

# Official Journal

## of the European Union

C 14

Volume 51

English edition

### Information and Notices

19 January 2008

<u>Notice No</u>	Contents	Page
	I <i>Resolutions, recommendations and opinions</i>	
	OPINIONS	
	<b>European Data Protection Supervisor</b>	
2008/C 14/01	Opinion of the European Data Protection Supervisor on the Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator .....	1
<hr/>		
	II <i>Information</i>	
	INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES	
	<b>Commission</b>	
2008/C 14/02	Communication from the Commission on the revision of the method for setting the reference and discount rates .....	6
2008/C 14/03	Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty — Cases where the Commission raises no objections <sup>(1)</sup> .....	10
2008/C 14/04	Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty — Cases where the Commission raises no objections <sup>(1)</sup> .....	14
2008/C 14/05	Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty — Cases where the Commission raises no objections <sup>(1)</sup> .....	18



<u>Notice No</u>	Contents (continued)	Page
2008/C 14/06	Non-opposition to a notified concentration (Case COMP/M.4886 — Petroplus/Shell French Refineries) <sup>(1)</sup> .....	20

---

IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

**Council**

2008/C 14/07	Council Decision of 15 October 2007 of appointing the United Kingdom member of the Governing Board of the European Centre for the Development of Vocational Training .....	21
--------------	--	----

**Commission**

2008/C 14/08	Euro exchange rates .....	22
2008/C 14/09	Terms of reference — Group of Experts in Trafficking in Human Beings .....	23

---

V *Announcements*

ADMINISTRATIVE PROCEDURES

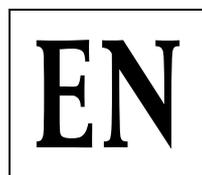
**Commission**

2008/C 14/10	Call for applications regarding Commission Decision 2007/675/EC setting up the Group of Experts on Trafficking in Human Beings .....	27
--------------	--	----

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

**Commission**

2008/C 14/11	Notice concerning a request in accordance with Article 30 of Directive 2004/17/EC of the European Parliament and of the Council — Request made by a Member State .....	34
--------------	--	----

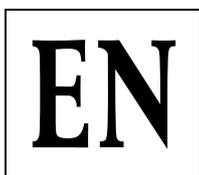


<sup>(1)</sup> Text with EEA relevance

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

**Commission**

2008/C 14/12	Prior notification of a concentration (Case COMP/M.4941 — Henkel/Adhesives and Electronic Materials Business) <sup>(1)</sup> .....	35
2008/C 14/13	Prior notification of a concentration (Case COMP/M.5003 — REWE/UAB Palink) — Candidate case for simplified procedure <sup>(1)</sup> .....	36
2008/C 14/14	Prior notification of a concentration (Case COMP/M.4961 — Cookson/Foseco) <sup>(1)</sup> .....	37
2008/C 14/15	Prior notification of a concentration (Case COMP/M.4968 — Reitan/SAS/NSB/Marked/Vizz/Travel) — Candidate case for simplified procedure <sup>(1)</sup> .....	38




---

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

## I

(Resolutions, recommendations and opinions)

## OPINIONS

## EUROPEAN DATA PROTECTION SUPERVISOR

**Opinion of the European Data Protection Supervisor on the Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator**

(2008/C 14/01)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty establishing the European Community, and in particular its Article 286,

Having regard to the Charter of Fundamental Rights of the European Union, and in particular its Article 8,

Having regard to 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 <sup>(1)</sup>,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(2)</sup>, and in particular its Article 41,

Having regard to the request for an opinion in accordance with Article 28(2) of Regulation (EC) No 45/2001 received on 29 May 2007 from the Commission,

HAS ADOPTED THE FOLLOWING OPINION:

### 1. Introduction

1. The Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator was sent by the Commission to the EDPS for consultation, in accordance with Article 28(2) of Regulation (EC) No 45/2001/EC (hereinafter 'the proposal'), and was received by the EDPS on 29 May 2007. A revised version of the proposal was received on 6 July 2007. The EDPS welcomes that the preamble of the Regu-

lation, as proposed by the Commission, mentions that he is consulted.

2. The aim of the proposal is to replace Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations <sup>(3)</sup>, in order to rectify the shortcomings of that Directive. The Directive establishes minimum conditions relating to good repute, financial standing and professional competence which companies have to satisfy. As the Explanatory Memorandum of the proposal explains, Directive 96/26/EC is part of a legislative framework shaping the internal market for road transport. The Explanatory Memorandum states that the directive is not applied and enforced uniformly, as a result of legal provisions that are unclear, incomplete or not in keeping with the development of the sector. As a result, this is considered to be detrimental to fair competition. New rules are needed for the smooth functioning of the internal market in the road transport sector.

3. The proposal takes over several provisions of Directive 96/26/EC and also contains some new elements which are listed in paragraph 3.1 of the Explanatory Memorandum. The EDPS, carrying out his task to advise Community institutions and bodies on all matters concerning the processing of personal data, will not discuss all these elements but will concentrate on the elements of the proposal that are of specific importance for the protection of personal data. In particular, the proposal introduces electronic registers interconnected between all Member States, facilitating the exchange of information between Member States. Furthermore, the proposal introduces an obligation for the authorities to warn the operator where they discover that a

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(3)</sup> OJ L 124, 23.5.1996, p. 1.

transport operator no longer satisfies the conditions on good repute, financial standings or professional competence. This obligation is one of a number of rules to ensure these conditions are met.

4. The proposal thus includes elements requiring the processing of personal data. The registers mentioned above contain personal data (Article 15 of the proposal). In this context, it has to be underlined that the proposal contains rights and obligations for undertakings, as well as transport managers. It follows from the definition of Article 1(d) that not only transport managers, but also undertakings can be natural persons. In those cases, also the processing of data on the undertakings falls within the scope of data protection law.
5. In this opinion the EDPS addresses the following Articles of the proposal:
  - Article 6 on the conditions relating to the requirement as to good repute,
  - Articles 9-14 on the authorisation and monitoring by competent authorities,
  - Article 15 calling for the introduction in each Member State of an electronic register of companies which should be interconnected throughout the Community in compliance with the rules on the protection of personal data,
  - Article 16 indicating the essential rules applicable to the protection of personal data, in accordance with Directive 95/46/EC.

