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## Information and Notices

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<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

**NOTICE**

The 41st edition of the *Directory of Community Legislation in Force* comes out at the end of October 2003.

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## I

*(Information)***COUNCIL****Council resolution on transforming undeclared work into regular Employment**

(2003/C 260/01)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas the European Council at successive meetings — Luxembourg, Lisbon, Stockholm, Nice, Barcelona, Brussels — reiterated that the strategy for more and better jobs must remain the top priority for the European Union and its Member States;

Whereas the Commission Communication on Undeclared Work<sup>(1)</sup> indicated that a comprehensive targeted strategy, involving a policy mix based on prevention, is essential if combating undeclared work is to be effective, and invited Member States to regard combating undeclared work as part of the overall Employment Strategy;

Whereas the Council and the representatives of the Governments of the Member States, meeting within the Council of 22 April 1999 adopted Resolution 1999/C 125/01 on a Code of Conduct for improved cooperation between authorities of the Member States concerning the combating of transnational social security benefit and contribution fraud and undeclared work, and concerning the transnational hiring-out of workers<sup>(2)</sup>;

Whereas the Council Decision on Guidelines for the Employment Policies of the Member States adopted a specific guideline on transforming undeclared work into regular employment;

Whereas the Ministers for Employment and Social Affairs of the European Union, at their informal meeting in Varese on 11 July 2003, recalled that transforming undeclared work into regular employment would contribute to achieving full employment, improving quality and productivity at work, strengthening social cohesion and inclusion, eliminating poverty traps and avoiding market distortions;

Whereas, given the heterogeneous nature of undeclared work, it is difficult to estimate the scale of the problem although studies estimate the size of the informal economy on average at between 7 % and 16 % of EU GDP;

Whereas undeclared work has strong implications for workers, for business, for consumers, for gender equality and for social protection systems;

Whereas the Commission, in its Communication of 3 June 2003<sup>(3)</sup> on Immigration, Integration and Employment, stated that, as sectors of undeclared work and illegal immigration feed on one another, there is a clear link between general policies to combat both undeclared work and illegal immigration;

Whereas transforming undeclared work into regular employment as part of the effective implementation of the Employment Guidelines requires active participation by the social partners, at all stages, from designing policies to their implementation;

Whereas the social partners in their multi-annual work programme agreed to hold a seminar on undeclared work in 2005:

## 1. RECALLS:

- 1.1. Employment Guideline No 9 on undeclared work, as adopted on 22 July 2003;

'Member States should develop and implement broad actions and measures to eliminate undeclared work, which combine simplification of the business environment, removing disincentives and providing appropriate incentives in the tax and benefits system, improved law enforcement and the application of sanctions. They should undertake the necessary efforts at national and EU level to measure the extent of the problem and progress achieved at national level.'

- 1.2. the 1998 Commission Communication on undeclared work, in which it is defined as 'any paid activities that are lawful as regards their nature but not declared to the public authorities, taking into account differences in the regulatory system between Member States'.

## 2. CALLS ON MEMBER STATES:

- 2.1. To consider this Resolution as a reference framework within which Member States can develop and implement policies in the context of the European Employment Strategy while respecting national circumstances and priorities;

<sup>(1)</sup> COM(1998) 219.

<sup>(2)</sup> OJ C 125 of 6.5.1999, p. 1.

<sup>(3)</sup> COM(2003) 336 of 3.6.2003.

- 2.2. To take account of the actions outlined in this Resolution in reporting on the principal measures taken to implement their employment policies in the light of the specific guideline on undeclared work in their future National Action Plans;
- 2.3. To work together to examine the common features of undeclared work across the Member States which might best be addressed by a common approach in the framework of the European Employment Strategy;

*PREVENTIVE ACTIONS AND SANCTIONS AIMED AT ELIMINATING UNDECLARED WORK:*

- 2.4. To develop a comprehensive approach in keeping with the European employment strategy based on preventive actions, encouraging all employers and employees to operate within the formal economy and in the context of regular employment; these measures should respect the sustainability of public finance and social protection systems, and may include:

— the creation of a legal and administrative environment which is favourable to the declaration of economic activity and employment, through simplifying procedures and by reducing the costs and constraints which limit the creation and development of businesses, in particular start-ups and small undertakings;

— strengthening incentives and removing disincentives to declare work on both the demand and the supply sides:

— reviewing and, where appropriate, reforming tax and benefit systems and their interaction to reduce high marginal effective tax rates and, where appropriate, the tax burden on low-paid workers,

— setting up suitable employment policies vis-à-vis beneficiaries of social-protection measures which will help them to participate in the regular labour market, and

— reducing the risk of unemployment and poverty traps by eliminating undesirable interactions between tax and benefits systems;

