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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations, guidelines and opinions)

RESOLUTIONS

COUNCIL

Council resolution**of 31 May 2007****on the Consumer Policy Strategy of the EU (2007-2013)**

(2007/C 166/01)

THE COUNCIL OF THE EUROPEAN UNION

RECALLS that according to Article 153 of the Treaty establishing the European Community:

- a. the Community shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests,
- b. Consumer protection requirements shall be taken into account in defining and implementing other Community policies and activities.

RECOGNISES the important role of consumer policy in shaping the internal market and its synergy with internal market policies. Consumer and business confidence are prerequisites for good functioning of the internal market providing impetus to competition, innovation and economic development. Informed and empowered consumers who have effective rights and confidence in them constitute a driving force for economic success and change.

RECOGNISES the potential of the retail internal market, that still remains largely fragmented along national lines, to deliver benefits for consumers and businesses through removing barriers and thus expanding opportunities to consumers and retailers.

RECOGNISES the opportunities provided by new technologies, especially in the digital environment, and innovation in responding to consumer choice and increasing access to new

markets as well as the challenges in ensuring that consumer rights are adequate, clear, transparent and guaranteed, and mechanisms for sustainable consumption and understanding consumer behaviour are developed further.

UNDERLINES, bearing also in mind the subsidiarity principle laid down in Article 5 of the Treaty establishing the European Community, the importance of Community law in ensuring a high level of consumer protection and the need for effective law enforcement mechanisms, also with regard to cross-border consumer transactions.

AGREES that consumer interests should be incorporated into all fields of European policy. This is a precondition for an effective consumer policy and good basis for the achievement of the Lisbon objectives. The concerns regarding the economic consumer interests and consumer information, in particular, relate to many specialised policies. The inclusion of consumer interests into other policy fields, including for services of general interest, represents a joint task to be performed by all EU institutions and the Member States.

- I. WELCOMES the development of a Commission's Consumer Policy Strategy for the years 2007-2013 ⁽¹⁾ at EU level that focuses on maximising consumer choice and confidence by empowering as well as protecting consumers, promoting jobs and growth and extending competitive markets and aims to achieve a more integrated and more effective retail internal market.

⁽¹⁾ Doc. 7503/07.

II. CALLS UPON THE COMMISSION to implement this strategy with its three main objectives and, in doing so, especially

1. to continue its consumer policy geared to market transparency and the strengthening of the capacity of the internal market to fulfil consumer expectations. A consumer policy that strives for efficient markets makes a contribution to growth and employment and enhances consumer welfare,
2. to accord priority to a high level of consumer protection, choice and access within the Community and thus to secure consumer confidence in cross-border purchases or contracts, and to pay particular attention to developing consumer policy and consumer protection measures concerning services,
3. to assure consistency in the operational objectives towards those underlying the Decision No 1926/2006/EC of the European Parliament and of the Council of 18 December 2006 establishing a programme of Community action in the field of consumer policy (2007-2013) ⁽¹⁾,
4. to promote and safeguard consumer interests in an increasingly globalised world and to promote them in the context of international relations and through international agreements,
5. to review the Community acquis in consumer protection with a view to simplification, modernisation, better regulation, removing existing inconsistencies and respecting the requirements of new technologies, with due regard for the subsidiarity principle laid down in Article 5 of the Treaty establishing the European Community; and to put forward, where appropriate and taking into account the outcome of the consultations on the Green paper on the review of the consumer acquis, proposals for a relevant adaptation of the acquis provided that the concerned rights and obligations ensure a high level of consumer protection and improve the functioning of the internal market,
6. to review where self-regulatory and co-regulation mechanisms might complement existing legislative provisions,
7. to support comprehensive consumer oriented research, assessing market functioning, consumer expectations and consumer conduct, to establish for the guidance and evaluation of consumer policy consumer-oriented monitoring mechanisms and to develop suitable indicators on the basis of relevant expertise,
8. to support cooperation between institutions for the enforcement of consumer laws and legislation governing product safety, to promote their network

activities, to develop information systems further and to extend international agreements on mutual administrative cooperation between the EU and third countries,

9. to continuously monitor the efficiency of existing recommendations that contain specific minimum guarantees for alternative dispute settlement procedures and to work towards a wider application and strengthening of the principles regulated there as well as ensure a better cross-linking between the existing alternative dispute resolution mechanisms and to better communicate on existing information tools,
 10. to carefully consider collective redress mechanisms and come forward with the results of the ongoing relevant studies, in view of any possible proposal or action,
 11. to pay particular attention to the required consumer protection, choice and convenience in the completion of the internal market in financial services in the light of the vital importance of decisions on financial products for consumers, e.g. with regard to provision for old age or real estate financing,
 12. to assign more importance to thorough impact assessments across all policies that affect the long-term interests of consumers,
 13. to involve more the relevant consumer policy stakeholders in consultations organised within the framework of other Community policies on proposals with a major effect on consumers.
- III. CALLS UPON THE COMMISSION AND THE MEMBER STATES,
14. to continue to champion better coordination with the concerns and priorities of the individual policy fields and to dovetail their consumer policies more with other specialised policies, notably with the economic, transport, environmental, energy and telecommunications policies,
 15. to work towards effective consumer protection and education in all Member States, thus securing equally active and empowered consumers in the entire internal market, including education on sustainable consumption,
 16. to further strengthen systems for law enforcement in the Member States and cooperation between Member States in the field of consumer protection, while fostering cooperation in the enforcement of consumer protection legislation,
 17. to continue to protect consumer interests with regard to services of general interest and to adequately strengthen consumers in their rights,

⁽¹⁾ OJL 404 of 30.12.2006, p. 39.