## 2. Article 6

6. Article 6 lays down the conditions relating to the requirement as to good repute. One of the requirements, included in Article 6(1)(b), by definition concerns the behaviour of natural persons and falls within the scope of community legislation on the processing of personal data. The other requirements, listed in Article 6(1)(a) and (c), may concern the behaviour of natural persons.
7. The provision of Article 6(1)(b) requires that the transport manager has not incurred convictions or sanctions for serious infringements or repeated minor infringements. However, the proposal does not clearly define the difference between serious and minor infringements. An indication for this difference can be found in Recital (7). It mentions 'serious criminal convictions or serious sanctions, in particular for Community rules relating to road transport'. However, this indication does not give sufficient clarification. Is for instance a conviction relating to the Community rules on driving time and the rest period of drivers 'serious' or not, or, under what conditions are convictions not related to rules on road transport 'serious'?
8. This issue will be clarified in an implementing regulation established by the Commission (assisted by a Regulatory

Procedure with Scrutiny Committee composed of the representatives of the Member States) containing a list of categories, types and degrees of seriousness of infringements and the frequency of occurrence beyond which repeated minor infringements shall lead to the loss of good repute (Article 6(2)). The EDPS underlines the importance of this implementing regulation. Point 4.2.4 of the Explanatory Memorandum rightly states that the list is a precondition for the exchange of information between Member States and for common thresholds for the withdrawal of authorisations <sup>(1)</sup>. Moreover, according to the EDPS it is a necessary instrument to ensure the application of the principles relating to data quality <sup>(2)</sup>, such as the principles requiring that personal data are adequate, relevant and not excessive for the purpose for which they were collected and that the data are accurate and kept up to date. The list is also necessary for the legal certainty of the persons concerned. Finally, it has to be kept in mind that the data on infringements are essential for assessing the suitability of persons to exercise the job of transport managers and the processing of these data also presents clear risks from the perspective of the protection of privacy. This is even more important since the data will determine the content of the national electronic registers under Article 15 of the proposal.

9. In the view of the EDPS the implementing regulation will contain essential elements of the system on the admission to the occupation of road transport operator and the pursuit of that occupation, the subject matter of the proposal according to its Article 1. It would therefore have been preferable to lay down at least the main elements of the list mentioned in Article 6(2) in the proposal itself, possibly in an annex, in a more precise way than what is laid down in Article 6(2)(a)-(c). The EDPS suggests modifying the proposal in this sense, also to be in line with the principles relating to data quality. He disagrees with any suggestion following from Article 6(2), namely that the list only contains non-essential elements.
10. The EDPS also points at Article 6(1)(a) of the proposal, which provides that Member States shall ensure that undertakings satisfy the requirement that there are no compelling grounds for doubting their good repute. The proposal and the explanatory memorandum do not give indications how the Member States should specify this vague norm, which — apparently — covers situations where no convictions or sanctions to the undertaking or the transport managers have occurred, but where the good repute is at stake nevertheless. The EDPS suggests that the Community legislator specifies the situations this provision aims to cover, especially in light of the objective of the proposal to enhance the smooth functioning of the internal market in road transport. From the perspective of data protection this is even more important since undertakings can be natural persons and relating to them data protection law will be applicable.

<sup>(1)</sup> Also Recital (8) confirms the need of a joint definition.

<sup>(2)</sup> As laid down in Article 6 of 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 (OJ L 281, 23.11.1995, p. 31).

### 3. Articles 9-14

11. Articles 9-14 on the authorisation and monitoring lay down the central role of the competent authorities of the Member States in the implementation of the system. The powers of the competent authorities are laid down in Article 9 and include the examination of applications by road transport undertakings, the granting, suspending and withdrawing of authorisations, the declarations of unfitness relating to the transport manager and the verifications.
12. The EDPS welcomes this central role of the competent authorities which also gives them responsibilities for the processing of personal data, as a necessary element of their activities. In this context, the EDPS noted some ambiguities in the proposal which can be easily solved without changing anything in the system itself. In the first place, Article 10 deals, according to its heading, with the registration of applications. However, Article 10(2) — the paragraph dealing with registration — seems to concern the registration of the authorisations. If, however, it is meant for the Community legislator to also register the applications — including the name of the transport manager — this should be made explicit. Secondly, the competent authorities have tasks relating to the registration in the national electronic registers, but they are not explicitly made responsible for these registers (see point 17 of this opinion).
13. A separate issue in the chapter on authorisation and monitoring are the rehabilitation measures. According to Article 6(3) rehabilitation or any other measure having equivalent effect is necessary to restore good repute. Article 14(1) states that the rehabilitation measures must be specified in the decisions of the Member States on the admission to the occupation of road transport manager, on the withdrawal or suspension of this admission and on the declaration of unfitness. However, the proposal leaves the grounds for and the substance of the rehabilitation, as well as the period in which rehabilitation should take place, fully to the discretion of the Member States. It would have been preferable to limit the discretion of the Member States, and by doing so contribute to the smooth functioning of the internal market in road transport, as well as to the application of the principles of data quality and the legal certainty of the persons concerned.

### 4. Article 15

14. Article 15(1) provides that each Member State shall keep a national register of authorised road transport operators. It contains the data listed in the second part of the paragraph, which include personal data. Some of the personal data in the registers present specific risks for the data subject, such as in particular the names of persons declared to be unfit to manage the transport activity of an undertaking <sup>(1)</sup>.

<sup>(1)</sup> These data are also specifically mentioned in Recital (13) of the proposal.

15. The EDPS welcomes that access to these registers is clearly limited to those national authorities which have powers relating to the subject matter of the proposal. Also the purpose of the registers is clearly limited to the implementation of the regulation, laid down in the Articles 10-13 of the proposal, as well as for the purpose mentioned in Article 26 of the proposal, the reports that have to be made on the functioning of the regulation.
16. Article 15(2) gives a storage period of two years for data on suspensions and withdrawals of authorisations and concerning persons declared to be unfit for the occupation. The EDPS welcomes that the storage period is limited to a fixed period of two years. However, the text should also ensure that the data concerning persons declared to be unfit for the occupation shall be removed from the register immediately after a rehabilitation measure pursuant to Article 6(3) has been taken. In this context, reference can be made to Article 6(1)(e) of Directive 95/46/EC <sup>(2)</sup>.
17. Furthermore, the responsibility for the keeping of the register and for the processing of the data within the register should be clarified in the text of the regulation. In the terminology of Directive 95/46/EC: which entity can be qualified as the controller <sup>(3)</sup>? It seems logical that the competent authority must be considered as controller, but the proposal does not mention this. The EDPS suggests clarifying this in the proposal. There is even more reason for clarification since the regulation foresees the interconnection of the national electronic registers by the end of 2010 and the designation of a contact point for the exchange of information between the Member States. However, not all competent authorities will be contact points: there will be one contact point in each Member State, but there can be more than one competent authority.
18. This leads to an observation on the interconnection of the national electronic registers. Article 15(4) provides that interconnection shall be implemented in such a way that a competent authority in any Member State can consult the electronic registers of all the Member States. In other words, the proposal foresees a system of direct access. As has been explained by the EDPS in his opinion on the proposal for a Council Framework Decision on the exchange of information under the principle of availability <sup>(4)</sup>, direct access will automatically mean that an increased number of persons will have access to a database and therefore encompasses a growing risk of misuse. In case of direct access by a competent authority of another Member State, the authorities of the originating Member State have no control over the access and the further use of the data. How, for instance, can the competent authority of the originating Member State ensure that an authority in another Member State is informed of modifications in the register after the latter one has accessed the data?

<sup>(2)</sup> This provision lays down that personal data shall be 'kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed'.

<sup>(3)</sup> Article 2(d) of Directive 95/46/EC defines 'controller' as the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data.

