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<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	I <i>Resolutions, recommendations and opinions</i>	
	OPINIONS	
	<b>European Commission</b>	
2013/C 270/01	Commission Opinion of 18 September 2013 on three draft regulations of the European Central Bank in the field of monetary and financial statistics .....	1
	IV <i>Notices</i>	
	NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES	
	<b>European Commission</b>	
2013/C 270/02	Euro exchange rates .....	3
	<b>Court of Auditors</b>	
2013/C 270/03	Special Report No 6/2013 'Have the Member States and the Commission achieved value for money with the measures for diversifying the rural economy?' .....	4

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(Continued overleaf)

## NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

**EFTA Secretariat**

2013/C 270/04	Publication of Oppland County's intention of entering into contracts concerning local public transport with vehicles up to 16 seats in accordance with Article 7(2) in Regulation (EC) No 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No 1191/69 and (EEC) No 1107/70.....	5
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V *Announcements*

## COURT PROCEEDINGS

**EFTA Court**

2013/C 270/05	Judgment of the Court of 25 March 2013 in Case E-10/12 — Yngvi Hardarson v Askar Capital hf. ( <i>Directive 91/533/EEC — Obligation to inform employees — Amendments to a written contract of employment — Effect of non-notification of amendments</i> ) .....	7
2013/C 270/06	Request for an Advisory Opinion from the EFTA Court by Skatteklagenemnda ved Sentralskattekontoret for storbedrifter, dated 13 March 2013, in the case of Fred Olsen and others v Staten v/Sentralskattekontoret for storbedrifter (Case E-3/13) .....	8
2013/C 270/07	Request for an Advisory Opinion from the EFTA Court by Héraðsdómur Reykjavíkur dated 16 April 2013 in the case of Creditinfo Lánstraust hf. v Registers Iceland and the Icelandic State (Case E-7/13) .....	9
2013/C 270/08	Judgment of the Court of 11 December 2012 in Case E-1/12 — Den norske Forleggerforening v EFTA Surveillance Authority ( <i>Action for annulment of a decision of the EFTA Surveillance Authority — State aid — Alleged aid granted to Nasjonal digital læringsarena (NDLA) — Decision not to open the formal investigation procedure — Notion of economic activity — Notion of doubts — Obligation to state reasons</i> ) .....	10

## PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

**European Commission**

2013/C 270/09	Notice of the impending expiry of certain anti-dumping measures .....	11
2013/C 270/10	Notice of the impending expiry of certain anti-dumping measures .....	12



## I

*(Resolutions, recommendations and opinions)*

## OPINIONS

## EUROPEAN COMMISSION

## COMMISSION OPINION

**of 18 September 2013**

**on three draft regulations of the European Central Bank in the field of monetary and financial statistics**

(2013/C 270/01)

**1. Introduction**

- 1.1. On 30 July 2013, the Commission received a request from the European Central Bank (ECB) for an opinion on three draft regulations of the ECB in the field of monetary and financial statistics. The first concerns a draft regulation which, when adopted, will constitute a recast of regulation (EC) No 958/2007 of the ECB concerning statistics on the assets and liabilities of investment funds. The second is a draft regulation which, when adopted, will constitute a recast of regulation (EC) No 24/2009 of the ECB concerning statistics on the assets and liabilities of financial vehicle corporations engaged in securitisation transactions. The third is a draft regulation which, when adopted, will constitute a recast of Regulation (EC) No 1027/2006 of the ECB on statistical reporting requirements for post office giro institutions that receive deposits from non-monetary financial institution euro area residents.
- 1.2. The Commission welcomes this request and recognises that the ECB hereby acts in accordance with its obligation to consult the Commission on draft ECB regulations whenever links with the statistical requirements of the Commission exist as laid down in Article 5(2) of Council Regulation (EC) No 2533/98 concerning the collection of statistical information by the ECB, in order to guarantee the coherence necessary to produce statistics meeting the respective information requirements of the ECB and of the Commission. A good cooperation between the ECB and the Commission is beneficial for both institutions as well as for users and respondents by allowing a more efficient production of European statistics. The Commission also welcomes that explicit reference is made to its opinion in those regulations.

**2. Specific observations**

- 2.1. The Commission welcomes that these regulations will provide more detailed information in specific areas of monetary and financial statistics. At the same time, the Commission considers that, while meeting users' requirements, every effort should be made to limit response burden in the context of these regulations. Where a system of derogations based on quantitative thresholds is put in place, a review mechanism could be foreseen in order to benefit from experience for future regulations.
- 2.2. The draft regulations appear to follow slightly different approaches as regards provisions for reporting, in particular 'first reporting', entry into force and start of application in the final provisions. These elements, as well as those related to the repeal of existing regulations, should be consistent, so as to ensure the completeness of the required data.