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18. to take consumer interests into account in standardisation and labelling schemes at European as well as national levels and to work towards safeguarding consumer interests at international level,
 19. to recognise the great importance of effective and representative consumer associations so that they can represent consumer interests independently at Community level and in the Member States,
 20. to provide continued support to the European Consumer Centres Network (ECC-Net) and ensure contact points in all Member States in order to assist consumers in effective cross-border dispute-resolution.
- IV. CALLS UPON THE MEMBER STATES to ensure that the objectives of the Consumer Policy Strategy are also taken into consideration in their national policies.
 - V. CALLS UPON the Commission to:
 - a. regularly consult the Member States in order to evaluate the implementation of the Strategy and, if necessary, to bring modifications or adjustments in a second stage and
 - b. report upon the progress made in consumer policy and, in addition, to present a midterm report on the implementation of the Consumer Policy Strategy by March 2011 and an ex post evaluation report by December 2015.
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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty**Cases where the Commission raises no objections***(Text with EEA relevance)**(2007/C 166/02)*

Date of adoption of the decision	27.6.2007
Reference number of the aid	N 252/07
Member State	Denmark
Region	—
Title (and/or name of the beneficiary)	Forebyggelsesfonden
Legal basis	Lov nr. 87 af 30. januar 2007 om Forebyggelsesfonden
Type of measure	Aid scheme
Objective	Public Health
Form of aid	Direct grant
Budget	Overall budget: DKK 3 000 million
Intensity	Up to 100 %
Duration	15.9.2007-1.2.2017
Economic sectors	All sectors
Name and address of the granting authority	Sekretariatet for Forebyggelsesfonden Landskronagade 22 DK-2100 København Ø
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://ec.europa.eu/community_law/state_aids/

Date of adoption of the decision	8.6.2007
Reference number of the aid	N 258/07
Member State	Germany
Region	Land Hessen
Title (and/or name of the beneficiary)	Rettungsbeihilfe zugunsten der Erich Rohde KG
Legal basis	Gesetz über die Feststellung des Haushaltsplans des Landes Hessen für das Haushaltsjahr 2007, Richtlinien für die Übernahme von Bürgschaften und Garantien durch das Land Hessen für gewerbliche Wirtschaft
Type of measure	Individual aid
Objective	Rescue of firms in difficulty
Form of aid	Guarantee
Budget	Annual budget: EUR 2,25 million; Overall budget: EUR 2,25 million
Intensity	—
Duration (period)	6 months
Economic sectors	Manufacturing industry
Name and address of the granting authority	Hessisches Ministerium für Wirtschaft, Verkehr und Landesentwicklung Kaiser-Friedrich-Ring 75 D-65185 Wiesbaden
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://ec.europa.eu/community_law/state_aids/

Non-opposition to a notified concentration
(Case COMP/M.4708 — Gerresheimer/Chase/JV)

(Text with EEA relevance)

(2007/C 166/03)

On 29 June 2007, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition website (<http://ec.europa.eu/comm/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website under document number 32007M4708. EUR-Lex is the on-line access to European law. (<http://eur-lex.europa.eu>)
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Status of EC accession to UN/ECE regulations in the area of vehicle approval as of 31 December 2006

(2007/C 166/04)

The Commission publishes hereafter a table summarising the state of UN/ECE regulations as last amended (annexed to the 1958 Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions) to which the European Community has acceded as of 31 December 2006, even if some of the amendments will enter into force after this date

Regulation number	Amendments when acceded	Series of amendments ⁽¹⁾ ⁽²⁾	Supplements to the series ⁽²⁾	Short title of Regulation
1	01	02	-	Asymmetric headlamps (R2 and/or HS1)
3	02	02	10	Retro-reflecting devices
4	00	00	12	Rear registration-plate lamp
5	02	02	6	Asymmetric headlamps (Sealed Beam)
6	01	01	15	Direction indicators
7	02	02	12	End-outline marker-, front/rear position-,side-,stop- lamps (M, N and O)
8	04	05	-	Headlamps (H1, H2, H3, HB3, HB4, H7, H8, H9, HIR1, HIR2 and/or H11)
10	02	02	2	Electro-magnetic compatibility
11	02	03	-	Door latches and hinges
12	03	03	3	Behaviour of steering device under impact
13	09	10	3	Braking (categories M, N and O)
13H	00	00	4	Braking (passenger cars)
14	04	06	3	Seat-belt anchorages
16	04	04	18	Seat belts
17	06	07	3	Seat strength
18	02	03	-	Anti-theft
19	02	02	12	Front fog lamps
20	02	03	-	Asymmetric headlamps (H4)
21	01	01	3	Interior fittings
22	04	05	1	Protective helmets and visors for motorcyclists
23	00	00	13	Reversing lamps
24	03	03	3	Diesel smoke and power

Regulation number	Amendments when acceded	Series of amendments ⁽¹⁾ ⁽²⁾	Supplements to the series ⁽²⁾	Short title of Regulation
25	04	04	-	Head restraints
26	02	03	1	External projections
27	03	03	1	Advance warning triangles
28	00	00	3	Audible warning devices
30	02	02	14	Tyres (motor vehicles and their trailers)
31	02	02	6	Asymmetric headlamps (halogen sealed beam)
34	01	02	2	Fire risks
37	03	03	28	Filament lamps
38	00	00	12	Rear fog lamps
39	00	00	5	Speedometer
43	00	00	9	Safety glazing
44	03	04	3	Child restraint system
45	01	01	5	Headlamp cleaners
46	01	02	-	Rear-view mirrors
48	01	03	3	Installation of lighting and light-signalling devices (M, N and O)
49	02	04	2	Emissions (diesel, NG & LPG)
50	00	00	10	Front/rear position-, stop-lamps, direction indicators, rear registration-plate lamps (L)
51	02	02	5	Sound levels (M and N)
53	00	01	7	Installation of lighting and light-signalling devices (L3)
54	00	00	16	Tyres (commercial vehicles and their trailers)
55	00	00		Mechanical coupling devices
56	00	01	-	Headlamps (mopeds)
57	01	02	-	Headlamps (motorcycles)
58	01	01	-	Rear underrun protective device
59	00	00	3	Replacement silencing systems
60	00	00	3	Driver operated controls — identification of controls, tell-tales and indicators (moped/motorcycles)
62	00	00	2	Anti-theft (moped/motorcycles)
64	00	00	2	Tyres (temporary use spare wheels/tyres)

Regulation number	Amendments when acceded	Series of amendments ⁽¹⁾ ⁽²⁾	Supplements to the series ⁽²⁾	Short title of Regulation
66	00	01	-	Strength of superstructure (buses)
67	01	01	7	LPG equipment
69	01	01	3	Rear marking plates for slow moving vehicles
70	01	01	5	Rear marking plates for heavy and long vehicles
71	00	00	-	Field of vision, agricultural tractors
72	00	01	-	Headlamps (HS1) (motorcycles)
73	00	00	-	Lateral protection (goods vehicles and their trailers)
74	00	01	4	Installation of lighting and light-signalling devices (L1)
75	00	00	11	Tyres (motorcycles/mopeds)
77	00	00	10	Parking lamps
78	02	03	-	Braking (category L)
79	01	01	3	Steering equipment
80	01	01	3	Strength of seats and their anchorages (large passenger vehicles)
81	00	00	2	Rear-view mirrors (motorcycles/mopeds)
82	00	01	-	Headlamps (HS2 moped)
83	03	05	6	Emissions
85	00	00	4	Power — internal combustion and electric (M and N)
86	00	00	3	Installation of lighting and light-signalling devices (agricultural tractors)
87	00	00	10	Daytime running lamps
89	00	00	1	Speed limitation devices
90	01	01	8	Replacement brake linings and their assemblies
91	00	00	9	Side marker lamps
93	00	00	-	Front underrun protective devices
94	01	01	3	Protection of the occupants in the event of a frontal collision
95	02	02	1	Protection of the occupants in the event of a lateral collision
96	00	01	2	Diesel emission (agricultural tractors)
97	00	01	5	Alarm systems
98	00	00	8	Headlamps with gas-discharge light sources
99	00	00	3	Gas-discharge light sources

