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Information and Notices

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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

26 March 2003

(2003/C 75/01)

1 euro =

Currency		Exchange rate	Currency		Exchange rate
USD	US dollar	1,0667	LVL	Latvian lats	0,6216
JPY	Japanese yen	128,19	MTL	Maltese lira	0,4227
DKK	Danish krone	7,4263	PLN	Polish zloty	4,3348
GBP	Pound sterling	0,6779	ROL	Romanian leu	35 917
SEK	Swedish krona	9,217	SIT	Slovenian tolar	231,6125
CHF	Swiss franc	1,4739	SKK	Slovak koruna	41,556
ISK	Iceland króna	83,99	TRL	Turkish lira	1 831 000
NOK	Norwegian krone	7,8135	AUD	Australian dollar	1,783
BGN	Bulgarian lev	1,9488	CAD	Canadian dollar	1,5669
CYP	Cyprus pound	0,58394	HKD	Hong Kong dollar	8,319
CZK	Czech koruna	31,812	NZD	New Zealand dollar	1,941
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	1,8876
HUF	Hungarian forint	246,26	KRW	South Korean won	1 327,4
LTL	Lithuanian litas	3,4524	ZAR	South African rand	8,5016

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

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

(2003/C 75/02)

(Text with EEA relevance)

Date of adoption of the decision: 6.12.2002.**Member State:** Germany.**Aid No:** N 436/02.**Title:** Guideline for the Promotion of Corporate Innovation in Schleswig-Holstein.**Objective:** Promote research and development projects.**Legal basis:** Landeshaushaltsordnung Schleswig-Holstein vom 29. Juni 1992 (GVOBl. Schl.-H. S. 381).**Budget:** EUR 26,3 million.**Aid intensity or amount:** In accordance with 'Community framework for State aid for research and development'.**Duration:** 31.12.2007.

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:** 21.1.2003.**Member State:** Sweden (Jönköping County).**Aid No:** N 486/02.**Title:** Aid in favour of a congress hall in Visby — Gotland.**Objective:** Construction of a conference centre.**Legal basis:** Ad hoc.**Other information:** No objections to raise on the grounds that the measure does not represent State aid in the meaning of Article 87(1) of the EC Treaty.

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:** 13.11.2002.**Member State:** Germany.**Aid No:** N 487/02.**Title:** Neue Maxhütte Stahlwerke GmbH i. K. (NMH), Notifizierung Sozialer Leistungen des Freistaates Bayern, Germany.**Objective:** Social measure to ex-workers of Neue Maxhütte Stahlwerke GmbH i. K. and Rohrenwerke Neue Maxhütte GmbH i. K. (Steel products).**Legal basis:** Ad hoc.**Aid intensity or amount:** EUR 28,324 million.

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:** 21.1.2003.**Member State:** Sweden.**Aid No:** N 512/02.**Title:** Aid in favour of pilot projects for bio-propellants.**Legal basis:** Lagen om skatt på energi (1994:1776).**Aid intensity or amount:** Maximum SEK 150 million (EUR 16,5 million) annually.**Duration:** Maximum of five years.

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:** 28.11.2001.**Member State:** Luxembourg.**Aid No:** NN 140/01.**Title:** State guarantee to airlines.**Objective:** Establishment for airlines based in Luxembourg of insurance cover similar to that existing before 11 September 2001 relating to risks of war and terrorism.**Legal basis:** Règlement grand-ducal du 24 septembre 2001.**Budget:** State guarantee.**Duration:** One month maximum.**Other information:** Scheme not renewed after the first 30 days.

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 pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92
Amendment of public service obligations imposed on certain scheduled air services within
Portugal

(2003/C 75/03)

(Text with EEA relevance)

1. Pursuant to the Commission notice (2001/C 271/03) of 26 September 2001, the Portuguese Government has revised the fares for the amended public service obligations imposed on scheduled air services operated on the following routes:

- Lisbon/Ponta Delgada/Lisbon,
- Lisbon/Terceira/Lisbon,
- Lisbon/Horta/Lisbon,
- Funchal/Ponta Delgada/Funchal,
- Oporto/Ponta Delgada/Oporto.

