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III

(Preparatory acts)

EUROPEAN CENTRAL BANK

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 7 April 2011

on a proposal for a Regulation establishing technical requirements for credit transfers and direct debits in euro**(CON/2011/32)**

(2011/C 155/01)

Introduction and legal basis

On 28 January 2011, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a regulation of the European Parliament and of the Council establishing technical requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 ⁽¹⁾ (hereinafter the 'proposed regulation').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union since the proposed regulation contains provisions affecting the basic task of the European System of Central Banks (ESCB) to promote the smooth operation of payment systems, as referred to in the fourth indent of Article 127(2) of the Treaty. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

General observations

The ECB welcomes and supports the European Commission's proposal to impose end-dates for migration to the Single Euro Payments Area (SEPA) credit transfers and SEPA direct debits by means of a Union regulation. The ECB and the Eurosystem have repeatedly drawn attention to the need for ambitious but realistic end-dates to be set for migration to SEPA credit transfer and SEPA direct debit, in order to reap the full benefits of SEPA. Although the potential benefits of the SEPA project are substantial, the primarily market-driven approach currently used cannot be characterised as being entirely successful. The prevailing market uncertainty caused by the generally difficult economic climate, the disadvantages for first movers in a network business, and the duplicate costs of operating SEPA and legacy payment systems in parallel are reasons that have led many market players, especially on the supply side, to call for the establishment of an end-date for SEPA migration by means of legislation at the Union level. A Union act of general application, binding in its entirety and directly applicable in all Member States, is therefore considered essential for successful migration to SEPA, as the project would otherwise face a serious risk of failure.

Specific observations

The ECB has on several occasions pointed out the need for clear guidance regarding interchange fees for direct debits ⁽²⁾. Articles 6 and 7 of Regulation (EC) No 924/2009 of the European Parliament and of the

⁽¹⁾ COM(2010) 775 final.

⁽²⁾ See the Joint statement by the European Commission and the European Central Bank clarifying certain principles underlying a future SEPA direct debit (SDD) business model, March 2009, and the Single Euro Payments Area, seventh progress report, 'Beyond theory into practice', October 2010, page 17, both available on the ECB's website at <http://www.ecb.europa.eu>

Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 ⁽¹⁾ introduced a temporary default interchange fee for cross-border direct debits, together with a temporary endorsement of national interchange fees for direct debits. Both of these Articles will no longer apply on 1 November 2012; in order to avoid a legal vacuum hampering migration to SEPA direct debit, it is important that a long-term solution for interchange fees for direct debits is established. Article 6 of the proposed regulation concerning interchange fees for direct debits contributes to achieving such legal certainty.

Where the ECB recommends that the proposed regulation is amended, specific drafting proposals are set out in the Annex accompanied by explanatory text to this effect.

Done at Frankfurt am Main, 7 April 2011.

The President of the ECB

Jean-Claude TRICHET

⁽¹⁾ OJ L 266, 9.10.2009, p. 11.

ANNEX

Drafting proposals

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
Amendment 1	
First sentence of recital 2 of the proposed regulation	
'The success of SEPA is very important economically, monetarily as well as politically.'	'The success of SEPA is very important economically; monetarily as well as politically.'
Explanation	
SEPA is important economically and politically but does not play a role in monetary policy; therefore the word 'monetarily' should be deleted.	
Amendment 2	
Third and new fourth sentence of recital 6 of the proposed regulation	
'Money remittance, internally processed payments, large-value payment transactions between payment service providers and payments via mobile phone should not fall under the scope of those rules since these payment services are not comparable to credit transfers and direct debits.'	'Money remittance, internally processed payments, large-value payment transactions between payment service providers and payments via mobile phone should not fall under the scope of those rules since these payment services are not comparable to credit transfers and direct debits as defined in this Regulation. Payment transactions processed and settled through large value payment systems should also not fall under the scope of this Regulation. '
Explanation	
The ECB suggests to add 'as defined in this Regulation' to clarify the message that money remittance, internally processed payments, etc., are not credit transfers and direct debits in the sense of the proposed regulation. As for the explanation of the new fourth sentence suggested by the ECB see Amendment 5.	
Amendment 3	
Second sentence of recital 9 of the proposed regulation	
'In order to create an integrated market for electronic payments systems in euros, it is essential that the processing of credit transfers and direct debits are not hindered by technical obstacles and are carried out under a scheme whose basic rules are adhered to by a majority of payment services providers from a majority of Member States and be the same both for cross-border and for purely national credit transfer and direct debit transactions.'	'In order to create an integrated market for electronic payments systems in euros, it is essential that the processing of credit transfers and direct debits are not hindered by technical obstacles, and are carried out under a scheme whose basic rules are adhered to by a majority of payment services providers from a majority of Member States whose currency is the euro , and be are the same both for cross-border and for purely national credit transfer and direct debit transactions.'
Explanation	
Interoperability is essential to ensure that payments can be processed efficiently across the Union. The dual requirements, i.e. that the rules apply on a national and cross-border basis and the required majority participation, in recital 9 and Article 4(1) of the proposed regulation, are important measures to ensure that payment schemes become pan-European. However, taking into account the development of new payment services, adherence by payment service providers in Member States whose currency is not the euro might not be considered a priority, considering the low number of euro transactions in some of these Member States. It is therefore suggested to limit the condition in Article 4(1)(b) (see Amendment 14) and accordingly recital 9 to a majority of payment service providers in a majority of Member States whose currency is the euro. This should on the one hand, avoid insurmountable impediments at the launch of the innovative credit transfer and direct debit services and, on the other hand, ensure a pan-European character.	