Regulation number	Amendments when acceded	Series of amendments ⁽¹⁾ ⁽²⁾	Supplements to the series ⁽²⁾	Short title of Regulation
100	00	00	1	Electric vehicle safety
101	00	00	7	CO2 emission/fuel consumption (M1) and electric energy consumption and range (M1 and N1)
102	00	00	-	Close coupling devices
103	00	00	2	Replacement catalytic converters
104	00	00	4	Retro-reflective markings (heavy and long vehicles)
105	02	04	-	Carriage of dangerous goods — construction of vehicles
106	00	00	4	Tyres (agricultural vehicles)
109	00	00	2	Retreaded tyres (commercial vehicles and their trailers)
110	00	00	6	Compressed natural gas systems
111	00	00	1	Roll-over stability of tank vehicles (N and O)
112	00	00	7	Asymmetrical headlamps (filament lamps)
113	00	00	5	Symmetrical headlamps (filament lamps)
114	00	00	-	Replacement airbags
115	00	00	2	LPG-CNG retrofit systems
116	00	00	1	Unauthorised use (anti-theft and alarm systems)
117	00	01	-	Tyres — rolling resistance
118	00	00	-	Fire resistance of interior materials
119	00	00	1	Cornering lamps
120	00	00	-	Power — internal combustion (agricultural tractors and mobile machinery)
121	00	00	-	Hand controls, tell-tales and indicators
122	00	00	-	Heating systems
[123] ⁽³⁾	00	00	-	Adaptive Front-lighting Systems
[124] ⁽³⁾	00	00	-	(Replacement) Wheels for passenger vehicles

⁽¹⁾ This column lists the latest amendments to the Regulation concerned that the European Communities has acceded by 31.12.2006. Some of the more recent series of amendments or supplements to the series of amendments will enter into force after that date. The date of entry into force of these amendments should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343/Rev.15 available at: <http://www.unecce.org/trans/main/wp29/wp29wgs/wp29gen/wp29fdocssts.html>.

⁽²⁾ All relevant corrigenda up to 31.12.2006 have also been adopted, unless otherwise indicated.

⁽³⁾ This regulation has not entered into force as of 31.12.2006.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND
BODIES

COMMISSION

Euro exchange rates ⁽¹⁾

19 July 2007

(2007/C 166/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,382	RON Romanian leu	3,1275
JPY Japanese yen	168,66	SKK Slovak koruna	33,15
DKK Danish krone	7,441	TRY Turkish lira	1,7525
GBP Pound sterling	0,67455	AUD Australian dollar	1,5722
SEK Swedish krona	9,1757	CAD Canadian dollar	1,442
CHF Swiss franc	1,6585	HKD Hong Kong dollar	10,808
ISK Iceland króna	82,23	NZD New Zealand dollar	1,7433
NOK Norwegian krone	7,9035	SGD Singapore dollar	2,0905
BGN Bulgarian lev	1,9558	KRW South Korean won	1 265,84
CYP Cyprus pound	0,5842	ZAR South African rand	9,508
CZK Czech koruna	28,281	CNY Chinese yuan renminbi	10,4523
EEK Estonian kroon	15,6466	HRK Croatian kuna	7,2876
HUF Hungarian forint	245,87	IDR Indonesian rupiah	12 562,38
LTL Lithuanian litas	3,4528	MYR Malaysian ringgit	4,7506
LVL Latvian lats	0,6969	PHP Philippine peso	61,983
MTL Maltese lira	0,4293	RUB Russian rouble	35,108
PLN Polish zloty	3,757	THB Thai baht	41,384

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

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 70/2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises

(Text with EEA relevance)

(2007/C 166/06)

Aid No	XS 143/07	
Member State	Italy	
Region	Sardegna	
Title of aid scheme or name of company receiving individual aid	Interventi per promuovere il riutilizzo di immobili industriali in disuso	
Legal basis	Legge regionale 24 febbraio 2006, n. 1, comma 4, lettera a) Direttive di attuazione approvate con decreto dell'assessore dell'Industria della Regione Sardegna n. 130 del 3.5.2006	
Type of measure	Aid scheme	
Budget	Annual budget: EUR 10,5 million; Overall budget: —	
Maximum aid intensity	In conformity with Articles 4(2)-(6) and 5 of the Regulation	
Date of implementation	1.6.2006	
Duration	31.12.2006	
Objective	Small and medium-sized enterprises	
Economic sectors	All manufacturing, Other services	
Name and address of the granting authority	Regione autonoma della Sardegna — Assessorato dell'Industria viale Trento, 69 I-09123 Cagliari	
Large individual aid grants	In conformity with Article 6 of the Regulation, the measure excludes individual aid grants or requires prior notification to the Commission of awards of aid, a) if the total eligible costs are at least EUR 25 million and — the gross aid intensity is at least 50 %, — in areas which qualify for regional aid, the net aid intensity is at least 50 %; or b) if the total gross aid amount is at least EUR 15 million	Yes

Aid No	XS 163/07
Member State	Austria
Region	Niederösterreich NUTS II: AT 12
Title of aid scheme or name of company receiving individual aid	Ecoplus Richtlinien für Fördermaßnahmen im Rahmen des Programms LE/LEADER 2007-2013 in Niederösterreich
Legal basis	Gesellschaftsvertrag der ecoplus. Niederösterreichs Wirtschaftsagentur GmbH
Type of measure	Aid scheme
Budget	Annual budget: EUR 3 million; Overall budget: —
Maximum aid intensity	In conformity with Articles 4(2)-(6) and 5 of the Regulation
Date of implementation	1.6.2007
Duration	30.6.2008
Objective	Small and medium-sized enterprises
Economic sectors	All sectors eligible for aid to SMEs
Name and address of the granting authority	Ecoplus Niederösterreichs Wirtschaftsagentur GmbH Lugeck 1 A-1010 Wien Tel. (43-1) 513 78 50-0 Fax (43-1) 513 78 50-44 headoffice@ecoplus.at www.ecoplus.at