2. Fares

The fare structure must include:

(a) a fully flexible economy reference fare of:

- (i) between Lisbon and Ponta Delgada, and Horta and Terceira: EUR 332 return;
- (ii) between Oporto and Ponta Delgada: EUR 332 return;
- (iii) between Funchal and Ponta Delgada: EUR 236 return;

(b) a range of special fares with special conditions adapted to demand (e.g. excursion, etc.), including at least one PEX fare of:

- (i) EUR 209 return between the mainland and the Azores;
- (ii) EUR 153 return between Funchal and the Azores;

(c) reduced fares for residents of the Autonomous Region of the Azores and students whose place of residence is within the Autonomous Region of the Azores and who study elsewhere in Portugal or vice versa. These fares shall be as follows:

- (i) EUR 174 return for residents, on flights between the Azores and the mainland;
- (ii) EUR 135 return for students, on flights between the Azores and the mainland;
- (iii) EUR 95 return for students, on flights between Ponta Delgada and Funchal.

(d) Freight tariffs on services between the mainland and the Autonomous Region of the Azores shall be as follows:

	LIS, OPO/Azores	FNC/Azores
Minimum	EUR 8,07	EUR 8,07
Normal	EUR 0,97/kg	EUR 0,78/kg
Quantity	EUR 0,86/kg	EUR 0,59/kg
Perishable goods	EUR 0,60/kg	EUR 0,51/kg
Special goods ⁽¹⁾	EUR 0,76/kg	EUR 0,56/kg
Special goods/quantity ⁽¹⁾	EUR 0,70/kg	

⁽¹⁾ According to IATA regulations.

3. This notice shall enter into force on 1 April 2003.

Conclusion of Memorandum of Understanding with Cyprus on its participation in the Community Programmes Media Plus and Media-Training

(2003/C 75/04)

On 13 February 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of the Republic of Cyprus on Cyprus' participation in the Community Programmes Media Plus and Media-Training has been signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:

http://europa.eu.int/comm/avpolicy/media/enlarg_en.html

Conclusion of Memorandum of Understanding with Cyprus on its participation in the Culture 2000 Programme

(2003/C 75/05)

On 11 March 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of the Republic of Cyprus on Cyprus' participation in the Culture 2000 Programme has been signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:

http://europa.eu.int/comm/culture/eac/index_en.html

Conclusion of Memorandum of Understanding with Malta on its participation in the Culture 2000 Programme

(2003/C 75/06)

On 26 February 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Malta on Malta's participation in the Culture 2000 Programme has been signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:

http://europa.eu.int/comm/culture/eac/index_en.html

**Notice to Community importers of certain products originating in the People's Republic of China
subject to quantitative quotas**

(2003/C 75/07)

In accordance with Article 3 of Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas ⁽¹⁾, Community importers are informed of the following:

1. By Regulation (EC) No 538/2003 ⁽²⁾, the European Commission has laid down specific procedures for the redistribution in 2003 of portions unused in 2002 of certain Community quantitative quotas introduced in respect of the People's Republic of China by Council Regulation (EC) No 519/94 of 7 March 1994 ⁽³⁾.

2. These quotas will be administered using the method based on traditional trade flows (Article 2(2)(a) of Regulation (EC) No 520/94). Under this method, the quotas are divided into two parts, one reserved for traditional importers and the other for non-traditional importers. The part reserved for non-traditional importers will, however, be allocated on a pro-rata basis according to the quantities requested; the quantity requested by a non-traditional importer may not exceed the quantity or value indicated for each product in Annex I to this notice.

Traditional importers are those able to show that they imported into the Community the product or products covered by the quotas in question in either the calendar year 1998 or 1999.

3. In order to qualify for the allocation of these quotas, Community importers, no matter where they are established in the Community, may lodge with the competent authorities of the Member State of their choice a single licence application for each quota, drawn up in the official language or languages of the Member State concerned. The list of competent authorities can be found in Annex II to this notice.

4. In accordance with Article 3 of Commission Regulation (EC) No 738/94 ⁽⁴⁾ of 30 March 1994 laying down certain rules for the implementation of Regulation (EC) No 520/94, the import licence application shall state only:

(a) the applicant's full name and address (including telephone and fax numbers and any identification number registered with the competent national authorities) and VAT registration number, if liable for VAT;

(b) the quota period in question, i.e. 'unused quantities of 2002';

(c) where applicable, the full name and address of the declarant or the applicant's representative (including telephone and fax numbers);

(d) a description of the goods, giving:

— their trade description,

— combined nomenclature (CN) code,

— details of their origin and place of consignment;

(e) the quantities requested, expressed in the unit used to set the quota;

(f) where the licence application relates to footwear and the quantitative quota covers two CN codes, a breakdown by CN code of the quantities requested;

(g) the following statement followed by the date, the applicant's signature and his name printed in capital letters:

'I, the undersigned, declare that the information given in this application is correct and is given in good faith, that I am established in the European Community, and that this application is the only one made by me or on my behalf for the quota relating to the goods described in this application.

