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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**18 February 2002**

(2002/C 45/01)

| | | | |
|---------------|---|--------|-----------------------------------|
| 1 euro | = | 7,4297 | Danish krone |
| | = | 9,1955 | Swedish krona |
| | = | 0,6098 | Pound sterling |
| | = | 0,8715 | United States dollar |
| | = | 1,3862 | Canadian dollar |
| | = | 115,68 | Japanese yen |
| | = | 1,4804 | Swiss franc |
| | = | 7,7475 | Norwegian krone |
| | = | 87,93 | Icelandic króna ⁽²⁾ |
| | = | 1,684 | Australian dollar |
| | = | 2,0625 | New Zealand dollar |
| | = | 9,9743 | South African rand ⁽²⁾ |

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

⁽²⁾ Source: Commission.

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty**Cases where the Commission raises no objections**

(2002/C 45/02)

(Text with EEA relevance)

Date of adoption of the decision: 15.1.2002**Member State:** Ireland**Aid No:** N 553/01**Title:** Aid to promote renewable energy sources (RES) in Ireland**Objective:** Environment — production of green electricity**Legal basis:** Electricity Regulation Act 1999**Budget:** Operating aid to compensate the overcost of RES electricity production of 500 MW in Ireland through 15-year guaranteed price contracts awarded through open tendering procedures**Duration:** No invitations to tender will be made after 2002. Contracts will last for a period of 15 years or until 2019, whichever ever comes first

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids**Date of adoption of the decision:** 15.1.2002**Member State:** Germany (Thuringia)**Aid No:** N 557/01**Objective:** Change to the aid scheme for research bodies directly serving industry**Legal basis:** Richtlinien zur Förderung wirtschaftsnaher Forschungseinrichtungen des Landes Thüringen**Budget:** EUR 45 million**Aid intensity or amount:**

Weighting intensity:

- 50 % maximum in the case of new research institutes (20 % industrial research, 80 % pre-competitive development activities)
- 70 % maximum in the case of fundamental research (25 %), industrial research (45 %) and pre-competitive development activities (30 %)
- 40 % maximum in the case of pre-competitive development activities

Duration: Until 31 December 2005**Other information:** The scheme was initially authorised by the Commission for the period from 1997 to 2002 (OJ C 130, 1998 and OJ C 351, 1998)

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids**Date of adoption of the decision:** 20.12.2001**Member State:** United Kingdom**Aid No:** N 649/01**Title:** Freight facilities grant**Objective:** To encourage companies to take heavy lorries off the roads by helping them to invest in coastal/short-sea shipping freight facilities**Legal basis:** For the extension to coastal/short sea shipping, Transport Act 2000, Section 272. In Scotland, Section 71 of the Transport Act 2001**Budget:**

2001/2002: GBP 12,8 million

2002/2003: GBP 22,3 million

2003/2004: GBP 14,6 million

Aid intensity or amount: 50 % of the total project cost for facilities accessible on non-discriminatory terms for all existing and potential operators. When access to infrastructure is limited to one or more specific operators, those will be chosen through a transparent, fair and non-discriminatory public tendering procedure**Duration:** Ten years, standard annual reports will set out grants paid and environmental benefit gained**Other information:** The Port of Rosyth project has been notified to the Commission and an individual assessment has been made with the FFG scheme

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Commission notice on immunity from fines and reduction of fines in cartel cases

(2002/C 45/03)

(Text with EEA relevance)