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
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Amendment 4

First sentence of recital 16 of the proposed regulation

'In some Member States, there are certain legacy payment instruments which are credit transfers or direct debits but which have very specific functionalities, often due to historical or legal reasons.'	'In some Member States, there are certain legacy payment instruments which are classified as credit transfers or direct debits but which have very specific functionalities, often due to historical or legal reasons.'
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Explanation

This suggestion is aimed at clarifying that certain legacy payment instruments are classified as credit transfers or direct debits irrespective of their very specific functions.

Amendment 5

Article 1(2)(b) of the proposed regulation

'2. This Regulation shall not apply to the following: [...] (b) payment transactions processed and settled through large value payment systems for which both the original initiator and the final recipient of the payment is a payment service provider'	'2. This Regulation shall not apply to the following: [...] (b) payment transactions processed and settled through large value payment systems for which both the original initiator and the final recipient of the payment is a payment service provider
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Explanation

Payments made through large value payment systems have never been within the scope of SEPA and should therefore be excluded from the scope of the proposed regulation. In this respect, the proposed regulation should clearly focus on bulk retail payments as an inclusion of large value payment systems would require a separate more complex Union act due to very different service levels. Considering the complexity of large value payment systems, the technical challenges the banking industry would face for such a migration, and that retail payments settled within large-value payment systems constitute less than 1 % of the total number of retail payments in the euro area, the ECB does not see any need for such a Union act.

However, in their role under the fourth indent of Article 3.1 and Article 22 of the Statute of the ESCB as operators of the component systems of the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2), the ECB and the national central banks (NCBs) currently consider the introduction of ISO20022 XML standards in TARGET2 is an issue of strategic importance.

Amendment 6

Article 1(2)(c) of the proposed regulation

'2. This Regulation shall not apply to the following: [...] (c) payment transactions through a payment card, including cash withdrawals from a payment account, if they do not result in a credit transfer or direct debit to or from a payment account identified by the basic bank account number (BBAN) or the international bank account number (IBAN)'	'2. This Regulation shall not apply to the following: [...] (c) payment card transactions through a payment card, including cash withdrawals from a payment account, if they do not result in a credit transfer or direct debit to or from a payment account identified by the basic bank account number (BBAN) or the international bank account number (IBAN)
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Explanation

The ECB agrees that card payments and cash withdrawals should be exempt from the proposed regulation; however card payments, with the exception of cash withdrawals from a payment account, always result in a credit transfer or direct debit to or from a payment account identified by its BBAN or IBAN. In addition card payments are not covered by the Commission's impact assessment accompanying the proposed regulation and it follows that they fall outside the scope of the proposed regulation. Accordingly, the ECB suggests deleting the reference to the use of BBAN and IBAN to avoid an interpretation of card payments as being included de facto in the proposed regulation, which is contrary to the intention underlying this provision.

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
Amendment 7	
Article 1(4) of the proposed regulation (new)	
No current text.	‘4. This Regulation shall not apply to the European Central Bank and the national central banks when acting in their capacity as monetary authorities or other public authorities.’
<i>Explanation</i>	
Activities performed by the ECB or a national central bank in accordance with the fourth indent of Article 127(2) of the Treaty, and Article 3 of the Statute of the ESCB, should be excluded from the scope of the proposed regulation with a view to central bank independence (see Article 130 of the Treaty). In this respect, the ECB suggests that the same exemption as contained under Article 1(1)(e) of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC ⁽²⁾ is inserted in the proposed regulation.	
Amendment 8	
Article 2 of the proposed regulation (new definition)	
No current text.	“payment card” means a device that allows the payer (i) to perform payment transactions, either at a card accepting device or remotely, including by mail, telephone or through the Internet; or (ii) to access cash at an automatic teller machine’
<i>Explanation</i>	
The ECB understands that the aim of Article 1(2)(c) of the proposed regulation is to exclude traditional card transactions from its scope of application while including transactions in which a payment card is used primarily to identify the payer when they initiate a direct debit or credit transfer transaction. Since a majority of card payments are finally settled either via a credit transfer or a direct debit transaction, the current drafting could be interpreted as including also card transactions in general. To ensure legal certainty, the ECB suggests introducing a definition of payment card and redrafting Article 7(2) of the proposed regulation, waiving direct debit transactions initiated by a card at a point of sale (see Amendment 17). In addition, Article 1(2)(c) of the proposed regulation exempts from the scope of application payment transactions through a payment card without defining the latter.	
Amendment 9	
Article 2 of the proposed regulation (new definition)	
No current text.	“large-value payment systems” means payment systems whose main purpose is to process, clear and/or settle single payment transactions of high priority and primarily of a large amount’
<i>Explanation</i>	
The suggested new Article 1(2)(b) of the proposed regulation (see Amendment 5) contains the term ‘large-value payment systems’, which should be defined.	
Amendment 10	
Article 2 of the proposed regulation (new definition)	
No current text.	“retail payment systems” means payment systems whose main purpose is to process, clear and/or settle payment transactions, which are bundled together for transmission and are primarily of a small amount and low priority’.

