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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

11 May 2004

(2004/C 134/01)

1 euro =

Currency			Exchange rate	Currency			Exchange rate
USD	US dollar		1,1804	LVL	Latvian lats		0,652
JPY	Japanese yen		134,32	MTL	Maltese lira		0,4254
DKK	Danish krone		7,441	PLN	Polish zloty		4,7517
GBP	Pound sterling		0,672	ROL	Romanian leu		40 528
SEK	Swedish krona		9,1703	SIT	Slovenian tolar		238,68
CHF	Swiss franc		1,5426	SKK	Slovak koruna		40,295
ISK	Iceland króna		87,97	TRL	Turkish lira		1 826 500
NOK	Norwegian krone		8,197	AUD	Australian dollar		1,7009
BGN	Bulgarian lev		1,9461	CAD	Canadian dollar		1,6419
CYP	Cyprus pound		0,5863	HKD	Hong Kong dollar		9,2071
CZK	Czech koruna		32,178	NZD	New Zealand dollar		1,9529
EEK	Estonian kroon		15,6466	SGD	Singapore dollar		2,0365
HUF	Hungarian forint		254,20	KRW	South Korean won		1 402,61
LTL	Lithuanian litas		3,4527	ZAR	South African rand		8,222

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

Prior notification of a concentration
(Case No. COMP/M.3390 Thales/ Diehl/ DLE)
Candidate case for simplified procedure
(2004/C 134/02)
(Text with EEA relevance)

1. On 30.04.2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertakings Thales S.A. ('Thales', France) and Diehl Stiftung & Co. ('Diehl', Germany) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the German undertaking Diehl Luftfahrt elektronik GmbH ('DLE'), currently solely controlled by Diehl, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for undertaking Thales: professional electronics and defence systems, including avionics for civil and military aircraft
 - for undertaking Diehl: diversified industrial group with activities, among others, in aviation equipment
 - for undertaking DLE: civil aviation and defence technology products, particularly in the fields of aircraft lighting, cabin systems and electronic equipment for pyrotechnical simulation
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 Council Regulation (EEC) No 4064/89 ⁽³⁾ 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 to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax no. +32/2/2964301 or 2967244) or by post, under reference number COMP/M.3390 Thales/ Diehl/ DLE, to the following address:

European Commission
Directorate-General for Competition,
Merger Registry
J-70
B-1049 Bruxelles/Brussel

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

⁽²⁾ OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Prior notification of a concentration
(Case No. COMP/M.3453-CTS/HGK/Knapsack/JV)

Candidate case for simplified procedure

(2004/C 134/03)

(Text with EEA relevance)

1. On 30.04.2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking Container-Terminal GmbH Rhein-See-Land-Service ('CTS') controlled by Imperial Holding Ltd., the undertaking Häfen-und Güterverkehr Köln AG ('HGK') controlled by Stadtwerke Köln GmbH, and the undertaking InfraServ GmbH&Co. Knapsack KG ('Infra-Serv Knapsack') controlled by BASF GmbH, Royal Dutch Shell Group, Celanese AG and Clariant AG acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Knapsack Cargo GmbH ('KCG') by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for undertaking CTS: Running of a container terminal, cargo handling services and related services,
 - for undertaking HGK: Running of ports, port cargo handling services, rail traffic, rail cargo transport,
 - for undertaking InfraServ Knapsack: Running of an industrial park for chemical companies,
 - for undertaking KCG: Running of a container terminal, cargo handling services and related services
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 Council Regulation (EEC) No 4064/89 ⁽³⁾ 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 to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax no. +32/2/2964301 or 2967244) or by post, under reference number COMP/M.3453-CTS/HGK/Knapsack/JV, to the following address:

European Commission
Directorate-General for Competition,
Merger Registry
J-70
B-1049 Bruxelles/Brussel

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

⁽²⁾ OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Prior notification of a concentration
(Case No. COMP/M.3420 - GIMD / SOCPRESSE)

(2004/C 134/04)

(Text with EEA relevance)

1. On 30/04/2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking Groupe Industriel Marcel Dassault ('GIMD', France), controlled by the family Dassault acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Socpresse (France) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for undertaking GIMD: press magazines publishing and newspapers printing, aeronautics and computer services.
 - for undertaking Socpresse: publishing of daily national and regional newspapers, press magazines and free ads newspapers, printing and distribution of newspapers and magazines in the Paris area.
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 to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax no. +32/2/2964301 or 2967244) or by post, under reference number COMP/M.3420 - GIMD / SOCPRESSE, to the following address:

European Commission
Directorate-General for Competition,
Merger Registry
J-70
B-1049 Bruxelles/Brussel

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

⁽²⁾ OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

Prior notification of a concentration**(Case No. COMP/M.3346 NYK Reefers/LauritzenCool/LCL JV)****Candidate case for simplified procedure**

(2004/C 134/05)

(Text with EEA relevance)

1. On 30.4.2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking NYK Reefers Limited ('NYK Reefers', UK) belonging to the Japanese NYK Group, acquires within the meaning of Article 3(1)(b) of the Council Regulation joint control of LauritzenCool Logistics AB ('LCL', Sweden) by way of purchase of 50 % of the shares in LCL from LauritzenCool AB ('LauCool', Sweden).
2. The business activities of the undertakings concerned are:
 - for NYK Reefers: operation of refrigerated vessels,
 - for NYK Group: global logistics,
 - for LCL: door-to-door services for the transport of perishable goods,
 - for LauCool: international trade in the transport of perishable goods.
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 Council Regulation (EEC) No 4064/89 ⁽³⁾ 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 to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax no. +32/2/2964301 or 2967244) or by post, under reference number COMP/M.3346 NYK Reefers/LauritzenCool/LCL JV to the following address:

European Commission
Directorate-General for Competition,
Merger Registry
J-70
B-1049 Bruxelles/Brussel

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

⁽²⁾ OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

EUROPEAN CENTRAL BANK

COOPERATION AGREEMENT

between The European Central Bank - ECB – and The International Criminal Police Organisation - INTERPOL

(2004/C 134/06)

PREAMBLE

The International Criminal Police Organisation – Interpol, ('Interpol'), an international organisation having its seat at 200, quai Charles de Gaulle, 69006 Lyon, France, represented by its Secretary General, Ronald K. Noble,

and

The European Central Bank (the 'ECB'), having its headquarters at Kaiserstrasse 29, D-60311 Frankfurt am Main, Germany, represented by its President, Jean-Claude Trichet,

Referred to collectively as the 'Parties' or individually as a 'Party',

Sharing a joint determination to combat the threats arising from the counterfeiting of the euro in general, and wanting to co-ordinate their efforts within the framework of the missions assigned to them, and to cooperate, within their respective competencies, in particular in the field of detection of counterfeit euro banknotes,

Recognising that Interpol is responsible for ensuring and promoting the widest possible mutual assistance between the criminal police authorities within the limits of the laws existing in the countries concerned and in the spirit of the Universal Declaration of Human Rights,

Considering that Interpol has helped to develop direct international cooperation in the prevention and punishment of counterfeiting currency as provided for in the International Convention for the Suppression of Counterfeiting Currency, signed at Geneva on 20 April 1929 ⁽¹⁾,

Recalling that the ECB has the exclusive right to authorise the issue of banknotes within those Member States of the European Union that have adopted the euro as their single currency and that this exclusive right includes the responsibility for the protection of the euro against counterfeiting,

Acknowledging that the ECB has an active role in the prevention and detection of the counterfeiting of the euro,

Noting that Guideline ECB/1999/3 on certain provisions regarding euro banknotes, as amended on 26 August 1999 ⁽²⁾, established the Counterfeit Analysis Centre ('CAC') within the ECB, in order to centralise the technical analysis of counterfeit euro banknotes and data relating to the counterfeiting of the euro; that the Counterfeit Currency Database ('CCD') of the ECB, also established by Guideline ECB/1999/3, has been renamed the Counterfeit Monitoring System by Decision ECB/2001/11 of 8 November 2001 on certain conditions regarding access to the Counterfeit Monitoring System ('CMS') ⁽³⁾; and that Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting ⁽⁴⁾, in particular Article 3 thereof, provides that the ECB shall gather and store technical and statistical data relating to counterfeit euro banknotes and coins discovered in non-member countries,

⁽¹⁾ League of Nations Treaty Series 1931, No 2623, p. 372.

⁽²⁾ OJ L 258, 5.10.1999, p. 32.