- 2.5. To strengthen surveillance, where appropriate with the active support of the social partners, and the application of appropriate sanctions, in particular in respect of those who organise or benefit from clandestine labour, whilst ensuring appropriate protection for the victims of

undeclared work, through cooperation between the relevant authorities (inter alia tax offices, labour inspectorates, police), according to national practice;

- 2.6. To strengthen, in the context of an improved law-enforcement capability and having regard to European and national legislation protecting the rights of the individual, transnational cooperation between competent bodies in different Member States, as far as transnational economic activities are concerned, in particular cooperation between the competent bodies designated by the Member States with a view to combating social security fraud and undeclared work, in accordance with Resolution 1999/C 125/01 of the Council and of the representatives of the Governments of the Member States, meeting within the Council;

- 2.7. To raise social awareness in order to enhance the efficacy of this mix of measures, through providing information to the public about the negative implications of undeclared work for social security and the consequences of undeclared work for solidarity and fairness;

*NECESSARY EFFORTS TO MEASURE THE EXTENT OF THE PROBLEM AND PROGRESS ACHIEVED:*

- 2.8. To improve knowledge about the extent of undeclared work by estimating the scope of the informal economy and undeclared work at national level, on the basis of such data as is available to Social Security Institutions, Tax Authorities, Ministries or National Statistical Offices;

- 2.9. To contribute to the development, as appropriate, of the measurement of undeclared work at EU level in order to gauge progress in achieving the objective of transforming undeclared work into regular employment;

- 2.10. To seek cooperation between National Statistical Offices on methodology and foster the exchange of expertise and know-how on this issue.

3. INVITES THE SOCIAL PARTNERS:

at European level:

- 3.1. To consistently address the issue of undeclared work in the context of their jointly agreed multi-annual work programme;

- 3.2. To further deal with undeclared work at sectoral level in the context of the sectoral social dialogue committees;

at national level:

3.3. To promote the declaration of economic activity and employment and combat the incidence of undeclared work through awareness-raising and other actions such as, where appropriate, collective bargaining undertaken in accordance with national traditions and practice, in ways which contribute inter alia to the simplification of the business environment, particularly as far as small and medium-sized enterprises are concerned.

4. INVITES THE EUROPEAN COMMISSION:

- 4.1. To highlight developments on the basis of the experience of Member States in the context of the European Employment Strategy, including through the organisation of peer reviews;
- 4.2. To assess methodological improvements in the description of the problem and monitor progress taking into account recent research on the subject.

## COUNCIL CONCLUSIONS

of 20 October 2003

on open coordination for adequate and sustainable pensions

(2003/C 260/02)

THE COUNCIL OF THE EUROPEAN UNION

RECALLING THAT:

- (1) The European Council, in accordance with the integrated socio-economic strategy defined in Lisbon in March 2000 and in response to the first Joint Report by the Commission and the Council on Adequate and Sustainable Pensions, stressed the need for maintaining the momentum for cooperation in this area through continued application of the open method of coordination and called for further reforms focusing in particular on increasing employment rates for older workers.
- (2) The need to accelerate the reform of pension systems with the aim of ensuring that they are both financially sustainable and meet their social objectives, also through a gradual increase by 2010 of about five years in the effective average age at which people cease work in the European Union, was especially underlined by the Barcelona European Council.
- (3) The Joint Report by the Commission and the Council on 'increasing labour participation and promoting active ageing' (March 2002) made a strong plea for a preventive and lifecycle approach in the framework of a comprehensive and integrated strategy to tackle the challenge of ageing populations and looked at all factors enabling people to enter the labour market and workers to remain longer at work.
- (4) The Joint Report by the Commission and the Council on Adequate and Sustainable Pensions, having examined the various policies implemented by the Member States, underlined how balanced progress in addressing both social and financial concerns is the key to ensuring the political acceptability of pension reforms and invited Member States to maintain the impetus of the reform process and to implement credible and effective strategies; raising the effective retirement age and hence the employment rate for older workers represents a powerful tool for addressing both concerns.
- (5) The future adequacy of pensions in some Member States also increasingly depends on the ability to earn sufficient supplementary pension rights, but this is made difficult for people who change jobs or interrupt their careers by conditions for the acquisition, preservation and transfer of occupational pension rights which may also represent major obstacles to the mobility of workers; the Commission has addressed a consultation document on this matter to the social partners.
- (6) The Commission Communication 'Strengthening the social dimension of the Lisbon strategy: streamlining open coordination in the field of social protection' proposed that the open method of coordination for pensions should be pursued after 2006 within a streamlined framework, on the basis of an evaluation of work undertaken in the different processes in the social protection domain, including that of pensions.
- (7) The Opinion of the Social Protection Committee on streamlining strongly endorsed the objective of strengthening the social dimension of the Lisbon Strategy and stressed the need for continued public visibility of the different elements of the work developed to date on social protection policies, including on pensions; the Social Protection Committee has also invited the Commission to indicate how the mutual learning aspect of the open method of coordination can be reinforced in the area of pensions.
- (8) Ways of improving and strengthening cooperation on pensions, based on the open method of coordination, were discussed during the Informal meeting of Employment and Social Policy Ministers in Varese on 11 July 2003,