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
Explanation	
Article 4(2) of the proposed regulation introduces the concept of interoperability between payment systems, which should only apply to retail payment systems (see Amendment 15). In view thereof, the term 'retail payment systems' should be defined.	
Amendment 11	
Article 2(1) of the proposed regulation	
'(1) "credit transfer" means a payment service for crediting a payee's payment account, where a payment transaction or a series of payment transactions is initiated by the payer on the basis of the consent given to his payment service provider'	'(1) "credit transfer" means a payment service for crediting a payee's payment account, where a payment transaction or a series of payment transactions is initiated by the payer based on an instruction on the basis of the consent given to his payment service provider'
Explanation	
Since a credit transfer requires concrete action, which is more than mere consent on the part of the payer, its definition should be made more specific.	
Amendment 12	
Article 2(2) of the proposed regulation	
'(2) "direct debit" means a payment service for debiting a payer's payment account, where a payment transaction is initiated by the payee on the basis of the payer's consent'	'(2) "direct debit" means a payment service for debiting a payer's payment account, where a payment transaction is initiated by the payee on the basis of the payer's consent given to the payee, to the payee's payment service provider or to the payer's own payment service provider '
Explanation	
In order to ensure consistency with other relevant secondary Union acts and for reasons of legal certainty, it is suggested to align the definition of 'direct debit' contained in the proposed regulation with the definition contained in Article 2(14) of Regulation (EC) No 924/2009 and in Article 4(28) of Directive 2007/64/EC.	
Amendment 13	
Article 2(7) of the proposed regulation	
'(7) "payment scheme" means a set of rules, practices and standards for making payments between the scheme participants, and which is separated from any infrastructure or payment system that supports its operation across and within Member States'	'(7) "payment scheme" means a common set of rules, practices and standards agreed for making payments between the scheme participants, and which is separated from any infrastructure or payment system that supports its operation across and within Member States service providers for the execution of payment transactions '
Explanation	
To ensure consistency with other relevant secondary Union legislation and for reasons of legal certainty, the definition of 'payment scheme' contained in the proposed regulation should be aligned with the definition of 'direct debit scheme' contained in Article 2(15) of Regulation (EC) No 924/2009, taking into account the common elements of a scheme contained in the two definitions.	
Amendment 14	
Article 4(1) of the proposed regulation	
'1. Payment service providers shall carry out credit transfers and direct debits under a payment scheme which complies with the following conditions:	'1. Payment service providers shall carry out credit transfers and direct debits under a payment scheme which complies with the following conditions:

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
(a) its rules are the same for national and cross-border credit transfer and direct debit transactions across and within Member States	(a) its rules are the same for national and cross-border credit transfer and direct debit transactions across and within Member States
(b) the participants in the scheme represent a majority of payment service providers within a majority of Member States.'	(b) the participants in the scheme represent a majority of payment service providers within a majority of the Member States whose currency is the euro. '

Explanation

See explanation to Amendment 3.

Amendment 15

Article 4(2) of the proposed regulation

'2. Payment systems and, where applicable, payment schemes shall be technically interoperable through the use of standards developed by international or European standardisation bodies.'	'2. Retail P ayment systems and, where applicable, payment schemes shall be technically interoperable through the use of standards developed by international or European standardisation bodies.'
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Explanation

Article 4(2) of the proposed regulation requires technical interoperability of payment systems and payment schemes (where applicable) without defining concretely what is meant by such technical interoperability. Ideally, more precise drafting addressing the implications of the term would be warranted. In the absence of this, the ECB suggests deleting the reference to payment schemes as technical interoperability between such schemes is not regarded as operationally feasible. More importantly, retail payment systems and large-value payment systems are very different in nature from a processing, clearing, and settlement perspective, despite the fact that both types of systems can be used to process retail payment transactions. Generally speaking, retail payment systems make use of large-value payment systems for settlement of their balances. It should be made clear that interoperability can only be expected among payment systems of the same type. Demanding interoperability between retail payment systems and large-value payment systems would not only raise question of proportionality, since retail payments processed via large-value payment systems like TARGET2 and EURO1 constitute less than 1 % of the total number of retail payments in the euro area, but could also have unintended side effects from a risk and stability perspective.