⁽³⁾ OJ L 337, 20.12.2001, p. 49.

⁽⁴⁾ OJ L 181, 4.7.2001, p. 6.

Taking into account that authorised users of the Interpol communications system currently include Interpol's National Central Bureaus and sub-bureaus, sub-regional Bureaus, the Bangkok Liaison Office, and the United Nations Interim Administration Mission in Kosovo and that authorised users of the CMS are the competent national authorities of the Member States of the European Union including the National Analysis Centres and Coin National Analysis Centres, as well as in accordance with Council Regulation (EC) No 1338/2001 and following the conclusion of appropriate bilateral arrangements and agreements, the European Commission, the European Technical and Scientific Centre, the European Police Office (Europol) and the designated authorities or centres of third countries,

Noting that the ECB may also provide for future access by Interpol to the CMS on terms to be decided by the Parties, and

Having obtained the approval of the Governing Council of the ECB for the contents of this Agreement on 22 May 2003 and the approval of the General Assembly of Interpol for the contents of the Agreement on 1 October 2003,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

1. The purpose of this Agreement is to establish a framework for cooperation between the Parties, within their respective competencies and subject to their respective rules and regulations, thus facilitating the prevention and detection of the counterfeiting of euro banknotes throughout the world, in particular in countries not belonging to the European Union.

2. This Agreement is complementary to the Agreements and other arrangements between Interpol and Europol, as well as to those between the ECB and Europol. Its terms are without prejudice to the Agreement between Interpol and Europol, signed on 5 November 2001 or to the Joint initiative of the Secretary General of Interpol and the Director of Europol on combating the counterfeiting of currency, in particular the euro, signed on 5 November 2001. Furthermore, this Agreement does not affect either the cooperation under or the procedures based on the Agreement between Europol and the ECB, signed on 13 December 2001⁽⁹⁾ and it is without prejudice to the rights and obligations established in the said Agreement. In the event that this Agreement does contradict any of the aforementioned Agreements or arrangements the procedure for the settlement of disputes laid down in Article 10 shall apply.

Article 2

Exchange of information

1. Subject to the Parties' internal rules and regulations and to such arrangements as may be necessary for the safeguarding of confidential information, exchange of information and documents concerning matters of common interest as indicated in Article 1(1), shall take place between the Parties for the purpose of and in accordance with the provisions of this Agreement, and shall not include data related to an identified individual or identifiable individuals.

2. If an item of information communicated by one Party to the other is modified or deleted, the sending Party shall promptly inform the receiving Party.

Article 3

Obligations of Interpol

1. To the extent that the following obligations relate to information or material received by Interpol through official channels from one of its Members, Interpol's obligation to send the information or material to the ECB shall be contingent on Interpol having received prior authorisation from the Member concerned for the release of the information or material to the ECB. Interpol shall endeavour to obtain a general ex ante authorisation, which might be withdrawn by the relevant Member in specific cases.

2. Whenever Interpol receives information concerning a new type of euro banknote counterfeit, it shall promptly inform the ECB by telephone or any other means agreed upon by the Parties.

3. Interpol shall promptly send samples of any new type of euro banknote counterfeit received by it or otherwise in its possession to the ECB. If possible, Interpol shall provide the ECB with sufficient samples to allow further distribution to the National Analysis Centres of the Member States of the European Union.

4. The samples shall be accompanied by a report including, if available, the following information:

- (a) the total number of the counterfeits that have been seized or recovered;
- (b) the date and location of the seizures or recoveries; and,
- (c) an assessment of whether or not the source of the counterfeits has been identified by the competent authority.

5. If for any reason it is not possible for Interpol to send the ECB any of the samples referred to in paragraph 3, it shall instead send scanned images of such samples together with a completed form 'Reported Euro Counterfeits' as specified in the Annex.

⁽⁹⁾ OJ C 23, 25.1.2002, p. 9.