INTRODUCTION

1. This notice concerns secret cartels between two or more competitors aimed at fixing prices, production or sales quotas, sharing markets including bid-rigging or restricting imports or exports. Such practices are among the most serious restrictions of competition encountered by the Commission and ultimately result in increased prices and reduced choice for the consumer. They also harm European industry.
2. By artificially limiting the competition that would normally prevail between them, undertakings avoid exactly those pressures that lead them to innovate, both in terms of product development and the introduction of more efficient production methods. Such practices also lead to more expensive raw materials and components for the Community companies that purchase from such producers. In the long term, they lead to a loss of competitiveness and reduced employment opportunities.
3. The Commission is aware that certain undertakings involved in this type of illegal agreements are willing to put an end to their participation and inform it of the existence of such agreements, but are dissuaded from doing so by the high fines to which they are potentially exposed. In order to clarify its position in this type of situation, the Commission adopted a notice on the non-imposition or reduction of fines in cartel cases⁽¹⁾, hereafter 'the 1996 notice'.
4. The Commission considered that it is in the Community interest to grant favourable treatment to undertakings which cooperate with it. The interests of consumers and citizens in ensuring that secret cartels are detected and punished outweigh the interest in fining those undertakings that enable the Commission to detect and prohibit such practices.
5. In the 1996 notice, the Commission announced that it would examine whether it was necessary to modify the notice once it had acquired sufficient experience in applying it. After five years of implementation, the Commission has the experience necessary to modify its policy in this matter. Whilst the validity of the principles governing the notice has been confirmed, experience has shown that its effectiveness would be improved by an increase in the transparency and certainty of the conditions on which any reduction of fines will be granted. A closer alignment between the level of reduction of fines and the value of a company's contribution to establishing the infringement could also increase this effectiveness. This notice addresses these issues.
6. The Commission considers that the collaboration of an undertaking in the detection of the existence of a cartel has an intrinsic value. A decisive contribution to the opening of an investigation or to the finding of an infringement may justify the granting of immunity from any fine to the undertaking in question, on condition that certain additional requirements are fulfilled.
7. Moreover, cooperation by one or more undertakings may justify a reduction of a fine by the Commission. Any reduction of a fine must reflect an undertaking's actual contribution, in terms of quality and timing, to the Commission's establishment of the infringement. Reductions are to be limited to those undertakings that provide the Commission with evidence that adds significant value to that already in the Commission's possession.

A. IMMUNITY FROM FINES

8. The Commission will grant an undertaking immunity from any fine which would otherwise have been imposed if:
 - (a) the undertaking is the first to submit evidence which in the Commission's view may enable it to adopt a decision to carry out an investigation in the sense of Article 14(3) of Regulation No 17⁽²⁾ in connection with an alleged cartel affecting the Community; or
 - (b) the undertaking is the first to submit evidence which in the Commission's view may enable it to find an infringement of Article 81 EC⁽³⁾ in connection with an alleged cartel affecting the Community.
9. Immunity pursuant to point 8(a) will only be granted on the condition that the Commission did not have, at the time of the submission, sufficient evidence to adopt a decision to carry out an investigation in the sense of Article 14(3) of Regulation No 17 in connection with the alleged cartel.
10. Immunity pursuant to point 8(b) will only be granted on the cumulative conditions that the Commission did not have, at the time of the submission, sufficient evidence to find an infringement of Article 81 EC in connection with the alleged cartel and that no undertaking had been granted conditional immunity from fines under point 8(a) in connection with the alleged cartel.

⁽²⁾ OJ 13, 21.2.1962, p. 204/62. (Or the equivalent procedural regulations: Article 21(3) of Regulation (EEC) No 1017/68 of the Council; Article 18(3) of Council Regulation (EEC) No 4056/86 and Article 11(3) of Council Regulation (EEC) No 3975/87).

⁽³⁾ Reference in this text to Article 81 EC also covers Article 53 EEA when applied by the Commission according to the rules laid down in Article 56 of the EEA Agreement.

⁽¹⁾ OJ C 207, 18.7.1996, p. 4.

11. In addition to the conditions set out in points 8(a) and 9 or in points 8(b) and 10, as appropriate, the following cumulative conditions must be met in any case to qualify for any immunity from a fine:

- (a) the undertaking cooperates fully, on a continuous basis and expeditiously throughout the Commission's administrative procedure and provides the Commission with all evidence that comes into its possession or is available to it relating to the suspected infringement. In particular, it remains at the Commission's disposal to answer swiftly any request that may contribute to the establishment of the facts concerned;
- (b) the undertaking ends its involvement in the suspected infringement no later than the time at which it submits evidence under points 8(a) or 8(b), as appropriate;
- (c) the undertaking did not take steps to coerce other undertakings to participate in the infringement.

PROCEDURE

12. An undertaking wishing to apply for immunity from fines should contact the Commission's Directorate-General for Competition. Should it become apparent that the requirements set out in points 8 to 10, as appropriate, are not met, the undertaking will immediately be informed that immunity from fines is not available for the suspected infringement.

