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⁽¹⁾ Text with EEA relevance, except for products falling under Annex I to the Treaty

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I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

COUNCIL

COUNCIL RECOMMENDATION

of 9 December 2013

on effective Roma integration measures in the Member States

(2013/C 378/01)

THE COUNCIL OF THE EUROPEAN UNION,

origin, genetic features, language or membership of a national minority, shall be prohibited.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292, in conjunction with Article 19(1), thereof,

- (5) Council Directive 2000/43/EC ⁽¹⁾ lays down a framework for combating discrimination on the grounds of racial or ethnic origin throughout the Union in relation to employment and training, education, social protection (including social security and healthcare), social advantages and access to, and supply of, goods and services, including housing.

Having regard to the proposal from the European Commission,

Whereas:

(1) Pursuant to Article 2 of the Treaty on European Union (TEU), equality is one of the founding values of the Union. Pursuant to the second subparagraph of Article 3(3) TEU, the Union shall combat social exclusion and discrimination and promote the protection of the rights of the child.

- (6) For the purposes of this Recommendation, as in other political documents of the European Parliament and of the Council, the term 'Roma' is used as an umbrella term which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc., whether sedentary or not.

(2) According to Article 10 of the Treaty on the Functioning of the European Union (TFEU), the Union shall aim to combat discrimination based on racial or ethnic origin in defining and implementing its policies and activities.

- (7) Many Roma in the Union still face deep poverty, social exclusion, discrimination and barriers to exercising their fundamental rights which leaves them vulnerable to exploitation, for example through trafficking in human beings. Therefore, more effective social inclusion measures adapted to their situation and needs should be considered.

(3) Article 19(1) TFEU enables the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

- (8) The situation of Roma children in the Union is particularly worrying, due to a range of factors that may make them especially vulnerable and exposed, *inter alia*, to poor health, poor housing, poor nutrition, exclusion, discrimination, racism and violence. The

(4) Article 21(1) of the Charter of Fundamental Rights of the European Union states that any discrimination based on any ground such as sex, race, colour, ethnic or social

⁽¹⁾ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

social exclusion of Roma children is often linked to the lack of birth registration and identity documents, to low participation in early childhood education and care as well as higher education, and to elevated school drop-out rates. Segregation is a serious barrier preventing access to quality education. Some Roma children also fall victim to trafficking and labour exploitation.

- (9) Roma who are third-country nationals staying legally in the Member States can also be placed in a vulnerable position, particularly when they share the same poor living conditions as many Roma who are citizens of the Union, whilst also facing the challenges of many migrants coming from outside the Union.
- (10) In the context of intra-Union mobility, it is necessary to respect the right to free movement of the citizens of the Union and the conditions for its exercise, including the possession of sufficient resources and of a comprehensive sickness insurance cover, in accordance with Directive 2004/38/EC of the European Parliament and of the Council⁽¹⁾, while also seeking to improve the living conditions of Roma and pursuing measures to promote their economic and social integration in their Member States of origin as well as their Member States of residence.
- (11) The European Parliament resolutions of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union and of 9 March 2011 on the EU strategy on Roma inclusion called on the Commission and the Member States to mobilise existing Union strategies and instruments with a view to securing the socio-economic inclusion of Roma.
- (12) In its Communication of 5 April 2011 entitled 'An EU Framework for National Roma Integration Strategies up to 2020', the Commission encouraged Member States to adopt or to further develop a comprehensive approach and endorse a number of goals in education, employment, healthcare and housing in order to speed up Roma integration.
- (13) On 19 May 2011, the Council adopted Conclusions entitled 'An EU framework for national Roma integration strategies up to 2020', expressing the Member States' commitment to advancing the social and economic inclusion of Roma.
- (14) The European Council of 23 and 24 June 2011 called for the rapid implementation of the Council Conclusions of 19 May 2011, in particular as regards the preparation, updating or development of Member States' national Roma integration strategies or integrated sets of policy measures within their broader social inclusion policies for improving the situation of Roma.
- (15) In its Communication of 21 May 2012 entitled 'National Roma Integration Strategies: a first step in the implementation of the EU Framework', the Commission presented the results of a first assessment of all national Roma integration strategies and integrated sets of policy measures and invited Member States to consider a number of adaptations as a way forward.
- (16) The Commission enhanced its dialogue with the Member States on Roma integration, in particular by establishing in October 2012 the network of National Contact Points for Roma integration, in order to discuss solutions to the challenges identified. In November and December 2012, a group of National Contact Points for Roma integration further discussed how to enhance the effectiveness of measures to achieve Roma integration in the Member States. That group subsequently reported back to the network of National Contact Points for Roma integration.
- (17) In its Communication of 26 June 2013 entitled 'Steps forward in implementing national Roma integration strategies', the Commission highlighted the need for further action in order to secure the necessary preconditions for the successful implementation of measures aimed at speeding up progress on Roma integration as soon as possible.
- (18) The Commission Communication of 3 March 2010 entitled 'Europe 2020: a strategy for smart, sustainable and inclusive growth' (the 'Europe 2020 Strategy') has given new impetus to the fight against poverty and social exclusion by setting common European targets to reduce the number of people at risk of poverty and social exclusion, to reduce the rate of early school leaving, and to increase school attainment and employment levels. Roma integration is an essential part of the convergent efforts by the Union and Member States in this context. The current governance of the European Semester promotes implementation of the relevant country specific recommendations, and the Council conclusions of 20 June 2013 entitled 'Towards social investment for growth and cohesion' provide further guidance for the efforts to secure inclusive growth.
- (19) In light of the above considerations and of the shortcomings identified, the effectiveness of Roma integration