I undertake to return the licence to the issuing authority within 10 working days of its expiry.'

5. To qualify for the allocation of that part of the quota reserved for traditional importers, importers shall enclose with their licence applications certified copies of the entries for release for free circulation made out during either the 1998 or 1999 calendar year in their name or that of the operator whose activities they have taken over in respect of the release for free circulation of the products originating in the People's Republic of China covered by the quantitative quota referred to in the licence application.

Alternatively, applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of the customs information available to them showing that the applicants or the operators whose activities they have taken over imported the products concerned during either the 1998 or 1999 calendar year.

⁽¹⁾ OJ L 66, 10.3.1994, p. 1, amended by Regulation (EC) No 138/96 of 22 January 1996 (OJ L 21, 27.1.1996, p. 6).

⁽²⁾ OJ L 80, 27.3.2003, p. 3.

⁽³⁾ OJ L 67, 10.3.1994, p. 89, last amended by Regulation (EC) No 427/2003 of 3 March 2003 (OJ L 65, 8.3.2003, p. 1).

⁽⁴⁾ OJ L 87, 31.3.1994, p. 47, last amended by Regulation (EC) No 983/96 of 31 May 1996 (OJ L 131, 1.6.1996, p. 47).

Alternatively, applicants already holding import licences issued for 2003 under Commission Regulation (EC) No 2077/2002 ⁽¹⁾, for products covered by the licence application may enclose a copy of their previous licences with their licence applications. In that case, they shall indicate in their licence application the aggregate quantity of imports of the product in question in the year of the reference period chosen.

6. When applying for the allocation of the part of the quota reserved for non-traditional importers, operators that are deemed to be related persons as defined by Article 143 of Commission Regulation (EEC) No 2454/93 ⁽²⁾ (laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code) may only submit a single license application for the goods described in the application. In addition to the statement required by Article 3(2)(g) of Regulation (EC) No 738/94, the license application for the non-traditional quota shall contain a statement that the applicant is not related to any other operator applying for the non-traditional quota line in question.

⁽¹⁾ OJ L 319, 23.11.2002, p. 12.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

7. Applications for import licences may be lodged from the day after the publication in the *Official Journal of the European Union* of Commission Regulation (EC) No 538/2003 until 9 May 2003 at 15.00, Brussels time.

8. The provisions governing the quotas referred to in this notice result from the following Regulations:

- Council Regulation (EC) No 520/94 of 7 March 1994 (OJ L 66, 10.3.1994, p. 1),
- Council Regulation (EC) No 519/94 of 7 March 1994 (OJ L 67, 10.3.1994, p. 89),
- Council Regulation (EC) No 538/95 of 6 March 1995 (OJ L 55, 11.3.1995, p. 1),
- Council Regulation (EC) No 138/96 of 22 January 1996 (OJ L 21, 27.1.1996, p. 6),
- Commission Regulation (EC) No 738/94 of 30 March 1994 (OJ L 87, 31.3.1994, p. 47),
- Commission Regulation (EC) No 983/96 of 31 May 1996 (OJ L 131, 1.6.1996, p. 47),
- Commission Regulation (EC) No 538/2003 of 26 March 2003 (OJ L 80, 27.3.2003, p. 3).

ANNEX I

MAXIMUM QUANTITY WHICH MAY BE REQUESTED BY EACH IMPORTER OTHER THAN TRADITIONAL

Product description	HS/CN code	Predetermined maximum quantity
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	5 000 pairs
	6403 51	5 000 pairs
	6403 59	
	ex 6403 91 ⁽¹⁾	5 000 pairs
	ex 6403 99 ⁽¹⁾	
	ex 6404 11 ⁽²⁾	5 000 pairs
	6404 19 10	5 000 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	5 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	5 tonnes

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX II

LIST OF THE COMPETENT NATIONAL AUTHORITIES

1. BELGIQUE/BELGIË

**Service public fédéral économie, PME,
Classes moyennes & Energie**
Administration du potentiel économique
Politiques d'accès aux marchés, Service Licences