Amendment 16

Article 5(1) and (2) of the proposed regulation

'1. By [insert concrete date 12 months after entry into force of this Regulation] at the latest, credit transfers shall be carried out in accordance with the technical requirements set out in points 1 and 2 of the Annex.	'1. By 31 January 2013 [insert concrete date 12 months after entry into force of this Regulation] at the latest, credit transfers shall be carried out in accordance with the technical requirements set out in points 1 and 2 of the Annex.
2. By [insert concrete date 24 months after entry into force of this Regulation] at the latest, direct debits shall be carried out in accordance with Article 6 and the technical requirements set out in points 1 and 3 of the Annex.'	2. By 31 January 2014 [insert concrete date 24 months after entry into force of this Regulation] at the latest, direct debits shall be carried out in accordance with Article 6 and the technical requirements set out in points 1 and 3 of the Annex.'

Explanation

The ECB agrees that the requirements for credit transfers and direct debits should enter into force within a rather short timeframe, especially considering that SEPA credit transfer was launched in January 2008 and SEPA direct debit in November 2009. Taking into consideration the payment industry's need for sufficiently long lead times, the ECB suggests setting concrete dates, which could preferably be at the end of January 2013 for credit transfers and the end of January 2014 for direct debits.

Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
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Amendment 17

Article 7(2) of the proposed regulation

'2. Member States may allow their competent authorities to waive all or some of the requirements set out in paragraphs 1, 2 and 3 of Article 5 until [insert concrete date) 60 months after entry into force of this Regulation] for those payment transactions initiated through a payment card at the point of sale which result in direct debit from a payment account identified by BBAN or IBAN.'	'2. Member States may allow their competent authorities to waive all or some of the requirements set out in paragraphs 1, 2 and 3 of Article 5 (1) to (3) until [insert concrete date) 60 months after entry into force of this Regulation] for those payment transactions initiated through a payment card at the point of sale which result in a direct debit transaction from a payment account identified by BBAN or IBAN. '
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Explanation

See explanations to Amendment 8 and Amendment 20.

Amendment 18

Article 12(1) of the proposed regulation

'1. The powers to adopt the delegated acts referred to in Article 5(4) shall be conferred on the Commission for an indeterminate period of time. Where imperative grounds of urgency so require, Article 15 shall apply.'	'1. The powers to adopt the delegated acts referred to in Article 5(4) shall be conferred on the Commission for an indeterminate period of time. The Commission shall prepare draft delegated acts in close cooperation with the Eurosystem and where relevant, with the other members of the ESCB and in consultation with service providers and user representatives. Where imperative grounds of urgency so require, Article 15 shall apply.'
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Explanation

To avoid hampering the development of new and innovative payment instruments, it is of the utmost importance that the technical requirements set out in delegated acts can be amended in a smooth and efficient way. When exercising its delegated powers, the Commission should do so in close cooperation with the Eurosystem and where relevant, with the other members of the ESCB and also based on a consultation of the payments industry and other stakeholders, to ensure, inter alia, that amendments are scheduled taking into account the payment industry's business cycles.

Amendment 19

Point 1(d) of the Annex to the proposed regulation

'(d) The remittance data field shall allow for 140 characters. Payment schemes may allow for a higher number of characters, except if the device used to remit information has technical limitations related to the number of characters, in which case the technical limit of the device shall apply.'	'(d) The remittance data field shall allow for a minimum of 140 characters. Payment schemes may allow for a higher number of characters, except if the device used to remit information has technical limitations related to the number of characters, in which case the technical limit of the device shall apply.'
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Explanation

Payment schemes should not be restricted in the number of characters which can be provided, for which reason it is suggested to set 140 characters as a minimum.

Amendment 20

Point 3(f) of the Annex to the proposed regulation

'(f) Consent shall be given both to the payee and to the payment service provider of the payer (directly or indirectly via the payee) and the mandates, together with later modifications and/or cancellation, shall be stored by the payee or by a third party on behalf of the payee.'	'(f) Consent shall be given both to the payee and, directly or indirectly via the payee , to the payment service provider of the payer, (directly or indirectly via the payee) and the mandates, together with later modifications and/or cancellation, shall be stored by the payee or by a third party on behalf of the payee.'
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Text proposed by the Commission	Amendments proposed by the ECB ⁽¹⁾
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Explanation

The drafting in point 3(f) of the Annex to the proposed regulation could be incorrectly interpreted as meaning that existing mandates that do not explicitly address both the payee and the payment service provider of the payer are void and must be re-signed. This could be a very burdensome exercise considering the vast number of existing direct debit mandates. It should therefore be made clear, for the avoidance of any possible doubt, that consent to the payer's payment service provider may be given indirectly via the payee.

