

English edition

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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)

## COMMISSION

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

29 October 2003

(2003/C 261/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1684	LVL	Latvian lats	0,6475
JPY	Japanese yen	126,21	MTL	Maltese lira	0,4267
DKK	Danish krone	7,4319	PLN	Polish zloty	4,6539
GBP	Pound sterling	0,6858	ROL	Romanian leu	39 245
SEK	Swedish krona	9,0285	SIT	Slovenian tolar	235,7
CHF	Swiss franc	1,5512	SKK	Slovak koruna	41,34
ISK	Iceland króna	88,99	TRL	Turkish lira	1 776 000
NOK	Norwegian krone	8,212	AUD	Australian dollar	1,6557
BGN	Bulgarian lev	1,9467	CAD	Canadian dollar	1,531
CYP	Cyprus pound	0,58353	HKD	Hong Kong dollar	9,0659
CZK	Czech koruna	32,155	NZD	New Zealand dollar	1,9048
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	2,0298
HUF	Hungarian forint	256,11	KRW	South Korean won	1 376,78
LTL	Lithuanian litas	3,4526	ZAR	South African rand	8,1365

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

**Final report of the Hearing Officer in case COMP/M.2650 — Haniel/Cementbouw/JV (CVK)****(pursuant to Article 15 of Commission Decision 2001/462/EC, ECSC of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings (OJ L 162, 19.6.2001, p. 21))**

(2003/C 261/02)

**(Text with EEA relevance)**

The draft decision in the present case gives rise to the following observations:

The concentration in question was notified to the Commission by Franz Haniel & Cie GmbH ('Haniel') and Cementbouw Handel Industrie BV ('Cementbouw').

On 25 April 2002, the Commission sent out a statement of objections based on Article 8(3) and 8(4) of Council Regulation (EEC) No 406/89 (the 'Merger Regulation') to these parties and, exceptionally, in the light of the specific facts of the case, also to Coöperatieve Verkoop en Productievereniging van Kalkzandsteen producenten ('CVK'), the joint venture jointly controlled by the parties. In this way, CVK was granted the opportunity to make full use of its rights of defence given that it expressed the view to the Commission that it is not controlled by Haniel and Cementbouw.

Haniel, Cementbouw and CVK each replied to the statement of objections (Haniel on 11 May 2002 and the others parties on 13 May 2002). At the request of the three parties, an oral hearing was held on 16 May 2002, in which one interested third party also participated.

Subsequent to commitments offered by Haniel and Cementbouw, the Commission proposes a draft decision based on Article 8(2) of the Merger Regulation (clearance with conditions and obligations). The draft decision is addressed to Haniel, Cementbouw and CVK.

In the light of the outcome as described above, I conclude that the rights of defence have been fully respected. The draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known their views.

Brussels, 14 June 2002.

Karen WILLIAMS

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**Opinion of the Advisory Committee on concentrations given at the 110th meeting on 14 June 2002 concerning a draft decision relating to Case COMP/M.2650 — Haniel/Cementbouw/JV (CVK)**

(2003/C 261/03)

(Text with EEA relevance)

1. A majority of the Advisory Committee agrees that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation and that the notified operation has a Community dimension as defined in Article 1(2) of the Merger Regulation. A minority abstains.
  2. The Advisory Committee agrees with the Commission's definition of the relevant product market as 'building materials for load-bearing walls'.
  3. The Advisory Committee agrees with the Commission's definition of the relevant geographic market as a national Dutch market.
  4. A majority of the Advisory Committee shares the Commission's view that Haniel and Cementbouw acquired control over CVK by the transaction of August 9, 1999 and that this transaction resulted in a change in the market structure. A minority abstains.
  5. A majority of the Advisory Committee shares the Commission's view that CVK holds a dominant position in the relevant market and that CVK has been acting independently from its competitors, customers and consumers since the acquisition. A minority abstains.
  6. A majority of the Advisory Committee agrees with the Commission that the commitments as proposed by the Parties would be sufficient to remove the competition concerns identified by the Commission. A minority abstains.
  7. A majority of the Advisory Committee therefore agrees that the operation should be declared compatible with the common market and the functioning of the EEA-Agreement. A minority abstains.
  8. The Advisory Committee asks the Commission to take account of all other points raised during its discussion of the case and in particular the comments on question 5 raised by a minority. It recommends the publication of its opinion in the *Official Journal of the European Union*.
-

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

(2003/C 261/04)

This publication confers the right to object to the application pursuant to Articles 7 and 12d of the abovementioned Regulation. Any objection to this application must be submitted via the competent authority in a Member State, in a WTO member country or in a third country recognised in accordance with Article 12(3) 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: —

**1. Responsible department in the Member State**

Name: Institut national des appellations d'origine

Address: 138, avenue des Champs-Élysées — F-75008 Paris

Tel. (33-1) 53 89 80 00

Fax (33-1) 42 25 57 97.

**2. Applicant group**

2.1. Name: Syndicat des miels de Provence et des Alpes du Sud

2.2. Address: Maison des agriculteurs, 22, avenue Henri-Pontier — F-13626 Aix-en-Provence

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

**3. Type of product:** Chapter 17.02 — Honey.

**4. Specification**

(Summary of requirements under Article 4(2))

4.1. Name: Miel de Provence.

4.2. Description

— Botanical: Single- and multi-flower honey, including honeydew honey, obtained from the wild flora of Provence or a crop specific to Provence, excluding rape, sunflower and lucerne (alfalfa) and any other crop that is not specific to the region.

— Pollen: Pollens specific to Provence, the range of honey pollens having in all cases to have a specific Provençal character.

— Organoleptic

— Single-flower honeys: flavour corresponding to the dominant floral origin,

— Multi-flower honeys: floral, plant or fruity aroma.

