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Contents

Page

Acts adopted under Title VI of the Treaty on European Union

2002/C 76/01	Council Act of 28 February 2002 amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies	1
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I Information

Commission

2002/C 76/02	Euro exchange rates	3
2002/C 76/03	Information procedure — Technical rules ⁽¹⁾	4
2002/C 76/04	Publication of an application for registration pursuant to Article 6(2) of Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin	7
2002/C 76/05	Amendment by France of public service obligations in respect of scheduled air services within France ⁽¹⁾	10
2002/C 76/06	Amendment by France of public service obligations in respect of scheduled air services within France ⁽¹⁾	11
2002/C 76/07	Investigation of an alliance agreement in the field of air transport ⁽¹⁾	12

Corrigenda

2002/C 76/08	Corrigendum to the Council Act of 17 December 2001 appointing a Deputy Director of Europol (OJ C 371 of 28.12.2001)	12
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EN

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

COUNCIL ACT

of 28 February 2002

amending the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies

(2002/C 76/01)

(This text cancels and replaces the text published in OJ C 58 of 5 March 2002, p. 12)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention on the establishment of a European Police Office (Europol Convention ⁽¹⁾), and in particular Article 18(2) thereof,

Having regard to the initiative of the Kingdom of Sweden ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

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

Whereas:

(1) 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.

(2) In the light of the cooperation of Europol with third bodies, the possibility of onward transmission by third bodies of personal data received from Europol will contribute positively to the fight against organised crime.

(3) In order to safeguard the interests of the Member States concerned and the principles of data protection, appropriate provisions need to be laid down determining the conditions under which onward transmission may take place.

(4) The Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies ⁽⁴⁾ should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The Council Act of 12 March 1999 is hereby amended as follows:

1. the first subparagraph of Article 4 shall be replaced by the following:

'The Director shall inform the Management Board and the Joint Supervisory Body without undue delay of any decision to transmit personal data pursuant to Article 2(1)(b) or to allow onward transmission of personal data pursuant to point (b) of the second subparagraph of Article 5(5), and of the reasons for that decision.';

2. the following subparagraphs shall be added to Article 5(5):

'However, onward transmission by a third body with which Europol has concluded an agreement in accordance with Article 3 may take place

(a) with the prior consent of Europol, in cases where the third State or body receiving the data has concluded an agreement with Europol on the transmission of personal data which covers data from onward transmission; or

(b) exceptionally, after authorisation by the Director of Europol taking account the conditions laid down in Article 2(2), if he considers onward transmission of the data by the third body 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.

⁽¹⁾ OJ C 316, 27.11.1995, p. 2.

⁽²⁾ OJ C 163, 6.6.2001, p. 13.

⁽³⁾ Opinion delivered on 13 November 2001 (not yet published in the Official Journal).

⁽⁴⁾ OJ C 88, 30.3.1999, p. 1.

No onward transmission of data communicated to Europol by a Member State shall be allowed without the consent of the Member State concerned.

The Director shall state the reasons for transmission via a third body rather than direct transmission.’;

Article 2

This Act shall take effect on 1 March 2002.

3. the following Article shall be inserted:

Article 3

This Act shall be published in the *Official Journal of the European Communities*.

‘Article 8a

Evaluation

Done at Brussels on 28 February 2002.

As from 1 January 2004, these rules shall be evaluated under the supervision of the Management Board, which shall obtain the opinion of the Joint Supervisory Body.’.

For the Council

The President

A. ACEBES PANIAGUA

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**26 March 2002**

(2002/C 76/02)

1 euro	=	7,4335	Danish krone
	=	9,0015	Swedish krona
	=	0,6138	Pound sterling
	=	0,8737	United States dollar
	=	1,3927	Canadian dollar
	=	116,32	Japanese yen
	=	1,4614	Swiss franc
	=	7,709	Norwegian krone
	=	87,86	Icelandic króna ⁽²⁾
	=	1,6529	Australian dollar
	=	1,9999	New Zealand dollar
	=	10,1436	South African rand ⁽²⁾

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

⁽²⁾ Source: Commission.