- 2.3. With regard to all three draft regulations, the citations in the beginning of the preamble ('Having regard to') should be brought in line with interinstitutionally practice and thus be limited to the legal basis (i.e. the provision(s) which actually confer competence on the institution to adopt the envisaged act) and, where appropriate, references to the proposal, procedure and opinions. With respect to the legal basis, after a general reference to the Treaty on the Functioning of the European Union, reference should therefore be made only to Articles 5(1) and 6(4) of Regulation (EC) No 2533/98. Neither Article 5 of the Statute of the ESCB and the ECB, nor Article 8 of Regulation (EC) No 2533/98, nor Regulation (EU) No 1011/2012, Regulation (EU) No 549/2013 or Directive 2011/61/EU can be considered as legal bases for the draft regulations. If references to these other provisions and instruments are deemed useful for a proper understanding of the enacting terms of the draft regulation, they may be referred to in the recitals.
- 2.4. Furthermore, the Commission intends to present in the coming month a proposal for a regulation establishing a European framework for money market funds (MMFs). The proposal will contain several changes to the way MMFs are defined and can operate in Europe. To avoid any inconsistencies, the Commission recommends that the ECB introduces a review clause in its regulations in order to review the definition and criteria of MMFs taking into account the MMF Regulation when it has been adopted by the European Parliament and the Council. The adaptation of the relevant ECB regulations should coincide with the entry into force of the new MMF Regulation.
- 2.5. The consistency of the part 'Definitions of sectors' of Annex II to the respective draft regulations with ESA 2010 should be checked again. For example, concerning the draft regulation on statistical reporting requirements in respect of post office giro institutions, in the part relating to non-MMF investment funds, reference should be made to ESA 2010, paragraph 2.82; and the wording from this paragraph 2.82 should be used in the definition of non-MMF investment funds. As another example, the old sector classification is used in tables 1 and 3 of the draft regulation on the assets and liabilities of investment funds, which should be corrected.

### 3. Conclusion

- 3.1. The Commission generally supports the draft regulations insofar as they contribute to the efficient cooperation between the European Statistical System (ESS) and the European System of Central Banks (ESCB) in the definition of reporting agents and the promotion of high-quality, consistent statistics at European level. The Commission, however, is of the opinion that the issues mentioned above should be addressed.
- 3.2. Furthermore, the Commission would like to underline the importance of a robust process in practice of classification of units in this area, fully respecting statistical principles.

Done at Brussels, 18 September 2013.

*For the Commission*  
Algirdas ŠEMETA  
*Member of the Commission*

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## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

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

18 September 2013

(2013/C 270/02)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3352	AUD	Australian dollar	1,4281
JPY	Japanese yen	132,18	CAD	Canadian dollar	1,3762
DKK	Danish krone	7,4579	HKD	Hong Kong dollar	10,3530
GBP	Pound sterling	0,83580	NZD	New Zealand dollar	1,6242
SEK	Swedish krona	8,6263	SGD	Singapore dollar	1,6805
CHF	Swiss franc	1,2370	KRW	South Korean won	1 443,31
ISK	Iceland króna		ZAR	South African rand	13,1304
NOK	Norwegian krone	7,8915	CNY	Chinese yuan renminbi	8,1730
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,6078
CZK	Czech koruna	25,813	IDR	Indonesian rupiah	14 803,24
HUF	Hungarian forint	298,47	MYR	Malaysian ringgit	4,3186
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	57,946
LVL	Latvian lats	0,7026	RUB	Russian rouble	43,1380
PLN	Polish zloty	4,2328	THB	Thai baht	42,272
RON	Romanian leu	4,4715	BRL	Brazilian real	3,0067
TRY	Turkish lira	2,6704	MXN	Mexican peso	17,2742
			INR	Indian rupee	84,7180

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

## COURT OF AUDITORS

**Special Report No 6/2013 'Have the Member States and the Commission achieved value for money with the measures for diversifying the rural economy?'**

(2013/C 270/03)

The European Court of Auditors hereby informs you that Special Report No 6/2013 'Have the Member States and the Commission achieved value for money with the measures for diversifying the rural economy?' has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors' website: <http://eca.europa.eu>

A hard copy version of the report may be obtained free of charge on request to the Court of Auditors:

European Court of Auditors  
Unit 'Audit: Production of Reports'  
12, rue Alcide de Gasperi  
1615 Luxembourg  
LUXEMBOURG

Tel. +352 4398-1  
E-mail: [eca-info@eca.europa.eu](mailto:eca-info@eca.europa.eu)

or by filling in an electronic order form on EU-Bookshop.