13. If immunity from fines is available for a suspected infringement, the undertaking may, in order to meet conditions 8(a) or 8(b), as appropriate:

- (a) immediately provide the Commission with all the evidence relating to the suspected infringement available to it at the time of the submission; or
- (b) initially present this evidence in hypothetical terms, in which case the undertaking must present a descriptive list of the evidence it proposes to disclose at a later agreed date. This list should accurately reflect the nature and content of the evidence, whilst safeguarding the hypothetical nature of its disclosure. Expurgated copies of documents, from which sensitive parts have been removed, may be used to illustrate the nature and content of the evidence.

14. The Directorate-General for Competition will provide a written acknowledgement of the undertaking's application for immunity from fines, confirming the date on which the undertaking either submitted evidence under 13(a) or presented to the Commission the descriptive list referred to in 13(b).

15. Once the Commission has received the evidence submitted by the undertaking under point 13(a) and has verified that

it meets the conditions set out in points 8(a) or 8(b), as appropriate, it will grant the undertaking conditional immunity from fines in writing.

16. Alternatively, the Commission will verify that the nature and content of the evidence described in the list referred to in point 13(b) will meet the conditions set out in points 8(a) or 8(b), as appropriate, and inform the undertaking accordingly. Following the disclosure of the evidence no later than on the date agreed and having verified that it corresponds to the description made in the list, the Commission will grant the undertaking conditional immunity from fines in writing.

17. An undertaking which fails to meet the conditions set out in points 8(a) or 8(b), as appropriate, may withdraw the evidence disclosed for the purposes of its immunity application or request the Commission to consider it under section B of this notice. This does not prevent the Commission from using its normal powers of investigation in order to obtain the information.

18. The Commission will not consider other applications for immunity from fines before it has taken a position on an existing application in relation to the same suspected infringement.

19. If at the end of the administrative procedure, the undertaking has met the conditions set out in point 11, the Commission will grant it immunity from fines in the relevant decision.

B. REDUCTION OF A FINE

20. Undertakings that do not meet the conditions under section A above may be eligible to benefit from a reduction of any fine that would otherwise have been imposed.

21. In order to qualify, an undertaking must provide the Commission with evidence of the suspected infringement which represents significant added value with respect to the evidence already in the Commission's possession and must terminate its involvement in the suspected infringement no later than the time at which it submits the evidence.

22. The concept of 'added value' refers to the extent to which the evidence provided strengthens, by its very nature and/or its level of detail, the Commission's ability to prove the facts in question. In this assessment, the Commission will generally consider written evidence originating from the period of time to which the facts pertain to have a greater value than evidence subsequently established. Similarly, evidence directly relevant to the facts in question will generally be considered to have a greater value than that with only indirect relevance.

23. The Commission will determine in any final decision adopted at the end of the administrative procedure:

- (a) whether the evidence provided by an undertaking represented significant added value with respect to the evidence in the Commission's possession at that same time;
- (b) the level of reduction an undertaking will benefit from, relative to the fine which would otherwise have been imposed, as follows. For the:

- first undertaking to meet point 21: a reduction of 30-50 %,
- second undertaking to meet point 21: a reduction of 20-30 %,
- subsequent undertakings that meet point 21: a reduction of up to 20 %.

In order to determine the level of reduction within each of these bands, the Commission will take into account the time at which the evidence fulfilling the condition in point 21 was submitted and the extent to which it represents added value. It may also take into account the extent and continuity of any cooperation provided by the undertaking following the date of its submission.

In addition, if an undertaking provides evidence relating to facts previously unknown to the Commission which have a direct bearing on the gravity or duration of the suspected cartel, the Commission will not take these elements into account when setting any fine to be imposed on the undertaking which provided this evidence.

PROCEDURE

24. An undertaking wishing to benefit from a reduction of a fine should provide the Commission with evidence of the cartel in question.
25. The undertaking will receive an acknowledgement of receipt from the Directorate-General for Competition recording the date on which the relevant evidence was submitted. The Commission will not consider any submissions of evidence by an applicant for a reduction of a fine before it has taken a position on any existing application for a conditional immunity from fines in relation to the same suspected infringement.