⁽¹⁾ Bold in the body of the text indicates where the ECB proposes inserting new text. Strikethrough in the body of the text indicates where the ECB proposes deleting text.

⁽²⁾ OJ L 319, 5.12.2007, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Council conclusions of 7 March 2011 on European Pact for Gender Equality (2011-2020)

(2011/C 155/02)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING THAT:

1. Equality between women and men is a fundamental value of the European Union enshrined in the Treaties and is one of the objectives and tasks of the European Union, and mainstreaming the principle of equality between women and men in all its activities represents a general aim for the Union ⁽¹⁾;
2. Gender equality is enshrined in Article 23 of the Charter of Fundamental Rights of the European Union;
3. While the European Union possesses a significant body of legislation promoting compliance with the principle of equal treatment of men and women in areas such as employment and access to goods and services ⁽²⁾, successive annual reports on 'Equality between Women and Men' ⁽³⁾

adopted by the European Commission demonstrate that progress is slow and that *de facto* gender equality has yet to be attained;

4. 'Europe 2020', the European Union's new strategy for jobs and smart, sustainable and inclusive growth ⁽⁴⁾, will help the Member States and the European Union to deliver high levels of competitiveness, productivity, growth, social cohesion and economic convergence;
5. The Europe 2020 Strategy includes the headline target of aiming to raise to 75 % the employment rate for women and men aged 20-64, which means it is necessary to give priority to addressing barriers to women's participation in the labour market when implementing the Strategy;
6. The Employment Guidelines, which form part of the 'Europe 2020 integrated guidelines' ⁽⁵⁾ and are monitored within the Joint Assessment Framework ⁽⁶⁾, underline, in this regard, the importance of the implementation, assessment and follow-up of employment policies that promote gender equality and work-life balance;
7. The Annual Growth Survey ⁽⁷⁾ adopted by the European Commission shows that involuntary part-time work is still an issue in some Member States and that women wishing to re-enter the labour market continue to face obstacles;
8. The European Commission's Strategy for equality between women and men 2010-2015 follows on from the Commission's Roadmap for equality between women and men (2006-2010) ⁽⁸⁾, which was the subject of a mid-term review ⁽⁹⁾, and the Women's Charter adopted by the European Commission on 5 March 2010 ⁽¹⁰⁾;

⁽¹⁾ Articles 2 and 3(3) TEU and Article 8 TFEU.

⁽²⁾ Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant women and workers who have recently given birth or are breastfeeding (OJ L 348, 28.11.1992, p. 1); Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37); Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23); Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESS-EUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ L 68, 18.3.2010, p. 13); Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).

⁽³⁾ For the most recent report, see 6571/11. The documents cited in footnotes 3-4 and 6-12 can be found on the Council's public register: <http://register.consilium.eu.int/>

⁽⁴⁾ EUCO 13/1/10 REV 1.

⁽⁵⁾ OJ L 308, 24.11.2010, p. 46.

⁽⁶⁾ 16984/10 + ADD 1.

⁽⁷⁾ 18066/10 + ADD 1-3.

⁽⁸⁾ 7034/06.

⁽⁹⁾ 17495/08.

⁽¹⁰⁾ 7370/10.

9. The European Commission's Strategy for equality between women and men 2010-2015 focuses on the following five priorities: equal economic independence; equal pay for equal work or work of equal value; equality in decision-making; dignity, integrity and an end to gender-based violence; and gender equality in external actions; the Strategy also addresses a set of important horizontal issues relating to gender roles, legislation, governance and tools for gender equality;
10. In 2006, the European Council adopted the first European Pact for Gender Equality ⁽¹⁾, and in March 2010, the Trio of Presidencies called for the commemoration of the 5th anniversary of the Pact;
- TAKING INTO CONSIDERATION THAT:
11. On 6 December 2010, the Council adopted Conclusions in support of the implementation of the European Commission's Strategy for equality between women and men 2010-2015 ⁽²⁾, as well as Conclusions on strengthening the commitment and stepping up action to close the gender pay gap, and on the review of the implementation of the Beijing Platform for Action ⁽³⁾, which invited the European Council to adapt and improve the European Pact for Gender Equality in the spring of 2011
- in the light of the Commission's new Strategy for equality between women and men 2010-2015, of the Europe 2020 Strategy and of the said Conclusions;
12. Appropriate actions to combat all forms of discrimination against women are necessary, and there is a need to examine the causes of multiple discrimination and to explore effective ways of eliminating it;
13. ADOPTS the European Pact for Gender Equality (2011-2020) as set out in the Annex;
14. INVITES the European Council to endorse the Pact in its Spring Conclusions, with a view to addressing current challenges in the field of gender equality policy as well as to ensuring that a gender dimension is integrated into all policy areas, and in particular in the context of the Europe 2020 Strategy;
15. ENCOURAGES the European Council to place the subject of gender equality on its agenda before the expiry of the European Commission's Strategy for equality between women and men 2010-2015.
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⁽¹⁾ 7775/1/06 REV 1.