Information procedure — Technical rules

(2002/C 76/03)

(Text with EEA relevance)

Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules on Information Society services (OJ L 204, 21.7.1998, p. 37; OJ L 217, 5.8.1998, p. 18).

Notifications of draft national technical rules received by the Commission

Reference	Title	End of three-month standstill period
2002/103/NL	Regulation of the Minister for Transport and Public Works of ... 2002, No HDJZ/BIM/2002/279, amending the Regulation on the carriage of dangerous substances by land in connection with the transposition of the Regulation on national inspection provisions concerning the carriage of dangerous substances by land 1990 in Annex 4 to the Regulation on the carriage of dangerous substances by land	29.5.2002
2002/104/NL	Decree laying down new rules concerning substances that deplete the ozone layer (Decree on ozone layer-depleting substances pursuant to the Act concerning substances dangerous to the environment 2002)	29.5.2002
2002/105/NL	Animal Feed Marketing Board protocols concerning the Minerals Declaration System (MINAS) Regulation	6.6.2002
2002/106/I	Draft Decree on a voluntary system for the labelling of poultrymeat	6.6.2002
2002/110/NL	Regulation by the Secretary of State for Housing, Planning and the Environment, laying down more detailed provisions for constructions (Buildings Decree Regulation 2002)	7.6.2002

(¹) Year — registration number — Member State of origin.

(²) Period during which the draft may not be adopted.

(³) No standstill period since the Commission accepts the grounds of urgent adoption invoked by the notifying Member State.

(⁴) No standstill period since the measure concerns technical specifications or other requirements linked to fiscal or financial measures, pursuant to the third indent of the second paragraph of Article 1(11) of Directive 98/34/EC.

(⁵) Information procedure closed.

The Commission draws attention to the judgment given on 30 April 1996 in the 'CIA Security' case (C-194/94 — ECR I, p. 2201), in which the Court of Justice ruled that Articles 8 and 9 of Directive 98/34/EC (formerly 83/189/EEC) are to be interpreted as meaning that individuals may rely on them before the national court which must decline to apply a national technical regulation which has not been notified in accordance with the Directive.

This judgment confirms the Commission's Communication of 1 October 1986 (OJ C 245, 1.10.1986, p. 4).

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable, so that they are unenforceable against individuals.

If you require any information on these notifications, please contact the national departments listed below:

LIST OF NATIONAL DEPARTMENTS RESPONSIBLE FOR THE MANAGEMENT OF DIRECTIVE 98/34/EC

BELGIUM

Institut belge de normalisation/Belgisch Instituut voor Normalisatie
Avenue de la Brabançonne/Brabançonnellaan 29
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EFTA — ESA**EFTA Surveillance Authority (DRAFTTECHREGESA)**

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Publication of an application for registration pursuant to Article 6(2) of Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin

(2002/C 76/04)

This publication confers the right to object to the application pursuant to Article 7 of the above-mentioned Regulation. Any objection to this application must be submitted via the competent authority in the Member State concerned within a time limit of six months from the date of this publication. The arguments for publication are set out below, in particular under 4.6, and are considered to justify the application within the meaning of Regulation (EEC) No 2081/92.

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO () PGI (x)

National application No: EL-07/00-5

1. Responsible department in Member State

Name: Directorate for Production and Exploitation of Orchard Crops, Citrus Fruit and Subtropicals Division

Address: Akharnon 2, GR-10176 Athens

Tel. (30-1) 529 12 74

Fax (30-1) 523 38 66.

2. Applicant group

2.1. Name: Union of Agricultural Cooperatives of Pieria

2.2. Address: Solomou 10, GR-60100 Katerini

2.3. Composition: producer/processor (x) other ()

3. Type of product: 1.6.

4. Specification

(summary of requirements under Article 4(2)):

4.1. **Name:** Ακτινίδιο περιάς (Aktinidio Pierias).