<sup>(4)</sup> OJ C 116, 17.5.2006, p. 8.

19. These matters should be dealt with in the decisions of the Commission on the interconnections as foreseen in Article 15(5) and (6) of the proposal. The EDPS welcomes in particular the common rules on the format and the technical procedures for automatic consultation that shall be adopted by the Commission. In any event, there should be no doubt about the responsibilities for the access and further use of the data. The EDPS suggests adding a sentence to Article 15(5) stating as follows: 'These common rules should lay down which authority is responsible for the access, the further use and the keeping up to date of the data after access and should include to this effect rules on logging and monitoring of the data.'

### 5. Article 16

20. Article 16 is an Article on the protection of personal data. The beginning of this Article confirms that Directive 95/46/EC is fully applicable to personal data included in the registers. It stresses the importance of data protection and it can be seen as an introduction to the more specific provisions of Article 16(a), (b), (c) and (d).

21. According to the EDPS, the more specific provisions of Article 16 lack added value. They recall the rights of the data subject from Directive 95/46/EC (as included in its Articles 12 and 14), in a simplified form and without giving any specification (apart from the element mentioned in point 23 of this opinion). Moreover, the simplification of the rights of the data subject leads to legal uncertainty and might therefore lower the protection of the data subject. Article 16 of the proposal is ambiguous as to whether the more specific provisions of Directive 95/46/EC fully apply to requests of the data subjects relating to information about him or her within the scope of the proposal. Article 16 of the proposal — a *lex specialis* to Articles 12 and Article 14 of Directive 95/46/EC — lays down that *in particular* the elements listed in Article 16(a), (b), (c) and (d) are ensured. According to the EDPS this should not mean that the other elements are not ensured, but the text is not fully clear.

22. Alternatively, Article 16 could have added value if it would specify the rights included in the Directive. For instance, Article 16 could:

- clarify which authority is responsible for providing information; in the terminology of Directive 95/46/EC, which entity can be qualified as the controller (see also point 17 of this opinion),
- prescribe a certain format for the implementation of the rights of the data subject,
- specify further modalities of the right to object.

23. Article 16(b) contains a limitation of the right of access under Article 12 of Directive 95/46/EC which is not compatible with the directive. It states that access has to be given without constraint, at regular intervals and without

excessive delay or cost for the public authority responsible for processing the data or for the applicant. Article 12 of Directive 95/46/EC however aims to protect the data subject, where it requires access without constraint and without excessive delay or expense. The EDPS suggests modifying Article 16(b) and making it compatible with Directive 95/46/EC, by striking the words 'for the authority responsible for processing the data'. If there is a concern regarding expenses derived from access requests, it should be noted that the notion of 'excessive expense' mentioned in Article 12 of the Directive does not prohibit data controllers to request a small fee (sufficiently small not to constitute a deterrent for the exercise of the right by the data subject). Moreover, under national law authorities will normally have legal possibilities to prevent abuse of rights by certain data subjects.

24. The EDPS suggests that Article 16 be rewritten, taking into account the preceding points of this opinion.

25. Finally, Directive 95/46/EC and more specifically Article 16 also apply to the administrative cooperation between the Member States, the subject matter of Article 17 since the communication between the Member States of information concerning infringements and sanctions relating to natural persons qualifies as processing of personal data. This *inter alia* means that the data subjects should be informed, in accordance with Directive 95/46/EC and Article 16(a) of the regulation.

### 6. Conclusion

26. The EDPS suggests that the Community legislator specifies the situations Article 6(1)(a) aims to cover, also in the light of the objective of the proposal to enhance the smooth functioning of the internal market in road transport. He also suggests modifying the proposal, in order to lay down at least the main elements of the list mentioned in Article 6(2) in the proposal itself, possibly in an annex, in a more precise way than what is laid down in Article 6(2)(a)-(c).

27. The EDPS welcomes the central role of the competent authorities which also gives them responsibilities for the processing of personal data, as a necessary element of their activities. In this context, the EDPS noted some ambiguities in the proposal which can be easily solved without changing anything in the system itself.

28. The EDPS welcomes that the access to and purpose of the national electronic registers are clearly limited. He also welcomes that the storage period is limited to a fixed period of two years. However, the text should also ensure that the data concerning persons declared to be unfit for the occupation shall be removed from the register immediately after a rehabilitation measure pursuant to Article 6(3) has been taken.

29. The responsibility for the keeping of the electronic register and for the processing of the data within the register should be clarified in the text of the regulation. As far as the interconnection of the national electronic registers is concerned, the following sentence should be added to Article 15(5): 'These common rules should lay down which authority is responsible for the access, the further use and the keeping up to date of the data after access and should include to this effect rules on logging and monitoring of the data.'
30. The EDPS suggests that Article 16 on data protection be rewritten, taking into account the needs for:
- clarification that the more specific provisions of Directive 95/46/EC fully apply to requests of the data subjects relating to information about him or her within the scope of the proposal,
  - added value which means specifying the rights included in the Directive, for instance, by clarifying which authority is responsible for providing information, by prescribing a certain format for the implementation of the rights of the data subject, and by specifying further modalities of the right to object,
  - striking the words 'for the authority responsible for processing the data', in relation to the excessive delay or cost as a result of an application for access.

Done at Brussels, 12 September 2007.

Peter HUSTINX

*European Data Protection Supervisor*

---



## II

(Information)

## INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COMMISSION

**Communication from the Commission on the revision of the method for setting the reference and discount rates**

(2008/C 14/02)

(This communication replaces the previous notices on the method for setting the reference and discount rates)

**REFERENCE AND DISCOUNT RATES**

Within the framework of the Community control of State aid, the Commission makes use of reference and discount rates. The reference and discount rates are applied as a proxy for the market rate and to measure the grant equivalent of aid, in particular when it is disbursed in several instalments and to calculate the aid element resulting from interest subsidy schemes. They are also used to check compliance with the *de minimis* rule and block exemption regulations.

**BACKGROUND TO THE REFORM**

The main reason for re-examining the methodology for setting reference and discount rates is that the required financial parameters are not always available in all Member States, especially in the new ones <sup>(1)</sup>. In addition, the current method could be improved in order to take account of the debtor's creditworthiness and collaterals.

Therefore, this Communication presents a revised method for setting reference and discount rates. The proposed approach builds on the current arrangement, which is accepted by all Member States and practical to apply, to develop a new method that mitigates some of the current shortcomings, is compatible with the various financial systems in the EU (in particular in the new Member States) and remains simple to implement.

**STUDY**

A study by Deloitte & Touche <sup>(2)</sup>, commissioned by DG Competition, proposes a system based on two pillars: a 'standard' approach and an 'advanced' approach.

<sup>(1)</sup> The current reference rates for these Member States are those communicated by the Member States as reflecting a suitable market rate. The methodology for arriving at these rates diverges from one Member State to another.