THE COUNCIL OF THE EUROPEAN UNION

- (1) UNDERLINES that the ageing of the population concerns all current Member States and acceding countries and that it is useful to promote a comprehensive and integrated approach to ensure adequate and sustainable pension provision in the future; it is also essential to develop policy responses to encourage present and future generations to remain active as they grow older.
- (2) CONFIRMS that the setting up of adequate, sustainable and modern pension systems falls within the competence of national policies, but that this process can be supported by strengthened cooperation at European Union level based on the open method of coordination.
- (3) REITERATES the particular importance of the objective of extending working life, in line with the Barcelona target, both as a contribution to the sustainability and adequacy of pension systems and as an integral aspect of the goal of increasing overall and specific employment rates in line with the Lisbon and Stockholm targets.
- (4) UNDERLINES the importance for the Council (EPSCO) of taking a more active role in promoting coordination between employment and social policies, as part of the overall effort to achieve adequacy, financial sustainability and modernisation of pensions systems.
- (5) UNDERLINES that the Social Protection Committee, where appropriate in cooperation with the Employment Committee and the Economic Policy Committee, should provide substantial support to the Council (EPSCO), in particular by carrying out specific studies focusing on common challenges for pension systems.
- (6) WELCOMES the Commission's undertaking, in view of the 2004 Spring European Council and, if appropriate, the Tripartite Social Summit, to present a report on progress towards the Barcelona objective of raising the effective average age at which people stop working.
- (7) UNDERLINES how essential it is to coordinate social protection, economic and employment policies and to continue, in the framework of the reform process, to focus a high level of attention on ensuring adequacy, alongside the financial sustainability and modernisation of systems.
- (8) RECOGNISES the need also to modernise occupational pension schemes and notes that the Social Partners have been invited, on the basis of the Commission's consultation document under Article 138 of the Treaty on the portability of occupational pensions, to consider an approach to reducing obstacles to mobility.

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## COUNCIL RESOLUTION

of 20 October 2003

**on initiatives to combat trafficking in human beings, in particular women**

(2003/C 260/03)

THE COUNCIL OF THE EUROPEAN UNION:

RECALLING

- that according to Article 5(3) of the Charter of Fundamental Rights of the European Union trafficking in human beings is prohibited,
- the Hague Ministerial Declaration of 26 April 1997 on European Guidelines for effective measures to prevent and Combat Trafficking in Women for the purpose of sexual exploitation,
- that the Tampere European Council in October 1999 called for action against human trafficking and the sexual exploitation of children,
- Council of Europe Recommendation 11 (2000) on trafficking in human beings for the purpose of sexual exploitation and Recommendation 1545 (2002) concerning campaigns against trafficking in women,
- the UN Convention on the Elimination of All Forms of Discrimination against Women, especially Article 6, and the UN Convention on the Rights of the Child, especially Articles 34 and 35,
- in particular that the Palermo Protocol (2002) to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime, develops a comprehensive approach specifically addressing trafficking in human beings and covers criminalisation, protection and assistance to victims as well as prevention of this phenomenon,
- the conclusions of the Syracuse Conference of December 2002 aiming to raise awareness of the issue of trafficking, particularly with regard to women, and of the need to widen and intensify activities in the Member States,
- that in this context, the Council (JHA) meeting with the candidate countries on 28 September 2001 agreed on 12 measures to combat trafficking, among them active operational cooperation, organisation of information campaigns and providing assistance to victims,

- the Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings,
- that the Brussels Declaration of September 2002 aims at further developing European and international cooperation, concrete measures, standards, best practices and mechanisms to prevent and combat trafficking in human beings and that the Council Conclusions of 8 May 2003 agree to examine appropriate proposals made to implement specific items contained in the Declaration,
- that the High Commissioner for Human Rights, in 2002, issued Recommended Guidelines and Principles on Human Rights and Human Trafficking stressing that the human rights of trafficked persons should be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims, where appropriate,
- that action within the European Union is being developed taking a comprehensive and multidisciplinary approach towards preventing and combating these phenomena,
- that in terms of financial support, Community programmes are an important tool with a view to strengthening policies, practices and cooperation in the EU and between EU Member States and candidate countries in the fight against human trafficking and the sexual exploitation of children,
- in particular that the Structural Funds (ESF and ERDF) can financially support actions to provide assistance to victims, as well as undertaking prevention and facilitating the social and economic integration of victims of human trafficking.