*Article 4***Obligations of the ECB**

1. The ECB shall provide Interpol with information regarding the technical specifications and technical features of genuine euro banknotes.
2. The ECB shall provide Interpol with sufficient statistical and technical data relating to counterfeit euro banknotes, including, in appropriate cases, detailed technical analyses of counterfeit euro banknotes that have been classified as common classes of counterfeits so as to enable Interpol to identify them.
3. The ECB shall provide Interpol with any relevant information available to it, including the results of any analysis concerning samples sent to the ECB by Interpol pursuant to Article 3.
4. The ECB shall ensure that the samples sent to it by Interpol are kept in safe custody. At the request of Interpol, the ECB shall return the samples received from Interpol using a mutually agreed means of delivery.
5. The ECB shall be responsible for courier costs incurred by Interpol in transmitting information, documents, or other material to the ECB under the terms of this Agreement.
6. The ECB may provide Interpol with additional technical assistance within the scope of this Agreement.

*Article 5***Training activities**

The Parties shall coordinate their respective training activities insofar as such training concerns the prevention and detection of the counterfeiting of euro banknotes. The ECB may provide technical assistance for such training in cooperation with Interpol.

*Article 6***Contact persons**

1. The contact persons for the purposes of this Agreement shall be agreed by means of an exchange of letters between the ECB and Interpol.
2. The Parties may agree separately to make an ECB liaison officer available to Interpol for purposes consistent with this Agreement.

*Article 7***Security and confidentiality**

1. The Parties shall ensure that all information received on the basis of this Agreement, as well as the processing of such information, shall be subject to security and confidentiality standards that are at least equivalent to the standards applied by the originating Party to such information.

2. The Parties shall inform each other by means of an exchange of letters of their respective security and confidentiality requirements. To this end, they may establish a comparison table showing the equivalence of the requirements and levels of protection, referred to in the previous paragraph.

3. Interpol may forward information it has received from the ECB pursuant to this Agreement to an authorised user of the Interpol communications system without prior express permission from the ECB. Any information so forwarded shall be subject to the same restrictions on use and further dissemination as are applicable to Interpol.

4. The ECB may forward information that it has received from Interpol pursuant to this Agreement to authorized CMS users without prior express permission from Interpol. Any information so forwarded shall be subject to the same restrictions on use and further dissemination as are applicable to the ECB.

5. The Parties may specify additional restrictions on the use or dissemination of information that is provided under the terms of this Agreement. The receiving Party shall be obliged to comply with any such restrictions.

6. Except as provided herein, a Party shall not forward information, documents or samples that it has received from the other Party to a third party without the prior, express, written consent of the Party that provided the information, documents or samples.

*Article 8***Liability**

If damage is caused to one Party or to an individual as a result of the unauthorised dissemination of information or the provision of incorrect information under this Agreement by the other Party, that Party shall be liable for such damage. The determination and compensation of damage between the Parties under this Article shall be established in accordance with the procedure laid down in Article 10.

*Article 9***Privileges and immunities**

Nothing stated in this Agreement shall be construed as a waiver of any privileges or immunities of either Party.

*Article 10***Settlement of disputes**

Any dispute between the Parties concerning the interpretation or application of this Agreement, which can not be settled amicably between the President of the ECB and the Secretary General of Interpol, may be referred for advice to an ad hoc Committee at the request of the President of the ECB or the Secretary General of Interpol. The Committee, which shall comprise no more than 3 members of the Executive Board of the ECB and 3 members of the Executive Committee of Interpol, shall draw up its own rules of procedure. The Committee's advice will be submitted to the President of the ECB and the Secretary General of Interpol.

*Article 11***Final provisions**

1. Either Party may terminate the present Agreement by notifying the other Party in writing. The termination shall be effective 30 days after it is delivered to the receiving Party, unless otherwise agreed to by the Parties in writing.

2. The obligation concerning security and confidentiality of information, referred to in Article 7, the obligation to return samples, referred to in Article 4(4), and the obligation concerning settlement of disputes, referred to in Article 10, shall continue to be binding on both Parties after the termination of the Agreement.

3. The Annex to this Agreement shall form an integral part thereof.

4. This Agreement shall be drawn up in two copies in the English language, each copy being equally authentic.

5. This Agreement shall enter into force on the day following its signature by both parties.

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

For the ECB

Jean-Claude TRICHET

President

Date: 29.3.04

For the ICPO-Interpol

Ronald K. NOBLE

Secretary General

Date: 3.3.04

ANNEX

SPECIFICATIONS FOR TRANSMISSION OF IMAGES OF COUNTERFEIT EURO BANKNOTES

Each electronic transmission of counterfeit euro banknotes should include:

- the entire front of the note, shown flat and undistorted, scanned as a 24-bit bitmap image at a resolution of not less than 150 dots per inch (dpi), and
- the entire reverse of the note, shown flat and undistorted, scanned as a 24-bit bitmap image at a resolution of not less than 150 dpi, and
- any areas of special interest (e.g. microtext) should also be scanned as a 24-bit bitmap image at a resolution of 300 dpi.

