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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 on the citizens' initiative

(2010/C 323/01)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Article 16,

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 ⁽¹⁾,

Having regard to the request for an opinion in accordance with Article 28(2) of 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 ⁽²⁾, sent to the EDPS on 31 March 2010,

HAS ADOPTED THE FOLLOWING OPINION:

I. INTRODUCTION

1. On 31 March 2010, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative ⁽³⁾. The proposal follows a public consultation on the subject held between 11 November 2009 and 31 January 2010 ⁽⁴⁾.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ See COM(2010) 119 final, accompanied by Commission staff working document which describes the outcome of the public consultation on the Green Paper on a European citizens' initiative, SEC(2010) 730.

⁽⁴⁾ For the Green Paper, see COM(2009) 622.

2. The citizens' initiative is one of the innovations in EU law introduced by the Lisbon Treaty enabling not less than one million citizens who are nationals of a significant number of Member States to invite the Commission to submit a legislative proposal. The proposed Regulation is based on Article 11(4) TEU and Article 24(1) TFEU which provide that the procedures and conditions required for the citizens' initiative be determined in accordance with the ordinary legislative procedure.
3. The proposal was sent to the EDPS in accordance with Article 28(2) of Regulation (EC) No 45/2001 on the same day as it was adopted. The EDPS was informally consulted prior to the adoption of the proposal. The EDPS welcomed this informal consultation and is pleased to see that most of his remarks have been taken into account in the final proposal.
4. In general, the EDPS is satisfied with the way in which the issue of data protection is addressed in the proposed Regulation. On a detailed level the EDPS has a few suggestions for adjustments. These are discussed in Chapter II of this Opinion.
5. As a preliminary remark, the EDPS would like to underline that full respect for data protection rules contributes considerably to the reliability, strength and success of this important new instrument.

II. DETAILED ANALYSIS OF THE PROPOSAL

6. In accordance with Articles 11(4) TEU and 24(1) TFEU the proposal determines the procedures and conditions for the citizens' initiative. The proposed Regulation defines the minimum number of Member States, the minimum number of citizens per Member State and the minimum age for citizens to be entitled to participate in an initiative. The proposal furthermore determines the substantive and procedural conditions for the examination of an initiative by the Commission.

7. This Opinion only focuses on the provisions which are relevant from a data protection perspective. These are the rules for the registration of a citizens' initiative (Article 4), the procedures for the collection of statements of support (Articles 5 and 6) and the requirements for the verification and authentication of statements of support (Article 9). Special attention to data protection is given in Article 12 of the proposal. Article 13 furthermore deals with the liability of the organisers of a citizens' initiative. These provisions will now be analysed in detail.

Article 4 — Registration of a proposed citizens' initiative

8. Prior to the collection of statements of support from signatories, the organiser is required to register the initiative with the Commission through an online register. He must provide the information which is set out in Annex II of the proposed Regulation. This information includes personal information of the organiser, namely the full name, postal address and e-mail address. According to Article 4(5) of the proposal a proposed citizens' initiative will be made public in the register. Although it is not entirely clear from the text, the EDPS assumes that the postal address and e-mail address of the organiser will in principle not be publicly available through the register. Were it otherwise, the EDPS would invite the legislator to assess and explain the necessity of the publication and clarify the text of Article 4 in this respect.

Article 5 — Procedures and conditions for the collection of statements of support

9. The organiser is responsible for the collection of the necessary statements of support from signatories for the proposed citizens' initiative. According to Article 5(1) statements of support forms must comply with the model set out in Annex III of the proposed Regulation. This model form requires a signatory to provide certain (obvious) personal information, such as the first name and family name and, in case of a paper form, the actual signature. For the purpose of verifying the authenticity of a statement of support by the competent authority the provision of certain other information is also mandatory: the city and country where the signatory lives, their date and place of birth, nationality, personal identification number, the type of identification number/identity document and the Member State which issued this number/document. Other, non-mandatory, fields indicated on the model form are the street where the signatory lives and their e-mail address.

10. The EDPS takes the view that the mandatory information fields in the model form are all necessary for the purpose of organising the citizens' initiative and securing the authenticity of the statements of support, except for the personal identification number. Differences exist between

the Member States as to how the use of such unique identification numbers, where they exist, is regulated. In any event, the EDPS does not see the added value of the personal identification for the purpose of verifying the authenticity of the statements of support. The other requested information can already be considered as sufficient for reaching that purpose. The EDPS therefore recommends deleting this information field from the model form in Annex III.

11. The EDPS also questions the need to include the non-mandatory information fields in the standard form and recommends deleting these fields from the model form in Annex III if such need is not demonstrated.

12. The EDPS furthermore recommends adding a standard privacy statement at the bottom of the model, indicating the identity of the controller, the purposes of the collection, the other recipients of the data and the retention period. The provision of such information to the data subject is required by Article 10 of Directive 95/46/EC.

Article 6 — Online collection systems

13. Article 6 of the proposed Regulation deals with the collection of statements of support using online systems. Article 6 requires the organiser to ascertain, prior to the collection of the statements, that the online collection system has adequate security and technical features in place to ensure that, inter alia, the data provided online is securely stored '[so] that it may not be modified or used for any other purpose than its indicated support of the given citizens' initiative and to protect personal data against accidental or unlawful destruction or accidental loss, alteration or unauthorized disclosure or access' ⁽¹⁾.

14. Article 6(2) furthermore states that the organiser may, at any time, ask the relevant competent authority to certify that the online collection system complies with these requirements. Such certification shall in any case be requested by the organiser prior to submitting statements of support for verification (see Article 9 below).

15. Article 6(5) furthermore obliges the Commission to adopt technical specifications for the implementation of these security rules in accordance with the comitology procedure foreseen in Article 19(2) of the proposal.

⁽¹⁾ See Article 6(4) of the proposal.

16. The EDPS welcomes the emphasis laid in Article 6 of the proposal on the security of online collection systems. The obligation to ensure the security of the data processing is one of the data protection requirements, which can be found in Article 17 of Directive 95/46/EC. The EDPS is pleased to see that following the informal comments of the EDPS the Commission has aligned the text of Article 6(4) of the proposal with the text of Article 17(1) of Directive 95/46/EC. The EDPS furthermore welcomes the inclusion in Article 6(4) of an obligation to ensure that data is not used for any other purpose than its indicated support of the given citizens' initiative. However, the EDPS encourages the legislator to include a comparable obligation with a general scope in Article 12 (see point 27 below).
17. The EDPS has doubts as to the timing of the certification by the relevant competent authority. The organiser is only obliged to request such certification ultimately before he submits the collected statements of support for verification to that authority. He *may* do so at an earlier stage. Assuming that the certification of the online system has added value, the EDPS takes the view that the certification should take place *before* the statements are collected in order to prevent the collection of personal data of at least one million citizens through a system which afterwards would appear to be not sufficiently secured. The EDPS therefore invites the legislator to include this obligation in the text of Article 6(2). Of course it should thereby be assured that the certification procedure does not constitute an unnecessary administrative burden for the organiser.
18. In relation to this, the EDPS wishes to point at Article 18 of Directive 95/46/EC which obliges controllers to notify a processing operation to the national data protection authority before carrying out the processing operation, unless certain exemptions apply. It is not clear how this obligation to notify, subject to exemption, relates to the certification by the competent national authority under the proposed Regulation. With a view to preventing administrative burdens as much as possible, the EDPS invites the legislator to clarify the relation between the notification procedure of Article 18 of Directive 95/46/EC and the certification procedure of Article 6 of the proposed Regulation.
19. Turning to the implementing rules for the technical specifications. The EDPS expects to be consulted before these implementing rules will be adopted. Particularly since the Commission staff working document on the outcome of the Green Paper mentions several systems proposed during the public consultation to ensure the authenticity of online

signatures, one of which is the idea of a European citizen's smartcard allowing e-signatures. Such a system obviously brings in new data protection considerations ⁽¹⁾.

Article 9 — Verification and certification of statements of support by the Member States

20. Having collected the necessary statements of support from the signatories, the organiser has to submit these statements to the relevant competent authority for verification and certification. The organiser transfers the personal information of the signatories to the competent authority of the Member State which issued the identification document of the signatory as indicated in the statement of support. Within three months, the competent authority has to verify the statements of support on the basis of 'appropriate checks' and deliver a certificate to the organiser ⁽²⁾. The certificate is used when the initiative is actually submitted to the Commission.
21. The EDPS welcomes this decentralised system whereby the Commission will not be in the possession of the personal information of the signatories but only of the certificates issued by the national competent authorities. Such a system diminishes the risks for improper handling of personal data as it minimises the recipients of that data.
22. It is not clear from the text what the 'appropriate checks' by the competent authority mean. Also the relevant Recital 15 does not provide any clarity on the matter. The EDPS wonders how the authenticity of the statements of support will be checked by the competent authorities. He is particularly interested in knowing whether the competent authorities will be able to control the statements against information on the identity of citizens available from other sources, such as national or regional registers. The EDPS invites the legislator to specify this issue.