26. If the Commission comes to the preliminary conclusion that the evidence submitted by the undertaking constitutes added value within the meaning of point 22, it will inform the undertaking in writing, no later than the date on which a statement of objections is notified, of its intention to apply a reduction of a fine within a specified band as provided in point 23(b).

27. The Commission will evaluate the final position of each undertaking which filed an application for a reduction of a fine at the end of the administrative procedure in any decision adopted.

GENERAL CONSIDERATIONS

28. From 14 February 2002, this notice replaces the 1996 notice for all cases in which no undertaking has contacted the Commission in order to take advantage of the favourable treatment set out in that notice. The Commission will examine whether it is necessary to modify this notice once it has acquired sufficient experience in applying it.
29. The Commission is aware that this notice will create legitimate expectations on which undertakings may rely when disclosing the existence of a cartel to the Commission.
30. Failure to meet any of the requirements set out in sections A or B, as the case may be, at any stage of the administrative procedure may result in the loss of any favourable treatment set out therein.
31. In line with the Commission's practice, the fact that an undertaking cooperated with the Commission during its administrative procedure will be indicated in any decision, so as to explain the reason for the immunity or reduction of the fine. The fact that immunity or reduction in respect of fines is granted cannot protect an undertaking from the civil law consequences of its participation in an infringement of Article 81 EC.
32. The Commission considers that normally disclosure, at any time, of documents received in the context of this notice would undermine the protection of the purpose of inspections and investigations within the meaning of Article 4(2) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council.
33. Any written statement made vis-à-vis the Commission in relation to this notice, forms part of the Commission's file. It may not be disclosed or used for any other purpose than the enforcement of Article 81 EC.

Publication of a request under Article 9 of Council Regulation (EEC) No 2081/92 to amend one or more parts of the specification of a name registered under Article 17 or Article 6 of that Regulation

(2002/C 45/04)

Publication confers the right to object within the meaning of Article 7 of the Regulation. Any objections to this request must be forwarded via the competent authority of a Member State within six months of the publication date. The amendment is not a minor one and it must therefore be published under Article 6(2) of the Regulation.

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR AMENDMENT OF A SPECIFICATION: ARTICLE 9

1. Registered designation: Beaufort

2. Responsible department in the Member State

Institut national des appellations d'origine
138, avenue des Champs-Élysées
F-75008 Paris
Tel. (33-1) 53 89 80 00
Fax (33-1) 42 25 57 97

3. Amendment(s) requested

— **Specification heading:**

- ☐ name
- ☐ description
- ☐ geographical area
- ☐ proof of origin
- ☒ method of production
- ☐ link
- ☒ labelling
- ☒ national requirements

— **Amendment(s):**

Method of production

More details are given about the method of producing 'Beaufort'. These concern the preservation of the milk, the milk used, the fact that the cauldron used to heat the curd is traditionally made of copper and the fact that the cheese cannot be sold grated under the designation.

Labelling

'Chalet d'alpage' cheese is identified by means of an additional casein plaque.

National requirements

For: 'Decree of 12 August 1993',

read: 'Decree on the registered designation of origin "Beaufort"'.

4. Date of receipt of the full application: 5 September 2001.

Revocation of the Danish Order on the use of TV rights to events of major importance to society

(2002/C 45/05)

Please be informed that the Danish Government has decided to revoke the Danish Order No 809 of 19 November 1998, as amended by Order No 734 of 20 August 2001, on the use of TV rights to events of major importance to society.

The Order was implemented pursuant to Article 3(a)(1) of Council Directive 89/552/EEC, as amended by Directive 97/36/EC.

The revocation is valid from 1 January 2002.

II

(Preparatory Acts pursuant to Title VI of the Treaty on European Union)

Initiative of the Kingdom of Spain with a view to adopting a Council Act establishing in accordance with Article 34 of the Treaty on European Union, the Convention on the suppression by customs administrations of illicit drug trafficking on the high seas

(2002/C 45/06)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 34(2)(d) thereof,

At the initiative of the Kingdom of Spain ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas, for the purposes of achieving the objectives of the European Union, Member States regard customs cooperation as a matter of common interest for the cooperation established in Title VI of the Treaty,

HAS DECIDED that the Convention the text of which is set out in the Annex, and which has been signed today by the Representatives of the Governments of the Member States, is hereby established,

RECOMMENDS that it be adopted by the Member States in accordance with their respective constitutional requirements.