#### 4.3. Geographical area

- The six departments of the Provence — Alpes — Côte-d'Azur region, with the exception of the following communes and cantons:
  - Department of Alpes-de Haute-Provence: Cantons de Saint-Paul, Allos, Colmars-les-Alpes, Barcelonnette, and the communes of Méolans-Revel, Auzet, Barles, Verdaches, Seyne-les-Alpes, Méailles, Le Fugeret, Braux, Le Vernet.
  - Department of Hautes-Alpes: Cantons of Saint-Étienne en Dévoluy, Saint-Firmin, Saint-Bonnet, Orcières, L'Argentière-la-Bessée, La Grave, Monétier-les-Bains, Briançon, Aiguilles, Guillestre, Embrun, and communes of Saint-Julien en Beauchêne, Montbrand, La Haute-Beaume, Réallon.
  - Department of Alpes-Maritimes: Canton of Saint-Étienne de Tinée, and communes of Sauze, Villeneuve d'Entraunes, Saint-Martin d'Entraunes, Entraunes, Péone, Beuil, Roubion, Roure, Ilonse, Châteauneuf d'Entraunes, Valdeblore, Saint-Martin de Vésubie, Belvédère, Tende, La Brigue, Saint-Sauveur de Tinée, Rimplas, Guillaumes.
- The area known as Drôme provençale: Cantons of Buis-les-Baronnies, Dieulefit, Grignan, La Motte-Chalançon, Marsanne, Montélimar, Nyons, Pierrelatte, Remuzat, Sederon, Saint-Paul-Trois-Châteaux.
- The eastern part of Gard: The areas of Garrigues, Soubergues, Bas-Vivarais, the Rhône Valley and the wine-growing plain of the department of Gard.

4.4. *Proof of origin*: The first way of checking the Provençal origin of the honey is to locate the apiaries in the geographical production area. The second is the analysis of the pollen (see 4.6.1).

4.5. *Method of production*: During the different nectar or honeydew flow periods, the hives are installed in the geographical production area. The honey is then gathered, extracted from the combs and stored. Extraction, packaging and/or storage can take place outside the geographical production area. After verification of its conformity with the characteristic features described in the specification, the honey is packaged and marketed in bulk or in jars. The labelling on the jars must include all the particulars required in the specification.

#### 4.6. Link

##### 1. A special characteristic

Miel de Provence is produced by bees from nectar or honeydew collected from the wild Provençal flora or crops specific to Provence. The characteristics of these honeys are all directly linked to the specific features of the botanical environment of Provence. There are consequently characteristic organoleptic and pollen features.

In order to establish the link between Miel de Provence and its geographical origin, it is essential to identify the plants from which the honey is obtained. Establishing the range of pollens (listing of pollens present in the honey and determining their respective frequency) enables the analyst to ascertain the floral and hence the geographical origin of the honey. The restrictive nature of the list on pages 5 and 6 of the specification means that honeys which are not obtained from Provençal flora do not qualify for the name Miel de Provence.

##### 2. A reputation

- Provence has a tradition of producing honey as indicated in, among others, the *Inventaire du patrimoine culinaire de la France — Provence — Alpes — Côte-d'Azur* (Ed. Albin Michel/CNAC, 1995). In addition, south-eastern France enjoys optimum weather conditions and early and late flowering periods (from February/March in the case of rosemary and September/October in the case of heather, for example). The existence of many plants containing nectar and the tradition of transhumance (migratory herding) makes possible the production of a wide variety of honeys which are highly rated by consumers.
- The renown of Miel de Provence is linked also to its typical characteristics and recognised aromatic qualities (lavender, rosemary, multi-flower honeys, etc.).



#### 4.7. *Inspection body*

Name: ULASE

Address: Place du Champs-de-Mars — F-26270 Loriol-sur-Drôme

#### 4.8. *Labelling*

— 'Miel de Provence' together with, where appropriate, a reference to its floral origin in accordance with the specification,

— Characteristics certified by ULASE, Place du Champs-de-Mars — F-26270 Loriol-sur-Drôme.

#### 4.9. *National requirements:* —

**EC No:** FR/00181/00.12.21.

**Date of receipt of the full application:** 28 May 2003.

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

(2003/C 261/05)

This publication confers the right to object to the application pursuant to Articles 7 and 12d of the abovementioned Regulation. Any objection to this application must be submitted via the competent authority in a Member State, in a WTO member country or in a third country recognised in accordance with Article 12(3) 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.

REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

**PDO (x) PGI ( )**

**National application number:** —

#### **1. Responsible department in the Member State**

Name: Institut national des appellations d'origine

Address: 138, avenue des Champs-Élysées — F-75008 Paris

Tel. (33-1) 53 89 80 00

Fax (33-1) 42 25 57 97.

#### **2. Applicant group**

2.1. Name: Syndicat de promotion du poiré Domfront

2.2. Address: Mairie — F-61350 Passais-la-Conception

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

3. **Type of product:** Class 1.8 — Other Annex II products: perry.

#### 4. **Specification**

(summary of requirements under Article 4(2))

4.1. *Name:* Domfront.

4.2. *Description*

Domfront perry is a fermented sparkling drink made from specific varieties of 'perry pears'. It is clear and pale yellow to golden yellow in colour. Its harmonious sparkle results from its characteristic fine bubbles.

Domfront perry presents a wide range of aromas dominated by fruit and flowers with a hint of exotic fruits, toast and brioche. Its palate is a balance of acidity and the sweetness of unfermented sugars.