4.2. **Description:** The plant yielding the fruit now internationally called kiwi belongs to the Actinidiaceae family of the order Ericales. It is a subtropical perennial deciduous climber requiring support. The fruit has a well-balanced sweet-sour taste, characteristic delicate aroma and flesh of a beautiful green. In addition to its attractive organoleptic properties it is of exceptional interest for its nutritional value. It has the highest vitamin C content of any fruit plus a high content of inorganic salts, chiefly of potassium, phosphorus and calcium but also of magnesium and iron. The whole fruit is edible apart from the easily removed peel. The ripe fruit is eaten whole or in fruit salads. Outstanding jams and jellies are also prepared. It can be tinned/bottled, frozen, dried and juiced. Of the various varieties the one acclimatised to and grown on the plain of Pieria is *Hayward*. Its large uniform fruits have an average weight of 90-100 g. The fine reddish green skin is covered in delicate hairs. The flesh is pale green, clear, juicy, fragrant, slightly sub-acid and of high vitamin C content. According to the nutritionists one fruit a day is enough to cover the human body's vitamin C requirement. *Hayward* is an early variety. Ripening commences at the end of October/beginning of November. It keeps in cold stores for up to nine months without losing its organoleptic characteristics and stands up to being transported and to the various handling operations.

- 4.3. **Geographical area:** The plant was first grown in Greece in 1973 on the Pierian plain following research into suitability to the area's soil and weather conditions. Since then it has rapidly expanded to the present area of 18 000 ha in the prefecture. Average yield is 13 tonnes/ha. The 23 000 tonnes grown annually account for 60 % of total Greek production. The geographical production zone is the Pierian plain, comprising in the north the municipalities of Eginio, Methoni and Pidna, in the south those of Dio Litokhorio and An. Olimpos and in the centre those of Korini, Katerini and Paralia.

The microclimate of the area created by the two mountain ranges Olimpos to the south-west and Pieria to the north-west and the adjacent sea (the area has a coastline of 60 km), together with sunshine and the fertile, well drained, neutral pH soils guarantee ideal conditions for cultivating the plant to yield quality fruit of excellent organoleptic properties and a delicate exotic scent. Given the particular adaptability that the kiwi has displayed and the specific characteristics it has acquired in the area it has taken on the symbolic name 'fruit of Olimpos' by which it is now known on all the markets.

- 4.4. **Proof of origin:** The kiwi is a native of south-west China, where it is found today in its self-sown form. It was first known as the Chinese gooseberry and much later named kiwi after the well-known flightless bird of New Zealand, where it was grown for the first time on a commercial scale. In Greece it was grown for the first time in 1973 on the Pierian plain, where it has acclimatised and adapted, acquiring specific qualitative characteristics on account of which it is called 'fruit of Olimpos' and the 'Olymp Kiwi' logo has been approved. The entire production of the specified geographical zone goes to the Union of Agricultural Cooperatives of Pieria, which is a recognised producer group and keeps full records (area under kiwis, production, disposal) for its grower members. All kiwi plantations are registered (by grower member of the Union) and both the quantity and quality of production are checked. The kiwis are collected, stored, graded and packed at the Union's cold stores/packing stations located in the municipality of Korini. Transport to foreign market is by refrigerated truck. The authorised officials of the Agriculture Department of the Prefectural Administration, which constitutes the inspection body, check production, packing and movement of the kiwis on the basis of the relevant ministerial decisions.
- 4.5. **Method of production:** From the end of October to the middle of December the kiwis are harvested when their content of sugars reaches 6,5-7,0 Brix. They are picked by hand with great care to avoid damage, placed in 20 kg plastic boxes and taken to UAC Pieria's cold stores/packing stations, where after pre-chilling they are kept in cold chambers, depending on the storage period in either an ordinary or a controlled atmosphere.