RECOGNISING THAT:

- the aforementioned UN instruments form a basis for enhanced global cooperation which is also reflected in developments regarding the European Union's relations with countries outside the Union,
- trafficking in human beings as defined by European Union law is not only a crime aiming at the sexual or labour exploitation of persons, in particular at the sexual exploitation and domestic slavery of women and children, but also shows disregard for the human rights of the victims,
- a variety of measures are required to tackle this present form of human slavery and programmes are also required for the purposes of the prevention of trafficking, the rehabilitation and the social integration of victims, alongside efforts to bring to justice the perpetrators and put a stop to further victimisation,
- eradication of the root causes of trafficking including, but not limited to, gender inequalities as well as unemployment, poverty and all forms of exploitation, should be at the forefront of long-term efforts to fight trafficking in women.

CALLS ON MEMBER STATES TO:

- ratify and fully implement all international conventions and instruments against trafficking in human beings, in particular the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime,
- take into account the Hague Declaration of 26 April 1997, which invites Member States to provide or explore the possibilities for the appointment of National Rapporteurs on Trafficking in women,
- continue their full commitment to pursuing at national, European and international level their activities against trafficking in human beings, in particular women, wherever possible in cooperation with, and where appropriate by providing support to NGOs,
- underline their commitment in respect of concrete measures, such as campaigns, aimed at increasing awareness and to intensify cross-border and international cooperation in the fields of prevention, victim protection and assistance, with a view to achieving tangible results in the fight against trafficking in human beings, especially women, building on good practices and networks at the appropriate levels,
- support and protect victims in accordance with national law in order to make it possible for them to return safely to their countries of origin or to receive adequate protection in their host countries, in the context of measures supported through the Structural Funds and Community Programmes.

INVITES THE COMMISSION AND THE MEMBER STATES TO:

- use the financial resources of the Community Initiative EQUAL to promote, in accordance with national law, the social and vocational integration of its beneficiaries,
- promote measures to set up a monitoring system on trafficking in human beings in order to provide updated data through the continuous and regular collection of information from the competent National Authorities such as National Bureaux and National Rapporteurs,
- ensure that all actions and initiatives to prevent the trafficking of human beings, especially women and children, and to protect the victims, have a gender sensitive perspective, that they are consistent with internationally recognised principles of non-discrimination and that they take into account the respect for the human rights and fundamental freedoms of the victims in accordance with Community and national law.



### Information points in the EU Member States concerning the protection of public figures

(2003/C 260/04)

Member States	Information points in the Member States concerning the protection of public figures (Council Decision 2002/956/JHA of 28 November 2002 setting up a European network for the protection of public figures, Article 1(2) (OJ L 333, 10.12.2002, p. 1))
A	Bundesministerium für Inneres, Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, Herrengasse 7, A-1014 Wien, Tel. (43-1) 531 26 43 01, Fax (43-1) 531 26 43 42; BMI-II-BVT-3@bmi.gv.at
B	Federal Public Service of Interior, Crisis Centre Directorate, Hertogstraat 53, B-1000 Bruxelles, tél. (32-2) 50 64-814, -715, -747(24/24), fax (32-2) 513 63 82
DK	National Commissioner of the Danish Police, G Department, Clausdalsbrovej 1, DK-2860 Søborg, tlf. (45) 33 14 88 88, fax (45) 33 43 01 90
FIN	Helsinki Police Department, fax (358-9) 189 42 39
F	Service de protection des hautes personnalités, Salle d'information et de commandement, Place Beauvau, F-75008 Paris, tél. (33-1) 45 64 47 61, fax (33-1) 42 56 71 14
D	Bundeskriminalamt (BKA), SG 23, Am Treptower Park 5—8, D-12435 Berlin, Tel. (49-30) 536 12 99 99, Fax (49-30) 536 12 90 24 (24h service)
GR	Ministry of Public Order, Headquarters of Hellenic Police, International Police Cooperation Division, 4, P. Kanellopoulou Street, GR-101 77 Athens, tel. (30-210) 69-7 75 62, -7 75 63; fax (30-210) 699 76 13; registry@ipcd.gr
IRL	Assistant Commissioner, Crime & Security, An Garda Síochána, Dublin, Ireland, Tel. (353-1) 666 28 01, Fax (353-1) 666 28 82; accb@iol.ie
I	Ministero dell'Interno, Dipartimento della Pubblica Sicurezza, Ufficio Centrale Interforze per la Sicurezza Personale, Via Panisperna, 200, I-00100 Roma, tel. (39-06) 465 35-597, fax (39-06) 465 35-424
L	Police Grand-Ducale, Unité de Garde et de Réserve Mobile (UGRM), L-2957 Luxembourg, Tel. (352) 49 97 28-01, fax (352) 49 97 28-99, ugrm@police.etat.lu
NL	Korps Landelijke Politiediensten (KLPD), Dienst Koninklijke en Diplomatieke Beveiliging, Noordeinde 70-72, 2514 GL 's-Gravenhage, Nederland, tel. (31-70) 302 43 00, fax (31-70) 345 21 50
P	Corpo de Segurança Pessoal, Av. António Augusto de Aguiar, 20, P-1050-016 Lisboa, tel. (351) 21 358 83 83, fax (351) 21 358 83 13; depop@psp.pt
E	Dirección General de la Policía, Comisaría General de Seguridad Ciudadana, Unidad Central de Protección, Francos Rodríguez, 104, E-28039 Madrid, Tel. (34) 913 22 72-27, fax (34) 913 22 72-31; cgsc.planoper@policia.es
S	Swedish Security Service, Dignitary Protective Division, Box 8304, S-104 20 Stockholm, tfn (46-8) 401-26 00, fax (46-8) 401-48 85
UK	Contact for European Network: Crime Reduction and Community Safety Group, Home Office, 6th Floor West Wing, 50 Queen Anne's Gate, London SW1H 9AT, United Kingdom, Tel. (44-020) 72 73 35 39