Aid No	XS 164/07
Member State	Spain
Region	Castilla y León
Title of aid scheme or name of company receiving individual aid	Apoyo para la incorporación de las PYMES a la Sociedad de la Información
Legal basis	Resolución de 3 de mayo de 2007, del Presidente de la Agencia de Inversiones y Servicios de Castilla y León, por el que se aprueba la convocatoria, así como las disposiciones comunes y específicas que la regulan, para la concesión de determinadas subvenciones de la Agencia de Inversiones y Servicios de Castilla y León para 2007 cofinanciadas con fondos estructurales (Línea 6). (BOCL nº 91 de 11.5.2007)
Type of measure	Aid scheme
Budget	Annual budget: EUR 2 million; Overall budget: —
Maximum aid intensity	In conformity with Articles 4(2)-(6) and 5 of the Regulation
Date of implementation	11.5.2007
Duration	31.12.2008

Objective	Small and medium-sized enterprises
Economic sectors	All sectors eligible for aid to SMEs
Name and address of the granting authority	Agencia de Inversiones y Servicios de Castilla y León C/ Duque de la Victoria, nº 23 E-47001 Valladolid
Aid No	XS 165/07
Member State	France
Region	Toutes les régions de France métropolitaine et les départements d'outre-mer
Title of aid scheme or name of company receiving individual aid	Fonds de Développement des Entreprises (FDPMI)
Legal basis	Règlement d'exemption (CE) n° 70/2001 prolongé par le règlement (CE) n° 1796/2006 Pour les collectivités territoriales: articles L. 1511-2 et L. 1511-3 du Code général des collectivités territoriales (CGCT) — Pour l'État, articles L. 2251-1, L. 3231-1, L. 4211-1 du CGCT
Type of measure	Aid scheme
Budget	Annual budget: 34 million EUR; Overall budget: —
Maximum aid intensity	In conformity with Articles 4(2)-(6) and 5 of the Regulation
Date of implementation	1.5.2007
Duration	30.6.2008
Objective	Small and medium-sized enterprises
Economic sectors	All sectors eligible for aid to SMEs, All manufacturing, All services
Name and address of the granting authority	Soit le Ministère de l'industrie/DGE pour l'État, soit les collectivités territoriales, chacun en ce qui le concerne. Pour le Ministère de l'industrie/DGE: 12, rue Villiot F-5572 Paris Cedex 12
Aid No	XS 172/07
Member State	Germany
Region	Nordrhein-Westfalen
Title of aid scheme or name of company receiving individual aid	Programm für rationelle Energieverwendung, regenerative Energien und Energiesparen — progres.nrw Förderbaustein: Forschung und Entwicklung
Legal basis	1. Verordnung (EG) Nr. 70/2001 der Kommission vom 12. Januar 2001 2. Änderungsverordnung (EG) Nr. 364/2004 der Kommission vom 25. Februar 2004 3. § 44 Landeshaushaltsordnung NRW 4. Empfehlung 2003/361/EG der Kommission vom 6. März 2003 betreffend die Definition der kleinen und mittleren Unternehmen

Type of measure	Aid scheme
Budget	Annual budget: EUR 8 million; Overall budget: —
Maximum aid intensity	In conformity with Articles 4(2)-(6) and 5 of the Regulation
Date of implementation	1.4.2007
Duration	31.12.2007
Objective	Small and medium-sized enterprises
Economic sectors	All sectors eligible for aid to SMEs
Name and address of the granting authority	Bezirksregierung Arnsberg, Dezernat 85 Goebenstraße 25 D-441 35 Dortmund

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 2204/2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment

(Text with EEA relevance)

(2007/C 166/07)

Aid No	XE 17/07
Member State	France
Region	Toutes les régions de France métropolitaine et les départements d'outre-mer
Title of aid scheme	Aide au recrutement de cadre
Legal basis	Règlement d'exemption (CE) n° 2204/2002 prolongé par le règlement (CE) n° 1976/2006 Pour les collectivités territoriales: articles L. 1511-2 et L. 1511-3 du Code général des collectivités territoriales (CGCT) — Pour l'État, articles L. 2251-1, L. 3231-1, L. 4211-1 du CGCT.
Budget	Annual budget: EUR 13 million; Overall budget: —
Maximum aid intensity	In conformity with Articles 4(2)-(5), 5 and 6 of the Regulation
Date of implementation	1.5.2007
Duration	30.6.2008
Objective	Art. 4 Creation of employment; Art. 5 Recruitment of disadvantaged and disabled workers; Art. 6 Employment of disabled workers
Economic sectors	All Community sectors ⁽¹⁾ eligible for employment aid
Name and address of the granting authority	Soit le Ministère de l'industrie/DGE, soit les collectivités territoriales, chacun en ce qui le concerne. Pour le Ministère de l'industrie/DGE: 12, rue Villiot F-75572 Paris Cedex 12

⁽¹⁾ With the exception of the shipbuilding sector and other sectors subject to special rules in regulations and directives governing all State aid within the sector.

NOTICES FROM THIRD COUNTRIES

Letter from United States Department of the Treasury regarding SWIFT/Terrorist Finance Tracking Programme

(2007/C 166/08)

June 28, 2007

Mr. Peer Steinbrück
Federal Minister of Finance
Federal Republic of Germany

Mr. Franco Frattini
Vice-President of the European Commission

Dear Minister Steinbrück and Vice-President Frattini:

The United States Department of the Treasury is pleased to transmit to the Council Presidency of the European Union and to the European Commission a set of representations which describe the controls and safeguards governing the handling, use and dissemination of data under the Treasury Department's Terrorist Financing Tracking Program (TFTP).

The TFTP contains multiple, overlapping layers of governmental and independent controls to ensure that the data, which are limited in nature, are used strictly for counterterrorism purposes, that data are retained only for as long as necessary for counterterrorism purposes and that all data are maintained in a secure environment and properly handled.

As a sign of our commitment and partnership in combating global terrorism and its financing, we have included in the representations provision for the sharing of further information about the TFTP with an eminent European to be appointed in consultation with the Treasury Department. The task of this person will be to confirm that the program is implemented consistent with the representations for the purpose of verifying the protection of EU-originating personal data. Further practical details for the performance of these oversight responsibilities will be agreed.

The Treasury Department will endeavor to publish these representations in the Federal Register and consents to their publication in the *Official Journal of the European Union*.