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

measures needs to be improved and monitored. This should be done while fully respecting the principle of subsidiarity and the Member States' primary responsibility in this area, taking into account the fact that data collection on ethnic grounds can be a sensitive issue and acknowledging that Member States should choose their own monitoring methods, including appropriate methods for any data collection, and possible indicators.

- (20) This Recommendation aims to build on the various recommendations previously set out in the European Parliament resolutions, the Council conclusions and the Commission communications on Roma integration. It aims to complement existing Union anti-discrimination legislation in order to help make its implementation and enforcement more effective.
- (21) This Recommendation does not cover differences of treatment based on nationality and is without prejudice to provisions and conditions related to the legal status of third-country nationals and stateless persons on the territory of Member States under national and Union law or to the legal effects of that status.
- (22) Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁽¹⁾ calls on Member States, where appropriate, to set out an integrated approach to addressing the specific needs of geographical areas most affected by poverty, or of target groups at highest risk of discrimination or social exclusion, with special regard to marginalised communities. Regulation (EU) No 1304/2013 of the European Parliament and of the Council⁽²⁾ for the 2014-2020 programming period includes an investment priority under the European Social Fund (ESF) focused on the socio-economic integration of marginalised communities such as Roma, complementing the other European Structural and Investment Funds (ESIF)⁽³⁾,

NOTING THAT:

PURPOSE

The purpose of this Recommendation is to provide guidance to Member States in enhancing the effectiveness of their measures

⁽¹⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽²⁾ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (OJ L 347, 20.12.2013, p. 470).

⁽³⁾ The ESIF are the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund (CF), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF).

to achieve Roma integration and strengthen the implementation of their national Roma integration strategies or integrated sets of policy measures within broader social inclusion policies aimed at improving the situation of Roma and at closing any gaps between Roma and the general population.

The size and the social and economic situation of the Roma population vary considerably between different Member States. Therefore national approaches to Roma integration should be tailored to the specific circumstances and needs on the ground, including by adopting or continuing to pursue policies that address marginalised and disadvantaged groups, such as Roma, in a broader context.

This Recommendation explicitly focuses on measures to promote the integration of Roma without aiming to exclude other marginalised and disadvantaged groups. Integration measures should be based on the same principles in comparable conditions.

HEREBY RECOMMENDS THAT THE MEMBER STATES:

1. SUBSTANTIVE POLICY ISSUES

Effective policy measures

- 1.1. With a view to promoting the full equality of Roma in practice, take effective policy measures to ensure their equal treatment and the respect of their fundamental rights, including equal access to education, employment, healthcare and housing. This goal could be achieved either by means of mainstream measures or by means of targeted measures, including specific measures to prevent or compensate for disadvantages, or by a combination of both, paying special attention to the gender dimension.