Article 12 — Protection of personal data

23. Article 12 of the proposed Regulation is solely dedicated to the protection of personal data. The provision underlines that the organiser as well as the competent authority must respect Directive 95/46/EC and the national provisions adopted pursuant thereto. In Recital 20 mention is also made of the applicability of Regulation (EC) No 45/2001 when the Commission is processing personal data by registering the organiser of an initiative. The EDPS welcomes these statements.

⁽¹⁾ See SEC(2010) 730, p. 4.

⁽²⁾ See Article 9(2) of the proposal.

24. The provision furthermore makes explicit that the organiser and the competent authority must be considered as data controllers for the purposes of their respective processing of personal data. The EDPS is pleased with this specification. The controller has primary responsibility for compliance with data protection rules. Article 12 of the proposal avoids any doubt as to who must be considered as controller.
25. Article 12 also provides for the maximum retention periods of the collected personal data. For the organiser the term is set at one month after having submitted the initiative to the Commission, or at least 18 months after the date of registration of a proposed initiative. The competent authorities have to destroy the data one month after having issued the certificate. The EDPS welcomes these limitations as they ensure compliance with the requirement laid down in Article 6(1)(e) of Directive 95/46/EC.
26. The EDPS is furthermore satisfied with the repetition in Article 12 of the text taken from Article 17(1) of Directive 95/46/EC on security of data processing. It is thereby made clear that these obligations are not only applicable when an online collection system is used (see point 13 and further above), but to all situations covered by the proposed Regulation.
27. As stated in point 16 above, the EDPS recommends the legislator to add another paragraph to Article 12 ensuring that personal data collected by the organiser (either through an online collection system or by any other means) is not used for any other purpose than its indicated support of the given citizens' initiative and furthermore that data received by the competent authority is used only for the purpose of verifying the authenticity of statements of support for a given citizens' initiative.

Article 13 — Liability

28. In Article 13 it is stated that the Member States must ensure that the organisers resident or established on their territory shall be liable under their civil or criminal law for infringements of the proposed Regulation and in particular for, inter alia, non-conformity with the requirements for online collection systems or the fraudulent use of data. In Recital 19 reference is made to Chapter III of Directive 95/46/EC which deals with judicial remedies, liability and sanctions and states that this chapter is fully applicable as regards the data processing carried out in application of the proposed Regulation. Article 13 of the proposal must be seen as an addition to this referring explicitly, contrary to Chapter III of Directive 95/46/EC, to the civil and criminal law of the Member States. The EDPS obviously welcomes this provision.

III. CONCLUSION AND RECOMMENDATIONS

29. As stated in the introduction, and as has become clear from the analysis in Chapter II of this Opinion, the EDPS is generally satisfied with the way in which the issue of data protection is addressed in the proposed Regulation on the citizens' initiative. Data protection has clearly been taken into account, and the proposal is drafted in a way which ensures conformity with data protection rules. The EDPS is particularly pleased with Article 12 which is solely dedicated to data protection and which clarifies responsibilities and retention periods. The EDPS wishes to underline that full respect for data protection rules contributes considerably to the reliability, strength and success of this important new instrument. Although generally satisfied with the proposal, the EDPS still sees room for further improvements.
30. The EDPS recommends that the legislator amends Article 6 in such a way that the organiser is obliged to request certification of the security of the online collection system *before* he starts collecting the statements of support. In addition, such certification procedures should not constitute an unnecessary administrative burden for the organiser. The EDPS furthermore recommends clarifying the relation between the notification procedure of Article 18 of Directive 95/46/EC and the certification procedure of Article 6 of the proposed Regulation.
31. In order to further improve the proposal, the EDPS recommends the legislator:
- to assess the necessity of the publication of the postal and e-mail address of the organiser of an initiative, and to clarify the text of Article 4 of the proposal, should such publication be envisaged;
 - to delete the request for the personal identification number and the non-mandatory information fields from the model form in Annex III;
 - to add a standard privacy statement to the model form contained in Annex III which ensures compliance with Article 10 of Directive 95/46/EC;
 - to clarify what is meant by the 'appropriate checks' in Article 9(2) which have to be performed by the competent authority when verifying the authenticity of statements of support;

-
- to add another paragraph to Article 12 ensuring that personal data collected by the organiser is not used for any other purpose than its indicated support of the given citizens' initiative and that data received by the competent authority is used only for the purpose of verifying the authenticity of statements of support for a given citizens' initiative.

Done in Brussels, 21 April 2010.

Peter HUSTINX
European Data Protection Supervisor

Opinion of the European Data Protection Supervisor on the proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA

(2010/C 323/02)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Article 16,

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 ⁽¹⁾,

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 ⁽²⁾, and in particular its Article 41,

HAS ADOPTED THE FOLLOWING OPINION:

I. INTRODUCTION

1. On 29 March 2010, the Commission adopted a proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA ⁽³⁾ (further: the proposal).
2. The proposal intends to repeal a Framework Decision adopted on 22 December 2003, due to some shortcomings of this previous legislation. The new text would improve the fight against child abuse with regard to the following aspects: criminalisation of serious forms of child abuse in relation for instance to child sex tourism, protection of unaccompanied children; criminal investigation and coordination of prosecution; new criminal offences in the IT environment; protection of victims; prevention of offences.
3. With regard to the objective to prevent offences, one of the tools would be the restriction of access to child pornography on the internet.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ COM(2010) 94 final.

4. The EDPS has noted the main purpose of the proposal. His intention is not to question the need to put in place a better framework providing for adequate measures to protect children against abuses. He nevertheless wishes to stress the impact of some of the measures envisaged in the proposal, such as the blocking of websites and the setting-up of hotlines, on the fundamental rights to privacy and data protection of different individuals involved. For this reason, he has decided to submit this brief opinion at his own initiative.

II. ANALYSIS OF THE PROPOSAL

5. The data protection issues relate to two aspects of the proposal, which are not specific to the fight against child abuse but to any initiative aiming at the collaboration of the private sector for law enforcement purposes. These issues have already been analysed by the EDPS in different contexts, especially related to the fight against illegal content on the Internet ⁽⁴⁾.
6. With regard to the proposal, the two elements of concern are developed in recital 13 and in Article 21. They can be described as follows.

II.1. The role of service providers with regard to the blocking of websites

7. The proposal foresees two possible alternatives to block access from the Unions' territory to internet pages identified as containing or disseminating child pornography: mechanisms to facilitate blocking by order of competent judicial or police authorities, or voluntary actions by Internet Service Providers to block the internet pages on the basis of codes of conducts or guidelines.
8. The EDPS questions the criteria and conditions leading to a blocking decision: while he could support actions taken by police or judicial authorities in a well defined legal framework, he has strong doubts about the legal certainty of any blocking operated by private parties.

⁽⁴⁾ The EDPS has issued in particular the following opinions which include remarks relevant in view of the present initiative:

— EDPS Opinion of 23 June 2008 on the Proposal for a Decision establishing a multiannual Community programme on protecting children using the Internet and other communication technologies, OJ C 2, 7.1.2009, p. 2

— EDPS Opinion of 22 February 2010 on the current negotiations by the European Union of an Anti Counterfeiting Trade Agreement (ACTA).

See also Article 29 Working Party, Working Document on data protection issues related to intellectual property rights (WP 104), adopted on 18 January 2005.

9. He questions first of all the possible monitoring of the internet which could lead to such blocking. Monitoring and blocking may imply different activities, including scanning the internet, identifying unlawful or suspect websites and blocking access to end users, but also monitoring online behaviour of end-users who are trying to access or download such content. The tools used are different and imply different degrees of invasiveness, but give rise to similar questions as to the role of Internet Service Providers with regard to the processing of content information.
10. These surveillance activities have consequences in terms of data protection, as personal data of various individuals will be processed, be it information about victims, witnesses, users or content providers. The EDPS has in previous opinions expressed his concerns regarding the monitoring of individuals by private sector actors (e.g. ISPs or copyright holders), in areas that are in principle under the competence of law enforcement authorities ⁽¹⁾.
- The EDPS underlines that monitoring the network and blocking sites would constitute a purpose unrelated to the commercial purpose of ISPs: this would raise issues with regard to lawful processing and compatible use of personal data under Article 6.1.b and Article 7 of the Data Protection Directive ⁽²⁾.
 - The EDPS questions the criteria for blocking and stresses that a code of conduct or voluntary guidelines would not bring enough legal certainty in this respect.
 - The EDPS also underlines the risks linked with possible blacklisting of individuals and their possibilities of redress before an independent authority.
11. The EDPS has already stated at several occasions that 'the monitoring of Internet user's behaviour and further collection of their IP addresses amounts to an interference with their rights to respect for their private life and their correspondence (...). This view is in line with the case law of the European Court of Human Rights ⁽³⁾'. Considering

this interference, more appropriate safeguards are needed to ensure that monitoring and/or blocking will only be done in a strictly targeted way and under judicial control, and that misuse of this mechanism is prevented by adequate security measures.