After electronic weighing and grading by weight the kiwis are packed in one, two or multi-layer disposable cardboard boxes, each showing the number of fruits contained.

All the kiwis grown in the delimited geographical zone are handled by UAC Pieria on behalf of its producer members.

Transport to foreign markets is by refrigerated truck or for small quantities by air. On the internal market it is by ordinary truck.

About 70 % of production goes to foreign markets, chiefly to Germany, the Netherlands, Austria and Russia. Smaller quantities go to Turkey, Saudi Arabia etc.

UAC Pieria has played a prominent role in promoting Greek kiwi fruit on foreign markets through continual improvements in grading/packaging and organisation of marketing, and also through continual guidance and inspection of grower members for the purpose of improving and guaranteeing the specific qualities of the product that have conferred on it its hallmarks of quality and reliability.

4.6. **Link:** The prevailing microclimate of the cultivation area is shaped by two mountain ranges, Olimpos to the south-west and Pieria to the north-west, and also by the vicinity of the sea (the area has a 60 km coastline). These factors ensure shelter from the wind and absence of frosts, particularly the early spring and late autumn frosts that create problems for proper plant development and fruit-bearing. These specific geographical features also ensure the necessary relative humidity and temperature fluctuations within the limits that are required to ensure (a) the cold necessary for interruption of dormancy, and (b) full development of the natural potential for flowering and fruit-bearing. The amount of sunshine in Pieria is another factor with a positive impact on development of the fruits and their chemical composition (acid/sugar balance) leading to excellence of organoleptic characteristics. The soil characteristics of the delimited geographical zone, such as lack of boron toxicity and of activated calcium but the necessary iron content, are also factors contributing to high fruit quality (solid flesh) and the ability to keep for up to nine months after cropping without deterioration of quality. The cultivation techniques used, based as they are on long experience and knowledge, also contribute to the formation of well shaped uniform fruit of good size.

These cultivation techniques are:

- good fertilisation achieved by selection of male plants and planting of an adequate number,
- positioning of beehives in order to ensure pollen transportation by bees,
- destruction of self-sown vegetation, which is used with other plant remains as green manure and neutralises soil alkalinity,
- pruning to shape the plants in pergola or semi-pergola form; this helps with illumination and ventilation of the fruits and the shading of them needed to avoid damage in high summer temperatures,
- thinning of the fruit; this helps retention and development of good uniform fruits,
- manuring with decomposed animal dung, grape pomace and other organic remains, this increases soil fertility and nutrient and moisture retention capacity,
- tackling disease along integrated or biological control lines; this does not lead to harmful residues in the fruit and helps maintain the environmental equilibrium.

4.7. **Inspection body:** Agricultural Directorate of the Prefectural Administration of Pieria.

4.8. **Labelling:** All packaging must carry the indication 'Ακτινίδιο περσίας (Aktinidio Pierias) — PGI' — and the indications required under Articles 4(7) and 5 of PD 81/93.

4.9. **National requirements:** The general PDO and PGI production requirements of PD 81/93 apply.

EC No: G/EL/00129/00.05.16.

Date of receipt of full application: 26 January 2001.

Amendment by France of public service obligations in respect of scheduled air services within France

(2002/C 76/05)

(Text with EEA relevance)

1. France has decided to alter the public service obligation in respect of scheduled air services between Reims-Champagne and Lyon Saint-Exupéry, as published in *Official Journal of the European Communities* C 67 of 9 March 2000, pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes.

Flight bookings

Flights must be bookable through at least one computerised reservation system.

Service continuity

Except in cases of force majeure, the number of flights cancelled for reasons directly attributable to the carrier must not exceed 3 % of the number of flights scheduled in any IATA scheduling season. In addition, the carrier must give six months' notice before discontinuing the services.