**Federale overheidsdienst economie, KMO,
Middenstand & Energie**
Bestuur Economisch potentieel
Markttoegangsbeleid, dienst Vergunningen
Generaal Lemanstraat 60, rue Général Leman 60
B-1040 Brussel/Bruxelles
Tél./Tel. (32-2) 206 58 16
Télécopieur/fax (32-2) 230 83 22/231 14 84

2. DANMARK

Erhvervs- og Boligstyrelsen

Vejlsøvej 29
DK-8600 Silkeborg
Tlf. (45) 35 46 60 30
Fax (45) 35 46 64 01

3. DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)

Frankfurter Straße 29—35
D-65760 Eschborn
Tel. (49) 619 69 08-0
Fax (49) 619 69 42 26/619 69 08-800

4. GREECE

**Ministry of Economy & Finance
General Directorate of Policy Planning & Implementation
Directorate of International Economic Issues**

1, Kornarou Street
GR-105-63 Athens
Tel. (30-1) 328 60 31/328 60 32
Fax (30-1) 328 60 94/328 60 59

5. ESPAÑA

Ministerio de Economía y Hacienda

Dirección General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 38 94/913 49 37 78
Fax (34) 913 49 38 32/913 49 37 40

6. FRANCE

Service des titres du commerce extérieur

8, rue de la Tour-des-Dames
F-75436 Paris Cedex 09
Tél. (33-1) 55 07 46 69/95
Télécopieur (33-1) 55 07 48 32/34/35

7. IRELAND

Department of Enterprise, Trade and Employment

Licensing Unit, Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Tel. (353-1) 631 25 41
Fax (353-1) 631 25 62

8. ITALIA

Ministero del Commercio con l'estero

D.G. per la politica commerciale e la gestione del regime degli scambi
— Divisione VII
Viale America 341
I-00144 Roma
Tel. (39) 06 599 31 — 06 59 93 24 19 — 06 59 93 24 00
Fax (39) 06 592 55 56

9. LUXEMBOURG

Ministère des affaires étrangères

Office des licences
Boîte postale 113
L-2011 Luxembourg
Tél. (352) 22 61 62
Fax (352) 46 61 38

10. NEDERLAND

Belastingdienst/Douane

Engelse Kamp 2
Postbus 30003
9700 RD Groningen
Nederland
Tel. (31-50) 523 91 11
Fax (31-50) 523 22 10

11. ÖSTERREICH

Bundesministerium für Wirtschaft und Arbeit

Landstrasser Hauptstraße 55/57
A-1031 Wien
Tel. (43) 171 100 83 45
Fax (43) 171 100 83 86

12. PORTUGAL

Ministério da Economia

Direcção-Geral das Relações Económicas Internacionais
Avenida da República, 79
P-1069-059 Lisboa
Tel. (351-21) 791 18 00/19 43
Fax (351-21) 793 22 10, 796 37 23
Telex: 13 418

13. SUOMI

Tullihallitus/Tullstyrelsen

Erottajankatu/Skillnadsgatan 2
FIN-00101 Helsinki/Helsingfors
P./Tel. (358-9) 61 41
F. (358-9) 614 28 52

14. SVERIGE

Kommerskollegium

Box 6803
S-113 86 Stockholm
Tfn (46-8) 690 48 00
Fax (46-8) 30 67 59

15. UNITED KINGDOM

Department of Trade and Industry

Import Licensing Branch
Queensway House
West Precinct
Billingham
TS23 2NF
United Kingdom
Tel. (44-1642) 36 43 33/36 43 34
Fax (44-1642) 53 35 57

**Commission Communication in the framework of the implementation of the Council Directive
89/106/EEC**

(2003/C 75/08)

(Text with EEA relevance)

(Publication of titles and references of harmonised standards under the directive)

ESO ⁽¹⁾	Reference	Title of the standard	Date of Applicability of the standard as a harmonised European standard according to Article 4(2)(a) of Directive 89/106/EEC	Date of the end of the coexistence period ⁽²⁾
CEN	EN 13242:2002	Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction	1.10.2003	1.6.2004
CEN	EN 1433:2002	Drainage channels for vehicular and pedestrian areas — Classification, design and testing requirements, marking and evaluation of conformity	1.8.2003	1.8.2004
CEN	EN 1457:1999/ A1:2002	Chimneys — Clay/ceramic flue liners — Requirements and test methods	1.8.2003	1.8.2004