II.2. The setting-up of a network of hotlines

12. A network of hotlines, as mentioned in recital 13 of the proposal, is foreseen by the Safer Internet Programme on which the EDPS has issued the opinion referred to above. One of the comments of the EDPS relate precisely to the conditions according to which information would be collected, centralised and exchanged: there is a need for a precise description of what should be considered as illegal or harmful content, who is enabled to collect and keep information and under what specific safeguards.
13. This is particularly important considering the consequences of reporting: in addition to the information related to children, personal data of any individual connected in some way with the information circulating on the network could be at stake, including for instance information on a person suspected of misbehaviour, be it an internet user or a content provider, but also information on a person reporting a suspicious content or the victim of the abuse. The rights of all these individuals should not be overlooked when developing reporting procedures: they should be taken into account in compliance with the existing data protection framework.
14. The information collected by these hotlines will also most probably be used for prosecution during the judicial stage of the case. In terms of quality and integrity requirements, additional safeguards should be implemented in order to guarantee that this information considered as digital evidence has been properly collected and preserved and will therefore be admissible before a court.
15. Guarantees related to the supervision of the system, in principle by law enforcement authorities, are decisive elements to comply with. Transparency and independent redress possibilities available to individuals are other essential elements to be integrated in such a scheme.

III. CONCLUSION

16. While the EDPS has no reason to challenge the development of a strong and effective framework to fight against sexual abuse, sexual exploitation of children and child pornography, he insists on the need to ensure legal certainty with regard to all actors involved, including Internet Service Providers and individuals using the network.

⁽¹⁾ See both EDPS opinions mentioned above.

⁽²⁾ 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⁾ EDPS opinion on ACTA, p. 6.

17. The mentioning in the proposal of the need to take into account the fundamental rights of end users is welcome but not sufficient: it should be complemented by an obligation for Member States to ensure harmonised, clear and detailed procedures when fighting illegal content, under the supervision of independent public authorities.

Done in Brussels, 10 May 2010.

Peter HUSTINX
European Data Protection Supervisor

Opinion of the European Data Protection Supervisor on the proposal for a Directive of the European Parliament and of the Council on Deposit Guarantee Schemes

(recast)

(2010/C 323/03)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Article 16,

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 ⁽¹⁾,

Having regard to the request for an opinion in accordance with Article 28(2) of 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 ⁽²⁾,

HAS ADOPTED THE FOLLOWING OPINION:

I. INTRODUCTION

1. On 12 July 2010, the Commission adopted a proposal for a Directive of the European Parliament and of the Council on Deposit Guarantee Schemes (recast) ⁽³⁾.
2. The proposal was sent to the EDPS in accordance with Article 28(2) of Regulation (EC) No 45/2001 on the same day as it was adopted. The EDPS was informally consulted prior to the adoption of the proposal. The EDPS welcomed this informal consultation and is pleased to see that all his remarks have been taken into account in the final proposal.
3. In this Opinion, the EDPS will briefly explain and analyse the data protection aspects of the proposal.

II. THE DATA PROTECTION ASPECTS OF THE PROPOSAL

4. Deposit Guarantee Schemes (DGSs) reimburse deposits to depositors up to a certain amount in case a credit institution has to be closed. Directive 94/19/EC, which obliges Member States to establish one or more DGSs within their territory, was adopted on 30 May 1994 by the European Parliament and the Council. Shortly after the outbreak of the financial crisis in 2008, the Council encouraged the Commission to bring forward an appropriate proposal to promote convergence of DGSs which should contribute to restoring confidence in the financial sector. On 11 March 2009, as an emergency measure, Directive 94/19/EC was

amended by Directive 2009/14/EC. The most visible amendment was the increase of the coverage level from EUR 20 000 to EUR 100 000 for depositors in case a bank has to be closed. The Commission indicates on page 5 of the Explanatory Memorandum to the current proposal that, since Directive 2009/14/EC has not been completely implemented yet, it considers it necessary to consolidate and amend Directives 94/19/EC and 2009/14/EC by means of a recast.

5. The proposal aims at simplifying and harmonising the relevant national rules, in particular as to the scope of coverage and the arrangement of payout. Provisions are amended in order to further reduce the time limit for paying out depositors and guarantee better access for DGSs to information about their members (the credit institutions, such as banks). There are furthermore several adjustments which envisage ensuring sound and credible DGSs that are sufficiently financed ⁽⁴⁾.
6. The improved procedure for the repayment of depositors entails an increased processing of personal data of depositors within a Member State, but also between Member States. In Article 3(7) it is stated 'that Member States shall ensure that DGS, at any time and at their request, receive from their members all information necessary to prepare a repayment of depositors'. Such information can, as follows from Article 12(4) of the proposal, also be exchanged between the DGSs in different Member States.
7. In case the depositor is a natural person, information about the depositor constitutes personal data in the sense of Article 2(a) of Directive 95/46/EC. The transfer of such information between credit institutions and a DGS, or between DGSs, constitutes the processing of personal data in the sense of Article 2(b) of Directive 95/46/EC. The provisions of Directive 95/46/EC, as implemented in the relevant national legislation, are therefore applicable to these processing operations. The EDPS is pleased to see that this is confirmed and emphasised in recital 29 of the proposal.
8. Furthermore the EDPS is pleased to see that certain data protection elements have been addressed in the proposal in substantive terms. Article 3(7) provides that the information obtained for the preparation of repayments may only be used for that purpose and shall not be kept longer than is necessary for that purpose. This further specifies the principle of purpose limitation, as laid down in Article 6(1)(b) of Directive 95/46/EC and the obligation to keep data no longer than is necessary for the purpose for which it was collected or is further processed, as can be found in Article 6(1)(e) of Directive 95/46/EC.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ See COM(2010) 368 final.

⁽⁴⁾ See pp. 2-3 of the Explanatory Memorandum to the proposal.

9. It is explicitly pointed out in Article 3(7) that the information obtained for the preparation of repayments also includes markings under Article 4(2). On the basis of the latter Article, credit institutions are obliged to mark deposits if the deposit is for some reason not eligible for repayment, for instance because the deposits arise out of transactions which are connected with a criminal conviction for money laundering as defined in Article 1(c) of Council Directive 91/308/EEC (see Article 4(1) of the proposal). Since the purpose of the information exchange precisely is the repayment of the deposit, the communication of such a marking can be considered to be a necessary measure. The EDPS therefore takes the view that the transfer of such a marking, when considered personal data, is in conformity with the data protection rules as long as the marking itself does not reveal more information than necessary. A simple mark stating that the deposit is not eligible would serve the purpose. Therefore the obligation contained in Article 4(2) of the proposal should be applied in that way, in order to comply with the rules stemming from Directive 95/46/EC.
10. Article 3(7) of the proposal also deals with the collection of information by DGSs which is necessary to perform regular stress tests of their systems. This information is submitted to the DGSs by the credit institutions on an ongoing basis. In the informal consultation the EDPS expressed concerns as to whether this information would also include personal data. The EDPS expressed doubts as to whether it was actually necessary to process personal data for performing stress tests. The Commission has adjusted the proposal on this point and added that such information shall be rendered anonymous. In terms of data protection this means that the information cannot, after taking into account all means likely to be used, be linked to an identified natural person⁽¹⁾. The EDPS is satisfied with this assurance.
11. Also with regard to the information received for the performance of stress tests it is stated in Article 3(7) that such information may only be used for that purpose and that it shall be kept no longer than is necessary for that purpose. The EDPS would like to point out that if information is made anonymous, it no longer falls within the definition of personal data to which the rules contained in Directive 95/46/EC apply. There may be good reasons to provide for limited use of this information. However, the EDPS would like to make clear that data protection rules do not require this.
12. In order to facilitate an effective cooperation between DGSs, also with regard to the exchange of the information referred to in Article 3(7), Article 12(5) of the proposal states that the DGSs or, where appropriate, the competent authorities, shall have written cooperation agreements in place. It is in such agreements that the application of the data protection rules should be worked out in greater detail. The EDPS is therefore pleased to see that an extra sentence is added to Article 12(5) emphasising that 'such agreements shall take into account the requirements set out in Directive 95/46/EC'.

III. CONCLUSION

13. The EDPS is satisfied with the way in which the data protection aspects are addressed in the proposed Directive, and would only like to refer to the comments made in points 9 and 11 of this opinion.

Done at Brussels, 9 September 2010.

Peter HUSTINX

European Data Protection Supervisor

⁽¹⁾ See on the notion of 'anonymity' further the points 11-28 of the Opinion of the EDPS of 5 March 2009 on organ transplantation (OJ C 192, 15.8.2009, p. 6). Also online (<http://www.edps.europa.eu>), click Consultation, Opinions, 2009.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Council conclusions on increasing the level of basic skills in the context of European cooperation on schools for the 21st century

(2010/C 323/04)

THE COUNCIL OF THE EUROPEAN UNION,

people who cannot read properly and to improve the achievement of learners from migrant or disadvantaged backgrounds ⁽³⁾.

HAVING REGARD TO:

The 2006 Recommendation of the European Parliament and of the Council on key competences for lifelong learning ⁽¹⁾, which presents the European reference framework of eight key competences that all young people should develop during their initial education and training. Acquiring basic skills ⁽²⁾ in reading literacy, mathematics and science at school level is crucial for the development of key competences across the lifelong learning continuum. These skills evolve throughout the process of acquisition of key competences, as learners work with more and more complex information with accuracy and understanding, and so underpin qualities such as problem solving, critical thinking and initiative and creativity;

3. The November 2008 conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council ⁽⁴⁾, set an agenda for European cooperation on schools and reiterated that there was insufficient progress towards the targets set on reading literacy. The Council agreed on the need to guarantee and improve the acquisition of reading literacy and numeracy as essential components of key competences. Member States were invited to focus cooperation on increasing the levels of literacy and numeracy and on stimulating greater interest in MST.