4.3. *Geographical area*

All operations relating to the growing of the pears and the production of the perry take place in a geographical area covering the following municipalities:

Département de l'Orne: Avrilly, La Baroche-sous-Lucé, Beaulandais, Céaucé, La Chapelle d'Andaine, Domfront, l'Épinay-le-Comte, la Haute Chapelle, Juvigny-sous-Andaine, Lonlay l'Abbaye (in part), Loré, Lucé, Mantilly, Passais, Perrou, Rouillé, Saint-Bômer-les-Forges (in part), Saint-Brice, Saint-Denis-de-Villeneuve, Saint-Fraimbault, Saint-Gilles-des-Marais, Saint-Mars-d'Égrenne, Saint-Roch-sur-Égrenne, Saint-Simeon, Sept Forges and Torchamp.

Département de la Mayenne: Couesmes-Vaucé, Lassay-les-Châteaux (in part) and Soucé.

Département de la Manche: Barenton, Buais, Ferrières, Heussé, Husson, Notre-Dame-du-Touchet, Le Teilleul, Saint-Cyr-du-Bailleul, Saint-Jean-du-Corail, Saint-Symphorien-des-Monts, Sainte-Marie-du-Bois, Saint-Georges-de-Rouelley and Villechien.

4.4. *Proof of origin*

All fruit growers and processors must complete an aptitude declaration registered at the offices of the Institut National des Appellations d'Origine (INAO), enabling all operators to be identified. Under the terms of the declaration, all operators undertake to comply with all the production requirements. Pear producers must send in an application for identification of their orchard together with the declaration. In this way all trees producing Domfront perry are identified and controlled by the INAO offices (Institut National des Appellations d'Origine).

To monitor the quantities used and volume produced, operators must send INAO crop declarations (in the case of fruit growers) and production declarations (in the case of processors).

When transported, perry pears must always be accompanied by a document stating that they are intended for the Domfront designation and bearing a reference to the orchard of origin. The quantities of perry bottled and intended for the Domfront designation must be covered by a bottling declaration. In addition, Domfront perry producers must keep a cellar record covering, among other things, the quantities of fruit used, the volume of must obtained and the operations carried out to produce the perry.

Perry bearing the registered designation of origin Domfront may not be marketed without an approval certificate issued by INAO. The certificate is issued, for each batch of perry identified, following an analytical and organoleptic examination after the product has become sparkling in the bottle to ensure that the perry has the quality and typical characteristics of this designation of origin.

#### 4.5. *Method of production*

Domfront perry is obtained exclusively by fermenting fresh pear must of the main variety Plant de Blanc and other varieties selected from local varieties planted prior to 26 December 1999.

The pear trees must have been planted on land in the production area meeting defined criteria. Pear trees of the Plant de Blanc variety must account for at least 10 % of the trees in each orchard identified up to the 2029 harvest. From the 2030 harvest, that figure will be 20 %.

The pear trees are trained into high stems with a planting density of less than 150 trees per hectare. Orchards must be maintained and given a grass cover throughout. Irrigation is not allowed. The fully ripe pears are picked from the ground at intervals, each variety separately. Harvesting and storage are done by hand or using equipment that does not damage the fruit or cause blemishes. The length of storage of the pears between harvest and use may not exceed 72 hours. The Plant de Blanc variety is stored separately from the other varieties.

The maximum average yield is not more than 500 kilograms of pears per tree and 300 kilograms for trees of the Plant de Blanc variety. All practices that alter the natural richness in sugar of the pears, must or perry are banned. Pasteurisation and the addition of water or colouring are prohibited at all stages of production.

The pears are grated and the resultant pulp kept in vats before being pressed. Pressing is done without 'working' the pulp, with a maximum yield of 700 litres per tonne. The must has a natural minimum standard sugar content of 100 grams per litre. The juice extraction equipment must meet defined specifications. The must is fermented for at least six weeks between pressing and bottling.

Each batch of perry or fermented pear must ready to be bottled and become sparkling constitutes a cuvée. In each cuvée, the volume resulting from the Plant de Blanc variety used must make up at least 40 % of the cuvée and the volume resulting from each of the other varieties used may not be more than 25 % of the cuvée.

Perry is made sparkling by fermentation of part of the residual sugars in the bottle. Aeration is prohibited. It takes at least six weeks for the perry to become sparkling. Bottling must take place by 30 September of the year following that of harvest.

After it has become sparkling, the perry obtained has the following analytical characteristics:

- total alcoholic strength by volume greater than 5,5 %,
- actual alcoholic strength by volume greater than 3 %,
- carbon dioxide content greater than 4 grams per litre.

#### 4.6. *Link*

Up to the end of the 19th century the pear trees of the Lower Domfrontais, in orchards situated between ploughed fields, were used to produce a drink intended primarily for local consumption. During the 20th century, despite the development of the distillation of perry into spirit, farmers are maintaining and developing the practice of producing perry for consumption, as opposed to the other regions of the west of France where cider is the main customary drink. This tradition will give the product a regional reputation linking Domfront with the historic capital of the Lower Domfrontais. The Domfrontais is the only region in France in which perry pear orchards are still planted and harvested in significant quantity.

Domfront perry is characterised by the interaction of several factors: the soil properties and climate of the production zone which have influenced selection and allow consistent production of perry pears suitable for making balanced must, the uniqueness of the variety of genetic material in the region, and the cultivation and technical practices that have been developed to bring the best out of the fruit used.

At the crossroads of Normandy, Brittany and the Maine, the Lower Domfrontais is situated in the wooded Norman countryside with its maritime climate and the geological structure of the Armorican massif. Sheltered by the sandstone escarpment to the north and open to the south, this area is ideally situated for growing pears. The predominantly deep soil of wind-blown silt on schist with dolerite seams, with good water retention properties and regular rainfall throughout the year, match the perry pear tree's sensitivity to dry conditions. The milder temperatures in the defined region also limit the risk of frost for the Plant de Blanc variety, which is characterised by its abundant foliage.

The distinctiveness of Domfront perry owes much to the organoleptic and technical characteristics of the Plant de Blanc variety, which is found throughout the Lower Domfrontais, its niche habitat, and nowhere else. The Plant de Blanc variety and the other associated varieties were selected by producers in the region because they match both the constraints and the suitability of the prevailing physical environment.