⁽¹⁾ (European standardisation organisations):

- CEN: rue de Stassart/De Stassartstraat 36, B-1050 Brussels; tel. (32-2) 550 08 11, fax (32-2) 550 08 19 (www.cenorm.be),
- Cenelec: rue de Stassart/De Stassartstraat 35, B-1050 Brussels; tel. (32-2) 519 68 71, fax (32-2) 519 69 19 (www.cenelec.org),
- ETSI: 650, route des Lucioles, F-06921 Sophia-Antipolis Cedex; tel. (33-4) 92 94 42 00, fax (33-4) 93 65 47 16 (www.etsi.org).

⁽²⁾ The date of the end of the coexistence period is the same as the date of withdrawal of conflicting national technical specifications, after which presumption of conformity must be based upon harmonised European specifications. (harmonised standards or European Technical Approvals).

The translations of the titles given above have been provided by CEN and represent the 'official' language versions given by the national standards bodies.

Note:

Any information concerning the availability of the standards can be obtained either from the European standardisation organisations or from the national standardisation bodies. Any information concerning the availability of the ETA Guidelines can be obtained either from EOTA or from its members.

Publication of the references in the *Official Journal of the European Union* does not imply that the harmonised technical specifications are available in all the Community languages.

Further harmonised technical specifications related to the Construction Products Directive have been published in previous editions of the *Official Journal of the European Union*. A complete updated list can be found on the Europa server on the Internet at:

<http://europa.eu.int/comm/enterprise/construction/internal/specdef/speclists.htm>

Commission Communication in the framework of the implementation of Council Directive 93/42/EEC in relation to 'Medical Devices' ⁽¹⁾

(2003/C 75/09)

(Text with EEA relevance)*(Publication of titles and references of European harmonised standards under the Directive)*

ESO ⁽¹⁾	Reference	Title of the harmonised standards
CEN	EN 13328-2:2002	Breathing system filters for anaesthetic and respiratory use — Part 2: Non-filtration aspects
CEN	EN 13718-2:2002	Air, water and difficult terrain ambulances — Part 2: Operational and technical requirements for continuity of patient care
CEN	EN 13726-1:2002	Test methods for primary wound dressings — Part 1: Aspects of absorbency
CEN	EN 13726-2:2002	Test methods for primary wound dressings — Part 2: Moisture vapour transmission rate of permeable film dressings
CEN	EN ISO 9360-2:2002	Anaesthetic and respiratory equipment — Heat and moisture exchangers (HMEs) for humidifying respired gases in humans — Part 2: HMEs for use with tracheostomised patients having minimum tidal volumes of 250 ml (ISO 9360-2:2001)

⁽¹⁾ ESO: European Standardisation bodies— CEN: rue de Stassart/De Stassartstraat, 36, B-1050 Brussels, tel. (32-2) 550 08 11; fax (32-2) 550 08 19 (www.cenorm.be),— Cenelec: rue de Stassart/De Stassartstraat, 35, B-1050 Brussels, tel. (32-2) 519 68 71; fax (32-2) 519 69 19 (www.cenelec.be),— ETSI: 650, route des Lucioles, F-06921 Sophia-Antipolis Cedex, tel. (33-4) 92 94 42 00, fax (33-4) 93 65 47 16 (www.etsi.org).**Note:**

- Any information concerning the availability of the standards can be obtained either from the European standardisation organisations or from the national standardisation bodies of which the list is annexed to the Directive 98/34/EC of the European Parliament and of the Council ⁽²⁾.
- Publication of the references in the *Official Journal of the European Union* does not imply that the standards are available in all the Community languages.
- The Commission ensures the updating of this list.

⁽¹⁾ OJ L 169, 12.7.1993, p. 1.⁽²⁾ OJ L 204, 21.7.1998, p. 37.

EX POST PUBLICITY OF EUROSTAT GRANTS IN 2002

(2003/C 75/10)

In accordance with Articles 110(2) of the Financial Regulation and 169 of its implementing rules, the public is hereby informed of actions that benefited from a Eurostat grant during the year 2002.

The electronic file, which covers the actions in question, can be found in the form of a list on the European Union website (<http://europa.eu.int>). This list can be accessed via 'Institutions', 'Commission', 'Statistics', 'Eurostat Activities' and 'Calls for tenders and grants' and then by entering the file '**Ex post publicity 2002 grants**'.