AND WHEREAS:

1. Improving reading literacy was one of the thirteen objectives established under the 'Education and Training 2010' work programme in 2002. It was also one of the five reference levels of European average performance ('European benchmarks') set by the Council in 2003: namely that, by 2010, the percentage of low-achieving 15-year-olds in reading literacy in the European Union should have decreased by at least 20 % compared to the year 2000. As for mathematics, science and technology (MST), another benchmark to be achieved by 2010 was to increase by at least 15 % the total number of graduates in these subjects.

4. The May 2009 Council conclusions on a strategic framework for cooperation in education and training ('ET 2020') ⁽⁵⁾ restated the importance of literacy and numeracy as fundamental elements of key competences and of making mathematics, science and technology more attractive. The new benchmark adopted by the Council under the framework aims at an adequate level of basic skills in reading, mathematics and science, by calling for the share of low achievers in reading, maths and science to be reduced to below 15 % by 2020.

2. The March 2008 European Council renewed its call to the Member States to reduce substantially the number of young

5. The 2010 joint progress report of the Council and the Commission on the implementation of the 'Education and Training 2010' work programme ⁽⁶⁾ emphasised the importance of partnerships between education institutions and the world of work as a means of enhancing

⁽¹⁾ Recommendation 2006/962/EC of the European Parliament and of the Council, (OJ L 394, 30.12.2006, p. 10).

⁽²⁾ For the purposes of this text, the term 'basic skills' should be understood as basic skills in reading, mathematics and science, as referred to in the new European benchmark under the 'ET 2020' strategic framework.

⁽³⁾ Doc. 7652/08, paragraph 15, p. 10.

⁽⁴⁾ OJ C 319, 13.12.2008.

⁽⁵⁾ OJ C 119, 28.5.2009.

⁽⁶⁾ OJ C 117, 6.5.2010.

competences and gaining insights into professional life and careers. Collaborative schemes between schools, universities and industry have been recognised by experts as having a positive impact on MST learning.

6. Most recently, at the June 2010 European Council meeting, Member States agreed on the objective of improving education levels in the context of the Europe 2020 Strategy for growth and jobs⁽¹⁾, in which the issue of basic skills forms an integral part of both the 'smart growth' and 'inclusive growth' agendas and contributes to flagship initiatives such as the *Agenda for New Skills and Jobs* and the *Digital Agenda*;

NOTING THAT:

1. While there has been a general improvement in education and training performance in the EU over the last decade, progress has been insufficient to reach the European benchmarks agreed for 2010. Indeed, the reading and mathematics skills of 15-year-olds in Europe have on average weakened. The share of low-achievers in reading increased from 21,3 % in 2000 to 24,1 % in 2006⁽²⁾, while for mathematics the share rose from 20,2 % to 24 %⁽³⁾. The average share of low performers in science in the Member States was 20,2 % in 2006⁽⁴⁾.
2. There is also evidence that pupil performance in basic skills is influenced by their socio-economic background and the educational attainment of their parents. In all Member States for which comparable data exist, the performance in reading, mathematics and science of pupils with a migrant background is lower than that of native pupils⁽⁵⁾.
3. In recent decades Europe has faced a growing demand for qualified human resources in mathematics, science and technology. While the corresponding European benchmark for 2010 has been met, the needs to which it referred are still relevant. Overall graduation rates have risen, largely thanks to computer science and enlargement, but growth has been far weaker in mathematics, statistics and engineering, while in physics it has in fact fallen. In addition, female students continue to be severely under-represented in these subjects⁽⁶⁾.

⁽¹⁾ Docs. EUCO 7/10 of 26 March 2010 and 13/10 of 17 June 2010.

⁽²⁾ http://ec.europa.eu/education/lifelong-learning-policy/doc34_en.htm

⁽³⁾ PISA 2006. (BG and RO are included in the figure for 2006 but not for 2003).

⁽⁴⁾ N.B. Comparable figure for 2000 not available.

⁽⁵⁾ PISA 2006.

⁽⁶⁾ See 'Progress towards the Lisbon objectives in education and training: Indicators and benchmarks — 2009', Chapter III, p. 97 on gender imbalance among graduates in MST.

4. There are many initiatives aimed at improving reading literacy within the Member States, as well as national, regional and local measures designed to improve both attitudes to, and attainment in, mathematics and science. Furthermore, in recent years many Member States have included issues related to attainment and attitudes towards mathematics and science on their policy agendas. They have also assigned significant resources to improving school science education. Programmes targeting the early acquisition of basic skills and personalised approaches to learning are emerging as explicit strategies in most countries⁽⁷⁾.

AND RECALLING THAT:

With specific regard to mathematics, science and technology:

1. Work on MST under the open method of coordination has found that innovative pedagogies and well-qualified teachers can improve pupils' attitudes towards, and attainment in, MST. This in turn can lead to more pupils pursuing studies in these fields at higher levels and ultimately to an increase in the number of MST graduates.
2. The 2007 Commission report *Science education now: a renewed pedagogy for the future of Europe*⁽⁸⁾ recommended greater use of inquiry-based science education, breaking the isolation of science teachers through networks, paying special attention to girls' attitudes to maths, science and technology, and opening up schools towards the wider community.

RECOGNISES THAT:

1. The acquisition of basic skills — a foundation for developing key competences for all on a lifelong learning basis — will play a crucial role in improving citizens' employability, social inclusion and personal fulfilment. Action is therefore required to fight educational underachievement and social exclusion.
2. A good level of reading literacy and numeracy, together with a solid grasp of the basic principles of the natural world and of fundamental scientific concepts, provide the basis for the acquisition of key competences for lifelong learning and thus need to be addressed from an early age.

⁽⁷⁾ Joint Report on progress towards the Lisbon objectives (COM(2009) 640).

⁽⁸⁾ Prepared by the high level group of experts in science education under the chairmanship of MEP Michel Rocard. See http://www.ec.europa.eu/research/science-society/document_library/pdf_06/report-rocard-on-science-education_en.pdf

3. The basic skills of reading literacy and mathematics are also building blocks of the 'learning to learn' competence: they help individuals to access, gain, process, assimilate and communicate new knowledge and skills, as well as help them to become autonomous learners.
4. International data, including PISA and TIMSS studies, have identified systemic issues such as differences between schools and variations in pupil backgrounds (for instance due to socio-economic circumstances, the level of parents' education, the availability of ICT equipment at home, etc.) as factors that affect performance in reading, mathematics and science.
5. The qualifications, competences and commitment of teachers, school leaders and teacher educators are important factors in achieving high-quality educational outcomes. It is therefore essential to provide the highest standard of initial education, induction and continuing professional development for teaching staff and school heads, backed up by the necessary educational and professional support services.
6. Attaining the new, ambitious benchmark set under the 'ET 2020' strategic framework will require more effective national initiatives. The economic downturn, combined with the demographic challenge, underlines the urgency of improving to the greatest possible extent the efficiency and equity of school systems, while continuing to invest efficiently in education and training, so as to meet current and future economic and social challenges.

AGREES THAT:

In addressing the complex issue of improving achievements in reading literacy and MST, attention should be paid to the following:

1. Curriculum design

This could include issues such as: an early start to acquiring basic skills, a holistic approach to education which entails the development of all of each child's abilities, the use of new assessment methods and their effect on the curriculum, the use of innovative pedagogical approaches such as inquiry-based science education (IBSE) and problem-based learning (PBL) in mathematics and science, continuous attention to reading literacy at all levels of education as opposed to just in the pre-primary and primary phases, and more personalised approaches to teaching and learning.

2. Motivation for reading literacy and MST

Having a reading culture at home (books, newspapers, children's books) as well as at school, early literacy activities before starting school, parents' own reading and attitudes, pupils' interests, self-efficacy and engagement in reading activities both inside and outside school have all proven to have a crucial impact on improving reading levels. Learning methods should better exploit children's natural curiosity in mathematics and science from an early age. It is important to help children to become autonomous, motivated learners, for whom literacy as well as the use of mathematical and scientific competences become part of everyday life.

3. The impact of new technologies on basic skills and their use in helping learners to acquire autonomy and maintain motivation

These technologies, such as the extended use of internet and mobile technologies, have changed the nature and perception of reading literacy in the 21st century. The influence of new technologies on children's reading and their mathematical and scientific competences should be scrutinised, so as to ensure appropriate methods to exploit the potential of such technologies for new forms of learning.

4. The gender dimension

There are significant gender differences in the fields of reading literacy, maths and science, both in terms of attitude and performance. Girls are often more motivated to read than boys, and do so better. The gender differences in performance in MST are not as significant as those in reading. Educational choices are still gender-segregated to a large degree. Boys tend to be more interested in further study and a career in MST than girls. The underlying reasons for such trends should be further investigated and effective strategies identified with a view to reducing the gap between the sexes in both performance and attitudes ⁽¹⁾.