⁽²⁾ 16880/10.

⁽³⁾ OJ C 345, 18.12.2010, p. 1.

ANNEX

European Pact for Gender Equality (2011-2020)

THE COUNCIL OF THE EUROPEAN UNION acknowledges that equality between women and men is a fundamental value of the European Union and that gender equality policies are vital to economic growth, prosperity and competitiveness. Five years after the adoption of the first European Pact for Gender Equality, a new impetus is needed, particularly in order to reaffirm and support the close link between the Commission's Strategy for equality between women and men 2010-2015 and 'Europe 2020: the European Union's Strategy for jobs and smart, sustainable and inclusive growth'. THE COUNCIL therefore reaffirms its commitment to fulfil EU ambitions on gender equality as mentioned in the Treaty and in particular to:

1. close the gender gaps in employment and social protection, including the gender pay gap, with a view to meeting the objectives of the Europe 2020 Strategy, especially in three areas of great relevance to gender equality, namely employment, education and promoting social inclusion in particular through the reduction of poverty, thus contributing to the growth potential of the European labour force;
2. promote better work-life balance for women and men throughout the life-course, so as to enhance gender equality, increase women's participation in the labour market and contribute to meeting the demographic challenges; and
3. combat all forms of violence against women in order to ensure the full enjoyment by women of their human rights and to achieve gender equality, including with a view to inclusive growth.

THE COUNCIL urges action at Member State and, as appropriate, Union level in the following fields:

Measures to close gender gaps and combat gender segregation in the labour market:

- (a) promote women's employment in all age brackets and close gender gaps in employment, including by combating all forms of discrimination;
- (b) eliminate gender stereotypes and promote gender equality at all levels of education and training, as well as in working life, in order to reduce gender segregation in the labour market;
- (c) ensure equal pay for equal work and work of equal value;
- (d) promote women's empowerment in political and economic life and advance women's entrepreneurship;
- (e) encourage the social partners and enterprises to develop and effectively implement initiatives in favour of gender equality and promote gender equality plans at the workplace; and
- (f) promote the equal participation of women and men in decision-making at all levels and in all fields, in order to make full use of all talents.

Measures to promote better work-life balance for women and men:

- (a) improve the supply of adequate, affordable, high-quality childcare services for children under the mandatory school age with a view to achieving the objectives set at the European Council in Barcelona in March 2002, taking into account the demand for childcare services and in line with national patterns of childcare provision;
- (b) improve the provision of care facilities for other dependants; and
- (c) promote flexible working arrangements and various forms of leave for both women and men.

Measures to tackle all forms of violence against women:

- (a) adopt, implement and monitor strategies at national and Union level with a view to eliminating violence against women;
- (b) strengthen the prevention of violence against women and the protection of victims and potential victims, including women from all disadvantaged groups; and
- (c) emphasise the role and responsibility of men and boys in the process of eradicating violence against women.

Governance, implementation and monitoring:

The relevant aspects of this Pact, and of the Commission's annual reports on 'Equality between Women and Men', should be taken into account in the mechanisms of the Europe 2020 Strategy as appropriate.

THE COUNCIL reaffirms its commitment to reinforce governance through gender mainstreaming by integrating the gender perspective into all policy areas including external EU actions, also taking into account the critical role of men and boys in the promotion of gender equality, and by ensuring that gender equality effects are taken into account in impact assessments of new EU policies. THE COUNCIL encourages the Member States and the Commission, in particular through Eurostat, to further develop existing statistics and indicators disaggregated by sex and to fully utilise the capacities of the European Institute for Gender Equality.

When developing and implementing their national reform programmes, the Member States are encouraged to apply a gender equality perspective and to promote gender equality policies, especially concerning the employment guidelines, and invited to make appropriate use of agreed gender equality indicators developed within the Joint Assessment Framework and within the follow-up of the Beijing Platform for Action in all relevant policy areas and processes.

The Commission and the Council are also invited to incorporate a gender equality perspective into the Annual Growth Survey, the country opinions and the country specific recommendations. The progress made on the implementation of the European Pact for Gender Equality should be discussed by ministers annually, at the Council level.