2. The new public service obligation is as follows:

Minimum frequency

The minimum level of service provided must be two round trips per day, morning and evening, excluding public holidays, from Monday to Friday, for 225 days annually.

Type of aircraft used and capacity provided

The service must be operated with a pressurised aircraft having a seating capacity of at least 12.

Community carriers are hereby informed that the operation of air services without regard to the abovementioned public service obligation may result in administrative and/or criminal penalties.

Timetables

Timetables must be such as to enable passengers on business trips during the working week to make the round trip within the day and to spend at least eight hours at their destination, whether Reims or Lyon.

3. This public service obligation replaces, with effect from 1 July 2002, the public service obligation concerning scheduled air services between Reims-Champagne and Lyon Saint-Exupéry, as published in *Official Journal of the European Communities* C 67 of 9 March 2000.
-

Amendment by France of public service obligations in respect of scheduled air services within France

(2002/C 76/06)

(Text with EEA relevance)

1. France has decided to alter the public service obligation in respect of scheduled air services between Rennes (Saint-Jacques) and Basle-Mulhouse, as published in *Official Journal of the European Communities* C 151 of 25 May 1996 and amended on 29 May 2001 (OJ C 154) pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes.

2. The new public service obligation is as follows:

Minimum frequency

The minimum level of service provided must be two round trips per day, morning and evening, excluding public holidays, from Monday to Friday, for 220 days annually.

The services must be non-stop between Rennes (Saint-Jacques) and Basle-Mulhouse.

Type of aircraft used and capacity provided

The service must be operated with a pressurised aircraft having a seating capacity of at least 30.

Timetables

Timetables during the working week must be such as to enable business passengers to make the round trip within

the day and to spend at least seven hours at their destination, whether Basle-Mulhouse or Rennes (Saint-Jacques).

Flight bookings

Flights must be bookable through at least one computerised reservation system.

Service continuity

Except in cases of force majeure, the number of flights cancelled for reasons directly attributable to the carrier must not exceed 3 % of the number of flights scheduled in any IATA scheduling season. In addition, the carrier must give six months' notice before discontinuing the services.

Community carriers are hereby informed that the operation of air services without regard to the abovementioned public service obligation may result in administrative and/or criminal penalties.

3. This public service obligation replaces, with effect from 1 July 2002, the public service obligation concerning scheduled air services between Rennes (Saint-Jacques) and Basle-Mulhouse, as published in *Official Journal of the European Communities* C 151 of 25 May 1996 and amended on 29 May 2001.

Investigation of an alliance agreement in the field of air transport

(2002/C 76/07)

(Text with EEA relevance)

1. The Commission has been informed that the members of the 'Skyteam' airline alliance Delta Air Lines, Inc., Société Air France, Alitalia-Linee Aeree Italiane-SpA, CSA Czech Airlines, Aeroméxico and Korean Air are in the process of deepening their respective bilateral alliances on routes between the EU and third countries. The proposed alliance would notably include joint revenue management, code-sharing, joint marketing and schedule coordination.
2. The Commission has started an investigation into the Skyteam alliance agreements affecting routes between the EU and third countries and may open a formal procedure under Article 85 of the Treaty.
3. The Commission invites interested third parties to submit any observations they may have on the competitive impact of this alliance on air transport markets between the EU and third countries. Observations must reach the Commission not later than 20 working days following the date of this publication. They can be sent by fax ((32-2) 295 01 28) or by post, quoting reference COMP/37.984, to:

European Commission
Directorate-General for Competition
Anti-Trust Registry
J-70
B-1049 Brussels.

CORRIGENDA**Corrigendum to the Council Act of 17 December 2001 appointing a Deputy Director of Europol***(Official Journal of the European Communities C 371 of 28 December 2001)*

(2002/C 76/08)

On page 1, signature:

for: 'M. VERWILGHEN',

read: 'A. NEYTS-UYTTEBROECK'.