5. The nature of the link between pupil background (both socio-economic and cultural aspects) and the level of mastery in basic skills

Pupils with a disadvantaged socio-economic background and/or a migrant background, particularly those who speak a different language to that of the host country, are much more likely to underperform in school. The impact of the social profile of the pupils and their families appears to be greater in schools where there are more disadvantaged pupils ⁽²⁾.

⁽¹⁾ See *Gender differences in educational outcomes: a study on the measures taken and the current situation in Europe* (Eurydice, 2010).

⁽²⁾ PISA 2006 (OECD, 2007), *Messages from PISA 2000* (OECD, 2004).

6. Teachers and teacher educators

Initial teacher education, induction and teachers' continuous professional development should focus on developing and practising the competences needed to enable teachers of any subject to reinforce the acquisition of basic skills (particularly reading literacy), at both primary and secondary level. Moreover, in order to overcome qualification shortfalls, there should be more emphasis on the subject-specific education of those who specialise in the teaching of basic skills (particularly MST). Encouraging networking between MST teachers and linking up MST education with the research and scientific community and the world of work might also prove helpful in this respect. Finally, further efforts are required to address the general imbalance in the teaching profession by making careers in teaching more attractive to men, in order to ensure that pupils have role models in both genders.

7. School ethos and characteristics

This includes an emphasis on reading instruction, on innovation in teaching and learning, on the quality of school life, as well as school location, size and openness to the world outside school, on cooperation with parents and with a wide range of stakeholders.

ACCORDINGLY INVITES THE MEMBER STATES TO:

1. Establish or further develop strategic national approaches to improving the performance of school pupils in reading literacy, mathematics and science, paying particular attention to pupils with a disadvantaged socio-economic background.
2. Analyse and evaluate the effectiveness of existing approaches at national level in order to further develop an evidence base for policy making.

INVITES THE COMMISSION TO:

1. Set up a high-level expert group, whose task should be to analyse existing research, studies and international reports on reading literacy focused on the issues outlined in these conclusions. This group should examine the most effective

and efficient ways of supporting reading literacy throughout lifelong learning and, on the basis of good policy examples, should draw conclusions and make proposals aimed at supporting policy in the Member States by the first half of 2012.

2. As a follow-up to the work of the MST Cluster under the open method of coordination, establish a thematic working group of policy-makers and experts from the Member States to support progress towards the new 'ET 2020' benchmark.
3. Facilitate peer-learning and the identification and dissemination of good practice between Member States in the field of attainment in the basic skills, and monitor and report on progress towards the 'ET 2020' benchmark.

AND INVITES THE MEMBER STATES AND THE COMMISSION TO:

1. Ensure that meetings of Directors-General responsible for school education take place when appropriate, in order to take note of the progress achieved in European policy cooperation on schools issues, to inform national policy-making and to discuss priorities for future work at EU level in this field, and that the results of such discussions are widely disseminated among all relevant stakeholders and, where appropriate, discussed at the level of Ministers.
2. Promote opportunities for developing joint pilot projects between Member States aimed at improving basic skills for all young people through innovative approaches. The projects would be organised on a voluntary basis in accordance with jointly agreed criteria, would be subject to a common assessment, and would make use of existing EU instruments.
3. Use all relevant instruments, such as those forming part of the open method of coordination, the Lifelong Learning Programme, the 7th Framework Programme for Research and Technological Development and, in accordance with national priorities, the European Structural Funds, in order to promote the above aims.

Council conclusions of 18 November 2010 on the opportunities and challenges for European cinema in the digital era

(2010/C 323/05)

THE COUNCIL OF THE EUROPEAN UNION,

1. HAVING REGARD TO:

- the Commission Staff Working Document of 2 July 2010 on the challenges for European film heritage from the analogue and the digital era (Second implementation report of the Film Heritage Recommendation) ⁽¹⁾,
- the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Digital Agenda for Europe' ⁽²⁾, especially the statement that 'support to digitisation of cinemas is necessary to safeguard cultural diversity',
- the Commission Green Paper of 27 April 2010 entitled 'Unlocking the potential of cultural and creative industries' ⁽³⁾,
- the UNESCO Convention of 20 October 2005 on the protection and promotion of the diversity of cultural expressions ⁽⁴⁾.

2. WELCOMES WITH INTEREST:

- the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on opportunities and challenges for European cinema in the digital era ⁽⁵⁾.

3. TAKES NOTE THAT:

- digital technologies offer new opportunities for film distribution, including for cinemas showing art-house films and cinemas located in less populated areas, thereby contributing to European and national objectives relating to promotion of and access to European works, promotion of cultural and linguistic diversity and social cohesion,
- the European market for film screening is fragmented and this presents a number of challenges which may have an impact on the definition and implementation of nation-wide and/or Europe-wide plans for transition to digital cinema,

- digitisation of cinemas generates significant costs to be borne by the exhibitors, while some distributors can make savings thanks to the reduced cost of digital copies. In order to overcome this asymmetry, the market has established funding models with private finance for the digitisation of cinemas, such as the so-called 'VPF models' ⁽⁶⁾. However, these models do not always suit small cinemas, especially single-screen cinemas, those showing art-house films and/or heritage films and revival cinemas. Therefore, those screens may encounter greater financial problems in obtaining digital projection equipment, even though they fulfil a significant social and cultural role, for example in less populated areas where cultural events are limited.

4. HIGHLIGHTS IN THIS CONTEXT THAT:

- digital projection allows more flexible and less costly use of different linguistic versions (including subtitling and dubbing) and audio description techniques, thereby contributing to better access to and circulation of works, including those from countries or regions whose languages are less widely spoken,
- digitisation of cinemas offers unprecedented opportunities for European cinema but may involve market restructuring, which will disproportionately impact on the abovementioned cinemas, thereby hindering diversity in the films released and access to film production for a part of the population. It could also undermine social cohesion insofar as cinemas play an important role in some regions as exchange and meeting places. It could also imply social costs, particularly regarding employment in technical industries and in the theatrical exhibition sector,
- digitisation of cinemas also offers opportunities for promotion of and access to European film heritage. Appropriate measures at various levels are therefore required to maximise these opportunities, including for education purposes,
- in order to facilitate as much as possible the transition to digital projection, there must be aggregation and flexibility of funding sources, whether from private or public origin, from local, national or European origin, in order to enable the different types of cinemas to get support tailored to their specific situation.

⁽¹⁾ SEC(2010) 853 final.

⁽²⁾ COM(2010) 245 final.

⁽³⁾ COM(2010) 183 final.

⁽⁴⁾ Council Decision 2006/515/EC of 18 May 2006 on the conclusion of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (OJ L 201, 25.7.2006, p. 15).

⁽⁵⁾ COM(2010) 487 final.

⁽⁶⁾ The Virtual Print Fee (VPF) model is based on involving third party investors/integrators to address the issue of how to share the costs and the benefits. These third parties collect (part of) the distributors' savings in the form of VPFs to contribute to the digital equipment of the participating screens.

5. ACKNOWLEDGES THAT:

- the digitisation of a cinema also requires a range of equipment and tools in addition to the projection equipment itself (server, sound, screen, adjustment of the projection room, etc.),
- the lifetime of this equipment is as yet unknown, raising questions about the cost of maintenance and the financing of updating and/or replacement in the medium and long term, including potential migration of digital productions into new formats.

6. BELIEVES IN THIS CONTEXT THAT:

- the transition to digital cinema is urgent and necessary. Public policies should support this transition taking into account the following general interest objectives:
 - ensuring access to and promoting European works, including works from the European film heritage,
 - promoting cultural and linguistic diversity, notably through improving the circulation of works,
 - strengthening the competitiveness of the European operators involved in the process of digitisation,
 - contributing to social cohesion, including through the existence of a variety of cinemas throughout the European Union.

7. WELCOMES INTENTION OF THE COMMISSION:

- to implement the action plan for the transition to digital cinema projection for European cinemas as indicated in its Communication on the opportunities and challenges for European cinema in the digital era, and in particular:
 - to launch a new mechanism before the end of 2010, as part of the existing MEDIA programme, to support the digitisation of cinemas programming a significant percentage of non-national European works,
 - to examine in 2011 the possibility of giving film exhibitors access to the MEDIA Production Guarantee Fund or to find a similar way to facilitate their access to credit,
 - to adopt a recommendation in 2011 on the promotion of European cinema digitisation,
 - to propose appropriate guidelines in the forthcoming Cinema Communication in 2012 for assessing public support for digitisation of cinemas.

8. INVITES THE MEMBER STATES TO:

- consider the need to support the digitisation of cinemas, taking into account the general interest objectives mentioned above,

— consider in this context and in compliance with European competition rules the implementation of support schemes for cinema digitisation in complementarity with private financing. These plans should take into account the specificities of each Member State. Options could include:

- (a) support for cinemas that are unable to meet the cost of digitisation in order to digitally equip them and to enable them to remain competitive with cinemas which are able to equip themselves through for example VPF models;
- (b) support for cinemas located in less populated areas where cultural events are limited;
- (c) support for cinemas promoting European works for example by offering a substantial proportion of European programming;
- (d) support for film libraries and theatres dedicated to film heritage, in accordance with the Council Conclusions of 18 November 2010 on the European film heritage, including the challenges of the digital era ⁽¹⁾;
- (e) encouraging the organisation of solidarity mechanisms between distributors and exhibitors and/or between exhibitors;
- (f) encouraging small cinemas to join together and pool their digital equipment costs,

— consider the idea of making State aid for films conditional upon the production of a digital master, so as to increase overall offer of digitised European works,

— examine how European Union Structural Funds could be used to finance digitisation projects and traineeship initiatives where appropriate.