## COMMISSION

Euro exchange rates <sup>(1)</sup>

28 October 2003

(2003/C 260/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1673	LVL	Latvian lats	0,6479
JPY	Japanese yen	126,69	MTL	Maltese lira	0,4271
DKK	Danish krone	7,4315	PLN	Polish zloty	4,64
GBP	Pound sterling	0,6904	ROL	Romanian leu	38 992
SEK	Swedish krona	9,0377	SIT	Slovenian tolar	235,68
CHF	Swiss franc	1,5516	SKK	Slovak koruna	41,351
ISK	Iceland króna	89,19	TRL	Turkish lira	1 778 000
NOK	Norwegian krone	8,236	AUD	Australian dollar	1,6602
BGN	Bulgarian lev	1,9479	CAD	Canadian dollar	1,5356
CYP	Cyprus pound	0,58425	HKD	Hong Kong dollar	9,0553
CZK	Czech koruna	32,024	NZD	New Zealand dollar	1,9092
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	2,0381
HUF	Hungarian forint	256,2	KRW	South Korean won	1 383,25
LTL	Lithuanian litas	3,4523	ZAR	South African rand	8,0895

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

**Information procedure — Technical rules**

(2003/C 260/06)

**(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 of 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 <sup>(1)</sup>	Title	End of three-month standstill period <sup>(2)</sup>
2003/367/A	Lower Austrian Order on gas safety 2004 (German designation: NÖ GSV 2004)	16.1.2004
2003/374/UK	The Meat Products (Wales) Regulations	14.1.2004
2003/375/UK	Meat Products Regulations (Northern Ireland) 2003	14.1.2004
2003/376/F	Decree of ... approving the technical regulation laying down the conditions of approval of voting machines	<sup>(3)</sup>
2003/377/I	Meeting No 947 of the Regional Council of 29 September 2003 Regional Law No 25/99 — integrated agriculture — Approval of the draft on general principles for the post-harvest and processing stages of integrated olive production	14.1.2004
2003/378/S	Administrative provisions of the Swedish Board for Accreditation and Conformity Assessment on requirements pertaining to and inspection of measuring systems used in the sale of fuel to individual consumers	15.1.2004
2003/379/D	Order on Amendment 1 to Revision 1 of ECE Regulation No 41 on uniform provisions concerning the approval of motor cycles with regard to noise (Order on Amendment 1 to Revision 1 of ECE Regulation No 41)	15.1.2004
2003/380/F	Order amending the Order of 28 May 1997 on edible salt and nutritional substances which can be used to fortify salt	19.1.2004
2003/381/S	Act on a reduction in tax for certain environmentally sound installations in single-family dwellings	<sup>(4)</sup>

<sup>(1)</sup> Year — registration number — Member State of origin.

<sup>(2)</sup> Period during which the draft may not be adopted.

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

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

<sup>(5)</sup> Information procedure closed.

The Commission draws attention to the judgment delivered 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 national courts 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 and consequently unenforceable against individuals.

For more information on the notification procedure, please write to:

European Commission  
 DG Enterprise, Unit F1  
 B-1049 Brussels  
 E-mail: Dir83-189-Central@cec.eu.int

Also consult the website: <http://europa.eu.int/comm/enterprise/tris/>

If you require any further 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**

BELNotif  
*Qualité et Sécurité*  
 SPF Economie, PME, Classes moyennes et Energie  
 NG III – 4e etage  
 Boulevard du Roi Albert II/Koning Albert II-laan 16  
 B-1000 Brussels  
 Website: <http://www.mineco.fgov.be>  
 Ms P. Descamps  
 Tel. (32-2) 206 46 89  
 Fax (32-2) 206 57 46  
 E-mail: belnotif@mineco.fgov.be

**DENMARK**

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**GERMANY**

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 Michalacopoulou 80  
 GR-115 28 Athens  
 Tel. (30-210) 778 17 31  
 Fax (30-210) 779 88 90