Sincerely



Stuart A. LEVEY

Processing of EU originating Personal Data by United States Treasury Department for Counter Terrorism Purposes — ‘SWIFT’

(2007/C 166/09)

Terrorist Finance Tracking Program — Representations of the United States Department of the Treasury

These representations describe the U.S. Department of the Treasury’s Terrorist Financing Tracking Program (TFTP) and, in particular, the rigorous controls and safeguards governing the handling, use, and dissemination of data received from SWIFT under compulsion of administrative subpoenas. These controls and safeguards apply to all persons having access to the SWIFT data, unless otherwise noted in specific examples such as those describing the sharing of lead information derived from the SWIFT data with foreign governments.

The TFTP is grounded in law, carefully targeted, powerful and successful, and bounded by privacy safeguards. It represents exactly what citizens expect and hope their governments are doing to protect them from terrorist threats.

The Treasury Department’s Terrorist Finance Tracking Program

Shortly after the September 11, 2001 attacks, as part of an effort to employ all available means to track terrorists and their networks, the Treasury Department initiated the TFTP. Under the TFTP, the Treasury Department has issued administrative subpoenas for terrorist-related data to the U.S. operations center of the Society for Worldwide Interbank Financial Telecommunication (SWIFT), a Belgium-based cooperative that operates a worldwide messaging system used to transmit financial transaction information. These subpoenas require SWIFT to provide the Treasury Department with certain financial transaction records — which are maintained by SWIFT’s U.S. operations center in the ordinary course of its business — to be used exclusively for counterterrorism purposes as specified in the following sections.

Fundamental Principles Underlying the TFTP

From its inception, the TFTP has been designed and implemented to meet applicable U.S. legal requirements, to contribute meaningfully to combating global terrorism, and to respect and protect the potential commercial sensitivity of and privacy interests in the SWIFT data held in the United States. The TFTP takes into consideration the potential commercial sensitivity and individual privacy interests in the information it encompasses, and the safeguards detailed in these representations apply irrespective of the nationality or place of residence of the individuals involved. The program contains multiple, overlapping layers of governmental and independent controls to ensure that the data, which are limited in nature, are searched only for counterterrorism purposes and that all data are maintained in a secure environment and properly handled.

All actions by the Treasury Department to obtain specified information from SWIFT’s U.S. operations center and to use that information exclusively for investigating, detecting, preventing, and/or prosecuting terrorism or its financing or related follow-on investigations and prosecutions are in accordance with U.S. law. Moreover, the data submitted by SWIFT are not searched to collect evidence or detect activity that is not related to terrorism or its financing, even though such activity in itself may be unlawful. The Treasury Department does not perform searches on SWIFT data, nor can the information be used, in connection with general investigations of tax evasion, money laundering, economic espionage, narcotics trafficking or other criminal activity, unless in a particular instance such activity has been connected to terrorism or its financing.

The data received from SWIFT under compulsion of subpoenas consist of copies of completed financial transaction messages, *i.e.*, electronic copies of business records maintained at SWIFT's U.S. operations center in the ordinary course of business. Though this data may undergo some processing in the sense of the very restricted counterterrorism search-and-retrieval capacity described herein, there is no alteration, manipulation, addition or deletion of data within individual transaction messages within the searchable database.

The TFTP has proven to be a powerful investigative tool that has contributed significantly to protecting U.S. citizens and other persons around the world and to safeguarding America's and other countries' national security. The program has been instrumental in identifying and capturing terrorists and their financiers, and it has generated many leads that have been disseminated to counterterrorism experts in intelligence and law enforcement agencies around the world.

Concerns Raised Within the European Union

After the public media disclosure of the TFTP in June 2006, concerns were raised in the EU about the TFTP program and, in particular, the possibility that the Treasury Department might have access to personal data relating to an identified or identifiable natural person contained in financial transactions processed by SWIFT. In particular, questions were raised on the TFTP's consistency with obligations under the Data Protection Directive (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data), as well as Member State laws implementing that Directive.

Nature of SWIFT Data

The financial transaction records provided by SWIFT under compulsion of subpoena may include identifying information about the originator and/or recipient of the transaction, including name, account number, address, national identification number, and other personal data. It would be highly unusual for SWIFT financial records to include 'sensitive' data as referred to in Article 8 of Directive 95/46/EC (*i.e.*, personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and data concerning the health or sex life of the individual).

International Counterterrorist Financing Principles

The SWIFT financial data used in the TFTP is extraordinarily valuable in combating global terrorism and its financing, and in carrying out the government's responsibility to defend the public and safeguard national security and to detect, prevent, investigate and prosecute terrorist crimes.

The international community and national authorities recognize that money is the lifeblood of terrorism. This is reflected in the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism and numerous United Nations resolutions relating to the prevention and suppression of the financing of terrorists acts, particularly United Nations Security Council Resolution 1373. In the United States, the Treasury Department and the Congress established the Office of Terrorism and Financial Intelligence in 2004 to marshal the Department's enforcement and intelligence functions with the twin aims of safeguarding the financial system against illicit use and combating, among others, terrorists and other national security threats. The office's various components gather and analyze information from the law enforcement, intelligence, and financial communities as to how terrorists (and other criminals) earn, move, and store money. These activities enable the office to freeze terrorists' assets, to combat terrorism generally, and to develop and promote counterterrorist financing standards in the United States and abroad.

These and other initiatives reflect the everyday reality that terrorists depend on a regular cash flow to pay operatives, arrange for travel, train new members, forge documents, pay bribes, acquire weapons, and stage attacks. In order to send money through the banking system, they often provide information that yields the kinds of concrete leads that can advance a terrorism investigation. This is why counterterrorism officials place a high premium on financial intelligence, including that derived from programs such as the TFTP, which has proved to be of inestimable value in combating global terrorism.

This is also why the financial industry is subject to extensive recordkeeping and reporting requirements that are designed to support governmental counterterrorism efforts. Countries throughout the world have mandated this by law, consistent with the recommendations of the Financial Action Task Force. For example, in the United States, the primary statutory authority is the Bank Secrecy Act. In Europe, similar provisions have been implemented into national law consistent with the Third Money Laundering Directive and, most recently, Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds.

Legal Authority to Obtain and Use SWIFT Data

The subpoenas served on SWIFT are based on longstanding statutory authorities and a related Executive order for combating terrorism and its financing. The International Emergency Economic Powers Act of 1977 (IEEPA) authorizes the President of the United States, during a declared national emergency, to investigate bank transfers and other transactions in which a foreign person has any interest. Similarly, the United Nations Participation Act of 1945 (UNPA) authorizes the President, when implementing United Nations Security Council Resolutions, to investigate economic relations or means of communication between any foreign person and the United States.