The list indicates the file number, the unit concerned, the name and country of the beneficiaries, the title of the action, the amount granted and the co-financing rate of the action.

All these actions were the subject of *ex ante* publicity, except in the case of the few ad hoc grants, which are listed separately and for which justification was provided.

EUROPEAN CENTRAL BANK

RECOMMENDATION OF THE EUROPEAN CENTRAL BANK

of 6 March 2003

to the Council of the European Union on the external auditors of the Deutsche Bundesbank

(ECB/2003/3)

(2003/C 75/11)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 27.1 thereof,

Whereas:

- (1) The accounts of the European Central Bank and of the national central banks of the Eurosystem are audited by independent external auditors recommended by the Governing Council and approved by the Council of the European Union.
- (2) Pursuant to the Council Decision of 13 March 2000 amending Decision 1999/70/EC concerning the external auditors of the national central banks (2000/223/EC) ⁽¹⁾ Ernst & Young Deutsche Allgemeine Treuhand AG and KPMG Deutsche Treuhand-Gesellschaft AG were approved as the external auditors of the Deutsche Bundesbank for the annual accounts starting from the financial year 2000.
- (3) The Deutsche Bundesbank decided in 2002 to maintain Ernst & Young Deutsche Allgemeine Treuhand AG as its sole external auditor for the annual accounts starting from the financial year 2002.
- (4) The Deutsche Bundesbank considers it advisable to once again have two external auditors appointed for the

annual accounts starting from the financial year 2003, and it has therefore requested the ECB to recommend the appointment of a second auditor.

- (5) The Deutsche Bundesbank has selected the proposed auditors in accordance with the public procurement rules applicable to the Deutsche Bundesbank, and the ECB considers that the proposed auditors fulfil the necessary requirements,

HEREBY RECOMMENDS:

PwC Deutsche Revision AG as one of the two external auditors of the Deutsche Bundesbank (in addition to the continued mandate of Ernst & Young Deutsche Allgemeine Treuhand AG) from the financial year 2003 for a renewable period of one year.

This recommendation shall be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 6 March 2003.

The President of the ECB

Willem F. DUISENBERG

⁽¹⁾ OJ L 71, 18.3.2000, p. 24.

EUROPEAN ECONOMIC AREA
EFTA COURT

**Request for an Advisory Opinion from the EFTA Court by Høyesterett by decision of that court
of 17 December 2002 in the case of *Paranova AS v Merck & Co Inc., et al***

(Case E-3/02)

(2003/C 75/12)

A request has been made to the EFTA Court by decision of 17 December 2002 of Høyesterett (Supreme Court), Norway, which was received at the Court Registry on 24 December 2002, for an Advisory Opinion in the case of *Paranova AS v Merck & Co Inc., et al.*, on the following questions:

1. Do 'legitimate reasons' exist within the meaning of Article 7(2) of Council Directive 89/104/EEA, cf. Articles 11 and 13 of the EEA Agreement, in a case where the conditions for permitting a parallel importer to undertake repackaging of pharmaceutical products and reaffixing of the trade mark have been met, but where the trade mark proprietor opposes the marketing of the repackaged product with the trade mark reaffixed in a packaging that the parallel importer has equipped with coloured stripes and/or other graphic elements that make up a part of the design of the packaging?
 2. In answering the question, it should be indicated whether the criterion of necessity that the Court of Justice of the European Communities has applied in interpreting 'legitimate reasons' within the meaning of Article 7(2) of Council Directive 89/104/EEA applies also to the more specific design of the packaging, or if the more specific design of the packaging is to be assessed solely on the basis of the condition that the repackaging must not adversely affect the reputation of the trade mark proprietor or the trade mark.
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Action brought on 20 January 2003 by the EFTA Surveillance Authority against the Republic of Iceland**(Case E-1/03)****(2003/C 75/13)**

An action against the Republic of Iceland was brought before the EFTA Court on 20 January 2003 by the EFTA Surveillance Authority, represented by Niels Fenger and Elisabethann Wright, acting as Agents of the EFTA Surveillance Authority, Rue de Trèves/Trierstraat 74, B-1040 Brussels.

