:* COM documents are available by subscription, either for all editions or for specific subject areas, and by single copy, in which case the price is based pro rata on the number of pages.

**Authorisation for State aid pursuant to Articles 92 and 93 of the EC Treaty**

**Cases where the Commission raises no objections**

(1999/C 88/04)

(Text with EEA relevance)

**Date of adoption:** 1.7.1998

**Member State:** United Kingdom (Wales)

**Aid No:** NN 2/98

**Title:** Welsh Development Agency (WDA): Mortgage Guarantee Scheme

**Objective:** Regional

**Legal basis:** Welsh Development Act 1975 (as amended)

**Budget:**

— Value of loans between 1992-1996: ECU 10 million

— Estimate value of loans for 1997-1998: ECU 9 million

**Aid intensity:** 1 % NGE approximately

**Duration:** Scheme expired on 31.3.1998

**Legal basis:** Convenio de colaboración entre la Consejería de Trabajo e Industria y la Compañía Sevillana de Electricidad SA, para la realización de la segunda fase del Plan de mejora de la distribución eléctrica en Andalucía (MEDEA)

**Budget:** ESP 5 369 895 000 (EUR 32,27 million)

**Aid intensity:** 44,45 %

**Duration:** 1998 and 1999

**Date of adoption:** 3.2.1999

**Member State:** Sweden

**Aid No:** N 769/97

**Title:** Measures in favour of the extension of the district heating network in Sweden

**Objective:** Measures in favour of the extension of the district heating network in Sweden

**Legal basis:** Förordning om statligt bidrag för utbyggnad av fjärrvärmenätet

**Budget:** SEK 515 million (EUR 56 million)

**Aid intensity:** Maximum 15 % gross

**Duration:** Five years

**Date of adoption:** 22.12.1998

**Member State:** The Netherlands

**Aid No:** N 589/A/98

**Title:** Extension of regulatory CO<sub>2</sub>/energy tax

**Objective:** To increase the tax

**Legal basis:** Wet belastingen op milieugrondslag

**Conditions:** The Commission considered the energy tax as a general tax measure

**Date of adoption:** 4.2.1999

**Member State:** United Kingdom

**Aid No:** N 609/98

**Title:** Biotechnology in Industry Programme

**Objective:** To support demonstration projects for the application of biotechnology

**Legal basis:** Science and technology act 1965, section 5

**Date of adoption:** 20.1.1999

**Member State:** Spain (Andalusia)

**Aid No:** N 659/98

**Title:** Grant to Sevillana de Electricidad for a programme of work to improve the electricity infrastructure in Andalusia

**Objective:** To promote the extension and improvement of electricity-distribution installations in Andalusia

**Budget:** GBP 3 million (EUR 2,1 million) in total for demonstration projects over four years



**Aid intensity:**

- Up to 25 % for pre-competitive development,
- Bonus: + 10 % for SMEs

**Duration:** Until December 2002

**Date of adoption:** 8.3.1999

**Member State:** The Netherlands

**Aid No:** N 679/98

**Title:** Temporary subsidy scheme for improving fishing port facilities

**Objective:** To establish a temporary subsidy scheme for improving fishing port facilities

**Legal basis:** Tijdelijke subsidieregeling verbetering uitrusting vissershaven

**Budget:** Total investments costs: between NLG 74 million (EUR 33,5 million) and NLG 95 million (EUR 43,1 million). The Community participation: between NLG 31,5 million (EUR 14,29 million) and NLG 37 million

**Aid intensity:** Scale and rates of assistance laid down in Annex III, point 2.1, Table 5 and 2.2, Table 6 of the Council Regulation 2468/98

**Duration:** 1999

**Conditions:** Criteria and conditions laid down in the Guidelines for the examination of State aid to fisheries and aquaculture (OJ C 100, 27.3.1997) as well as the Council Regulation 2468/98 of 3 November 1998 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products. (OJ L 312, 20.11.1998, p. 19)

**Non-opposition to a notified concentration**  
(Case No IV/M.1462 — TRW/Lucas Varsity)

(1999/C 88/05)

(Text with EEA relevance)

On 11 March 1999, 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 (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1462. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,  
Information, Marketing and Public Relations (OP/4B),  
2, rue Mercier,  
L-2985 Luxembourg.  
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

**Prior notification of a concentration**  
**(Case No IV/M.1481 — Denso/Magneti Marelli)**

(1999/C 88/06)

(Text with EEA relevance)

1. On 19 March 1999, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the Japanese undertaking Denso Corporation (Denso) acquires, within the meaning of Article 3(1)(b) of the Regulation, control of part of Magneti Marelli Manufacturing SpA (Magneto Marelli automotive subsidiaries) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Denso: automotive related business, transportation equipment, mobile telecommunications,
- Magneto Marelli automotive subsidiaries: companies in the United Kingdom, Poland and Brazil active in the manufacture of alternators, starters, windscreen wiper motors, air conditioning and radiators.