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## NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

## EFTA SECRETARIAT

**Publication of Oppland County's intention of entering into contracts concerning local public transport with vehicles up to 16 seats in accordance with Article 7(2) in Regulation (EC) No 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No 1191/69 and (EEC) No 1107/70**

(2013/C 270/04)

1. Name and address of the competent authority:

Oppland Fylkeskommune  
Opplandstrafikk  
Kirkegt. 76  
Postboks 988  
2626 Lillehammer  
NORWAY

2. Type of award envisaged:

Open tender procedure.

3. Services and areas potentially covered by the award:

Passenger transport with small, medium-size and large cars (up to and included 16 seats) in Oppland County concerning transport of pupils to school, pre-booked transport and transport accessible for disabled persons.

1. Name and address of the competent authority:

Oppland Fylkeskommune  
Opplandstrafikk  
Kirkegt. 76  
Postboks 988  
2626 Lillehammer  
NORWAY

2. Type of award envisaged:

Prolongation of directly awarded contract which can be excluded from competition according to Article 5(4) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council.

3. Services and areas potentially covered by the award:

Local/regional passenger transport with bus, mainly in the municipalities of Ringebu, Sør-Fron and Nord-Fron, in addition to the journeys Vinstra-Lillehammer, Skåbu-Lillehammer and Vinstra-Otta.

1. Name and address of the competent authority:

Oppland Fylkeskommune  
Opplandstrafikk  
Kirkegt. 76  
Postboks 988  
2626 Lillehammer  
NORWAY

2. Type of award envisaged:

Prolongation of directly awarded contract which can be excluded from competition according to Article 5(4) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council.

3. Services and areas potentially covered by the award:

Local/regional passenger transport with bus, mainly in the municipality of Nordre Land and on the journey Dokka–Lillehammer.

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## V

(Announcements)

## COURT PROCEEDINGS

## EFTA COURT

## JUDGMENT OF THE COURT

of 25 March 2013

in Case E-10/12

**Yngvi Harðarson v Askar Capital hf.**

*(Directive 91/533/EEC — Obligation to inform employees — Amendments to a written contract of employment — Effect of non-notification of amendments)*

(2013/C 270/05)

In Case E-10/12 Yngvi Harðarson v Askar Capital hf. — REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Héraðsdómur Reykjavíkur (Reykjavík District Court), on the interpretation of Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge- Rapporteur) and Páll Hreinsson, Judges, gave judgment on 25 March 2013, the operative part of which is as follows:

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship must be interpreted as not requiring that compensation to an employee is to be assessed on the basis of a written contract of employment if no written document has been handed over to the employee concerning amendments, temporary or permanent, that may have been made to the essential aspects of the contract of employment or employment relationship between the parties within the time limits laid down in Article 5 of the Directive. This applies also in the context of bankruptcy proceedings or a comparable division of a limited liability company.

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**Request for an Advisory Opinion from the EFTA Court by Skatteklagenemnda ved Sentralskattekontoret for storbedrifter, dated 13 March 2013, in the case of Fred Olsen and others v Staten v/Sentralskattekontoret for storbedrifter**

**(Case E-3/13)**

(2013/C 270/06)

A request has been made to the EFTA Court by a letter of 13 March 2013 from Skatteklagenemnda ved Sentralskattekontoret for storbedrifter (the Appeals Board of the Central Taxation Office for Large-Sized Enterprises), which was received at the Court Registry on 18 March 2013, for an Advisory Opinion in the case of Fred Olsen and others v Staten v/Sentralskattekontoret for storbedrifter, on the following questions:

1. Do trusts as a form of establishment fall within the scope of the freedom of establishment provided for in Article 31 EEA? Supplementary question: If so, who holds rights pursuant to the provisions of the EEA Agreement?
2. If the first main question is answered in the affirmative: Does a trust meet the requirement of economic activity provided for in Article 31 EEA?
3. If the first main question is answered in the negative: Does a trust fall within the scope of the right to free movement of capital provided for in Article 40 EEA?
4. If the first or third main question is answered in the affirmative: Do the Norwegian CFC rules involve one or more restrictions on the freedom of establishment or the right to free movement of capital?
5. If the fourth main question is answered in the affirmative: Can the restriction be deemed to be justified on the grounds of overriding public interests, and is the restriction proportionate?