Must obtained from Plant de Blanc, the main variety covered by the designation, has an original flavour resulting from the balance between its acidity, richness in sugar and phenolic compound content. Its clarity makes slow, regular fermentation possible, which is essential for obtaining this perry's organoleptic characteristics: balance, subtlety, and its characteristic citrus fruit, peach and confectionery flavours.

To preserve these characteristics, special know-how has been developed for the selection of plots to take account of soil conditions and the selection of pear varieties, orchard management, harvesting and manufacture.

#### 4.7. *Inspection body*

Name: INAO

Address: 138, avenue des Champs-Élysées — F-75008 Paris

Name: DGCCRF

Address: 59, boulevard V. Auriol — F-75703 Paris Cedex 13

#### 4.8. *Labelling*

On the labelling:

- the word 'Poiré' may precede the designation,
- the words 'appellation d'origine contrôlée' must appear immediately below the name bearing the registered designation of origin with no words in-between
- the name of the registered designation of origin and the words 'appellation d'origine contrôlée' or 'appellation' and 'contrôlée' must be indicated in conspicuous, clearly legible and indelible characters of a sufficient size so as to be clearly distinguishable from all other written or graphic information
- the words 'appellation d'origine contrôlée' must be in characters at least one quarter the size of the characters used for the name bearing the registered designation of origin.

#### 4.9. *National requirements*

Decree on the registered designation of origin 'Domfront'.

**EC No:** FR/00276/30.1.03.

**Date of receipt of the full application:** 24 July 2003.

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**Binding origin information**

(2003/C 261/06)

List of customs authorities designated by Member States to receive applications for, or to issue, binding origin information, adopted in accordance with Article 6(5) of Commission Regulation (EEC) No 2454/93 <sup>(1)</sup>, as amended by Regulation (EC) No 12/97 <sup>(2)</sup>.

Member State	Customs authority	Telephone	Fax	E-mail
AUSTRIA	Bundesministerium für Finanzen Abteilung IV/26 Postfach 2 Himmelpfortgasse 4-8 A-1015 Wien	(43-1) 514 33 17 69	(43-1) 514 33 11 30	origin@bmf.gv.at
BELGIUM				
Non-preferential origin:	SPF Économie, PME, Classes moyennes et Énergie Potentiel économique «Politique d'accès au marché» Service «Politique internationale tarifaire et non tarifaire» Rue Général Leman 60 B-1040 Bruxelles	(32-2) 206 59 34	(32-2) 230 73 42	marc.wegnez@mineco.fgov.be
Preferential origin:	Administration centrale des douanes et accises Cité administrative de l'État Tour des finances Boîte n° 37 Bld. du Jardin botanique 50 B-1010 Bruxelles	(32-2) 210 31 03 (32-2) 210 31 99 (32-2) 210 31 49	(32-2) 210 30 11 (32-2) 210 32 76 (32-2) 210 32 47	luc.verhaeghe@minfin.fed.be
DENMARK				
	ToldSkat Fyn Lerchesgade 35 DK-5000 Odense C	(45) 65 43 73 00	(45) 65 91 45 10	—
	ToldSkat København Tagensvej 135 DK-2200 København N	(45) 35 87 73 00	(45) 35 85 90 94	—
	ToldSkat Nordjylland Skibsbyggerivej 5 DK-9000 Aalborg	(45) 99 34 73 00	(45) 99 34 75 00	—
	ToldSkat Nordsjælland — Bornholm Gefionsvej 6 C DK-3400 Hillerød	(45) 48 29 06 66	(45) 48 24 04 74	—
	ToldSkat Syddjylland Nordå 17 DK-7100 Vejle	(45) 76 40 44 00	(45) 76 40 44 18	—
	ToldSkat Sydsjælland Toldbuen 2 DK-4700 Næstved	(45) 55 75 73 00	(45) 55 77 43 43	—
	ToldSkat Vestjylland Adgangsvejen 3 DK-6700 Esbjerg	(45) 79 11 73 00	(45) 75 13 68 15	—
	ToldSkat Østjylland Margrethepladsen 4 DK-8000 Århus C	(45) 89 32 73 00	(45) 89 32 74 00	—

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(2)</sup> OJ L 9, 13.1.1997, p. 1.

Member State	Customs authority	Telephone	Fax	E-mail
FINLAND	Tullihallitus Verotusosasto Tullituussopinus- ja al kuperäyk- sikkö National Board of Customs Tax Unit Box 512 FIN-00101 Helsinki	(358-9) 61 41	(358-9) 204 92 63 30	leena.lehtinen@tulli.fi
FRANCE	Direction générale des douanes et droits indirects Bureau E/4 8, rue de la Tour des Dames F-75009 Paris	(33-1) 55 07 47 99 (33-1) 55 07 48 00	(33-1) 55 07 48 60	dg-e4@douane.finances.gouv.fr
GERMANY	Zolltechnische Prüfungs- und Lehranstalt Grellstraße 18—24 D-10409 Berlin Postfach 58 03 13 D-10413 Berlin	(49-30) 42 43-5	(49-30) 42 43-60 06	poststelle@zplab.bfinv.de
	Zolltechnische Prüfungs- und Lehranstalt Gutleutstraße 185 D-60327 Frankfurt am Main	(49-69) 2 38 01-0	(49-69) 2 38 01-30 00	poststelle@zplaf.bfinv.de
	Zolltechnische Prüfungs- und Lehranstalt Baumacker 3 D-22532 Hamburg	(49-40) 57 21-1	(49-40) 57 21-23 33	poststelle@zplahh.bfinv.de
	Zolltechnische Prüfungs- und Lehranstalt Merianstraße 110 D-50765 Köln Postfach 71 06 51 D-50746 Köln	(49-221) 9 79 50-0	(49-221) 9 79 50-2 23, -2 27	poststelle@zplak.bfinv.de
	Zolltechnische Prüfungs- und Lehranstalt Landsberger Straße 122 D-80339 München Postfach 12 06 20 D-80032 München	(49-89) 51 09-01	(49-89) 51 09-23 79, -23 39	poststelle@zplam.bfinv.de
Non-preferential origin:	Industrie- und Handelskammern Deutscher Industrie- und Handels- kammertag Breite Straße 29 D-11052 Berlin	(49-30) 203 08-23 20	(49-30) 203 08-5- 23 20	wolf.christoph@berlin.dihk.de
GREECE	Ministry of Economy and Finance General Direction of Customs and Excise Tariff Division Section: Preferential Regimes and Origin 10 Karageorgi Servias GR-101 84 Athens	(30-210) 324 51 22 (30-210) 324 54 07 (30-210) 322 47 96	(30-210) 324 54 08	gdt-dasmo@otenet.gr
IRELAND	Office of the Revenue Commissioners Customs Economic Procedures Unit St Conlon's Road Nenagh County Tipperary Ireland	(353-67) 442 60	(353-67) 443 88	jperry@revenue.ie