On September 23, 2001, the President, relying in part on IEEPA and UNPA and citing United Nations Security Council Resolutions targeting the Taliban and Al Qaida, issued Executive Order 13224. In that Order, the President declared a national emergency to deal with the 9/11 terrorist attacks and the continuing and immediate threat of further attacks, and blocked the property of, and prohibited transactions with, persons who commit, threaten to commit, or support terrorism.

For the purposes of Executive Order 13224, section 3 contains the following definition:

the term 'terrorism' means an activity that —

- (i) involves a violent act or an act dangerous to human life, property, or infrastructure; and
- (ii) appears to be intended —
 - (A) to intimidate or coerce a civilian population;
 - (B) to influence the policy of a government by intimidation or coercion; or
 - (C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

In section 7 of the Order, the President authorized the Secretary of the Treasury Department to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of the Order. He also authorized the Secretary of the Treasury to redelegate any of these functions to other officers and agencies of the U.S. Government, and directed all agencies of the U.S. Government to take all appropriate measures within their authority to carry out the provisions of the Order. IEEPA and the Order, as implemented through the Global Terrorism Sanctions Regulations, authorize the Director of the Treasury Department's Office of Foreign Assets Control (OFAC) to require any person to furnish financial transaction or other data in connection with an economic sanctions-related investigation. These are the legal authorities under which OFAC issues subpoenas to SWIFT for financial data that are related to terrorism investigations.

Access Control and Computer System Security

The data obtained from SWIFT, consistent with U.S. Government procedures for the handling of information related to the investigation of terrorism and its financing more generally, are subject to strict technical and organizational measures to protect the information against accidental or unlawful destruction, loss, alteration or access. All of the following security measures are subject to independent audit.

The SWIFT data are maintained in a secure physical environment, stored separately from any other data, and the computer systems have high-level intrusion controls and other protections to limit access to the data solely as described herein. No copies of SWIFT data are made, other than for disaster recovery back-up purposes. Access to the data and the computer equipment are limited to persons with appropriate security clearances. Even among such persons, access to the SWIFT data is on a read-only basis and is limited through the TFTP on a strict need-to-know basis to analysts dedicated to the investigation of terrorism and to persons involved in the technical support, management, and oversight of the TFTP.

Extraction and Usage Limited to the Investigation of Terrorism

The TFTP does not involve data mining or any other type of algorithmic or automated profiling or computer-filtering. Multiple layers of strict controls have been built into the TFTP to limit the information collected, to ensure that information is extracted and used only for counterterrorism purposes, and to protect the privacy interests of individuals not connected with terrorism or its financing. These overlapping safeguards continuously narrow and significantly restrict access to and use of the financial data handled by SWIFT in its day-to-day operations

As a threshold matter, the subpoenas served upon SWIFT are carefully and narrowly tailored to limit the amount of data furnished to the Treasury Department. SWIFT is required to provide only data the Treasury Department believes will be necessary in combating terrorist financing, on the basis of past analyses focusing on message types and geography, as well as perceived threats and vulnerabilities. Additionally, searches are narrowly tailored to minimize the extraction of messages that are not relevant to a terrorism investigation. The data provided by SWIFT are searched to extract only information that is related to an identified, preexisting terrorism investigation. This means that every search that is conducted must specifically cite to and record documented evidence supporting the belief that the target is connected with terrorism or its financing. Each and every search of the SWIFT data under the TFTP is also logged contemporaneously, including such affirmative terrorism nexus required to initiate the search.

As a result of the foregoing safeguards, only a minute fraction (*i.e.*, substantially less than one percent) of the subset of the SWIFT messages furnished to the Treasury Department has been actually accessed, and only because those messages have been directly responsive to a targeted, terrorism-related search.

Independent Oversight

In addition to the Treasury Department's ongoing exercise of the controls described herein, the TFTP includes multiple complementary layers of independent oversight: by representatives of SWIFT itself, an independent auditing firm, and other independent U.S. government authorities, including the U.S. Congress.

SWIFT and outside auditors it has retained exercise their independent oversight of the TFTP in several mutually complementary ways. First, certain SWIFT representatives have been granted appropriate security clearances to have 24-hour access to the equipment and data and the ability to monitor, in real time and retrospectively, the use of the data to ensure that they are accessed only for counterterrorism purposes. Additionally, these SWIFT representatives may stop any specific search immediately, and even have the ability to shut down the entire system, if they have any concerns.

With respect to the independent, outside auditors, the maintenance, access to, and use of the SWIFT data are subject to continued, periodic independent audit pursuant to carefully delineated protocols consistent with international auditing standards. These audits cover the access control and computer system security safeguards, as well as the limitation of data usage for the investigation of terrorism, as described above. The independent auditors report their conclusions to the audit and finance committee of SWIFT's Board of Directors.

In addition, consistent with U.S. law, various congressional committees have been repeatedly briefed on the TFTP and its operation, and they continue to be briefed on a regular basis. The TFTP has also been the subject of congressional hearings.

Finally, the Privacy and Civil Liberties Oversight Board, which was established pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004, exercises oversight of the TFTP. The Board's mission is to ensure that concerns with respect to privacy and civil liberties are appropriately considered in the implementation of all U.S. laws, regulations, and executive branch policies related to efforts to protect the United States against terrorism. The Board also is responsible for reviewing the terrorism information-sharing practices of executive branch departments and agencies to determine whether guidelines designed to appropriately protect privacy and civil liberties are being followed.

As described below, this extensive, independent oversight works in tandem with restrictive dissemination controls that operate to further restrict access to information derived from the SWIFT financial records and to further protect privacy interests.

Dissemination and Information Sharing

The international community has recognized the critical importance of sharing terrorism information. For example, UNSCR 1373 calls upon all States to find ways to intensify and accelerate the exchange of operational terrorism information and to exchange information to prevent the commission of terrorist acts. Similarly, section 6 of Executive Order 13224 requires the Secretary of the Treasury (and other officials) to make all relevant efforts to cooperate and coordinate with other countries to achieve the objectives of the Order, including preventing and suppressing acts of terrorism, denying financing and financial services to terrorists, and sharing intelligence about funding activities in support of terrorism. It is against this backdrop that information derived from the SWIFT data is appropriately shared with domestic and international partners. As is true with all other facets of the TFTP, this information-sharing is in accordance with U.S. law and subject to a series of safeguards that are designed to protect the SWIFT data and the privacy interests of the persons to whom it may pertain.