9. INVITES THE MEMBER STATES AND THE COMMISSION, WITHIN THEIR RESPECTIVE SPHERES OF COMPETENCE, TO:

— further reflect, taking into account existing ISO standards for digital cinema projection, on how to obtain necessary and appropriate results in projection quality and film circulation meeting the respective demands; this should be done in accordance with the principle of technological neutrality,

— take into account that technologies are in constant state of change and renewal and that issues regarding the financing of digital projection will not be limited to the current period of transition,

— ensure as far as possible and with regard to competition rules that the implementation of funding mechanisms for digitisation of cinemas, both private and public, does not hinder exhibitors' freedom of choice regarding the films they intend to show,

⁽¹⁾ doc. 14711/10.

- encourage the establishment of retraining and digital technology training programmes notably for cinema owners and distributors, particularly regarding projection, new business models for digital cinema, marketing of alternative repertoire and technical maintenance,
 - investigate the possibilities to facilitate access to credit for film exhibitors and other companies involved in the transition to digital projection, particularly through the European Investment Bank when this becomes possible.
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EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

29 November 2010

(2010/C 323/06)

1 euro =

Currency		Exchange rate	Currency		Exchange rate
USD	US dollar	1,3146	AUD	Australian dollar	1,3662
JPY	Japanese yen	110,73	CAD	Canadian dollar	1,3429
DKK	Danish krone	7,4543	HKD	Hong Kong dollar	10,2056
GBP	Pound sterling	0,84400	NZD	New Zealand dollar	1,7640
SEK	Swedish krona	9,2205	SGD	Singapore dollar	1,7350
CHF	Swiss franc	1,3186	KRW	South Korean won	1 523,23
ISK	Iceland króna		ZAR	South African rand	9,3852
NOK	Norwegian krone	8,1285	CNY	Chinese yuan renminbi	8,7560
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4275
CZK	Czech koruna	24,758	IDR	Indonesian rupiah	11 867,78
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,1535
HUF	Hungarian forint	280,58	PHP	Philippine peso	58,310
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	41,1575
LVL	Latvian lats	0,7096	THB	Thai baht	39,694
PLN	Polish zloty	4,0476	BRL	Brazilian real	2,2739
RON	Romanian leu	4,2943	MXN	Mexican peso	16,4621
TRY	Turkish lira	1,9745	INR	Indian rupee	60,3950

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

NOTICES FROM MEMBER STATES

Winding-up proceedings**Decision to open winding-up proceedings in respect of International Insurance Corporation (IIC) NV**

(Publication made in accordance with Article 14 of Directive 2001/17/EC of the European Parliament and of the Council of 19 March 2001 on the reorganisation and winding-up of insurance undertakings and article 213h Dutch Bankruptcy Act)

(2010/C 323/07)

Insurance undertaking	International Insurance Corporation (IIC) NV (acting as INEAS and LadyCarOnline) Entrada 123 1096 EB Amsterdam NEDERLAND
Date, entry into force and nature of the decision	20 October 2010, 20 October 2010 declaration of bankruptcy
Competent authorities	Court of Amsterdam
Supervisory authority	Supervisory judge M.J.E. Geradts
Liquidator appointed	M. Pannevis Amstelveenseweg 638 1081 JJ Amsterdam (bankruptcy trustee) NEDERLAND
Applicable law	Netherlands law (Dutch Bankruptcy Act)

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

CALL FOR PROPOSALS — EACEA/37/10

**EU-Canada Programme for Co-operation in Higher Education, Training and Youth
Transatlantic Exchange Partnerships — Transatlantic Degree Partnerships**

(2010/C 323/08)

1. Objectives and Description

The general objectives of the programme and of this Call are to promote mutual understanding between the peoples of the European Union and Canada including broader knowledge of their languages, cultures and institutions and to improve the quality of human resources in the European Union and Canada.

2. Eligible applicants

Submission of grant requests under this call is open to higher education institutions and vocational education and training institutions. Eligible applicants must be established in one of the 27 Member States of the European Union.

Each project must have one lead institution in the EU and one lead institution in Canada, responsible for submitting the common proposal and for the management of the project. These lead institutions must be higher education or training institutions.

The consortium must be composed of at least four institutions in total — i.e. two from the EU and two from Canada. These institutions may be either higher education or training institutions, as defined above, or a mixture of both, depending on the project.

There is also a requirement that the institutions have to be from two different Member States of the EU and two different Canadian provinces/territories.

3. Eligible actions

There are two types of actions under this call, namely Transatlantic Exchange Partnerships and Transatlantic Degree Partnerships programmes.

For Transatlantic Exchange Partnerships (TEP) projects support is provided to enable EU-Canada consortia of higher education institutions and training institutions, to carry out joint study and training programmes and to implement student and faculty mobility. Support includes support for administration, grants for students and members of the academic and administrative staff. The maximum duration of TEP projects is 36 months.

Detailed descriptions on the actions can be found in the Programme Guide under section 5.

For Transatlantic Degree Partnerships (TDP) projects support is provided to develop and implement dual/double or joint degree programs. Support includes support for the development work and administration, grants for students and members of the academic and administrative staff. The maximum duration of TDP projects is 48 months.

Detailed descriptions on the actions can be found in the Programme Guide under section 6.

Activities for the Transatlantic Exchange Partnership (TEP) are planned to start 1 October 2011 and to end by 30 September 2014.

Activities for the Transatlantic Degree Partnership (TDP) are planned to start 1 October 2011 and to end by 30 September 2015.

4. Award criteria

In assessing the overall quality of proposals, the following two award criteria will be applied:

4.1. *The relevance of the project*

The relevance of the project criterion represents 30 % of the overall quality score.

4.2. *The quality of the project design and its management arrangements*

The quality criterion represents 70 % of the overall quality score and the detailed award criteria are grouped into three groups, as follows: the project innovation and methodology (25 %), the project consortium (25 %) and the Mobility (20 %).

Details concerning the award criteria are available in the Programme Guide under section 7.

In making the final selection, overall attention will be paid to supporting a diverse range of institutions, subject areas and geographic areas within the EU and Canada. Applications for Transatlantic Degree Partnerships are strongly encouraged.

5. Budget

The EU budget available for the co-financing of projects is estimated to be EUR 1 546 000. It is anticipated that approximately 2 Transatlantic Degree Partnership (TDP) projects and 5 Transatlantic Exchange Partnership (TEP) projects will be funded in 2011. Out of the five TEP projects two are foreseen to be with vocational training focus, if these represent sufficient quality. The maximum amount of funding on the EU side will be EUR 428 000 for a 4-year TDP project and EUR 138 000 for a 3-year TEP project.

6. Deadline

Applications have to be submitted both to the EU and to Canada. The Applications on behalf of the EU Lead institution must be sent to the Education, Audiovisual and Culture Executive Agency no later than **31 March 2011**. Applications bearing a postmark after this date will not be considered.

Applications must be sent to the following address:

The Education, Audiovisual and Culture Executive Agency
EU-CANADA Call 2011
Avenue du Bourget/Bourgetlaan 1 — BOUR 02/17
1140 Bruxelles/Brussel
BELGIQUE/BELGIË

Applications on behalf of the EU lead institution must be submitted on the correct form, duly completed, signed by the person authorised to enter into legally binding commitments on behalf of the applicant organization and dated.

The Canadian applicant should send the application to the following address in Canada:

Canada-EU Programme for Co-operation in Higher Education, Training and Youth
International Academic Mobility
Learning Branch
Human Resources and Skills Development Canada
200 Montcalm Street, Tower 2, Ground Floor
Gatineau, Québec
K1A 0J9
CANADA

7. Further information

The programme guide and the application forms are available on the following website: http://eacea.ec.europa.eu/extcoop/canada/index_en.htm. Applications must be submitted using the form provided and they have to include all the annexes and information requested.

Calls for proposals and expression of interests — ESPON 2013 programme

(2010/C 323/09)

In the framework of the ESPON 2013 programme, call for proposals and expression of interests will open on 24 January 2011. An Info Day and Partner Café for potential beneficiaries will be organised in February 2011. Please visit <http://www.espon.eu> regularly for further information.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of potassium chloride originating in Belarus and Russia

(2010/C 323/10)

The European Commission (Commission) has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation).

1. Request for review

The request was lodged by Fintec UK Limited (the applicant), an importer and distributor of potassium chloride originating in Belarus and Russia.

The review is limited in scope to the examination of the level of injury.