All files sent electronically must be encrypted using an encryption system that is agreed upon by the Parties.

FORM REPORTED EURO COUNTERFEITS ⁽¹⁾

⁽¹⁾ For reasons of confidentiality, this form will not be published.

OPINION OF THE EUROPEAN CENTRAL BANK**of 16 April 2004****at the request of the Council of the European Union on a proposal for a Council regulation concerning medals and tokens similar to euro coins****(COM(2004) 39 final)****(CON/2004/13)****(2004/C 134/07)**

1. On 16 February 2004 the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a Council regulation concerning medals and tokens similar to euro coins (hereinafter the 'proposed regulation').
2. The ECB's competence to deliver an opinion is based on Article 123(4) of the Treaty establishing the European Community. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

tion and sale, and the importation and distribution for sale or other commercial purposes of medal and tokens that have certain visual characteristics or are of a specified size similar to euro coins. The ECB supports the need for further action at Community level in this field and welcomes the fact that the Commission has chosen to regulate by means of a regulation. This approach will ensure the harmonised application of the protective rules laid down in the proposed regulation throughout the European Union and guarantee a sufficiently level playing field for all economic agents engaged in the activity of producing, distributing, importing or selling medals and tokens. Furthermore, the ECB considers that the adoption of the proposed regulation is an appropriate measure to ensure the integrity of euro coins as a means of payment.

General considerations

3. According to the Commission's explanatory memorandum the proposed regulation regulates the use of the terms 'euro' and 'euro cent' and of the euro symbol (€) on metallic objects having the appearance and/or technical properties of coins (medals and tokens) and defines the levels of similarity to euro coins that should be prohibited for medals and tokens. The purpose of the proposed regulation is to protect the general public against fraud and confusion relating to euro coins as the general public could believe that medals and tokens have legal tender status if the words 'euro' or 'euro cent' or the euro symbol appear on them, and medals and tokens could be fraudulently used in coin-operated machines, if their size and properties are similar to those of euro coins. At the same time the proposed regulation establishes a level playing field for producing such medals and tokens. The ECB agrees with the objectives underlying the proposed regulation and shares the concerns regarding the risks of confusion and/or fraud that medals and tokens similar to euro coins raise.
4. The ECB understands that the proposed regulation results from the Commission's assessment of the need for further action at Community level, as provided for in the final sentence of Article 3 of Commission Recommendation 2002/664/EC of 19 August 2002 concerning medals and tokens similar to euro coins (hereinafter the 'Recommendation')⁽¹⁾. The proposed regulation will prohibit the produc-

Detailed considerations

5. The proposed regulation starts by laying down a set of definitions. The ECB notes that the definition of 'medals and tokens' laid down in Article 1(c) of the proposed regulation improves upon the definition in Article 1(c) of the Recommendation. In particular, the new definition specifically excludes from its scope blanks intended for striking coins. Furthermore, it now includes medals and tokens that have the technical properties of coins and not just those which look like coins. In this respect, the ECB welcomes the accuracy and the broad scope of application of the new definition of 'medals and tokens' which provides legal certainty and will enable the effective application of the proposed regulation.
6. With reference to the list of designated authorities in Annex II although the ECB acknowledges that it is likely that the national designated authorities will be the Member States' authorities responsible for minting coins, the ECB considers that Member States might wish to designate different authorities for the purposes of the proposed regulation. The ECB therefore proposes that the Member States indicate their 'designated authorities' once the proposed regulation has been adopted.

⁽¹⁾ OJ L 225, 22.8.2002, p. 34.