Member State	Customs authority	Telephone	Fax	E-mail
ITALY	Agenzia delle Dogane Area Gestione tributi e Rapporti con gli Utenti Ufficio applicazione tributi Via Mario Carucci, 71 I-00143 Roma	(39-06) 50 24 52 16	(39-06) 50 24 50 57	dogane.tributi.applicazione @finanze.it
LUXEMBOURG	Direction des douanes et accises Division douanes/valeur BP 1605 L-1016 Luxembourg	(352) 29 01 91-248	(352) 48 49 47	jean-claude.bofferding @do.etat.lu
NETHERLANDS	Douane Noord/kantoor Arnhem Afdeling Oorsprongszaken POB 9046 6800 GJ Arnhem Nederland	(31-26) 378 11 17 (31-26) 378 14 60	(31-26) 378 11 34	spin0143@worldonline.nl
PORTUGAL	Direcção-Geral das Alfândegas e dos Impostos Especiais Sobre o Consumo Rua da Alfândega, N.º 5 Divisão de Origens e valor Aduaneiro P-1194 Lisboa	(351-21) 881 38 68	(351-21) 881 39 85	dsta.dgaiec@telepac.pt
SPAIN	Departamento de Aduanas e Impuestos Especiales Avda. Llano Castellano, 17 E-28071 Madrid	(34) 917 28 98 54-55-35	(34) 913 58 47 21	gesadu@aeat.es
SWEDEN	Tullverket Huvudkontoret Tariffsektionen Box 12854 S-112 98 Stockholm	(46-8) 405 03 47 (46-8) 405 03 42	(46-8) 405 05 18	hans-wendin@tullverket.se annica.ericsonwaller@ tullverket.se
UNITED KINGDOM	HM Customs and Excise Customs and International Trade Operations Regional Assurance 5th Floor North Portcullis House 27 Victoria Avenue Southend on Sea Essex SS2 6AL United Kingdom	(44-1702) 36 19 40	(44-1702) 36 19 45	mark.attridge@hmce.gsi.gov.uk

**Notice published pursuant to Article 19(3) of Council Regulation No 17 in Case COMP/C.2/37.214  
— Joint selling of the media rights to the German Bundesliga**

(2003/C 261/07)

(Text with EEA relevance)

**1. THE NOTIFICATION**

1. On 25 August 1998 the German Football Federation (Deutsche Fußballbund (DFB)) applied for negative clearance or, failing this, an individual exemption under Article 81(3) of the EC Treaty in respect of the joint selling (or central marketing) of television and radio broadcasting rights and rights to other technical forms of exploitation<sup>(1)</sup> for matches in the first and second national football divisions ('Bundesliga' and '2. Bundesliga' respectively).
2. DFB is the German national football association. The League Association ('Ligaverband') is a member of the DFB. The members of the League Association are the professional clubs and companies in the first and second divisions ('the clubs'). The DFL (German Football League) conducts the operational business of its only shareholder, the League Association. Following the original notification, the DFB's application has been amended several times on account of internal structural reform and the setting-up of the League Association in 2001. The League Association adopted the DFB's amended notification as its own on 19 February 2003.
3. According to the DFB's articles of incorporation, the League Association is entitled to organise the professional league football competitions leased by the DFB and to exploit them exclusively in its own name<sup>(2)</sup>. This prevents the clubs, which are at least coowners of the broadcasting rights, from making independent commercial use of those rights.
4. The firm Infront Buli GmbH (Infront), still trading as BULI Vermarktungs GmbH (BULI), acquired almost all of the centrally sold rights by contract signed on 28 June 2002. At the time, BULI was a subsidiary of KirchMedia GmbH and Co. KGaA. It is no longer part of the Kirch group and its shares are now held by independent investors. As owner of the rights, Infront grants sublicences for television and other types of coverage of league matches.
5. The notified arrangement is permissible under German domestic law<sup>(3)</sup>.
6. After the originally notified arrangement was published, the Commission received comments from a number of third parties. The German and United Kingdom competition authorities took the view that central marketing constituted a restriction of competition and was not essential for club solidarity. Some of the larger clubs shared this view. However, the associations argued that only the notified arrangement allowed overall representation of the sports competition, its effective marketing and the necessary solidarity between clubs. Television broadcasters essentially agreed, stressing that they as users were interested in acquiring broadcasting rights for all matches, and that this would be more difficult if the rights were sold individually. A similar view was taken by sports-rights agents, which also felt that there was no distortion of competition on the other side of the market and no appreciable effect on trade within the meaning of Article 81(1) of the EC Treaty.
7. In the Commission's view, the central marketing system in place to date is incompatible with Article 81. It restricts competition on the upstream market for the acquisition of television rights for football matches played regularly and the corresponding rights for mobile telecommunications and internet broadcasting. It also restricts competition on the downstream television markets for free-TV and pay-TV and on the downstream markets where mobile telecommunications and internet providers compete for customers. Under the existing system, the first- and second-division clubs have no right to exploit their German football league games or to act as independent suppliers. Moreover, central marketing, together with the exclusive selling of all rights to one broadcaster, means that only a few broadcasters, or other content users have a chance of participating in the market.