Done at ...

For the Council

The President

...

⁽¹⁾ OJ C...

⁽²⁾ Opinion delivered on ... (not yet published in the Official Journal).

ANNEX

CONVENTION ESTABLISHED BY THE COUNCIL IN ACCORDANCE WITH ARTICLE 34 OF THE TREATY ON EUROPEAN UNION, ON THE SUPPRESSION BY CUSTOMS ADMINISTRATIONS OF ILLICIT DRUG TRAFFICKING ON THE HIGH SEAS

THE HIGH CONTRACTING PARTIES to this Convention, Member States of the European Union,

ACKNOWLEDGING the need to strengthen the commitments made in the Convention on Mutual Assistance between Customs Administrations, signed in Rome on 7 September 1967, and in the Convention on Mutual Assistance and Cooperation between Customs Administrations, done at Brussels on 18 December 1997.

TAKING INTO ACCOUNT the United Nations Convention on the Law of the Sea, signed in Montego Bay on 10 December 1982, which provides *inter alia* for the right of hot pursuit, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988.

CONSIDERING that the customs administrations are responsible within the customs territory of the Community, including its territorial sea and air space and especially at its points of entry and exit, for the prevention, investigation and prosecution of breaches not only of the Community customs rules but also of national laws, and in particular for combating smuggling, including the smuggling of narcotic drugs and psychotropic substances.

CONSIDERING that occasionally in the fight against drug trafficking it is necessary and effective for the customs to take action outside Community customs territory, particularly on the high seas.

CONSIDERING that the increase in trafficking in narcotic drugs and psychotropic substances at sea is a situation which seriously threatens the health and security of the citizens of the European Union.

CONSIDERING that under the special forms of cooperation which have been established between Member States of the European Union both within the Member States themselves and in their respective territorial waters, officials of one Member State are empowered to take action in the territory of another Member State, without prior authorisation on occasion.

CONVINCED that it is necessary to strengthen cooperation between the customs administrations in combating drug trafficking by giving vessels of the competent authorities of a Member State greater scope to take immediate action without prior authorisation against vessels from another Member State in emergencies, where currently it is not possible to take action without prior authorisation outside territorial waters,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

Definitions

For the purposes of this Convention:

- (a) 'vessels' means any structure or floating craft operating on the high seas suitable for the carriage of goods and/or persons, including hovercraft, non-displacement craft and submersibles;
- (b) 'intervening State' means the Member State party to this Convention which has taken action under this Convention against a vessel flying the flag or holding the registration of another Member State party to this Convention;
- (c) 'preferential jurisdiction' means that where both Member States party to this Convention have concurrent jurisdiction over a relevant offence, the flag State has the right to exercise its own jurisdiction to the exclusion of the jurisdiction of the other State;
- (d) 'relevant offence' means the offences defined in Article 3;
- (e) 'customs authorities' means the authorities responsible for implementing the customs rules and also the other authorities given the responsibility of implementing the provisions of this Convention.

To this end, each Member State shall forward to the other Member States and to the Council General Secretariat the list of competent authorities appointed for the purpose of implementing this Convention.

*Article 2***Objective**

The customs authorities of the Member States of the European Union shall cooperate to the fullest extent possible to suppress illicit trafficking in narcotic drugs and psychotropic substances by sea, in conformity with the International Law of the Sea.

*Article 3***Offences**

Each Member State shall adopt the measures necessary to classify as an offence in its national law, and penalise, offences on board vessels or by means of any other craft or floating medium not excluded from the scope of this Convention under Article 4 thereof, involving the possession for distribution, transport, transhipment, storage, sale, manufacture or processing of narcotic drugs or psychotropic substances as defined in the relevant international instruments.

*Article 4***Vessels excluded from the scope of the Convention**

Warships and official non-commercial public service vessels shall be excluded from the scope of this Convention.