The counterterrorism analysts conducting TFTP searches verify the relevance of any information produced in response to a search before that information is prepared for dissemination through secure channels. The Treasury Department also exercises originator control on any subsequent dissemination of the information, meaning that no recipient is permitted to further disseminate the information without the Treasury Department's express approval. In that regard, as with any unauthorized access to the SWIFT data, any unauthorized disclosure of TFTP-derived information may result in strict disciplinary action or the imposition of civil or criminal penalties.

Information derived from the SWIFT data is shared under strict controls with other U.S. agencies in the intelligence and law enforcement communities to be used exclusively for the purpose of investigating, detecting, preventing, and/or prosecuting terrorism or its financing or related follow-on investigations and prosecutions. This sharing is mandated by the National Security Act, the Intelligence Reform and Terrorism Prevention Act of 2004, and a series of Memoranda of Understanding and related Executive orders. The recipient agencies have the same obligations under U.S. law as the Treasury Department to protect TFTP-derived information. It is also important to note that TFTP-derived information is shared with other U.S. agencies for lead purposes only, which limits its use as affirmative evidence in legal proceedings. Recipient agencies use their own, existing legal authorities to pursue their investigations, including to obtain documentation from other sources that could later be used as evidence in legal proceedings.

These other government agencies also share lead information derived from the SWIFT data with their foreign counterparts for the same purposes, with case-by-case approval from the Treasury Department when justified by national security and law enforcement interests. Many TFTP-derived leads have been shared with foreign authorities, as a general matter without revealing the TFTP as the source.

As for possible public dissemination of SWIFT data, the Treasury Department treats the data as classified, law enforcement sensitive, business confidential information. Accordingly, the Treasury Department does not and would not make the data publicly available unless required to do so by law. In that regard, the Treasury Department will take the position in connection with any administrative or judicial proceeding arising out of a Freedom of Information Act (FOIA) request from third parties for TFTP data, that such records are exempt from disclosure under FOIA.

Redress

The confined nature of the data in an individual SWIFT transaction message, the restricted manner in which certain SWIFT data can be accessed through the TFTP as part of a preexisting investigation of terrorism, and the limits on dissemination as lead information significantly reduce the pertinence of a redress mechanism as part of the TFTP itself. That notwithstanding, appropriate redress for possible misuse by governmental authorities is available under U.S. law.

With regard to an interest of a specific natural person about the use of data and the ability to seek redress for possible misuse, a distinction must be made between the searchable data submitted by SWIFT and messages extracted as part of a targeted terrorism investigation that may serve as the basis for an administrative decision or other governmental action. The data received from SWIFT under compulsion of OFAC subpoenas consist of copies of completed financial transaction messages, *i.e.*, electronic copies of business records maintained at SWIFT's U.S. facility in the ordinary course of business. Though this data may undergo some processing in the sense of the very restricted counterterrorism search-and-retrieval capacity described herein, there is no alteration, manipulation, addition or deletion of data within individual transaction messages within the searchable database.

Additionally, it is again important to emphasize that the vast majority of the transaction messages provided by SWIFT will never be viewed even by counterterrorism analysts, and thus are not known. Consequently, responding to a privacy-related inquiry from a natural person as to whether information about that individual is included in the database would require, in almost all instances, accessing data that would never be accessed in the normal operation of the TFTP. Such access would be inconsistent with the TFTP requirement that every search have a preexisting nexus to terrorism. Finally, because there is no alteration, manipulation, deletion or addition of the data within the searchable database, there exists no basis to 'rectify' any information. Moreover, this would serve to alter the completed business records sought by the OFAC subpoena.

Further processing of the data in an individual transaction message will only occur with respect to the relatively few individual transaction messages directly responsive to a targeted terrorism search that are extracted from the search database. Once extracted and subject to the multiple controls limiting dissemination for counterterrorism purposes, redress for alleged misuse could properly be sought following the appropriate administrative and judicial procedures with respect to the government's acting upon that disseminated information.

The opportunity for redress can be illustrated as follows with respect to an administrative action taken by OFAC to block property under the Global Terrorism Sanctions Regulations that implement Executive Order 13224. A person may seek administrative reconsideration by OFAC of his or her designation as a specially designated global terrorist, whereby that person is given the opportunity to demonstrate that 'the circumstances resulting in the designation no longer apply' and to 'submit arguments or evidence that the person believes establishes that an insufficient basis exists for the designation'. A specially designated global terrorist also may seek judicial review of an agency's decision under relevant provisions of the Administrative Procedure Act. These administrative and judicial avenues to seek redress would apply to any person that is the object of the government decision, regardless of nationality.

Retention Period

The period of time for retention of counterterrorism (and any other) information is a function of numerous, well-established factors, including investigative requirements, applicable statutes of limitation, and regulatory limits for claims or prosecution. The applicability and operation of these and other factors vary from agency to agency, depending on the nature of the agency's specific duties and missions. Accordingly, the retention periods for certain types of terrorism-related information compiled by various agencies depend on the nature of the information and the investigation to which it relates.

Within the U.S. Government, retention and disposition schedules for agency records are approved by the National Archives and Records Administration (NARA) pursuant to various statutes and regulations. All records not deemed to have permanent value must be scheduled for destruction after a specified period of time based on explained administrative, fiscal, and legal values. Factors considered by NARA in approving an agency's record retention periods include applicable statutes of limitation; regulatory limits for claims or prosecution; the potential for fraud; litigation risks and substantive rights; and statutes or regulations granting or limiting a specific legal right.

With regard to a period of time for retention of TFTP-related information, a distinction again must be made between the data subpoenaed from SWIFT and the extracted data that serve as the basis for an administrative decision or other governmental action.

The Treasury Department will endeavour on an ongoing and at least annual basis to identify and delete all non-extracted data that are not necessary for the execution of purposes referred to in these Representations. Subject to the results of the above-mentioned necessity-based analysis, all non-extracted data received by the Treasury Department from SWIFT after the date of publication of these Representations will be deleted by the Treasury Department not later than five years after receipt by the Treasury Department. Subject to the results of the above-mentioned necessity-based analysis, all other non-extracted data will be deleted not later than five years after the date of publication of these Representations.

Extracted data directly responsive to a targeted terrorism search that have been subjected to the multiple dissemination controls described above for counterterrorism purposes, shall be subject to the retention period applicable to the particular government authority with respect to its particular investigative records.