<sup>(2)</sup> Available on the website of DG Competition:  
[http://ec.europa.eu/comm/competition/state\\_aid/others/](http://ec.europa.eu/comm/competition/state_aid/others/)

### Standard approach

In this approach, the Commission publishes, each quarter, a base rate calculated on several maturities — 3 months, 1 year, 5 years and 10 years — and for various currencies. IBOR rates <sup>(1)</sup> and ask swap rates are used or, in the absence of these parameters, government bond rates. The premium applied to obtain the reference rate for a loan is calculated according to the borrower's creditworthiness and collaterals. According to the rating category of the company ('rating' provided by rating agencies in the case of major companies or by banks in the case of SMEs), the margin applicable to the default case (normal rating and normal collateralisation <sup>(2)</sup>) represents 220 basis points. The increase could be up to 1 650 in the case of 'low' creditworthiness and low collateralisation.

### Advanced approach

This approach would allow Member States to appoint an independent calculation agent — a central bank for instance — in charge of publishing regularly a fair reference interest rate, for a higher number of maturities and on a more frequent basis than the standard approach. This approach would be justified by the knowledge and proximity of the financial and banking data available to this institution in comparison with the Commission. In that case, the Commission and an external auditor would validate calculation methods. In this approach, opting out, in certain cases, could be considered.

### Weaknesses

Despite the economic relevance of the two methods, certain difficulties can be underlined.

Standard approach:

- it does not solve the problem of the lack of financial data in the new Member States and adds new, not readily accessible parameters,
- this standard method could favour large companies to the detriment of SMEs for which either no rating is available, or a less advantageous one exists (in particular because of information asymmetry with respect to the lender). It could give rise to multiple disputes on the subject of calculation methods for the premium to be applied according to creditworthiness and the level of collaterals,
- it does not simplify the task of Member States, in particular regarding calculations to check compliance with the *de minimis* rule and the block exemption regulations.

Advanced method:

- the advanced method could prove problematic when applied to aid schemes: the volatility of market rates might make the difference between the underlying rate of a loan scheme and the then valid reference rate so advantageous to the borrower that some measures would become incompatible with the State aid rules,
- a quarterly adjustment of the rates would complicate the handling of cases as the calculated aid amounts may vary considerably between the beginning of the assessment phase and the date of the final decision taken by the Commission,
- these arrangements seem overly complicated and may fail to ensure consistently fair treatment across Member States.

### NEW METHODOLOGY

To avoid these difficulties, the Commission proposes a method that:

- is easy to apply (in particular for the Member States when dealing with measures falling under the *de minimis* or block exemption regulations),
- ensures equal treatment across Member States with minimum deviations from current practice and facilitating the application of reference rates for the new Member States,
- uses simplified criteria taking into account firms' creditworthiness instead of the mere size of undertakings, which seems a too simplistic criterion.

<sup>(1)</sup> Inter-bank offered rate on the money market.

<sup>(2)</sup> Cases where the recipient shows a satisfactory rating (BB) and a loss given default rate between 31 % and 59 %.

Moreover, this method makes it possible to avoid adding uncertainty and complexity to calculation methods in a changing banking and financial environment due to the implementation of the Basel II framework, which could have a significant impact on the allocation of capital as well as on banks' behaviour. The Commission will continue to monitor this changing environment and, if necessary, provide further guidance.

#### COMMISSION NOTICE

The main reason for re-examining the methodology for setting reference and discount rates is that the required financial parameters are not always available in all Member States. In addition, the current method can be improved in order to take account of the debtor's creditworthiness and collaterals.

The Commission therefore adopts the following methodology for setting the reference rates:

— Calculation basis: 1-year IBOR

The base rate is based on 1-year money market rates, available in almost all Member States, the Commission reserving the right to use shorter or longer maturities adapted to certain cases.

Where those rates are not available, the 3-month money market rate will be used.

In the absence of reliable or equivalent data or in exceptional circumstances the Commission may, in close cooperation with the Member State(s) concerned and in principle based on data from that Member State's Central Bank, determine another calculation basis.

— Margins <sup>(1)</sup>

The following margins are to be applied in principle depending on the rating of the undertaking concerned and the collateral <sup>(2)</sup> offered.

Loan margins in basis points			
Rating category	Collateralisation		
	High	Normal	Low
Strong (AAA-A)	60	75	100
Good (BBB)	75	100	220
Satisfactory (BB)	100	220	400
Weak (B)	220	400	650
Bad/Financial difficulties (CCC and below)	400	650	1 000 <sup>(1)</sup>

<sup>(1)</sup> Subject to the application of the specific provisions for rescue and restructuring aid, as currently laid down in the Community guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 244, 1.10.2004, p. 2) and in particular point 25(a), which refers to 'a rate at least comparable with the rates observed for loans to healthy companies, and in particular at the reference rates adopted by the Commission'. Hence, for rescue aid cases, the 1-year IBOR increased with at least 100 basis points shall be applied.

Normally, 100 basis points are added to the base rate. This assumes (i) loans to undertakings with satisfactory rating and high collateral; or (ii) loans to undertakings with good rating and normal collateral.

<sup>(1)</sup> As follows from the study, the margin is largely independent of the maturity of the loan.

<sup>(2)</sup> Normal collateral should be understood as the level of collateral normally required by financial institutions as a guarantee for their loan. The level of collaterals can be measured as the Loss Given Default (LGD), which is the expected loss in percentage of the debtor's exposure taking into account recoverable amounts from collateral and the bankruptcy assets; as a consequence the LGD is inversely proportional to the validity of collaterals. For the present communication it is assumed that 'High' collateralisation implies an LGD below or equal to 30 %, 'Normal' collateralisation an LGD between 31 % and 59 %, and 'Low' collateralisation an LGD above or equal to 60 %. For more details, on the notion LGD, see Basel II: International Convergence of Capital Measurement and Capital Standards: A Revised Framework — Comprehensive Version, available on: <http://www.bis.org/publ/bcbs128.pdf>

For borrowers that do not have a credit history or a rating based on a balance sheet approach, such as certain special-purpose companies or start-up companies, the base rate should be increased by at least 400 basis points (depending on the available collaterals) and the margin can never be lower than the one which would be applicable to the parent company.

Ratings do not need to be obtained from specific rating agencies — national rating systems or rating systems used by banks to reflect default rates are equally acceptable <sup>(1)</sup>.

The above margins may be revised from time to time to take account of the market situation.

— Update

An update of the reference rate will be carried out every year. The base rate will thus be calculated on the basis of the 1-year IBOR recorded in September, October and November of the previous year. The then fixed base rate will be in force as from the first of January. For the period from 1 July 2008 until 31 December 2008, the reference rate will exceptionally be calculated on the basis of the 1-year IBOR recorded in February, March and April 2008, subject to the application of the next paragraph.

In addition, to take account of significant and sudden variations, an update will be made each time the average rate, calculated over the previous three months, deviates by more than 15 % from the rate in force. This new rate will enter into force on the first day of the second month following the months used for the calculation.

— Discount rate: Calculation of net present value

The reference rate is also to be used as a discount rate, for calculating present values. To that end, in principle, the base rate increased by a fixed margin of 100 basis points will be used.

— The present methodology will enter into force as of 1 July 2008.