<sup>(1)</sup> The joint selling right covers all types of broadcasting right: free-TV, pay-TV and pay-per-view TV terrestrial broadcasting, cable or satellite broadcasting; live or deferred broadcasting; showing of the entire event, of extracts or of compiled highlights; and radio. It also covers rights for all kinds of existing and future technical facilities such as UMTS, the internet or business-TV.

<sup>(2)</sup> The marketing of international club competitions is not covered. The selling of rights to UEFA Champions League games is thus covered by the decision of 23 July 2003 on the joint selling of the media rights of the UEFA Champions League on an exclusive basis (IP/03/1105).

<sup>(3)</sup> Under Section 31 of the German Law against Restraints of Competition, Section 1 of the same Law, which prohibits anticompetitive agreements, does not apply to the central marketing of rights to television broadcasting of sports competitions organised according to by-laws, by sports associations which, in the performance of their socio-political responsibilities, are committed also to promoting youth and amateur sports activities and which fulfil this commitment by allocating an adequate share of the income from the central marketing of these television rights.



8. The total exclusion of the clubs from marketing their matches is not necessary to achieve efficiency gains for content providers and clubs or other benefits of joint selling on media markets. Moreover, the duration and extent of the exclusive rights granted to date by the DFB/League Association to a single broadcaster cancel out any possible benefits. They strengthen the tendencies towards concentration in the media industry. The arrangement as originally notified also acts as a barrier to the development of football coverage via the new media, such as the internet and mobile telecommunications. Bundling together the sale of television rights and the sale of rights in respect of the new media discourages broadcasters from fully developing the markets in the new media because they wish to protect their traditional branch of business.
  9. In these circumstances, the League Association and the DFL presented the Commission on 10 June 2003 with a new plan which significantly amends the originally notified arrangement. In future, the League Association will market centrally packages of broadcasting rights under established and transparent rules. In addition, clubs will be able to sell certain rights individually. The Commission has come to the provisional conclusion that the new arrangement allays its concerns.
- ## 2. NEW MARKETING MODEL PROPOSED BY THE PARTIES
- ### 2.1. Central marketing
- #### 2.1.1. Award procedures
10. The rights will be offered in several packages via a transparent and non-discriminatory procedure. The public invitation to tender will be published four weeks before the start of the procedure. Tenderers will then have a further four weeks within which to bid for one or more packages. The rights will be awarded by the League Association or an authorised independent agent. An arbitration panel will be set up to handle disputes over the award procedure. The contracts to be concluded with the agent and the sublicense holders may not cover more than three seasons.
- #### 2.1.2. Television
11. Live broadcasts of first- and second-division matches will be offered in two packages. Package 1 includes the main match days of the two leagues (Saturday and Sunday), which can be broadcast in parallel and in full. Package 2 covers the other match days for both leagues (Sunday and Friday) with possible parallel broadcasting in full. Both packages also entitle the successful bidder to broadcast matches on the other days through a conference channel and can, in addition, include the right to deferred first-highlights coverage on pay-TV.
  12. A third package comprises live broadcasting rights to at least two first-division matches and to deferred first-highlights coverage on free-TV. A fourth package covers live second-division matches as well as deferred first-highlights coverage on free-TV. Secondary and tertiary exploitation rights are offered in a fifth package. Packages 3 to 5 can be awarded to several operators.
- #### 2.1.3. Internet, mobile communications and other
13. Package 6 covers live and/or deferred internet broadcasting of first- and second-division matches, in the form of extracts or in full. The right to deferred exploitation (without priority) is also included. This package will be specified in more detail by the League Association in the tender procedure and can be awarded to several operators. A seventh package comprises deferred highlights coverage and can also be awarded to several operators.
  14. Package 8 comprises live and/or near-live and/or deferred broadcasting rights for first- and/or second-division matches via mobile phones, whether in the form of extracts or in full. This package will be specified in more detail by the League Association in the tender procedure and can be awarded to several mobile communications operators. In this case, the League Association can ensure that the offers are mutually consistent as regards content. Package 9 comprises deferred mobile phone broadcasting rights in respect of extracts of first- and/or second-division matches.
  15. All other media rights not covered by packages 1 to 9 or by the exploitation rights of the clubs are combined in a further package that includes audio and moving picture rights for public productions, advertising and production of picture/sound carriers for end consumers (video, CD, DVD) and for computer-aided game and player analysis. This package can be awarded to several operators with variations in content.
- ## 2.2. Rights marketed by the clubs
- Under the new system, the clubs have the following exploitation rights.
- #### 2.2.1. Television
16. Every club can sell its home games to a free-TV broadcaster 24 hours after the match for one-off free-TV broadcasting of the full match.