For example, SWIFT data extracted through the TFTP could be used in the investigation of an individual for possible designation under OFAC's Global Terrorism Sanctions Regulations. Under OFAC's NARA-approved record retention schedule, if a final administrative decision is made to designate an individual (which decision would be made public), the information on which the decision was made will be retained permanently as a written record of the evidence supporting the agency's action. The evidentiary file is retained for possible administrative or judicial review in the event a designation is challenged, and also to support further terrorism investigations. Alternatively, if an investigation is closed without a designation, the investigatory files are subject to on-site destruction no later than one year after the investigation is completed.

Finally, consistent with the above-described U.S. legal framework, the retention period for lead information derived from the TFTP that has been disseminated is governed by the regulations and schedules of the recipient agency or government. For example, any derived information that is used in a Justice Department prosecution will be subject to applicable Justice Department retention periods.

Ongoing Counterterrorism Cooperation

The TFTP has been of great value in fighting terrorism globally, including in Europe. The U.S. Government will continue to judiciously assess whether any information obtained through the TFTP may contribute to the investigation, prevention, combating or prosecution of terrorism or its financing in one or more European Union Member States and, in all appropriate cases, will make that information available to the proper authorities in the most expedient manner.

As a sign of our commitment and partnership in combating global terrorism, an eminent European person will be appointed to confirm that the program is implemented consistent with these Representations for the purpose of verifying the protection of EU-originating personal data. In particular, the eminent person will monitor that processes for deletion of non-extracted data have been carried out.

The eminent person will have appropriate experience and security clearances, and will be appointed for a renewable period of two years by the European Commission in consultation with the Treasury Department. The eminent person shall act in complete independence in the performance of his or her duties. The eminent person shall, in the performance of his or her duties, neither seek nor take instructions from anybody. The eminent person shall refrain from any action incompatible with his or her duties under this appointment.

The eminent person will report his or her findings and conclusions annually in writing to the Commission. The Commission in turn will report to the European Parliament and the Council as appropriate.

The Treasury Department will give the eminent person access, information and data necessary for the discharge of his or her duties. The eminent person will at all times act in compliance with secrecy and confidentiality requirements imposed by law. Practical details will be agreed with the Treasury Department.

The Treasury Department also will advise the European Union of any material changes to the safeguards set forth in these representations and of the passage of any U.S. legislation that materially affects the statements made in the Representations.

The Treasury Department will endeavor to have these Representations published in the Federal Register and consents to their publication in the *Official Journal of the European Union*.

Reply from European Union to United States Treasury Department — SWIFT/Terrorist Finance Tracking Programme

(2007/C 166/10)

The European Union acknowledges receipt of your letter of 28th June containing representations regarding the processing and protection of personal data subpoenaed from SWIFT within the United States under the Terrorist Finance Tracking Programme.

We welcome these unilateral representations and the opportunity your Department has given the European Union to have its views and concerns duly reflected in the representations.

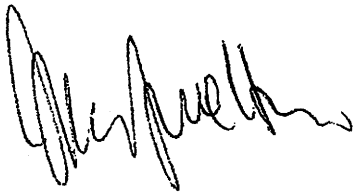
Once SWIFT and the financial institutions making use of its services have completed the necessary arrangements to respect EC law, in particular through the provision of information that personal data will be transferred for commercial purposes to the United States and, as regards SWIFT, the respect of the 'Safe Harbour' principles, subject to lawful access by the US Treasury Department, SWIFT and the said financial institutions will be in compliance with their respective legal responsibilities under European data protection law.

The representations provide for oversight by an eminent European to be appointed in consultation with the Treasury Department. We will now begin the process of identifying appropriate candidates so that this work can begin in the first semester of 2008. The Commission will make contact with your staff to agree practical details concerning this oversight work.

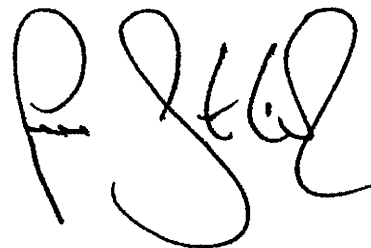
We thank you for your cooperation in this matter, which shows the strength of our shared commitment to civil liberties, the fight against terrorism and the smooth functioning of the international financial system.

Yours sincerely,

For the Commission
Vice-President Frattini



For the Council of the European Union
Federal Minister of Finance Peer Steinbrück



Statement issued by the French delegation on the occasion of the Council Decision authorising the Presidency to sign the draft reply to the letter from the US Secretary of the Treasury regarding access to SWIFT data

(2007/C 166/11)

The French delegation has requested that the following statement be entered in the minutes of the Council adopting the abovementioned 'A' item, and that it be published in the *Official Journal of the European Union* ('C' series):

'France accepts the signature by the Presidency of the Council of the letter referred to in 10741/07 JAI 319 ECOFIN 270 ADD 1 REV 1 RESTREINT UE, insofar as the Commission and the Council Legal Service confirm (see DS 568/2/07 REV 2 and 10908/07) that the commitments by the US authorities, SWIFT's compliance with Safe Harbour principles, and the procedure followed by the Commission and the Council will ensure that Community provisions on data protection are complied with. The French delegation stresses the role which will fall to the eminent European in checking that the US authorities' undertakings are carried out, and considers that Coreper must be kept closely informed of the proper performance of that mission.'

The Council is therefore invited to decide that this statement should be published in *Official Journal of the European Union* ('C' series), together with the texts referred to in paragraph 3 of 11039/07 JAI 341 ECOFIN 287.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION
POLICY

COMMISSION

Prior notification of a concentration

(Case COMP/M.4751 — STM/Intel/JV)

(Text with EEA relevance)

(2007/C 166/12)

1. On 10 July 2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings ST Microelectronics ('STM', ITA-FRA) and Intel ('Intel', US) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Newco (The Netherlands), by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:
 - for STM: semiconductors;
 - for Intel: design, development, manufacturing and market of microprocessors, chipsets, and other semiconductor components;
 - for Newco: flash memory business (non-volatile memory).
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. 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 ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4751 — STM/Intel/JV, to the following address:

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

⁽¹⁾ OJL 24, 29.1.2004, p. 1.

Prior notification of a concentration
(Case COMP/M.4822 — Advent/Takko)
Candidate case for simplified procedure

(Text with EEA relevance)

(2007/C 166/13)

1. On 13 July 2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Advent International Corporation ('AIC' referred as 'Advent', USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control of the undertaking Takko Holding GmbH ('Takko', Germany) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Advent: private equity investor;

— for Takko: distribution and sale of fashion apparel and related accessories in the low-price segment.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. 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 (EC) No 139/2004 ⁽²⁾ 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 ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4822 — Advent/Takko, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.