The applicant claims that the Court should:

1. Declare that by maintaining in force the Icelandic Act on Air Transport Infrastructure Budget and Revenues for Aviation Affairs No 31/1987 (Lög nr. 31 frá 27. mars 1987 um flugmálaáætlun og fjáröflun til framkvæmda í flugmálum), which subjects flights from Iceland to other EEA States to a higher tax rate than that charged for domestic flights and flights to Greenland and the Faroe Islands, the Republic of Iceland has failed to respect its obligations under Article 36 of the Agreement on the European Economic Area and Article 3(1) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes; and
2. Order the Republic of Iceland to pay the costs of the proceedings.

Legal and factual background and pleas in law adduced in support:

- Article 36 of the EEA Agreement requires the abolition of all restrictions on the provision of services within the EEA in respect of nationals of EC Member States and EFTA States who are established in an EC Member State or an EFTA State other than that of the person for whom the services are intended.
- Article 38 of the EEA Agreement states that the freedom to provide services in the field of transport shall be governed by the provisions of Chapter 6 of the Agreement governing transport. Article 39 of the EEA Agreement provides that Articles 30, 32-34 shall also apply to the freedom to provide services.

— Article 49 of the EC Treaty, which corresponds to Article 36 of the EEA Agreement, excludes the application of national provisions that, without objective justification, restrict a service provider from exercising the freedom for which that Article provides. Moreover, Article 49 of the EC Treaty excludes the application of a national provision that makes the provision of services between Member States more difficult than the provision of services exclusively within a single Member State.

— According to the Court of Justice of the European Communities, Article 49 of the EC Treaty requires not only the elimination of all discrimination against a person providing services on the ground of his nationality, but also the abolition of any restriction, including a charge set by law for the performance of a service connected to a transport service.

— According to the Court of Justice of the European Communities, the purpose of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes is, *inter alia*, to define the conditions for applying in the air transport sector the principle of the freedom to provide services, and to eliminate, with regard to air travel, restrictions on the freedom to provide services within the framework of the common transport policy.

— According to a translation of the Icelandic Act on Air Transport Infrastructure Budget and Revenues for Aviation Affairs No 31/1987 (Lög nr. 31 frá 27. mars 1987 um flugmálaáætlun og fjáröflun til framkvæmda í flugmálum), Article 5(1), as amended, provides that 'a separate airport tax shall be paid in respect of each individual travelling by aircraft from Iceland to other countries;' Article 6(1) provides that 'the airport tax shall amount to ISK 1 250 for each passenger travelling from Iceland to other countries;' and, Article 7(1) provides that 'airlines engaged in the transport of passengers within Iceland or to the Faroe Islands or Greenland shall pay a tax amounting to ISK 165 for each passenger travelling on these routes.'

III

(Notices)

COMMISSION

Operation of scheduled air services

Invitation to tender issued by the National Public Transport Agency (Rikstrafiken) pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 concerning the operation of scheduled air services on the following routes:

Arvidsjaur - Arlanda/Stockholm

Gällivare - Arlanda/Stockholm

Hemavan - Arlanda/Stockholm

Lycksele - Arlanda/Stockholm

Storuman (Gunnarn) - Arlanda/Stockholm

Vilhelmina - Arlanda/Stockholm

(2003/C 75/14)

(Text with EEA relevance)

1. **Introduction:** 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, Sweden decided on 20 December 2001 to impose a public service obligation in respect of scheduled air services operated on the above routes as from 27 October 2002.

The details of this public service obligation were published in *Official Journal of the European Communities* C 106 of 3 May 2002.

Insofar as, nine months after the expiry of the tender at the latest, no air carrier has notified the Civil Aviation Administration (Luftfartsverket) of its intention to operate scheduled air services in accordance with the public service obligation without enjoying exclusive rights and without requesting financial compensation, Sweden has decided to limit access to the route to a single air carrier. The right to operate services on one or more of the routes in question will be offered by invitation to tender in accordance with the procedure laid down by Article 4(1)(d) of the regulation. On 10 January 2002, the Swedish Government instructed the National Public Transport Agency to proceed with the invitation to tender.

2. **Object of the invitation to tender:** Operation from 28 March 2004 until the timetable change in October 2006 of scheduled air services on the above routes in accordance with the public service obligation published in *Official Journal of the European Communities* C 106 of 3 May 2002.