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

24 May 2011

(2011/C 155/03)

1 euro =

Currency			Exchange rate		
Currency			Exchange rate		
USD	US dollar	1,4089	AUD	Australian dollar	1,3328
JPY	Japanese yen	115,45	CAD	Canadian dollar	1,3780
DKK	Danish krone	7,4566	HKD	Hong Kong dollar	10,9563
GBP	Pound sterling	0,87285	NZD	New Zealand dollar	1,7608
SEK	Swedish krona	8,9200	SGD	Singapore dollar	1,7559
CHF	Swiss franc	1,2405	KRW	South Korean won	1 540,85
ISK	Iceland króna		ZAR	South African rand	9,8834
NOK	Norwegian krone	7,8385	CNY	Chinese yuan renminbi	9,1543
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4328
CZK	Czech koruna	24,580	IDR	Indonesian rupiah	12 072,47
HUF	Hungarian forint	269,40	MYR	Malaysian ringgit	4,2971
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	61,169
LVL	Latvian lats	0,7093	RUB	Russian rouble	40,0100
PLN	Polish zloty	3,9473	THB	Thai baht	42,859
RON	Romanian leu	4,1218	BRL	Brazilian real	2,2918
TRY	Turkish lira	2,2547	MXN	Mexican peso	16,5036
			INR	Indian rupee	63,6890

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

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001

(2011/C 155/04)

Aid No: SA.32801 (11/XA)

Member State: Germany

Region: Sachsen

Title of aid scheme or name of company receiving an individual aid: Zuschuss für den Einstieg ins Umweltmanagement, analog dem Zuschuss den ein gewerblicher KMU-Teilnehmer über die Sächsische Mittelstandsrichtlinie — „Richtlinien des Sächsischen Staatsministerium für Wirtschaft und Arbeit zur Mittelstandsförderung — Verbesserung der unternehmerischen Leistungsfähigkeit“, gemäß Teil B Ziffer I Nr. 4 „Umweltmanagement“ erhält.

Legal basis:

Richtlinie des Sächsischen Staatsministeriums für Wirtschaft, Arbeit und Verkehr zur Mittelstandsförderung (Mittelstandsrichtlinie), Teil B Ziffer I Nr. 4 „Umweltmanagement“

Vertrag zur Umweltallianz Sachsen

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:

Overall amount of the ad hoc aid awarded to the undertaking: EUR 0,15 million

Annual overall amount of the budget planned under the scheme: EUR 0,05 million

Maximum aid intensity: 50 %

Date of implementation: —

Duration of scheme or individual aid award: 17 May 2011-31 December 2013

Objective of aid: Production of quality agricultural products (Article 14 of Regulation (EC) No 1857/2006), Technical support (Article 15 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Crop and animal production, hunting and related service activities

Name and address of the granting authority:

Sächsische Aufbaubank
Pirnaische Straße 9
01069 Dresden
DEUTSCHLAND

Website:

http://www.sab.sachsen.de/de/foerderung/programme/p_wirtschaft/fp_wirtschaft/detailfp_wi_2475.html

<http://www.revosax.sachsen.de/Details.do?sid=2202814313422>

Other information: —

Aid No: SA.32841 (11/XA)

Member State: Spain

Region: Comunidad Valenciana

Title of aid scheme or name of company receiving an individual aid: Ayuda nominativa FEDACOVA

Legal basis: Resolución del expediente acogido a la línea «programas intersectoriales en materia de atributos y valores de la calidad agroalimentaria»

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Annual overall amount of the budget planned under the scheme: EUR 0,09 million

Maximum aid intensity: 100 %

Date of implementation: —

Duration of scheme or individual aid award: 18 May 2011-31 December 2011

Objective of aid: Production of quality agricultural products (Article 14 of Regulation (EC) No 1857/2006), Technical support (Article 15 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Support activities to agriculture and post-harvest crop activities

Name and address of the granting authority:

Conselleria de Agricultura, Pesca y Alimentación
Amadeo de Saboya, 2
46010 Valencia
ESPAÑA

Website:

http://www.agricultura.gva.es/web/c/document_library/get_file?uuid=af5ee4ee-4d51-4b4f-8399-a5c64eda74ac&groupId=16

Other information: —

Aid No: SA.32947 (11/XA)

Member State: Latvia

Region: Latvia

Title of aid scheme or name of company receiving an individual aid: Grozījumi atbalsta shēmā "Nelabvēlīgo klimatisko apstākļu radīto zaudējumu kompensēšana"

Legal basis: Ministru kabineta 2008. gada 18. augusta noteikumi Nr. 669 "Kārtība, kādā administrē un uzrauga lauksaimniecības risku fondu, nosaka iemaksu veikšanu un kompensāciju izmaksu no fonda"

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Annual overall amount of the budget planned under the scheme: LVL 1 million

Maximum aid intensity: 80 %

Date of implementation: —

Duration of scheme or individual aid award: 13 May 2011-30 December 2013

Objective of aid: Adverse climatic events (Article 11 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Agriculture, forestry and fishing