### 2.2.2. Internet, mobile telecommunications and other

17. Every club can show a summary (not more than 30 minutes) of its home and away matches on its own internet website two hours after the end of the match. After 24 hours, the entire match can be shown. In the case of audio reporting via the internet, clubs can provide live, full coverage of home and away matches. Internet exploitation can also be assigned exclusively to a third party by way of 'outsourcing', but the presentation of the matches must be recognisably linked to the club.
18. Every club can sell to a mobile communications provider the rights to coverage of its home matches on mobile networks within the EEA. During a match, an unlimited number of one-minute deferred clips are allowed. Up to two hours after the end of the match, two-minute clips may be transmitted. After two hours, the entire match can be broadcast via mobile phone.
19. Every club can sell unlimited rights to freely receivable radio coverage of its home matches after the end of the game. Live coverage may not exceed ten minutes per half.
20. Clubs are also entitled to show limited moving picture coverage of their own matches (the match in progress or past matches) in the stadium (ten seconds of pre-goal play per goal during the match; three minutes of past play from the match in progress; three minutes from other matches in the current season). In addition, they are entitled to use moving picture material for advertising (30 seconds per match, where this does not interfere with the rights of other clubs or players), club-related picture/sound carriers (video, CD, DVD) for end-consumers or for their own computer-aided game and player analysis.

### 2.2.3. Rules for individual selling

21. The above rights may not be sold in such a way as to allow a user to produce a product which runs counter to the interests of the DFB and the League Association or of the holders of rights packages 1 to 9 in a uniform product or which undermines the benefits of branding and central marketing (one-stop shop). Where clubs individually sell exploitation rights, therefore, they may not bundle together more than two matches. For the same reason, coverage of a league match based on rights sold by the clubs may not exceed 30 % of the total coverage of a programme. However, if the coverage is broadcast via a club's broadcasting platform ('club-TV'), 100 % of the programme can be league-related. If club matches are broadcast via the platform of a third party (e.g. 'Club-TV Magazine' or 'Club-Radio Show'), league coverage can take up 50 % of the programme.

### 2.3. No unused rights

22. According to the parties' amended proposal, unused rights may be exploited by the clubs. However, the league

association remains entitled to parallel, non-exclusive marketing of the corresponding package.

- This applies when the League Association has failed to sell certain rights covered by the joint selling procedure. If, on completion of the fourth fixture of the season, no agreement has been concluded with a user for one of the above packages as defined, the clubs themselves, from the fifth fixture until the end of the season, may exploit the rights from the unused package in respect of their home games. The conditions outlined in Section 2.2.3 must be met.
- Clubs are also entitled to sell rights where the holder of those rights, for no objective reason, fails to use them, i.e. where on more than two match days in a season he does not exploit the number of matches allocated to him or does not do so in the form (live, near live, deferred) or to the extent laid down. The rights holder must immediately inform the League Association so that the clubs can be informed and use their rights.

### 2.4. Transitional phase

23. The amendments relating to television will enter into force on 1 July 2006. All other amendments will apply from 1 July 2004. These transitional phases will allow successive account to be taken of competition concerns, without interfering with the smooth operation of the first and second divisions of the Bundesliga.
24. The licensing agreements to be concluded are not covered by the marketing model outlined above. The Commission reserves the rights to scrutinise them separately in the light of Community law, especially if several of the centrally marketed packages comprising exclusive rights are acquired in combination by a single operator.

## 3. THE COMMISSION'S INTENTIONS

25. The amended arrangement is likely to bring benefits for consumers which outweigh the competition concerns. The Commission therefore intends to take a favourable view of the amended arrangement notified. However, before doing so, it invites interested third parties to submit their comments within one month of the publication of this notice to the following address, quoting the reference 'Case No 37.214 — Joint selling of the media rights to the German Bundesliga':

European Commission  
 Directorate-General for Competition  
 Directorate C-2  
 B-1049 Brussels  
 Fax (32-2) 296 98 04  
 E-Mail: Stefan.WILBERT@cec.eu.int

**UNIFORM APPLICATION OF THE COMBINED NOMENCLATURE (CN)****(Classification of goods)**

(2003/C 261/08)

**Explanatory notes adopted in accordance with the procedure defined in Article 10 of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, as last amended by Regulation (EC) No 2176/2002<sup>(2)</sup>**

The 'Explanatory Notes to the combined nomenclature of the European Communities'<sup>(3)</sup> are amended as follows:

Page 24

**0210 Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal**

The existing text of the second paragraph shall be replaced by the following:

'As regards the terms "dried or smoked" and "salted, in brine", see Additional Notes 2 (E) and 7 to this chapter.'

Page 111

**2707 99 50 Basic products**

Point 2: 'subheading 2933 39 99' is to be replaced by: 'subheading 2933 39'

Page 128

**General****Note 1(a)**

Point 16: 'subheading 2933 39 99' is to be replaced by: 'subheading 2933 39'

Page 160

**3809 91 00 Other  
to  
3809 93 00**

**The text of the existing Explanatory Note:**

'These subheadings cover the products and preparations, not containing amylaceous substances, described in the HS Explanatory Notes to heading 3809, third paragraph, (A), (B) and (C).'

is to be replaced by the following text:

'These subheadings cover the products and the preparations described in the HS Explanatory Notes to heading 3809, third paragraph, (A), (B) and (C), only if amylaceous substances do not form the basis of these products and preparations.'

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<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 331, 7.12.2002, p. 3.

<sup>(3)</sup> OJ C 256, 23.10.2002, p. 1.

**Prior notification of a concentration****(Case COMP/M.3283 — Ferroser/Teris/Ecocat)****Candidate case for simplified procedure**

(2003/C 261/09)

**(Text with EEA relevance)**

1. On 21 October 2003 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which Ferrovia Services, SA ('Ferroser', Germany), belonging to the group Ferrovia and Teris, SA, ('Teris', France), belonging to the group Suez, acquire within the meaning of Article 3(1)(b) of the Regulation joint control of the undertaking Ecocat, SL, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Ferroser: urban services (street cleaning, waste management and water supply), building, infrastructure and facility maintenance and management,
- Teris: hazardous waste management and soil detoxication,
- Ecocat: hazardous waste management and soil detoxication.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Regulation (EEC) No 4064/89 <sup>(3)</sup>, it should be noted that this case is a candidate for treatment under the procedure set out in the notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3283 — Ferroser/Teris/Ecocat, to:

European Commission,  
Directorate-General for Competition  
Merger Registry,  
J-70,  
B-1049 Brussels.