Tenders must be submitted for at least one of the following options:

Option 1: scheduled air services (according to the specified timetable) on the routes:

Arvidsjaur - Stockholm/Arlanda,

Lycksele - Stockholm/Arlanda,

Storuman/Gunnarn - Stockholm/Arlanda,

Vilhelmina - Stockholm/Arlanda;

Option 2: scheduled air services (according to the specified timetable) on the routes:

Gällivare - Stockholm/Arlanda,

Hemavan - Stockholm/Arlanda;

Option 3: scheduled air services (according to the specified timetable) on the routes:

Arvidsjaur - Stockholm/Arlanda,

Lycksele - Stockholm/Arlanda,

Storuman/Gunnarn - Stockholm/Arlanda,

Vilhelmina - Stockholm/Arlanda,

Gällivare - Stockholm/Arlanda,

Hemavan - Stockholm/Arlanda.

If the tender contains a request for financial compensation, the total amount and the breakdown of the compensation for each individual route should be indicated.

3. **Participation in the tender procedure:** Participation is open to all air carriers holding a valid operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers.

4. **Procedure:** Article 4(1)(d) of Council Regulation (EEC) No 2408/92 applies to this tender procedure.

Tenders are binding on bidders until 28 March 2004.

5. **Tender dossier:** The complete tender dossier (comprising the specific rules governing the invitation to tender, contract terms, description of the public service obligation, passenger statistics, quality specifications and the tender form) can be obtained free of charge from:

Rikstrafiken, Box 473, S-851 06 Sundsvall, or from elisabeth.forslin@rikstrafiken.se, tel.: +46 60 67 82 50, fax: +46 60 67 82 51).

6. **Financial compensation:** If financial compensation is requested, the tender must clearly indicate the amount in Swedish kronor - together with an annual breakdown - which is requested to operate the routes concerned from 28 March 2004 until the timetable change in October 2006. The specified amount of compensation must be based on an assessment of the costs and revenue relating to the activity and on the requirements which the public service obligation involves. Compensation will be granted only for air transport and relevant costs arising at Arlanda airport which are directly attributable to the service in question. Compensation will not be paid for landing fees at other airports.

All compensation under the contract will be in Swedish kronor.

7. **Ticket prices and timetable:** The tender must indicate the proposed ticket prices and the conditions for their issue. The ticket prices must conform to the public service obligation published in *Official Journal of the European Communities* C 106 of 3 May 2002.

The timetable will be fixed on the basis of the requirements set out in the public service obligation.

8. **Duration of contract:** The contract covers the period from contract signature by both parties until the air carrier submits a final quality report to the National Public Transport Agency after the last year of operation, in accordance with the tender dossier.

Services on all routes will begin on 28 March 2004 and the last day of operation will coincide with the change of timetable in October 2006.

9. **Contract amendment and termination:** The contract may be amended only if the changes conform to the public service obligation published in *Official Journal of the European Communities* C 106 of 3 May 2002. Any changes to the contract must be made in writing. Either party may terminate the contract, subject to twelve months' notice. See also point 10.

10. **Penalties for failure to fulfil the contract:** Failure by the operator to fulfil the public service obligation (e.g. with regard to regularity, punctuality, frequency and the number of seats) will entail a penalty. If a party is guilty of a material breach of the contract, and does not remedy deficiencies without delay, the other party is entitled to terminate the contract. In that case, the period of notice of termination may be shorter than the period indicated in point 9.

11. **Final date for submission of tenders:** Tenders must be submitted no later than 31 calendar days after the publication of this notice in the 'Supplement to the *Official Journal of the European Communities*'.

12. **Submission of tenders:** Tenders must be delivered to the National Public Transport Agency no later than 29 April 2003. Tenders must be marked 'Invitation to tender for air services, reference number Rt 2003-46/31'. They may be sent by post or messenger or delivered personally to the National Public Transport Agency at the following address:

Rikstrafiken,
Esplanaden 11,
Box 473,
S-851 06 Sundsvall.

The opening hours of the National Public Transport Agency are 08.00-16.00 from Monday to Friday.

The tender and all documentation must be in Swedish or English and submitted in the original with two copies.

Tenders sent by fax or e-mail will not be accepted.

13. **Validity of the invitation to tender:** In accordance with the first sentence of Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of all invitations to tender is subject to the condition that, nine months after the expiry of the tender at the latest, no air carrier has notified the Civil Aviation Administration of its intention (and been found by the National Public Transport Agency to be capable of meeting the requirements of the public service obligation) to operate the route in question from 28 March 2004 in accordance with the public service obligation, without enjoying exclusive rights and without receiving any financial compensation.