*Article 5***Jurisdiction**

1. Save as provided for in the Convention on mutual assistance and cooperation between customs administrations, Member States shall exercise sole jurisdiction in relation to offences committed in their territorial and national waters including situations where offences originated or are due to be completed in another Member State.
2. As regards the offences described in Article 3 and committed outside the territorial waters of a Member State, the Member State under whose flag the vessel was flying and on board which or by means of which the offence was committed shall exercise the preferential jurisdiction.

*Article 6***Right of representation**

1. Where there are good grounds to suspect that one of the offences referred to in Article 3 has been committed, each Member State shall allow the other Member States a right of representation, which shall give legitimacy to action taken by ships or aircraft belonging to their respective customs administrations against vessels from another Member State.
2. In exercising the right of representation referred to in paragraph 1, official ships or aircraft may give pursuit, stop and board the vessel, examine documents, identify and question the persons on board and inspect the vessel and, should their suspicions be confirmed, seize the drugs, detain the persons alleged to be responsible and escort the vessel to the nearest or most suitable port where it shall be detained prior to being returned, informing — beforehand if possible or immediately afterwards — the State whose flag was being flown by the vessel.
3. This right shall be exercised in accordance with the general provisions of international law.

*Article 7***Safeguards**

1. Where action has been taken pursuant to Article 6, due account shall be taken of the need not to endanger the safety of life at sea or the security of the vessel and cargo, or to prejudice the commercial and legal interests of the flag State or the commercial interests of third parties.
2. In any case, should the action have been taken without adequate grounds for carrying out the operation, the Member State which carried it out shall be held responsible for damage and losses incurred unless the action was taken at the request of the flag State.
3. A vessel's period of detention shall be reduced to the absolute minimum and the vessel returned to the flag State or given the right to free passage as soon as possible.

4. Persons detained shall be guaranteed the same rights as those enjoyed by nationals, especially the right to have an interpreter and be assisted by a lawyer.
5. The period of detention shall be subject to supervision by the courts and to the time limits laid down by the law of the intervening Member State.

Article 8

Surrender of jurisdiction

1. Each Member State shall have preferential jurisdiction over its vessels but may surrender it in favour of the intervening State.
2. Before taking initial proceedings, the intervening State shall forward to the flag State — by fax if possible or other means — a summary of the evidence assembled pertaining to all the relevant offences committed, to which the flag State shall respond within one month stating whether it will exercise its jurisdiction or surrender it and possibly asking for further information should it deem it necessary.
3. If the time limit referred to in paragraph 2 has lapsed without any decision being notified, the flag Member State shall be deemed to have surrendered its jurisdiction.
4. If the State whose flag is being flown by the vessel surrenders its preferential jurisdiction, it shall send the other Member State the information and documents in its possession. Should it decide to exercise its jurisdiction, the other State shall transfer to the preferential State the documents and evidence it has assembled, the *corpus delicti* and the persons detained.
5. Urgent mandatory judicial proceedings to be completed, such as the request to waive the exercise of preferential jurisdiction, shall be governed by the law of the intervening State.
6. Surrender of detained persons shall not be subject to formal extradition proceedings; an order for detention of the person concerned or an equivalent document shall suffice, provided that the fundamental principles of each Party's legal system are observed. The intervening State shall certify the length of time spent in detention.
7. The length of time for which a person was deprived of his liberty in one of the Member States shall be deducted from the penalty imposed by the State having exercised its jurisdiction.
8. Without prejudice to the general powers of Member States' Ministries of Foreign Affairs, any communication provided for in this Convention shall, as a rule, pass through their Ministries of Justice.

Article 9

Settlement of disputes

1. Member States agree to settle disputes between them on the interpretation or application of this Convention, including those concerning damages, by direct negotiation between the respective Ministries of Justice and Foreign Affairs.
2. Where agreement cannot be reached using the arrangement in paragraph 1, the Court of Justice of the European Communities shall have jurisdiction to rule on any dispute between Member States regarding the interpretation or the application of this Convention, whenever such dispute cannot be settled by the Council within six months of its being referred to the Council by one of its members.
3. The Court of Justice of the European Communities shall have jurisdiction, subject to the conditions laid down in paragraphs 4 to 7, to give preliminary rulings on the interpretation of this Convention.
4. By a declaration made at the time of the signing of this Convention or at any time thereafter, any Member State shall be able to accept the jurisdiction of the Court of Justice of the European Communities to give preliminary rulings on the interpretation of this Convention as specified in either paragraph 5(a) or (b).
5. A Member State which has made a declaration pursuant to paragraph 4 shall specify that either:
 - (a) any court or tribunal of that State against whose decisions there is no judicial remedy under national law may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of this Convention if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment; or
 - (b) any court or tribunal of that State may request the Court of Justice of the European Communities to give a preliminary ruling on a question raised in a case pending before it and concerning the interpretation of this Convention if that court or tribunal considers that a decision on the question is necessary to enable it to give judgment.