---

---

<sup>(1)</sup> For a comparison between the most commonly used credit rating mechanisms, see e.g. Table 1 in Working Paper No 207 of the Bank for International settlements:  
<http://www.bis.org/publ/work207.pdf>

**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)

(2008/C 14/03)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 522/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Loi de programme pour l'outre-mer
Legal basis	Articles 199 A et B <i>undecies</i> et 217 <i>undecies</i> du code général des impôts (CGI)
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Tax base reduction
Budget	Annual budget: EUR 360 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Direction générale des impôts
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 524/06
Member State	France
Region	Départements d'outre-mer de la Guadeloupe, de la Martinique et de la Réunion
Title (and/or name of the beneficiary)	TVA non perçue récupérable
Legal basis	Articles 295-1-5° du code général des impôts, articles 50 <i>undecies</i> et <i>duodecies</i> de l'annexe IV du même code
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Tax rate reduction

Budget	Annual budget: EUR 200 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Direction générale des impôts
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 529/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Octroi de mer
Legal basis	Décision du Conseil de l'Union européenne du 10 février 2004
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Tax rate reduction
Budget	Annual budget: EUR 165 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Direction générale des douanes et des droits indirects
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	28.11.2007
Reference number of the aid	N 385/07
Member State	Germany
Region	Freistaat Sachsen
Title (and/or name of the beneficiary)	ARISE Technologies Corporation
Legal basis	35. GA-Rahmenplan
Type of measure	Individual aid
Objective	Regional development
Form of aid	Direct grant
Budget	Overall budget: EUR 7 440 000 million
Intensity	15 %
Duration	1.11.2006-31.10.2009
Economic sectors	Electrical and optical equipment
Name and address of the granting authority	Sächsische Aufbaubank Pirnaische Straße 9, D-01069 Dresden  Finanzamt Bischofswerda Kirchstraße 25 D-01877 Bischofswerda
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	30.11.2007
Reference number of the aid	N 496/07
Member State	Italy
Region	Lombardia
Title (and/or name of the beneficiary)	Fondo NEXT
Legal basis	Convenzione con Finlombarda SpA per la gestione del fondo di garanzia istituito a supporto del fondo di investimento NEXT
Type of measure	Aid scheme
Objective	Risk capital
Form of aid	Provision of risk capital
Budget	Overall budget: EUR 12,23 million
Intensity	—
Duration	20.8.2007-10.10.2016

---

Economic sectors	—
Name and address of the granting authority	Regione Lombardia
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/](http://ec.europa.eu/community_law/state_aids/)

---



**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)

(2008/C 14/04)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 540/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Contrat d'accès à l'emploi (CAE-DOM)
Legal basis	Articles L. 832-2, R. 831-1 à 9 et D. 7831-1 à 4 du code du travail Circulaire DAESC/ASC/DEFI n° 2004/100 du 26 mars 2004
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Reduction of social security contributions
Budget	Annual budget: EUR 32 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Directeurs des agences locales pour l'emploi
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 542/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Exonération des charges sociales patronales
Legal basis	Articles L. 752-3-1, R. 752-19 à R. 752-25 et D. 752-6 du code de la sécurité sociale
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Reduction of social security contributions

Budget	Annual budget: EUR 850 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Caisse générale de sécurité sociale
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 559/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Abattement d'un tiers sur les résultats des bénéficiaires réalisés dans les DOM
Legal basis	Article 217 bis du code général des impôts
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Tax base reduction
Budget	Annual budget: EUR 75 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Direction générale des impôts
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 560/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Taxe réduite sur les salaires
Legal basis	Article 231 du code général des impôts
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Tax rate reduction
Budget	Annual budget: EUR 105 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Direction générale des impôts
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 627/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Fonds de garantie «Fonds DOM»
Legal basis	Convention nationale relative au fonds DOM entre l'État, l'AFD et Sofaris (15.9.1999) Convention cadre entre l'État et Sofaris (17.5.1999)
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Guarantee
Budget	Annual budget: EUR 8,1 million
Intensity	—

---

Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Agence Française de Développement (AFD) et OSEO Sofaris (Société Française de Garantie des Financements des Petites et Moyennes Entreprises)
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/](http://ec.europa.eu/community_law/state_aids/)

---

**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)

(2008/C 14/05)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 667/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Soutien à l'emploi des jeunes diplômés (SEJD)
Legal basis	Articles L. 832-7-1, L. 322-4-6 à L. 322-4-6-5, D.832-1 à D. 832-8 du code du travail Circulaire DAESC/DGEFP n° 2004/200 du 10 juin 2004
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Reduction of social security contributions
Budget	Annual budget: EUR 0,957 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Direction du travail, de l'emploi et de la formation professionnelle
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	23.10.2007
Reference number of the aid	N 668/06
Member State	France
Region	Départements d'outre-mer (DOM)
Title (and/or name of the beneficiary)	Prime à la création d'emploi
Legal basis	Articles L. 832-7, R. 831-20 et R. 831.21, D.831-5 du code du travail
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Direct grant

Budget	Annual budget: EUR 0,867 million
Intensity	—
Duration	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Direction du travail, de l'emploi et de la formation professionnelle
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/](http://ec.europa.eu/community_law/state_aids/)

Date of adoption of the decision	28.11.2007
Reference number of the aid	N 388/07
Member State	United Kingdom
Region	—
Title (and/or name of the beneficiary)	Post Office Ltd: Transformation Programme
Legal basis	Postal Services Act 2000
Type of measure	Individual aid
Objective	Services of general economic interest
Form of aid	Direct grant, Soft loan
Budget	Annual budget: GBP 334 million; overall budget: GBP 634 million
Intensity	100 %
Duration	1.4.2008-31.3.2011
Economic sectors	Post and telecommunications, Retail services
Name and address of the granting authority	Department of Business, Enterprise and Regulatory Reform
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/](http://ec.europa.eu/community_law/state_aids/)

**Non-opposition to a notified concentration**  
**(Case COMP/M.4886 — Petroplus/Shell French Refineries)**

(Text with EEA relevance)

(2008/C 14/06)

On 11 January 2008, 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 32008M4886. EUR-Lex is the on-line access to European law (<http://eur-lex.europa.eu>).
-

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COUNCIL

## COUNCIL DECISION

of 15 October 2007

**of appointing the United Kingdom member of the Governing Board of the European Centre for the Development of Vocational Training**

(2008/C 14/07)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EEC) No 337/75 of 10 February 1975 establishing the European Centre for the Development of Vocational Training, and in particular Article 4 thereof <sup>(1)</sup>,

Having regard to the nomination submitted by the United Kingdom Government,

Whereas:

- (1) By its Decision of 18 September 2006 <sup>(2)</sup>, the Council appointed the members of the Governing Board of the European Centre for the Development of Vocational Training for the period from 18 September 2006 to 17 September 2009.
- (2) A member's seat on the Governing Board of the Centre in the category of Government representatives has become vacant as a result of the resignation of Ms Pauline CHARLES.
- (3) The United Kingdom member of the Governing Board of the aforementioned Centre should be appointed for the

remainder of the current term of office, which expires on 17 September 2009,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The following person is hereby appointed member of the Governing Board of the European Centre for the Development of Vocational Training for the remainder of the term of office, which runs until 17 September 2009:

**I. GOVERNMENT REPRESENTATIVE**

UNITED KINGDOM: Ms Nicola SAMS

Done at Luxembourg, 15 October 2007.