**ELOT**

Acharon 313  
 GR-111 45 Athens  
 Mr E. Melagrakis  
 Tel. (30-210) 212 03 00  
 Fax (30-210) 228 62 19  
 E-mail: 83189in@elot.gr

**SPAIN**

*Ministerio de Asuntos Exteriores*  
*Secretaría de Estado de Asuntos Europeos*  
*Dirección General de Coordinación del Mercado Interior y otras*  
*Políticas Comunitarias*  
*Subdirección General de Asuntos Industriales, Energéticos, de Transportes y*  
*Comunicaciones y de Medio Ambiente*  
 Padilla, 46, Planta 2ª, Despacho: 6276

E-28006 Madrid  
 Ms Esther Pérez Peláez  
 Tel. (34) 91379 84 64  
 Fax (34) 91379 84 01  
 E-mail: d83-189@ue.mae.es

**FRANCE**

*Direction générale de l'industrie, des technologies de l'information et des postes*  
 (DiGITIP)  
*Service des politiques d'innovation et de compétitivité (SPIC)*  
*Sous-direction de la normalisation, de la qualité et de la propriété industrielle*  
 (SQUALPI)  
 DiGITIP 5  
 12, rue Villiot  
 F-75572 Paris Cedex 12  
 Ms Suzanne Piau  
 Tel. (33) 153 44 97 04  
 Fax (33) 153 44 98 88  
 E-mail: suzanne.piau@industrie.gouv.fr  
 Ms Françoise Ouvrard  
 Tel. (33) 153 44 97 05  
 Fax (33) 153 44 98 88  
 E-mail: francoise.ouvrard@industrie.gouv.fr

**IRELAND**

NSAI  
 Glasnevin  
 Dublin 9  
 Ireland  
 Mr Tony Losty  
 Tel. (353-1) 807 38 80  
 Fax (353-1) 807 38 38  
 E-mail: lostyt@nsai.ie

**ITALY**

*Ministero delle Attività produttive*  
*Dipartimento per le imprese*  
*Direzione generale per lo Sviluppo produttivo e la competitività Ispettorato*  
*tecnico dell'industria — Ufficio F1*  
 Via Molise 2  
 I-00187 Roma  
 Website: <http://www.minindustria.it>  
 Mr V. Correggia  
 Tel. (39) 06 47 05 22 05  
 Fax (39) 06 47 88 78 05  
 E-mail: vincenzo.correggia@minindustria.it  
 Mr E. Castiglioni  
 Tel. (39) 06 47 05 26 69  
 Fax (39) 06 47 88 77 48  
 E-mail: enrico.castiglioni@minindustria.it

**LUXEMBOURG**

*SEE — Service de l'Énergie de l'État*  
 34, avenue de la Porte-Neuve  
 BP 10  
 L-2010 Luxembourg  
 Mr J. P. Hoffmann  
 Tel. (352) 469 74 61  
 Fax (352) 22 25 24  
 E-mail: see.direction@eg.etat.lu

**THE NETHERLANDS**

Ministerie van Financiën  
 Belastingdienst/Douane Noord  
 Team bijzondere klantbehandeling  
 Centrale Dienst voor In- en uitvoer  
 Engelse Kamp 2  
 Postbus 30003  
 9700 RD Groningen  
 Netherland  
 Mr Ebel Van der Heide  
 Tel. (31-50) 523 21 34  
 Ms Hennie Boekema  
 Tel. (31-50) 523 21 35  
 Ms Tineke Elzer  
 Tel. (31-50) 523 21 33  
 Fax (31-50) 523 21 59  
 General e-mail: Enquiry.Point@tiscali-business.nl  
 Enquiry.Point2@tiscali-business.nl

**AUSTRIA**

Bundesministerium für Wirtschaft und Arbeit  
 Abteilung C2/1  
 Stubenring 1  
 A-1010 Wien  
 Website: <http://www.bmwa.gv.at>  
 Ms Brigitte Wikgolm  
 Tel. (43-1) 711 00 58 96  
 Fax (43-1) 715 96 51 or (43-1) 712 06 80  
 E-mail: post@tbt.bmwa.gv.at

**PORTUGAL**

Instituto Português da Qualidade  
 Rua Antonio Gião, 2  
 P-2829-513 Caparica  
 Website: <http://www.ipq.pt>  
 Ms Miranda Ondina  
 Tel. (351-21) 294 82 36 or 81 00  
 Fax (351-21) 294 82 23  
 E-mail: MOnдина@mail.ipq.pt