- 1.2. Adopt measures that may be based on socio-economic indicators, such as high long-term unemployment, level of educational attainment and health parameters, or may focus on geographical areas that are marginalised and/or segregated.

Access to education

- 1.3. Take effective measures to ensure equal treatment and full access for Roma boys and girls to quality and mainstream education and to ensure that all Roma pupils complete at least compulsory education⁽⁴⁾. This goal could be attained by means of measures such as measures:

⁽⁴⁾ A child's right to education is enshrined in Article 28 of the United Nations Convention on the Rights of the Child.

- (a) eliminating any school segregation;
- (b) putting an end to any inappropriate placement of Roma pupils in special needs schools;
- (c) reducing early school leaving ⁽¹⁾ throughout all levels of education, including at secondary level and vocational training;
- (d) increasing the access to, and quality of, early childhood education and care, including targeted support, as necessary;
- (e) considering the needs of individual pupils and addressing those accordingly, in close cooperation with their families;
- (f) using inclusive and tailor-made teaching and learning methods, including learning support for struggling learners and measures to fight illiteracy, and promoting the availability and use of extracurricular activities;
- (g) encouraging greater parental involvement and improving teacher training, where relevant;
- (h) encouraging Roma participation in and completion of secondary and tertiary education;
- (i) widening access to second-chance education and adult learning, and providing support for the transition between educational levels and support for the acquisition of skills that are adapted to the needs of the labour market.
- individual job-seekers, focusing on personalised guidance and individual action planning and, where appropriate, promoting employment opportunities within the civil service;
- (d) eliminating barriers, including discrimination, to (re)entering the labour market.
- Access to healthcare*
- 1.5. Take effective measures to ensure equal treatment of Roma in access to universally available healthcare services ⁽²⁾ on the basis of general eligibility criteria. This goal could be attained by means of measures such as measures:
- (a) removing any barriers to access to the healthcare system accessible for the general population;
- (b) improving access to medical check-ups, prenatal and postnatal care and family planning, as well as sexual and reproductive healthcare, generally provided by national healthcare services;
- (c) improving access to free vaccination programmes targeting children and vaccination programmes targeting, in particular, groups most at risk and/or those living in marginalised and/or remote areas;
- (d) promoting awareness of health and healthcare issues.

Access to housing

- 1.4. Take effective measures to ensure equal treatment of Roma in access to the labour market and to employment opportunities. This goal could be attained by means of measures such as measures:
- (a) supporting first work experience, vocational training, on-the-job training, lifelong learning and skills development;
- (b) supporting self-employment and entrepreneurship;
- (c) providing equal access to mainstream public employment services, alongside services to support
- 1.6. Take effective measures to ensure equal treatment of Roma in access to housing. This goal could be attained by means of measures such as measures:
- (a) eliminating any spatial segregation and promoting desegregation;
- (b) promoting non-discriminatory access to social housing;
- (c) providing halting sites for non-sedentary Roma, in proportion to local needs;
- (d) ensuring access to public utilities (such as water, electricity and gas) and infrastructure for housing in compliance with national legal requirements.

⁽¹⁾ See Council Recommendation of 28 June 2011 on policies to reduce early school leaving (OJ C 191, 1.7.2011, p. 1). One of the headline targets of the Europe 2020 Strategy agreed by the European Council is to reduce the proportion of early school leavers to less than 10 % and to ensure that at least 40 % of the younger generation have a tertiary qualification or equivalent.

⁽²⁾ This Recommendation is without prejudice to the provisions of Directive 2004/38/EC, which require citizens of the Union moving within the Union to 'have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State'.

1.7. Whenever relevant, ensure that applications from local authorities for urban regeneration projects include integrated housing interventions in favour of marginalised communities.

1.8. Promote community-led local development and/or integrated territorial investments supported by the ESIF.

Funding

1.9. Allocate adequate funding for the implementation and monitoring of their national and local strategies and action plans from any available sources of funding (local, national, Union and international) with a view to achieving the objective of Roma integration through mainstream or targeted measures.

1.10. The promotion of social inclusion and combating poverty and discrimination, including, *inter alia*, the socio-economic integration of marginalised communities such as Roma, should be facilitated by the allocation of at least 20 % of the total ESF resources in each Member State to investment in people as set out in Articles 3 and 4 of Regulation (EU) No 1304/2013.