2. Product

The product under review is potassium chloride currently falling within CN codes 3104 20 10, 3104 20 50, 3104 20 90, and special mixtures (i.e. potassium chloride containing additional fertilising elements, with a potassium content evaluated as K₂O, by weight, equal to or exceeding 35 % but not exceeding 62 % on the dry anhydrous product) currently falling within CN codes ex 3105 20 10 (TARIC codes 3105 20 10 10 and 3105 20 10 20), ex 3105 20 90 (TARIC codes 3105 20 90 10 and 3105 20 90 20), ex 3105 60 90 (TARIC codes 3105 60 90 10 and 3105 60 90 20), ex 3105 90 91 (TARIC codes 3105 90 91 10 and 3105 90 91 20), ex 3105 90 99 (TARIC codes 3105 90 99 10 and 3105 90 99 20), originating in Belarus and Russia (the product concerned).

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1050/2006 ⁽²⁾ on imports of potassium chloride originating in Belarus and Russia.

4. Grounds for the review

The request pursuant to Article 11(3) is based on *prima facie* evidence, provided by the applicant, that, as far as the injury is

concerned, the circumstances on the basis of which the existing measures were imposed have changed and that these changes are of lasting nature.

The applicant provided *prima facie* evidence showing that the continued imposition of the measure at its current level is no longer necessary to offset the effects of injurious dumping. In particular, the applicant alleges that due to a long-term growth in demand and a tight demand-supply situation, since the latest expiry review investigation prices of potassium chloride in the Union remained constantly far above the injury elimination level and the profitability of the Union industry considerably exceeded the normal profitability rate. A comparison of the Union industry prices and the prices of imports from Belarus and Russia indicates that the injury margin appears to be substantially lower than the current level of the measure.

Therefore, the continued imposition of measures at the existing level appears to be no longer necessary to offset the effects of injurious dumping.

5. Procedure for the determination of injury

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation.

The investigation will determine whether the current level of measures is appropriate to counteract the injurious dumping.

(a) Sampling

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling, in accordance with Article 17 of the basic Regulation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 191, 12.7.2006, p. 1.

(i) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone, and fax numbers and contact person,
- total turnover during the period 1 October 2009 to 30 September 2010,
- the precise activities of the company with regard to the product concerned,
- the volume in tonnes and value in EUR of imports into and resales made in the Union market during the period 1 October 2009 to 30 September 2010 of the imported product concerned originating in Belarus and Russia,
- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or sales of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

⁽¹⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

(ii) Final selection of the sample

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the sample must reply to a questionnaire within the time limit set in point 6(b)(iii) and must cooperate within the framework of the investigation.

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Union producers, to the known exporters/producers in Belarus and Russia, to the sampled importers, to any known association of importers, and to the authorities of the exporting countries concerned. This information and supporting evidence should reach the Commission within the time limit set in point 6(a)(ii).

(c) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in point 6(a)(ii).

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii).

6. Time limits**(a) General time limits****(i) For parties to request a questionnaire**

All interested parties should request a questionnaire as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Union*.

- (ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limit specified in point 6(b)(iii).

- (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 37-day time limit.

(b) *Specific time limit in respect of sampling*

- (i) The information specified in points 5(a)(i) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (ii) All other information relevant for the selection of the sample as referred to in 5(a)(ii) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written

submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N-105 4/92
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22956505

8. Non-co-operation

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favourable to that party than if it had cooperated.

9. Schedule of the investigation

The investigation shall be concluded, according to Article 11(5) of the basic Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.

10. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with 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 ⁽²⁾.

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

11. **Hearing officer**

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of Directorate-General for Trade (<http://ec.europa.eu/trade>).

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case COMP/M.5846 — Shell/Cosan/JV)
(Text with EEA relevance)
(2010/C 323/11)

1. On 18 November 2010, 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 Shell Brazil Holding BV(UK) belonging to the Shell group ('Shell') and Cosan SA Indústria e Comércio (Brazil) belonging to the Cosan group ('Cosan') acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the JV CO (Brazil) 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 Shell: a global energy and petrochemical company,
 - for Cosan: manufacturing and trading of sugar, ethanol and co-generation of electricity from sugarcane; distribution of fuels and lubricants in Brazil,
 - for the JV CO: distribution of fuels in Brazil, production and sale of co-generation power in Brazil, production of ethanol and sugar in Brazil and worldwide, production and trading of ethanol in Brazil and worldwide.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. 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 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5846 — Shell/Cosan/JV, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

Prior notification of a concentration
(Case COMP/M.6069 — Mitsui Renewable/FCCE/Guzman)

Candidate case for simplified procedure

(Text with EEA relevance)

(2010/C 323/12)

1. On 17 November 2010, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Mitsui Renewable Energy Europe Limited ('Mitsui Renewable', the UK), controlled by Mitsui Group ('Mitsui', Japan), and FCC Energia, SA ('FCCE', Spain), controlled by Fomento de Construcciones y Contratas, SA ('FCC Group', Spain), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Guzman Energia, SL, ('Guzman', Spain), by way of purchase of shares in an existing company constituting a joint venture.
2. The business activities of the undertakings concerned are:
 - for Mitsui Renewable: supply of solar-generated electricity,
 - for FCCE: supply of renewable energy services.
3. Guzman will be active in solar thermal power generation in Spain.
4. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
5. 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 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6069 — Mitsui Renewable/FCCE/Guzman, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

Prior notification of a concentration
(Case COMP/M.6042 — Brose/SEW/JV)
Candidate case for simplified procedure
(Text with EEA relevance)
(2010/C 323/13)

1. On 23 November 2010, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation No 139/2004 ⁽¹⁾ by which the undertakings Brose Fahrzeugteile GmbH & Co. KG ('Brose', Germany), which belongs to the Brose Group, and SEW-Eurodrive GmbH & Co KG ('SEW', Germany) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company.

2. The business activities of the undertakings concerned are:

- Brose: Development, manufacture and sale of door and seat systems for motor vehicles, and of components for vehicle doors and seats,
- SEW: Development, manufacture and sale of gear motors, frequency inverters, servo technology, drive systems for decentralised installation, industrial gears and other related products, services and tools,
- The newly created company constituting a joint venture: Development, manufacture and sale of drive and charging systems (electric motors, power and control electronics, and related charging technology) for electric vehicles (e.g. cars).

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽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 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6042 — Brose/SEW/JV, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2010/C 323/14)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006 ⁽¹⁾. Statements of objection must reach the Commission within six months from the date of this publication.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006**'CORDERO DE EXTREMADURA'****EC No: ES-PGI-0005-0725-09.10.2008****PGI (X) PDO ()****1. Name:**

'Cordero de Extremadura'

2. Member State or third country:

Spain

3. Description of the agricultural product or foodstuff:**3.1. Type of product:**

Class 1.1. Fresh meat (and offal)

3.2. Description of product to which the name in (1) applies:

Meat from the carcasses of lambs or their cuts verified as originating from animals with the specific characteristics described in point 5.2.

These animals have carcasses with the following specific characteristics:

- (a) Weight: the weight of the male carcasses must be less than 16 kg and less than 14 kg for female carcasses.
- (b) Degree of fat cover: between Slight (2) and Average (3) (Regulation (EC) No 1249/2008)
- (c) Between pink and pale pink in colour.
- (d) Conformation: Class 'O' (Fair) and above (Regulation (EC) No 1249/2008).
- (e) without any defects caused during dressing, and free of bruising.
- (f) Characteristics of the fat:
 - external fat which is white in colour and firm in consistency;
 - body cavity fat which is white in colour and covers half, but never all, of each kidney.

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

The characteristics of the meat of the PGI Cordero de Extremadura are:

- meat which is from pink to pale pink in colour.
- organoleptic characteristics: an excellent texture with a very pleasant taste and a moderate level of streaking of intramuscular fat. The meat is very tender and low in fat. As a result of the distribution and quality of the fat, the aroma, bouquet and succulence of the meat are excellent.

3.3. *Raw materials (for processed products only):*

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3.4. *Feed (for products of animal origin only):*

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3.5. *Specific steps in production that must take place in the identified geographical area:*

On farms producing the PGI the extensive and semi-extensive production system traditional to the area is applied, with an extensive system or regime being used for breeding stock and lambs during the rearing stage.

The farming practices for breeding stock are consistent with the techniques, customs and use of natural resources in a traditional extensive farming regime. The feed supply for the breeding stock is based on the use of the pasturelands' natural resources, which are grazed throughout the year, and, where necessary, feed supplements, which are composed primarily of straw, grain, fodder, by-products and concentrates whose main constituents are cereals, oilseeds and protein crops. The length of time in which the feed supplement is administered and the quantity thereof depend on the resources at hand and the needs of the animals at the particular time.

The lambs stay with their dams and feed on maternal milk until they are weaned (when they are between 40 and 50 days old). From the time they are three weeks old, they can in addition be fed with starter feed which is particularly suited to them. Once weaned, the lambs remain housed and monitored, either in suitable premises on the farm or on fattening farms and in finishing centres entered in the relevant Register. They are mainly fed concentrates consisting primarily of cereals, oilseeds, protein crops and cereal straw. In the feed supplement for slaughter lambs only feed consisting primarily of cereals, oilseeds and protein crops is used.

The slaughter lambs covered by the Protected Geographical Indication must come from farms that have been entered in the registers of the Regulatory Council, and they must arrive at the slaughterhouse clearly identified.