*For the Council*

*The President*

L. AMADO

---

<sup>(1)</sup> OJ L 39, 13.2.1975, p. 1. Regulation as last amended by Regulation (EC) No 2051/2004 (OJ L 355, 1.12.2004, p. 1).

<sup>(2)</sup> OJ C 240, 5.10.2006, p. 1.



# COMMISSION

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

18 January 2008

(2008/C 14/08)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,4674	TRY	Turkish lira	1,7341
JPY	Japanese yen	157,70	AUD	Australian dollar	1,6697
DKK	Danish krone	7,4539	CAD	Canadian dollar	1,5024
GBP	Pound sterling	0,74810	HKD	Hong Kong dollar	11,4550
SEK	Swedish krona	9,4283	NZD	New Zealand dollar	1,9127
CHF	Swiss franc	1,6144	SGD	Singapore dollar	2,1050
ISK	Iceland króna	95,41	KRW	South Korean won	1 383,90
NOK	Norwegian krone	7,9915	ZAR	South African rand	10,2954
BGN	Bulgarian lev	1,9558	CNY	Chinese yuan renminbi	10,6266
CZK	Czech koruna	26,118	HRK	Croatian kuna	7,3367
EEK	Estonian kroon	15,6466	IDR	Indonesian rupiah	13 863,26
HUF	Hungarian forint	256,13	MYR	Malaysian ringgit	4,7999
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	59,723
LVL	Latvian lats	0,6988	RUB	Russian rouble	35,9230
PLN	Polish zloty	3,6165	THB	Thai baht	45,450
RON	Romanian leu	3,6749	BRL	Brazilian real	2,6026
SKK	Slovak koruna	33,693	MXN	Mexican peso	16,0269

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

## Terms of reference — Group of Experts in Trafficking in Human Beings

(2008/C 14/09)

The Commission hereby invites applications from individuals with a view to establishing a list of experts who could be invited to participate in the group of experts dealing with the issues related to European policy in preventing and fighting trafficking in human beings.

### 1. Background

With a view to enhancing the fight against trafficking in human beings at European level and in accordance with the Brussels Declaration (2002) <sup>(1)</sup> that expressed the need for a group of experts on trafficking in human beings to be set up by the Commission, the group was created with the Commission Decision 2003/209/EC <sup>(2)</sup>. The consultative group is to be known as the 'Experts Group on Trafficking in Human Beings.'

In the light of the valuable work carried out by the Experts Group on Trafficking in Human Beings since 2003 that has enabled the Commission to further develop its policy in the area and taking into account the increasing importance at global level of the policy area of trafficking in human beings, the group of experts should continue its work. A new Commission Decision <sup>(3)</sup> was required in order to take account the enlargement of the European Union. Furthermore, the scope of the group of experts should also be extended and should be able to benefit from a wider range of expertise that is demanded by the changing phenomenon of trafficking in human beings.

### 2. Group of Experts

The Commission may consult the group on any matter relating to trafficking in human beings.

The group's task shall be:

- (a) to establish cooperation between Member States, other parties as listed in Article 3 paragraph 2(b) and the Commission on the range of questions relating to trafficking in human beings;
- (b) to help the Commission, by issuing opinions related to the trafficking in human beings, and ensuring a coherent approach to the subject;
- (c) to help the Commission assess the evolution of policy in the field of trafficking in human beings at national, European and international levels;
- (d) to assist the Commission in identifying and defining possible relevant measures and actions at European and national level across the range of the anti-trafficking policy;
- (e) the group of experts shall issue opinions or reports to the Commission at the latter's request or on its own initiative, taking into due consideration the implementation and further development at EU level of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings <sup>(4)</sup>, and related forms of exploitation. It will also take into account the gender dimension.

### 3. Composition

The group shall be composed of 21 members. The members shall be appointed by the Commission. The group of experts is established for a 3 year period that can be extended by the Commission.

### 4. Eligibility

Applications may be submitted by natural persons who are nationals of an EU country or, if appropriate, of an acceding country or a European Economic Area country.

<sup>(1)</sup> The Brussels Declaration was adopted at the European Conference on Preventing and Combating Trafficking in Human Beings — Global Challenge for the 21st Century from 18-20 September 2002 (OJ C 137, 12.6.2003, p. 1).

<sup>(2)</sup> OJ L 79, 26.3.2003, p. 25.

<sup>(3)</sup> Commission Decision 2007/675/EC of 17 October 2007 setting up the Group of Experts on Trafficking in Human Beings (OJ L 277, 20.10.2007, p. 29).

<sup>(4)</sup> OJ C 311, 9.12.2005, p. 1.

The members of the group of experts shall be appointed from specialists with expertise and experience in the fight against trafficking in human beings, including the labour dimension of trafficking in human beings, taken from:

- (a) administrations of the Member States (up to 11 members);
- (b) inter-governmental, international and non-governmental organisations active at European level (up to 5 members);
- (c) social partners and employers' associations operating at European level (up to 4 members);
- (d) Europol (1 member);
- (e) individuals with experience deriving from academic research for public or private universities or institutes in Member States (up to 2 members).

Prospective experts are expected to currently hold or have held a position within a relevant stakeholder listed above. They are expected to have:

- skills and knowledge appropriate to the areas of activities in which they might be asked to assist,
- a high level of professional achievement in the anti-trafficking field and must have at least 5 years of relevant work experience,
- an appropriate language skill, including, a demonstrable ability to work in English.

The above will be assessed on the basis of the filled in CV and application form.

## 5. Call for applications

Applications may only be submitted by filling in the model application form (Annex 1) and model CV (Annex 2) attached to the Call for applications. Applicants are asked to clearly state in their application the area of trafficking in human beings in which they possess particular expertise and it should be accompanied by material demonstrating that the proposed member meets the above conditions.

Applications should be sent by 15 February 2008 at the latest either by e-mail or letter to the following address:

European Commission  
Directorate-general Justice, Freedom and Security  
Unit D2 Secretariat  
LX 46 3/131  
B-1049 Brussels  
JLS-ANTITRAFFICKING@ec.europa.eu

Each application will be examined on the basis of the criteria set out in the call for applications. The Commission will inform applicants of the outcome of the call and in particular of whether they have been included or not in the list of experts.

In view of the transparency policy of the European Institutions and the need to inform the public of the identity and qualifications of the experts advising the Institution, general personal data will be made publicly available <sup>(1)</sup> in accordance with the provisions of Regulation (EC) No 45/2001 <sup>(2)</sup> in the Register of Expert Groups for as long as the membership upholds and/or until removal from the public site is requested.

## 6. Final determination of group composition

The Commission shall decide upon the composition of the group of experts on the basis of proposals submitted in response to the call for applications.