**FINLAND**

Kauppa- ja teollisuusministeriö  
 Visitor address: Aleksanterinkatu 4  
 FIN-00171 Helsinki  
 and  
 Katakatu 3  
 FIN-00120 Helsinki  
 Postal address:  
 PO Box 32  
 FIN-00023 Valtioneuvosto  
 Website: <http://www.ktm.fi>  
 Ms Heli Malinen  
 Tel. (358-9) 16 06 36 27  
 Fax (358-9) 16 06 46 22  
 E-mail: heli.malinen@ktm.fi  
 Mr Katri Amper  
 General e-mail: maaraykset.tekniset@ktm.fi

**SWEDEN**

Kommerskollegium  
 (National Board of Trade)  
 Box 6803  
 Drottninggatan 89  
 S-113 86 Stockholm  
 Website: <http://www.kommers.se>  
 Ms Kerstin Carlsson  
 Tel. (46-8) 690 48 82 or (46-8) 690 48 00  
 Fax (46-8) 690 48 40 or (46-8) 30 67 59  
 E-mail: kerstin.carlsson@kommers.se  
 General e-mail: 9834@kommers.se

**UNITED KINGDOM**

Department of Trade and Industry  
 Standards and Technical Regulations Directorate 2  
 Bay 327  
 151 Buckingham Palace Road  
 London SW1 W 9SS  
 United Kingdom  
 Website: <http://www.dti.gov.uk/strd>  
 Mr Philip Plumb  
 Tel. (44) 207 215 15 64 or 14 88  
 Fax (44) 207 215 15 29  
 E-mail: philip.plumb@dti.gsi.gov.uk  
 General e-mail: 98-34@dti.gov.uk

**EFTA — ESA**

EFTA Surveillance Authority  
 Rue de Trèves/Trierstraat 74  
 B-1040 Brussels  
 Website: <http://www.eftasurv.int>  
 Mr Gunnar Thor Petursson  
 Tel. (32-2) 286 18 71  
 Fax (32-2) 286 18 00  
 E-mail: DRAFTTECHREGESA@eftasurv.int

**EFTA**

Goods Unit  
 EFTA Secretariat  
 Rue de Trèves/Trierstraat 74  
 B-1040 Brussels  
 Website: <http://www.efta.int>  
 Ms Kathleen Byrne  
 Tel. (32-2) 286 17 34  
 Fax (32-2) 286 17 42  
 E-mail: DRAFTTECHREGFEFTA@efta.int  
 kathleen.byrne@efta.int

**TURKEY**

Undersecretariat of Foreign Trade  
 General Directorate of Standardisation for Foreign Trade  
 İnönü Bulvarı — Emek — Ankara  
 Website: <http://www.dtm.gov.tr>  
 Mr Saadettin Doğan  
 Tel. (90-312) 212 88 00 of 20 44  
 (90-312) 212 88 00 of 25 65  
 Fax (90-312) 212 87 68  
 E-mail: dtsabbil@dtm.gov.tr

**Non-opposition to a notified concentration****(Case COMP/M.3218 — Cerberus/ANC Rental)**

(2003/C 260/07)

**(Text with EEA relevance)**

On 21 October 2003 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

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**Non-opposition to a notified concentration****(Case COMP/M.3141 — Cementbouw/ENCI/JV)**

(2003/C 260/08)

**(Text with EEA relevance)**

On 1 August 2003, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

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**Non-opposition to a notified concentration****(Case COMP/M.3267 — CRH/Cementbouw)**

(2003/C 260/09)

**(Text with EEA relevance)**

On 29 September 2003 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

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# EUROPEAN CENTRAL BANK

## Indicative calendar of maintenance periods for 2004

(2003/C 260/10)

In accordance with Article 7(1) of Regulation ECB/2003/9 of 12 September 2003 on the application of minimum reserves <sup>(1)</sup>, the indicative calendar of maintenance periods for 2004 is hereby published.

Taking into account the 2004 schedule for the meetings of the Governing Council of the ECB and the indicative calendar for the Eurosystem's tender operations in 2004, the indicative calendar of maintenance periods for 2004 is as follows:

### Indicative calendar of maintenance periods for 2004

Relevant Governing Council meeting	Start of maintenance period	End of maintenance period	Reserve base data for credit institutions reporting monthly	Reserve base data for credit institutions reporting quarterly	Length of the maintenance period (days)
—	24 January 2004	9 March 2004	December 2003	September 2003	46
4 March 2004	10 March 2004	6 April 2004	January 2004	December 2003	28
1 April 2004	7 April 2004	11 May 2004	February 2004	December 2003	35
6 May 2004	12 May 2004	8 June 2004	March 2004	December 2003	28
3 June 2004	9 June 2004	6 July 2004	April 2004	March 2004	28
1 July 2004	7 July 2004	10 August 2004	May 2004	March 2004	35
5 August 2004	11 August 2004	7 September 2004	June 2004	March 2004	28
2 September 2004	8 September 2004	11 October 2004	July 2004	June 2004	34
7 October 2004	12 October 2004	8 November 2004	August 2004	June 2004	28
4 November 2004	9 November 2004	7 December 2004	September 2004	June 2004	29
2 December 2004	8 December 2004	19 January 2005	October 2004	September 2004	43

<sup>(1)</sup> OJ L 250, 2.10.2003, p. 10.