6. The Protocol on the Statute of the Court of Justice of the European Communities and the Rules of Procedure of that Court of Justice shall apply.

7. Any Member State, whether or not it has made a declaration pursuant to paragraph 4, shall be entitled to submit statements of case or written observations to the Court in cases which arise under paragraph 5.

8. The Court of Justice shall not have jurisdiction to check the validity or proportionality of operations carried out by competent law enforcement agencies under this Convention nor to rule on the exercise of responsibilities which devolve upon Member States for maintaining law and order and for safeguarding internal security.

Article 10

Final provisions

1. This Convention shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.

2. Member States shall notify the depositary of the completion of the constitutional procedures for the adoption of this Convention.

3. This Convention shall enter into force 90 days after the notification referred to in paragraph 2 by the State, Member of the European Union at the time of adoption by the Council of the Act drawing up this Convention, which is last to complete that formality.

Article 11

Accession

1. This Convention shall be open to accession by any State that becomes a Member State of the European Union.

2. This Convention shall come into force with respect to any State that accedes to it 90 days after the deposit of its instrument of accession or on the date of entry into force of the Convention if it has not already entered into force upon expiry of the said period of 90 days.

Article 12

Amendments

1. Amendments to this Convention may be proposed by any Member State that is a party to it. Any proposed amendment shall be sent to the depositary, who shall communicate it to the Council and the Commission.

2. The amendments to the Convention shall be adopted by the Council, which shall recommend them to the Member States for adoption in accordance with their respective constitutional requirements.

3. Amendments adopted in accordance with paragraph 2 shall come into force in accordance with Article 10(3).

Article 13

Depositary

1. The Secretary-General of the Council of the European Union shall act as depositary of this Convention.

2. The depositary shall publish in the *Official Journal of the European Communities* information on the progress of adoptions and accessions, implementation, declarations and reservations, and also any other notification concerning this Convention.

III

(Notices)

COUNCIL

Texts published in the *Official Journal of the European Communities* C 45 E

(2002/C 45/07)

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⁽¹⁾ Text with EEA relevance

COMMISSION

Call for proposals in the field of environmental protection

(2002/C 45/08)

- I.1. The aim of this call for proposals is to identify actions which might be eligible for financial support from the European Commission, Directorate-General for Environment. This aid would take the form of co-financing.
- I.2. For guidance, DG Environment is planning to allocate in total approximately EUR 2 450 000.
- I.3. The fields concerned, and the nature and content of the actions (as well as the conditions for granting assistance and application forms) are set out in the documentation relating to the call for proposals. This documentation may be consulted on the Europa website at:

http://europa.eu.int/comm/environment/funding/general/call2002_en.htm

II. Procedure for the submission and examination of proposals, timetable

The call for proposals is open until 30 April 2002.

All the documents required for a proposal must be sent in triplicate. They should be presented in A 4 form.

The complete proposal must be delivered by registered letter or by private courier. The postmark or the date of collection by courier will serve as proof of the date of submission of the proposal. Faxes, electronic mail, incomplete dossiers or dossiers sent in several parts will not be accepted.

The proposal must be valid at least until 31 December 2002.

The procedure for the appraisal of a proposal is as follows:

- receipt, recording and acknowledgment of receipt by the Commission,
- examination by the services of the Commission,
- formulation of the final decision and communication of the result to the applicant.

Beneficiaries will be selected on the basis of the criteria set out in the documentation relating to this call for proposals and within the limits of the available budget.

The entire procedure is strictly confidential. In the event of approval by the Commission, a contract (made out in euro) will be concluded between the Commission and the party submitting the proposal.

The decision of the Commission is final.