7. The ECB welcomes the definition of 'reference band' included in Article 1(g) of the proposed regulation by reference to the meaning given in Section 1 of Annex III. Section 1(a) defines the reference band for the size of medals and tokens as the 'set of combinations between the values for diameter and values for edge height included in the reference range for diameter and the reference range for edge height respectively'. Section 1(b) and (c) provide the technical specifications of the 'reference range for diameter' and the 'reference range for edge height'. The ECB considers that including a definition of 'reference band' in the proposed regulation enhances legal certainty in the application of the proposed regulation as it lays down the technical specifications for determining prohibited medals and tokens and therefore enables the general public, in particular manufacturers and retailers, to be aware of their legal obligations when producing and/or selling medals and tokens.
8. The ECB welcomes the protective provisions laid down in Article 2 of the proposed regulation. They cover situations where, either because of their appearance or size, medals or tokens could be mistaken for authentic euro coins. In particular, the ECB notes that a clear distinction is made in Article 2(a) and (b) between medals and tokens bearing the terms 'euro', 'euro cent' or the euro symbol and those that simply fall within the reference band, regardless of whether they bear such terms or symbol. In this regard, the prohibition of production and sale and of importation and distribution for sale or other commercial purposes of both categories of medals and tokens appears sufficient to prevent any risk of confusion among the general public. These same considerations on preventing any risk of confusion apply to the prohibition in Article 2(c) of the proposed regulation regarding medals and tokens bearing any design on their surface that is 'similar to any of the national obverse designs or to the common reverse face of euro coins, or being identical or similar to the edge design of the 2-euro coin'. The ECB notes, however, that the reference to a 'symbol close to the euro symbol combined with an indication of nominal value', as established in Article 2(b) of the Recommendation, is not included in Article 2 of the proposed regulation. The ECB would recommend retaining this reference in the proposed regulation as the use of such symbols could also confuse the general public. The ECB believes that including this reference would broaden the scope and enhance the effectiveness of the protective provisions.
9. Article 3 of the proposed regulation establishes exemptions from the protective measures analysed above. The ECB notes that this provision covers medals and tokens which cannot be mistaken for euro coins either because their size is outside the reference band, even though they bear the terms 'euro' or 'euro cent' or the euro symbol without an associated nominal value, or where their size is inside the reference band, because of their shape or composition. The ECB understands that such medals and tokens are considered to raise only very marginal risks of confusion and should be permitted.
10. Article 4 of the proposed regulation provides for a derogation system by means of authorisations granted by the designated authorities in the Member State where a medal or token is produced or first imported, or the Commission in the case of requests from third countries. The ECB notes that the authorisations granted pursuant to Article 4(1) would allow the use of the terms 'euro' or 'euro cent' under controlled conditions of utilisation in cases where no risk of confusion exists. However, Article 4(1) does not provide for specific derogations to authorise the use of the euro symbol. The ECB sees no justifiable reason for differentiating between the use of the euro symbol and that of the terms 'euro' and 'euro cent'. Furthermore, in relation to Article 4(1) the Commission's explanatory memorandum expressly refers to specific derogations from Article 2(a) when, inter alia, the use of 'the...euro symbol is practical'. The ECB therefore recommends including a reference to the euro symbol in Article 4(1) of the proposed regulation. The ECB also understands that where such an authorisation is granted the economic agent concerned within a Member State must be clearly identifiable on the surface of the medal or token and the indication 'Not legal tender' must be stamped on the obverse or the reverse of the medal or token. In this regard, the ECB would recommend that Article 4(1) include a reference to the minimum size of the words 'Not legal tender', as in the absence of such a specification there is a risk that barely legible lettering could be used. Furthermore, the ECB notes that the authorisations to be awarded under Article 4(2) concern medals and tokens whose size is inside the reference band, provided that no risk of confusion exists and that conditions on the combinations of diameter and edge height and the combinations of diameter and metal properties are met. The ECB does not have any objections to the system of derogation established in Article 4 of the proposed regulation, as the medals and tokens authorised under it must abide by stringent visual or physical conditions so as to eliminate any possible risk of confusion.

11. The ECB notes that Article 4(3) of the proposed regulation gives the designated Member State authority or the Commission, as the case may be, the competence to declare whether a design is similar to any of the national obverse designs or to the common reverse face of euro coins, or to the edge design of the 2-euro coin. While welcoming the content of this provision, the ECB would like to draw the Council's attention to the fact that it does not constitute a derogation to the protective provisions laid down in Article 2 of the proposed regulation but rather a declaratory power attributed either to the Member States' authorities or the Commission. In the interests of legal coherence and certainty in the application of the proposed regulation, the ECB would recommend moving the third paragraph of Article 4 to Article 2.
12. The ECB notes that Article 5(2) of the proposed regulation contains a transitional provision allowing medals and tokens issued prior to the entry into force of the proposed regulation but not complying with its provisions to continue to be used until the end of 2012, at the latest.