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.1481 — Denso/Magneti Marelli, to:

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

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

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

**Prior notification of a concentration**  
**(Case No IV/M.1407 — Bertelsmann/Mondadori)**

(1999/C 88/07)

(Text with EEA relevance)

1. On 18 March 1999, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertakings Bertelsmann AG (Bertelsmann) and Arnoldo Mondadori Editore SpA (Mondadori) acquire, within the meaning of Article 3(1)(b) of the Regulation, joint control of a newly-created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- Bertelsmann: publishing and information providing, book club, production and distribution of music and records, printing and private television,
- Mondadori: publishing, printing and direct marketing of publications,
- the joint venture: sale of general literature as well as music and records to end-users via a book club.

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.1407 — Bertelsmann/Mondadori, to:

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

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

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

## III

(Notices)

## COMMISSION

## Results of the invitation to tender (Community food aid)

(1999/C 88/08)

as provided for in Article 9(7) of Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid

(Official Journal of the European Communities L 346, 17.12.1997, p. 23)

16 and 23 March 1999

Regulation (EC) No/ Decision of	Lot	Action No	Recipient	Product	Quantity (tonnes)	Delivery	Successful tenderer	Awarded price (EUR/t)
450/1999	A	118/98	Bangladesh	BLT	30 000	DEN	COMPAGNIE COMMERCIALE ANDRÉ SA, PARIS (F)	108,19
	B	119/98	Bangladesh	BLT	30 000	DEN	LEUREUR SA, PARIS (F)	107,83
504/1999	A	105/98	CICR/Georgia	FBLT	500	DEST	GRANDI MOLINI ITALIANI SPA, ROVIGO (I)	226,95
505/1999	A	458 + 459 + 509/97	EuronAid/. . .	SUB	68	EMB	ZUCKERHANDELSUNION GMBH, BERLIN (D)	263,50
506/1999	A	115 + 124/98	WFP/Somalia	MAI	9 130	EMB	SIMAGIR SA, NANTES (F)	103,10
507/1999	A	450 + 456 + 457/97	EuronAid/. . .	HCOLZ	673	EMB	SICOM SRL, CERCOLA (NA) (I)	594,90
	B	305/97	EuronAid/Niger	HSOJA	90	EMB	SICOM SRL, CERCOLA (NA) (I)	602,90

BLT: Common wheat  
 FBLT: Common wheat flour  
 CBL: Long grain milled rice  
 CBM: Medium grain milled rice  
 CBR: Round grain milled rice  
 BRI: Broken rice  
 FHAF: Oat flakes  
 FROF: Processed cheese  
 WSB: Wheat soya blend  
 SUB: Sugar  
 ORG: Barley  
 SOR: Sorghum  
 DUR: Durum wheat  
 GDUR: Durum wheat groats  
 MAI: Maize  
 FMAI: Maize flour

B: Butter  
 GMAI: Maize groats  
 SMAI: Maize meal  
 LEP: Whole milk powder  
 LDEP: Semi-skimmed milk powder  
 LEP: Skimmed-milk powder  
 LEPv: Vitaminized skimmed-milk powder  
 CT: Tomato concentrate  
 CM: Tinmeat mackerel  
 BISC: High protein biscuits  
 BO: Butteroil  
 HOLI: Olive oil  
 HCOLZ: Refined rape or colza oil  
 HPALM: Semi-refined palm oil  
 HSOJA: Refined soya-bean oil  
 HTOUR: Refined sunflower oil

BPJ: Beef in its own juice  
 CB: Corned beef  
 COR: Currants  
 BABYF: Babyfood  
 LHE: High-energy milk  
 Lsub1: Infant milk  
 Lsub2: Follow-on milk  
 PAL: Pasta  
 PISUM: Split peas  
 FEQ: Horse beans (*Vicia faba equina*)  
 FABA: Broad beans (*Vicia faba major*)  
 SAR: Sardines  
 DEB: Free at port of landing, landed  
 DEN: Free at port of landing — ex ship  
 EMB: Free at port of shipment  
 DEST: Free at destination  
 EXW: Ex works