<sup>(1)</sup> Data will be published in the Register of Expert Groups: [http://ec.europa.eu/secretariat\\_general/regexp/](http://ec.europa.eu/secretariat_general/regexp/)

<sup>(2)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regards to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

The Commission will take the following criteria into account when assessing applications:

- proven competence and experience, including at European and/or international level, in areas relevant to the fight against trafficking in human beings,
- the need to strike a balance within the group of experts in terms of representativeness of applicants, gender and geographical origin,
- the need to strike a balance of expertise on different forms of trafficking including for labour and sexual exploitation, on different aspects such as prevention, prosecution and victims' assistance, as well as in the area of human rights, children's rights, penal law, labour and migration,
- the need to favour continuity of the work of the previous Experts Group on trafficking in human beings (set up with Commission Decision of 25 March 2003),
- members of the group of experts must be nationals of Member State of the European Union or, if appropriate of an acceding country or a European Economic Area country.

The members shall inform the Commission in good time of any conflict of interests which might undermine their objectivity.

The list of members of the group of experts will be published in the Internet site of DG JLS and in the *Official Journal of the European Union*, Series C. The names of members are collected, processed and published in accordance with the provisions of Regulation (EC) No 45/2001.

Members shall be appointed for a 3-year renewable term and shall remain in office until such time as they are replaced or their terms of office ends.

Members may be replaced for the remainder of their term of office in any of the following cases:

- (a) where the member resigns;
- (b) where the member is no longer capable of contributing effectively to the group's deliberations;
- (c) where the member does not comply with Article 287 of the Treaty;
- (d) where the member has failed to inform the Commission in good time of conflict of interests.

## 7. Confidentiality

To ensure the necessary security of sensitive information, experts called upon to participate in expert groups will have to sign a non-disclosure agreement (NDA). Throughout their work they shall observe complete confidentiality of the information and documents brought to their attention.

## 8. Operation

The group shall elect a Chairperson and two vice Chairpersons from among its members acting by a simple majority.

In agreement with the Commission, sub-groups may be set up within the framework of the group to examine specific questions under terms of reference established by the group. The sub-groups shall comprise a maximum of 9 members and shall be dissolved as soon as their mandates are fulfilled.

The group and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services to the meetings of the group and its sub-groups. Representatives of interested Commission services may attend meetings of the group and its sub-groups.

The group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

The Commission may publish, in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document prepared by the group.

**9. Compensation**

Travel expenses of the experts invited to participate in the group of experts will be reimbursed by the Commission.

Meeting expenses are reimbursed within the limits of the annual budget allocated to the group by the responsible Commission services.

---

## V

(Announcements)

## ADMINISTRATIVE PROCEDURES

## COMMISSION

**Call for applications regarding Commission Decision 2007/675/EC setting up the Group of Experts on Trafficking in Human Beings**

(2008/C 14/10)

By Decision 2007/675/EC <sup>(1)</sup> the Commission has set up the Group of Experts on Trafficking in Human Beings. The Commission may consult the group on any matter relating to trafficking in human beings.

The task of the group of experts, in particular, is:

- (a) to establish cooperation between Member States, other parties as listed in Article 3 paragraph 2(b) and the Commission on the range of questions relating to trafficking in human beings;
- (b) to help the Commission, by issuing opinions related to the trafficking in human beings, and ensuring a coherent approach to the subject;
- (c) to help the Commission assess the evolution of policy in the field of trafficking in human beings at national, European and international levels;
- (d) to assist the Commission in identifying and defining possible relevant measures and actions at European and national level across the range of the anti-trafficking policy;
- (e) the group of experts shall issue opinions or reports to the Commission at the latter's request or on its own initiative, taking into due consideration the implementation and further development at EU level of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings <sup>(2)</sup>, and related forms of exploitation. It will also take into account the gender dimension.

The Commission is therefore calling for applications with a view to listing candidates to make up the group of experts.

1. The group of experts shall consist of 21 members appointed in a personal capacity and, in accordance with Article 3 of the above Decision, will be qualified individuals selected by the Commission.

Prospective experts are expected to currently hold or have held a position within a relevant stakeholder listed in the Commission Decision in question. They are expected to have:

- skills and knowledge appropriate to the areas of activities in preventing and fighting trafficking in human beings in which they might be asked to assist,
- a high level of professional achievement in the anti-trafficking field and must have at least 5 years of relevant work experience,
- an appropriate language skill, including a demonstrable ability to work in English.

The above will be assessed on the basis of the filled in CV and application form.

<sup>(1)</sup> OJ L 277, 20.10.2007, p. 29.

<sup>(2)</sup> OJ C 311, 9.12.2005, p. 1.

2. The Commission will take the following criteria into account when assessing applications:
- proven competence and experience, including at European and/or international level, in areas relevant to the fight against trafficking in human beings,
  - the need to strike a balance within the group of experts in terms of representativeness of applicants, gender and geographical origin,
  - the need to strike a balance of expertise on different forms of trafficking including for labour and sexual exploitation, on different aspects such as prevention, prosecution and victims' assistance, as well as in the area of human rights, children's rights, penal law, labour and migration,
  - the need to favour continuity of the work of the previous Experts Group on trafficking in human beings (set up with Commission Decision of 25 March 2003),
  - members of the group of experts must be nationals of Member State of the European Union or, if appropriate of an acceding country or a European Economic Area country.

Applications may only be submitted by filling in the model application form (Annex 1) and model CV (Annex 2). Applicants are asked to clearly state in their application the area of trafficking in human beings in which they possess particular expertise.

In view of the transparency policy of the European Institutions and the need to inform the public of the identity and qualifications of the experts advising the Institution, general personal data will be made publicly available <sup>(1)</sup> in accordance with the provisions of Regulation (EC) No 45/2001 <sup>(2)</sup> in the Register of Expert Groups for as long as the membership upholds and/or until removal from the public site is requested.

3. The duly signed applications must be sent in by 15 February 2008 at the latest either by e-mail or letter to the following address:

European Commission  
Directorate-general Justice, Freedom and Security  
Unit D2 Secretariat  
LX 46 3/131  
B-1049 Brussels  
JLS-ANTITRAFFICKING@ec.europa.eu

4. The Commission shall select members in a personal capacity for a 3 year renewable period. They shall give the Commission an independent opinion free from outside influence and shall respect the conditions of confidentiality mentioned in Article 4 of the Commission Decision establishing the group of experts.
5. The Commission will reimburse travel and subsistence expenses in connection with the activities of the group of experts in accordance with the provisions in force at the Commission, Members will receive no remuneration for their duties.
6. The list of members of the group of experts will be published in the Internet site of DG JLS and in the *Official Journal of the European Union*. The names of members are collected, processed and published in accordance with the provisions of Regulation (EC) No 45/2001.
7. For any further information please contact Ms. Enikő FELFÖLDI (Tel. (32-2) 295 49 33, fax (32-2) 296 76 33, e-mail: eniko.felfoldi@ec.europa.eu).