Name and address of the granting authority:

Lauku atbalsta dienests
Republikas laukums 2
Rīga, LV-1981
LATVIJA

Website:

<http://www.likumi.lv/doc.php?id=180589>

Other information: —

Aid No: SA.32968 (11/XA)

Member State: Estonia

Region: Estonia

Title of aid scheme or name of company receiving an individual aid: Ohtliku taimekahjustaja tõrjabinõude rakendamise toetus

Legal basis: „Maaelu ja põllumajandusturu korraldamise seaduse” paragrahvi 11 lõike 1 alusel

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Annual overall amount of the budget planned under the scheme: EUR 0,25 million

Maximum aid intensity: 100 %

Date of implementation: —

Duration of scheme or individual aid award: 13 May 2011-31 December 2013

Objective of aid: Plant diseases — pest infestations (Article 10 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Crop and animal production, hunting and related service activities

Name and address of the granting authority:

Põllumajanduse Registrite ja Informatsiooni Amet
Narva mnt 3
51009 Tartu
EESTI/ESTONIA

Website:

<http://www.agri.ee/siseriiklikud-toetused/>

Other information: —

Aid No: SA.32973 (11/XA)

Member State: Germany

Region: Bayern

Title of aid scheme or name of company receiving an individual aid: Förderung der Vermittlung und des Einsatzes von Fachkräften der Betriebs- und Haushaltshilfe sowie für die Melkeraushilfe

Legal basis:

— Bayerisches Agrarwirtschaftsgesetz (BayAgrarWiG) vom 8. Dezember 2006

— Eckpunktepapier; Zuwendungsbescheide

— Bay. Haushaltsordnung (BayHO)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:

Overall amount of the ad hoc aid awarded to the undertaking:
EUR 17,50 million

Annual overall amount of the budget planned under the scheme: EUR 3,50 million

Maximum aid intensity: 100 %

Date of implementation: —

Duration of scheme or individual aid award: 17 May 2011-31 December 2015

Objective of aid: Technical support (Article 15 of Regulation (EC) No 1857/2006)

Sector(s) concerned: Agriculture, forestry and fishing

Name and address of the granting authority:

Bayerische Landesanstalt für Landwirtschaft
Abteilung Förderwesen und Fachrecht
Menzinger Straße 54
80638 München
DEUTSCHLAND

Website:

<http://www.gesetze-bayern.de/jportal/portal/page/bsbayprod.psml?showdoccase=1&doc.id=jlr-AgrarWiGBYrahmen&doc.part=X&doc.origin=bs>

<http://www.stmlf.bayern.de/agrarpolitik/programme/26373/foerdkath.pdf>

Other information: —

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN PERSONNEL SELECTION OFFICE (EPSO)

NOTICE OF OPEN COMPETITION

(2011/C 155/05)

The European Personnel Selection Office (EPSO) is organising open competition:

EPSO/AD/215/11 — Administrators (AD 5) with English (EN), Spanish (ES), Estonian (ET), French (FR), Dutch (NL), Polish (PL), Portuguese (PT), Slovak (SK), Slovene (SL) or Swedish (SV) as their main language in the field of Communication

The competition notice is published in Official Journal C 155 A of 25 May 2011 in English, Spanish, Estonian, French, Dutch, Polish, Portuguese, Slovak, Slovene and Swedish only.

Further details can be found on the EPSO website: <http://eu-careers.eu>

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.6241 — CIE Management II/Gruppo Coin)

Candidate case for simplified procedure

(Text with EEA relevance)

(2011/C 155/06)

1. On 16 May 2011 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking CIE Management II Limited ('CIE') (Guernsey) controlled by BC Partners Holdings, acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking Giorgione Investimenti SpA ('Giorgione', Italy) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for CIE: general partner and manager or attorney of the BC Funds (which are private equity investment funds),
- for Giorgione: holding company of Gruppo Coin SpA, a distributor, retailer and manufacturer of apparel, accessories, health and beauty products and home decorations.

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.6241 — CIE Management II/Gruppo Coin, 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.6220 — General Mills/Yoplait)
Candidate case for simplified procedure
(Text with EEA relevance)
(2011/C 155/07)

1. On 18 May 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking General Mills Inc. ('General Mills', United States of America), a publicly traded company on the New York Stock Exchange, acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the Yoplait group ('Yoplait', France) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for General Mills: manufacturing and sale of consumer food products such as ready-to-eat cereals, main meals, frozen foods, side dishes, desserts, ice-creams, flour and baking mixes, and snacks. In the US, General Mills has been Yoplait's franchisee since 1977,
- for Yoplait: manufacturing and sale of fresh dairy products such as yoghurts, dairy desserts, fresh cheese and cream.

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.6220 — General Mills/Yoplait, 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').

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