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**Request for an Advisory Opinion from the EFTA Court by Héraðsdómur Reykjavíkur dated 16 April 2013 in the case of Creditinfo Lánstraust hf. v Registers Iceland and the Icelandic State**

**(Case E-7/13)**

(2013/C 270/07)

A request has been made to the EFTA Court by a letter of 16 April 2013 from Héraðsdómur Reykjavíkur (Reykjavik District Court), which was received at the Court's Registry on 29 April 2013, for an Advisory Opinion in the case of Creditinfo Lánstraust hf. v Registers Iceland and the Icelandic State, on the following questions:

1. Is it compatible with EEA Law, and specifically with Article 6 of Council Directive 2003/98/EC, on the re-use of public sector information (cf. the Decision of the EEA Joint Committee, No 105/2005, amending Annex XI (Telecommunication services) to the EEA Agreement), to charge a fee on account of each mechanical enquiry for information from the register if no calculation of the 'total income' and the 'cost', in the sense of Article 6 of the Directive, is available at the time of the determination of the fee?
  2. Is it compatible with Article 6 of the Directive if, when the 'cost' subject to Article 6 of the Directive is determined, no account is taken of:
    - (a) income accruing to the State when documents are collected, in the form of fees paid by individuals and undertakings for the recording of contracts in the registers of legal deeds; and
    - (b) income accruing to the State when documents are collected, in the form of taxes which are levied as stamp duties on recorded legal deeds at the time when individuals and undertakings apply to have them recorded in the registers of legal deeds?
  3. Is it compatible with Article 6 of the Directive if, when the 'cost' pursuant to Article 6 of the Directive is determined, account is taken of costs incurred by a public sector body in connection with the collection of documents which it is legally obliged to collect, irrespective of whether or not individuals or undertakings request to re-use them?
  4. Is it compatible with Article 6 of the Directive if, when the 'cost' pursuant to the article is determined, the legislature sets the amount of the fee in legislation without any particular amount being made subject to substantive examination?
  5. Would it be compatible with Article 6 of the Directive if, when the 'cost' pursuant to the Directive is determined, appropriate account were taken of a general requirement in national legislation that public sector bodies be self-financing?
  6. If the answer to Question No 5 is in the affirmative, what does this involve in further detail and what cost elements in public sector operations may be taken into account in this context?
-

**JUDGMENT OF THE COURT****of 11 December 2012****in Case E-1/12****Den norske Forleggerforening v EFTA Surveillance Authority**

*(Action for annulment of a decision of the EFTA Surveillance Authority — State aid — Alleged aid granted to Nasjonal digital læringsarena (NDLA) — Decision not to open the formal investigation procedure — Notion of economic activity — Notion of doubts — Obligation to state reasons)*

(2013/C 270/08)

In Case E-1/12, Den norske Forleggerforening v EFTA Surveillance Authority — APPLICATION for the annulment of Decision No 311/11/COL of 12 October 2011 on alleged aid granted to Nasjonal digital læringsarena, the Court, composed of Carl Baudenbacher, President, Per Christiansen and Páll Hreinsson (Judge-Rapporteur), Judges, gave judgment on 11 December 2012, the operative part of which is as follows:

The Court hereby:

1. Annuls ESA's Decision No 311/11/COL of 12 October 2011 on alleged aid granted to Nasjonal digital læringsarena.
  2. Orders ESA to pay the costs of the proceedings.
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PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of the impending expiry of certain anti-dumping measures**

(2013/C 270/09)

1. As provided for in Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, the Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below.

**2. Procedure**

Union producers may lodge a written request for a review. This request must contain sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Union producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

**3. Time limit**

Union producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Unit H-1), N-105 8/20, 1049 Brussels, Belgium <sup>(2)</sup> at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 1225/2009.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry <sup>(1)</sup>
Certain candles, tapers and the like	The People's Republic of China	Anti-dumping duty	Council Regulation (EC) No 393/2009 (OJ L 119, 14.5.2009, p. 1)	15.5.2014

<sup>(1)</sup> The measure expires at midnight of the day mentioned in this column.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Fax +32 22956505.

## Notice of the impending expiry of certain anti-dumping measures

(2013/C 270/10)

1. As provided for in Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, the Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below.

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4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 1225/2009.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry <sup>(1)</sup>
Certain PSC wires and strands	People's Republic of China	Anti-dumping duty	Council Regulation (EC) No 383/2009 (OJ L 118, 13.5.2009, p. 1) as amended by Council Implementing Regulation (EU) No 986/2012 (OJ L 297, 26.10.2012, p. 1)	14.5.2014

<sup>(1)</sup> The measure expires at midnight of the day mentioned in this column.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Fax +32 22956505.



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