The ECB understands this provision as being necessary to fulfil the legitimate expectations of the proprietors and/or holders of such medals and tokens.

13. The ECB notes that Article 6 of the proposed regulation obliges the Member States to lay down effective, proportionate and dissuasive laws, regulations and administrative provisions on the penalties applicable to infringements of the proposed regulation by 1 January 2005. The ECB welcomes this provision, as the adoption of a legal framework for sanctions at Member State level is indisputably necessary to guarantee the effective application of the provisions of the proposed regulation.

Done at Frankfurt am Main, 16 April 2004.

The President of the ECB
Jean-Claude TRICHET

OPINION OF THE EUROPEAN CENTRAL BANK**of 19 April 2004****at the request of the Council of the European Union concerning a proposal for a Council regulation concerning the compilation and transmission of data on the quarterly government debt****(COM(2003) 761 final)****(CON/2004/14)****(2004/C 134/08)**

1. On 5 March 2004, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a Council regulation concerning the compilation and transmission of data on the quarterly government debt (hereinafter the 'proposed regulation').
2. The ECB's competence to deliver an opinion is based on Article 105(4) of the Treaty establishing the European Community, as the data that will be compiled and transmitted in accordance with the proposed regulation will broaden the coverage of quarterly government data available for ECB monetary policy analysis. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the ECB, the Governing Council has adopted this opinion.
3. The objective of the proposed regulation is the compilation and transmission of quarterly data on government debt as defined in Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community⁽¹⁾. The proposed regulation does not alter the existing reporting requirements in the context of the excessive deficit procedure.
4. The ECB welcomes the proposed regulation as the data to be compiled under it will complement the sets of quarterly public finance statistics foreseen in the Action Plan on Economic and Monetary Union (EMU) Statistical Requirements (hereinafter the 'EMU Action Plan'), established at the request of the Ecofin Council by the European Commission (Eurostat) in close cooperation with the ECB. The EMU Action Plan is a response to the report of the Monetary Committee on information requirements in EMU, endorsed by the Ecofin Council on 18 January 1999, and the second progress report on information requirements in EMU, endorsed by the Ecofin Council on 5 June 2000.
5. The proposed regulation will contribute to the overall aim of compiling a consistent system of quarterly government accounts for the European Union and thus for the euro area. It will supplement the existing sets of quarterly government data as specified in Commission Regulation (EC) No 264/2000 of 3 February 2000 on the implementation of Council Regulation (EC) No 2223/96 with respect to short-term public finance statistics⁽²⁾, Regulation (EC) No 1221/2002 of 10 June 2002 of the European Parliament and of the Council on quarterly non-financial accounts for general government⁽³⁾ and Regulation (EC) No 501/2004 of the European Parliament and of the Council of 10 March 2004 on quarterly financial accounts for general government⁽⁴⁾.
6. As the proposed regulation provides that the quarterly government debt data will have to be transmitted with the same deadline (three months after the end of the quarter to which the data relate) as the data specified in the regulations mentioned in paragraph 5, they can easily be integrated into the existing system of quarterly government accounts.

Done at Frankfurt am Main on 19 April 2004.

The President of the ECB

Jean-Claude TRICHET

⁽¹⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Commission Regulation (EC) No 351/2002.

⁽²⁾ OJ L 29, 4.2.2000, p. 4.

⁽³⁾ OJ L 179, 9.7.2002, p. 1.

⁽⁴⁾ OJ L 81, 19.3.2004, p. 1.

III

(Notices)

EUROPEAN PARLIAMENT

NOTICE OF SELECTION PROCEDURE

(2004/C 134/09)

The European Parliament Secretariat is organising the following selection procedure:

PE/81/S TEMPORARY MEMBER OF STAFF — ADMINISTRATOR (A*8/D8)

Parliamentary assistance / Research and documentation in the area of the European Security and Defence Policy

(External relations policy department) ⁽¹⁾

⁽¹⁾ OJ C 134 A, 12.5.2004 (in English, French or German).