The slaughter of the lambs and the dressing of the carcasses is carried out in slaughterhouses and cutting plants which can prove that the product complies with specifications, the facilities comply with legislation in force, appropriate records are kept to ensure traceability of the product and the performance of regular checks is permitted. The aim is to ensure that PGI Cordero de Extremadura is protected and its integrity preserved. The time taken to transport the lambs from their farms of origin to the slaughterhouses must not exceed two hours. This aims to prevent transportation from being stressful for the animals, while at the same time preventing the quality of the meat from being affected by variations in pH as the result of such stress.

The Regulatory Council is also involved in both the dressing and cutting up of the carcass, verifying that the presentation of the carcasses or cutting them up does not lead to a reduction in quality.

3.6. *Specific rules concerning slicing, grating, packaging, etc.:*

—

3.7. *Specific rules concerning labelling:*

The protected meats are placed on the market with a certification mark which must bear the words 'Indicación Geográfica Protegida "Cordero de Extremadura" ' or the Community symbol and the logo of the Regulatory Council in addition to the brand name.

Regardless of the form in which the protected meats are placed on the market for human consumption, they must have a certifying mark made up of a numbered label clearly identifying the product, so as to avoid creating any confusion for the consumer.

4. Concise definition of the geographical area:

The area in which products covered by the Protected Geographical Indication 'Cordero de Extremadura' are produced fall within the boundaries of the Extremadura region.

5. Link with the geographical area:

5.1. Specificity of the geographical area:

The Phoenician, Roman and Arab civilisations protected and expanded sheep grazing in the area, followed by the establishment, during the reign of King Alfonso X, of the *Honrado Concejo de la Mesta de los Pastores* (Honoured Council of the Association of Shepherds), a watershed moment for sheep-breeding in Spain.

The geographical area, besides possessing the requisite stock, is also home to an historic sheep-breeding tradition and traditional farming systems and practices. Its physical and geographical characteristics are consistent with those of pasturelands and other grasslands able to be used for extensive grazing, and covers districts with particular features that serve to distinguish it from other geographical areas, such as its geophysical characteristics and soils, autochthonous flora and fauna, pastoral products, rainfall, hours of sunshine and climate.

The area contains plains and peneplains of an altitude of between 200 and 800 metres. The area has a semi-arid Mediterranean climate, tempered by the influence of the ocean, with an average annual temperature of between 16 and 17 degrees C, with cold winters and hot summers. Annual rainfall is between 450 and 850 mm, with the most significant falls in winter and at the beginning of spring, and none in summer. The number of hours of sunshine exceeds 3 000 a year.

A pastureland ecosystem, which has developed from Mediterranean woodlands over the centuries as the result of human activity, covers large areas of Extremadura. Traditionally, livestock production has been extensive and animals (both wild and domestic), the environment and human activities have always been in equilibrium with one another. Herbaceous pasture is the main energy source for the system and is made up of a diverse flora rich in self-seeding annuals.

5.2. Specificity of the product:

The meat covered by the PGI Cordero de Extremadura comes from animals with the following specific characteristics:

(a) Farming system.

The lambs stay suckling from their dams in an extensive grazing system and are able to supplement their milk with concentrates made up primarily of cereals and pulses until weaned.

The finishing of slaughter animals is carried out exclusively inside, using concentrates and cereal straw.

The age of the lambs at slaughter is never more than 100 days.

(b) The stock characteristics of the progenitors of the lambs covered by the PGI Cordero de Extremadura are:

For dams: Merino or Merino crossed with Merino Precoz, Merino Fleischschaf, and Ile de France, provided that at least half of the lamb's progenitors are Merinos.

For sires: pure-bred or simple hybrids of any strains of the Merino breed (Merino, Merino Precoz, Merino Fleischschaf, Ile de France and Berrichon du Cher).

5.3. *Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI):*

The application for recognition of Cordero de Extremadura as a PGI is justified by the specificity of the meat and the product's reputation.

(a) Specificity of the product:

The meat owes its tenderness, succulence, colour and fat content to the production system characteristic of Extremadura, as indicated in certain studies:

'This production system, characteristic of the Extremadura region, associated with the pastoral ecosystems particular to the region and whose husbandry and feeding systems and breeding stock are specific to the area under consideration, influences the composition and organoleptic characteristics of the lamb's meat' (Sañudo et al. (1997), Díaz et al (2005)).

The system of production characteristic of Extremadura, based on the use of the natural resources of pastoral ecosystems, the keeping of lambs with their dams throughout their rearing period, and their feed and age at slaughter, gives the lambs' meat special characteristics in terms of tenderness, colour and succulence.

(b) Reputation of Cordero de Extremadura:

The livestock sector always been a fundamental component of the regional economy, and sheep-rearing in particular has always held pride of place, as shown by historical sources such as the Catastro of Ensenada (*El Catastro del Marqués de la Ensenada*) compiled in the 18th Century, in which the sheep flock is cited as comprising more than 1 300 000 head.

Furthermore, there are very many illustrative references that link the quality of the sheep (particularly as regards the Merinos) to the pastures of Extremadura:

'Extremadura is a noun that defines the areas which transhumant pastoralists who tend herbivores set aside for grazing over the winter. To keep the dams in one place and put the lambs in another is to "extremar el rebaño". From this practice Extremadura got its name. The Region came to be defined as that part of the Traslasierra where winter pastures can be found: the "prohibited" pastures off-limits to the local inhabitants ... (and the shepherds are already off to the winter pastures ("extremadura" in lower-case)' *La Historia de Extremadura* (The History of Extremadura), Hoy (ed.), Diario de Extremadura (1997)).

Ivan Sorapan, in 'Medicina española contenida en proverbios vulgares de nuestra lengua' (Spanish remedies contained in the popular proverbs of our language, 1616), had this to say in reference to Extremadura:

'the good quality of its pastures and acorns is used for rearing livestock to furnish meat for the whole of Old Castile and the Court, La Mancha, the Kingdom of Toledo, Seville and Granada ...'

'It is said, and rightly so, that the stock bred in Extremadura are famous throughout the world, and on the banks of the Guadiana alone more than five hundred thousand head of cattle and sheep graze each year ...'

Of the importance of lamb's meat in Extremadura there can be no doubt, given that part of the history of the region is that of its culinary tradition, being the history of the diet of the people who have successively occupied this land. This is also affirmed in several quotations by historians who, over the course of time, have extolled the merits of Extremaduran lamb:

— In the *Historia Universal de la Primitiva y Milagrosa Imagen de Ntra. Sra. de Guadalupe* (Universal History of the Primitiva and Miraculous Image of Our Lady of Guadalupe) of 1743, references can be found to the gastronomic tastes of the Emperor Charles V:

'Having retired to our Monastery of Yuste, he visited the Prior once every month, because of the strong affection in which he always held this House, and also because His August Majesty was partial to the mutton that was fattened there ...'

— In Dionisio Pérez's *Guía del buen comer español* (The Spanish Good Eating Guide) (1952), the famous Dr Thebusse defines Extremaduran cuisine and highlights two dishes which he describes as 'majestic': the *caldereta de los pastores* and the *pollo caminero*.

Current reputation of Cordero de Extremadura.

There are countless local recipes whose main ingredient is lamb: *caldereta extremeña*, *cochifrito de borrego*, *carnero con orégano*, *chanfaina*, *manos de cordero* etc. (*Recetario de Cocina extremeña: Estudio de sus orígenes* (Recipe-book of Extremaduran cuisine: an investigation into its origins), Universitas Editorial (1985)).

The tradition and reputation associated with PGI Cordero de Extremadura persist. The demand by the region's restaurants and food-lovers to incorporate this product into local dishes is growing ever stronger, and the meat is frequently used in dishes forming part of the new cuisine (*Nuevo Recetario de Cocina Extremeña* (The New Extremaduran Recipe-Book) (2001)).

Recent studies have highlighted the uniqueness of the meat designated as PGI Cordero de Extremadura:

- *Caracterización de la calidad de la canal de los corderos con D. E. 'Cordero de Extremadura' y 'Cordero Manchego'* (Characterisation of the quality of the carcasses of lambs with the Special Designations 'Cordero de Extremadura' and 'Cordero Manchego') (Alonso, I, Sánchez, C, Pardos, J F, Pardos, J J; Delfa, R, Sierra, I, Fisher, A (1999)).
- *Identificación y adecuación de la calidad y la composición de la carne de diferentes tipos ovinos europeos. Adaptación a las preferencias de los consumidores. Proyecto FAIR3-CT96-1768 'OVAX'* (Identification and improvement of the quality and composition of the meat of different European breeds of sheep. Adaptation to consumer preferences. Project FAIR3-CT96-1768 'OVAX') (Sañudo, C et al. (1999)).
- *Evaluación de los caracteres cuantitativos y cualitativos de las canales de corderos obtenidas en distintos sistemas de explotación.* (Evaluation of the quantitative and qualitative characteristics of sheep carcasses produced in various farming systems) (María de la Montaña López Parra (2006)).

Reference to publication of the specification:

(Article 5(7) of Regulation (EC) No 510/2006)

http://aym.juntaex.es/NR/rdonlyres/694B12E7-A6EF-41B3-971A-2F72813DF862/0/PliegoIGP_Cordero.pdf

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European Commission

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⁽¹⁾ Text with EEA relevance

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