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

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

<sup>(3)</sup> OJ C 217, 29.7.2000, p. 32.

**Prior notification of a concentration****(Case COMP/M.3293 — Shell/BEB)**

(2003/C 261/10)

**(Text with EEA relevance)**

1. On 22 October 2003 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertaking Shell Erdgasbeteiligungsgesellschaft mbH ('Shell'), Germany, belonging to the Shell Group acquires within the meaning of Article 3(1)(b) of the Regulation sole control of one half of the gas marketing business ('Shell basket'), Germany, of the undertaking BEB Erdgas und Erdöl GmbH ('BEB'), Germany, by transfer of assets.

2. The business activities of the undertakings concerned are:

- Shell: production and sale of oil, natural gas, oil products, chemicals and power generation and renewable energy,
- Shell basket: marketing of natural gas; BEB will remain active in production, purchase, transmission and storage of natural gas.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3293 — Shell/BEB, to:

European Commission,  
Directorate-General for Competition  
Merger Registry,  
J-70,  
B-1049 Brussels.

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

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

**Initiation of proceedings****(Case COMP/M.3093 — INA/AIG/SNFA)**

(2003/C 261/11)

**(Text with EEA relevance)**

On 23 October 2003 the Commission decided to initiate proceedings in the abovementioned case after finding that the notified concentration raises serious doubts as to its compatibility with the common market. The initiation of proceedings opens a second phase investigation with regard to the notified concentration. The decision is based on Article 6(1)(c) of Council Regulation (EEC) No 4064/89.

The Commission invites interested third parties to submit their observations on the proposed concentration to the Commission.

In order to be taken fully into account in the procedure, observations should reach the Commission not later than 15 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3093 — INA/AIG/SNFA, to:

European Commission,  
Competition DG,  
Directorate B — Merger Task Force,  
J-70,  
B-1049 Brussels.

**Commission communication in the framework of the implementation of Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 in relation to recreational craft <sup>(1)</sup>**

(2003/C 261/12)

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

ESO <sup>(1)</sup>	Reference and title of the standard	Reference document	Reference of the superseded standard	Date of cessation of presumption of conformity of the superseded standard Note 1
CEN	Small craft — Liquid-fuelled galley stoves (ISO 14895:2000)	EN ISO 14895:2003	None	—
CEN	Small craft — Bilge-pumping systems (ISO 15083:2003)	EN ISO 15083:2003	None	—
CEN	Small craft — Man-overboard prevention and recovery (ISO 15085:2003)	EN ISO 15085:2003	None	—

<sup>(1)</sup> ESO (European standardisation organisations):

— CEN: rue de Stassart 36, B-1050 Brussels; tel. (32-2) 550 08 11, fax (32-2) 550 08 19 (<http://www.cenorm.be>)

— Cenelec: rue de Stassart 35, B-1050 Brussels; tel. (32-2) 519 68 71, fax (32-2) 519 69 19 (<http://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 (<http://www.etsi.org>).

Note 1: Generally the date of cessation of presumption of conformity will be the date of withdrawal ('dow'), set by the European Standardisation Organisation, but attention of users of these standards is drawn to the fact that in certain exceptional cases this can be otherwise.

<sup>(1)</sup> OJ L 164, 30.6.1994, p. 15.

## III

*(Notices)*

## EUROPEAN PARLIAMENT

**Minutes of the session from 10 to 13 June 2002 published in the *Official Journal of the European Union* C 261 E**

(2003/C 261/13)

These texts are available on:

**EUR-Lex:** <http://europa.eu.int/eur-lex>

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# COMMISSION

## LEONARDO DA VINCI PROGRAMME

### Second phase (2000 to 2006)

#### Call for proposals EAC/72/03 — Transfer of innovation from the Leonardo da Vinci programme

(2003/C 261/14)

#### Notice of publication of a call for proposals on the Internet:

[http://europa.eu.int/comm/education/programmes/leonardo/new/leonardo2\\_en.html](http://europa.eu.int/comm/education/programmes/leonardo/new/leonardo2_en.html)

1. **Definition:** The aim of this call for proposals is the transfer to and by various structures (private and public training centres, companies, schools, etc.) of innovative content developed under the Leonardo da Vinci I and II programmes.

The applicant will have to choose **at least two final products from the LdV I and II programmes**, analyse, adapt, test/exploit, transfer and integrate them in the vocational training practice of one or more public or private entities in at least one other participating European country <sup>(1)</sup>.

2. **Duration of the projects:** 12 months maximum.
3. **Start of the work:** 1 May 2004 (signature of the contracts: April 2004).
4. **Date of closure of the award procedure:** 30 April 2004.
5. **Number of projects to be funded:** about five.
6. **Selection procedure:** Proposals will be evaluated by independent external experts appointed by the Commission.
7. **Funding:** Maximum of 50 % of the eligible expenditure, with a ceiling of EUR 150 000 per project. Total budget available: around EUR 600 000.
8. **Deadline for the submission of proposals:** 15 January 2004 (as evidenced by the postmark).

**The full text of the call for proposals and the application forms can be downloaded from the Leonardo da Vinci site:**

[http://europa.eu.int/comm/education/programmes/leonardo/new/leonardo2\\_en.html](http://europa.eu.int/comm/education/programmes/leonardo/new/leonardo2_en.html)

**For more information, please contact:** Unité-B3@cec.eu.int

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<sup>(1)</sup> The 15 Member States of the European Union, the EFTA /EEA countries (Iceland, Liechtenstein, Norway), Cyprus, Malta and the associated countries of central and eastern Europe: Bulgaria, Czech Republic, Estonia, Hungary, Lithuania, Latvia, Poland, Rumania, Slovakia and Slovenia.



**NOTICE**

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