---

<sup>(1)</sup> Data will be published in the Register of Expert Groups: [http://ec.europa.eu/secretariat\\_general/regexp/](http://ec.europa.eu/secretariat_general/regexp/)

<sup>(2)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regards to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

## ANNEX 1

**APPLICATION FORM****1. Information concerning the applicant**

1.1. Title:

1.2. Name:

1.3. First name:

1.4. Gender:

1.5. Contact address for the Commission (address for correspondence)

1.5.1. Street, Number:

1.5.2. Post code:

1.5.3. Town/city:

1.5.4. Country:

1.5.5. Direct telephone + country code (area code) number:

1.5.6. Direct fax + country code (area code) number:

1.5.7. E-mail:

**2. Information concerning the applicant's current employment**

2.1. Name of Employer (relevant stakeholder):



## 2.2. Address of the stakeholder

2.2.1. Street, Number:

2.2.2. Post code:

2.2.3. Town/city:

2.2.4. Country:

2.3. Position held by the applicant:

2.4. Description of applicant's responsibilities (max. 15 lines/2 000 car.):

3. Reason for applying

(max. 15 lines/2 000 car.):

Authorised signatory of the applicant's organisation:

Title	
Name and Surname	
Position in the applicant organisation	

Date:

**Signature:**

.....

\_\_\_\_\_

## ANNEX 2

**MODEL CURRICULUM VITAE**

The curriculum vitae submitted must comply with the format below:

<b>PERSONAL DETAILS <sup>(1)</sup></b>
--

Family name:

First names:

Date of Birth:

Nationality:

Address:

Telephone:

Fax:

E-mail:

<b>EDUCATION</b>
------------------

Repeat this table if necessary

Institution	
Date	
Title obtained	

<b>LANGUAGE SKILLS</b>
------------------------

Language	Reading (*)	Speaking (*)	Writing (*)

(\*) Marked 1 to 4; 4 = excellent; add rows if necessary.

<sup>(1)</sup> Details given under this section must correspond to the details given under Section 1 of the Application form.

**RELEVANT EXPERIENCE IN THE AREA OF FIGHTING TRAFFICKING IN HUMAN BEINGS**

Current activity in the area of trafficking in human beings:

Date	
Location	
Institution	
Position	
Description of activity	

Previous activity in the area of trafficking in human beings (repeat the table if necessary):

Date	
Location	
Institution	
Position	
Description of activity	

Other relevant key qualifications/skills (e.g. experience in the studies, trainings etc. in elated fields):

---

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

COMMISSION

**Notice concerning a request in accordance with Article 30 of Directive 2004/17/EC of the European  
Parliament and of the Council**

**Request made by a Member State**

(2008/C 14/11)

On 10 January 2008, the Commission received a request in accordance with Article 30(4) of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors <sup>(1)</sup>. The first working day following receipt of the request is 11 January 2008.

This request, made by the Republic of Austria, concerns electricity production in that country. Article 30 provides that Directive 2004/17/EC is not applicable when the relevant activity is directly exposed to competition in markets to which access is not restricted. These conditions are evaluated solely for the purposes of Directive 2004/17/EC and are without prejudice to the application of competition rules.

The Commission is allowed a period of three months to take a decision on this request, commencing on the working day referred to above. The period therefore expires on 11 April 2008.

The provisions of the third subparagraph of the abovementioned paragraph 4 are not applicable. Consequently, the period allowed to the Commission may be extended by three months. Any such extension must be published.

---

<sup>(1)</sup> OJL 134, 30.4.2004, p. 1.

## PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

### COMMISSION

#### **Prior notification of a concentration**

**(Case COMP/M.4941 — Henkel/Adhesives and Electronic Materials Business)**

**(Text with EEA relevance)**

(2008/C 14/12)

1. On 11 January 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Henkel KGaA ('Henkel', Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the adhesives and electronic materials business (the 'A & E Business') that Akzo Nobel N.V. ('Akzo', Netherlands) recently acquired from Imperial Chemical Industries PLC ('ICI', United Kingdom), by way of purchase of shares. The A & E Businesses currently form part of the National Starch and Chemical Company, within ICI.

2. The business activities of the undertakings concerned are:

- for Henkel: production and supply of laundry and home care products, cosmetics and toiletries, adhesives, sealants and surface treatment products,
- for A & E Business: production and supply of industrial adhesives and electronic materials as well as certain industrial surface treatment products.

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.4941 – Henkel/Adhesives and Electronic Materials Business, 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.5003 — REWE/UAB Palink)**  
**Candidate case for simplified procedure**

(Text with EEA relevance)

(2008/C 14/13)

1. On 10 January 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking REWE-Beteiligungs-Holding International GmbH ('REWE International', Germany), belonging to the REWE Group ('REWE', Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking UAB Palink (Lithuania) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for REWE: food and non-food wholesale and retail (including supermarkets, discount stores, specialist stores), travel and tourism, principally in Germany,
- for UAB Palink: food and non-food retail in Lithuania and Latvia.

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 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation 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.5003 — REWE/UAB Palink, to the following address:

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

---

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32.

**Prior notification of a concentration**  
**(Case COMP/M.4961 — Cookson/Foseco)**

(Text with EEA relevance)

(2008/C 14/14)

1. On 15 January 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Cookson plc ('Cookson', United Kingdom) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Foseco plc ('Foseco', United Kingdom) by way of public bid announced on 11 October 2007.

2. The business activities of the undertakings concerned are:

- for Cookson: Cookson is a materials science company operating on a worldwide basis in the ceramics, electronics and precious metals industries. Cookson's Ceramics division is primarily a supplier of refractories to a number of industries such as the iron and steel industry and to a lesser extent, technical ceramics (in particular filters) to the glass, solar power and foundry industries,
- for Foseco: Foseco is a supplier of primarily consumable products for use in foundries (e.g. filters) and to a lesser extent refractory products for use in the production of iron and steel. The company is active on a global scale.

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.4961 — Cookson/Foseco, to the following address:

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

---

<sup>(1)</sup> OJL 24, 29.1.2004, p. 1.



**Prior notification of a concentration**  
**(Case COMP/M.4968 — Reitan/SAS/NSB/Marked/Vizz/Travel)**  
**Candidate case for simplified procedure**

(Text with EEA relevance)

(2008/C 14/15)

1. On 7 January 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Reitan Servicehandel AS ('Reitan', belonging to the Reitan group, Norway), SAS AB ('SAS', Sweden), Norges Statsbaner AS ('NSB', Norway), Marked AS ('Marked', Norway) and Vizz AS ('Vizz', Norway) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Travel AS ('Travel', Norway) by way of purchase of shares and other means.

2. The business activities of the undertakings concerned are:

- for undertaking Reitan: franchising of discount and convenience stores,
- for undertaking SAS: air transport,
- for undertaking NSB: rail and bus transport,
- for undertaking Marked: no activity,
- for undertaking Vizz: no activity,
- for undertaking Travel: IT services related to the booking of travel services.

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 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation 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.4968 — Reitan/SAS/NSB/Marked/Vizz/Travel, to the following address:

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

---

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32.