## III

(Notices)

## COMMISSION

## Operation of scheduled air services

**Invitation to tender issued by France pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Angoulême and Lyon-Saint-Exupéry**

(2003/C 260/11)

(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, France has decided to impose a public service obligation on scheduled air services between Angoulême and Lyon-Saint-Exupéry. The standards required by these public service obligations were published in the *Official Journal of the European Union* C No 258 of 28.10.2003.

If on 1 March 2004 no air carrier has commenced or is about to commence the operation of scheduled air services between Angoulême and Lyon-Saint-Exupéry in accordance with the public service obligation imposed and without requesting compensation, France has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to only one air carrier and to offer the right to operate such services from 1 April 2004 by public tender.

2. **Subject of the invitation to tender:** Operation from 1 April 2004 of scheduled air services between Angoulême and Lyon-Saint-Exupéry in accordance with the public service obligation imposed on this route, as published in *Official Journal of the European Union* No C 258 of 28.10.2003.

3. **Participation in the invitation to tender:** Participation is open to all Community air carriers who hold a valid operation licence issued in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers.

4. **Tender procedure:** This invitation to tender is subject to the provisions of Article 4(1)(d), (e), (f), (g), (h) and (i) of Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the specific rules for this invitation to tender and the public

service delegation agreement and its technical annex (text of the public service obligation published in the *Official Journal of the European Union*) is obtainable free of charge from:

Chambre de Commerce et d'Industrie d'Angoulême, 27, place Bouillaud, F-16021 Angoulême Cedex. Tel.: (33) 5 45 20 55 55. Fax: (33) 5 45 20 55 50.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for the operation of the route for three years from the planned date of commencement of operation (with an annual breakdown). The exact amount of compensation finally granted will be determined annually ex-post on the basis of the costs and revenue actually generated by the service, within the limits of the amount stated in the tender. This maximum limit may be revised only in the event of unforeseen changes in operating conditions.

The annual payments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in point 8 below.

In the event of termination of the contract before its normal expiry date, point 8 will be applied as soon as possible to allow payment to the carrier of the balance due, the maximum amount referred to in the first subparagraph being reduced, where appropriate, in proportion to the actual duration of the service.

7. **Duration of the contract:** The duration of the contract (public service delegation agreement) is three years from the date scheduled for the beginning of the services mentioned in point 2 of this invitation to tender.

8. **Verification of the operation of the service and of the carrier's accounts:** The operation of the service and the carrier's cost accounting for the route in question will be the subject of at least an annual examination in cooperation with the carrier.
9. **Termination of contract and notice:** The contract may be cancelled by either contracting party before the end of the normal period of validity by giving six months' notice. Should the carrier fail to comply with the public service obligation, he shall be deemed to have terminated the contract without notice if he fails to resume the service in accordance with the public service obligation within one month of the serving of formal notice.
10. **Penalties:** Failure by the carrier to observe the period of notice referred to in point 9 will be subject either to an administrative fine of up to 7 622,45 EUR pursuant to Article R.330-20 of the Civil Aviation Code, or to a penalty calculated on the basis of the number of months of default and the real operating loss of the service during the year in question, not exceeding the maximum financial compensation provided for in point 6.

In the event of serious breaches of the public service obligation, the contract may be cancelled and the carrier deemed to have terminated the contract without notice.

In the event of minor breaches of the public service obligation, the maximum financial compensation provided for in point 6 shall be reduced, without prejudice to the

application of the provisions of Article R.330-20 of the Civil Aviation Code. Such reductions shall take account, as appropriate, of the number of flights cancelled for reasons directly attributable to the carrier, the number of flights made with less than the required capacity, the number of flights not complying with the public service obligations regarding stopovers, the number of flights not complying with the public service obligations regarding time at destination, fares charged or the use of computerized reservation services.

11. **Submission of tenders:** Tenders must be sent by registered letter with acknowledgement of receipt, date as post-marked, or delivered by hand with receipt, at the latest six weeks after the date of publication of this invitation to tender in the *Official Journal of the European Union* before 17.00 hours (local time) to the following address:

Chambre de Commerce et d'Industrie d'Angoulême, 27, place Bouillaud, F-16021 Angoulême Cedex. Tel.: 33(0) 5 45 20 55 55. Fax: 33(0)5 45 20 55 50.

12. **Validity of the invitation to tender:** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92 of 23 July 1992, the validity of this invitation to tender is subject to the condition that no Community carrier presents by 1 March 2004 a programme for operating the route in question from 1 April 2004 in accordance with the public service obligation imposed, without receiving any financial compensation.
-

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