1.11. Depending on the size and social and economic situation of their Roma communities and the gap between Roma and non-Roma populations, as well as the challenges identified within the context of the European Semester for a number of Member States, take appropriate measures to include Roma integration among the priorities in the Partnership Agreements on the use of the ESIF ⁽¹⁾ for the period 2014-2020.

1.12. Improve their management, monitoring and evaluation capacities with the support of the ESIF technical assistance and facilitate the use of national and Union funds to support capacity building for local authorities and civil society organisations so that they can effectively implement projects.

1.13. Target the allocation of public funding for implementing national Roma integration strategies or integrated sets of policy measures to the specific needs of Roma, or to the geographical areas most affected by poverty and social exclusion, and take into consideration the gender dimension.

2. HORIZONTAL POLICY MEASURES

Anti-discrimination

2.1. Continue their efforts to ensure the effective practical enforcement of Directive 2000/43/EC, in particular by

ensuring that their national, regional and local administrative regulations are not discriminatory and do not result in segregation practices. The relevant case-law of the European Court of Human Rights should serve as a point of reference for the human rights compatibility of provisions and practices in this context.

2.2. Implement, where relevant, desegregation measures concerning Roma both regionally and locally. Policies and measures to combat segregation should be accompanied by appropriate training and information programmes, including training and information on human rights protection, addressed to local civil servants and representatives of civil society and Roma themselves.

2.3. Ensure that forced evictions are in full compliance with Union law as well with other international human rights obligations, such as those of the European Convention on Human Rights.

2.4. Implement measures to combat discrimination and prejudice against Roma, sometimes referred to as anti-Gypsyism, in all areas of society. Such measures could include:

(a) raising awareness about the benefits of Roma integration both in Roma communities and among the general public;

(b) raising the general public's awareness of the diverse nature of societies, and sensitising public opinion to the inclusion problems Roma face, including, where relevant, by addressing those aspects in public education curricula and teaching materials;

(c) taking effective measures to combat anti-Roma rhetoric and hate speech, and addressing racist, stereotyping or otherwise stigmatising language or other behaviours that could constitute incitement to discrimination against Roma.

Protection of Roma children and women

2.5. Combat all forms of discrimination, including multiple discrimination, faced by Roma children and women, and fight violence, including domestic violence, against women and girls, trafficking in human beings, underage and forced marriages, and begging involving children, in particular through the enforcement of legislation. To this end, Member States should ensure the involvement in this exercise of all relevant actors including public authorities,

⁽¹⁾ The ERDF can be used to support infrastructure projects in the health, education and housing sectors.

civil society and Roma communities. In this context, cooperation between Member States is encouraged in situations with a cross-border dimension.

Poverty reduction through social investment

2.6. Combat poverty and social exclusion affecting the disadvantaged, including Roma, through investment in human capital and social cohesion policies. This goal could be attained by means of measures such as measures:

- (a) supporting Roma at all stages of their lives, starting as early as possible and systematically dealing with the risks they face, including by investing in good-quality inclusive early childhood education and care, targeted youth guarantee schemes, life-long learning and active ageing measures;
- (b) pursuing policies of activation and enablement by supporting (re)entry to the labour market through targeted or mainstream employment support schemes, and promoting inclusive labour market by addressing discrimination in the workplace;
- (c) making social benefits and social services granted to the disadvantaged, including Roma, in accordance with national legislation, more adequate and sustainable through more joined-up social policies, through the simplification of procedures, and by combating fraud and errors; ensuring the take-up of social assistance schemes; and providing adequate income support to those eligible.

2.7. Depending on the size and social and economic situation of their Roma populations, consider making Roma integration an important issue within their national reform programmes or their national social reports in the context of the Europe 2020 Strategy.

Empowerment

2.8. Support the active citizenship of Roma by promoting their social, economic, political and cultural participation in society, including at the local level, since the active involvement and participation of Roma themselves, including through their representatives and organisations, is crucial for the improvement of their living conditions, as well as for the advancement of their social inclusion.

2.9. Where appropriate to local approaches to integration, promote the training and employment of qualified mediators dedicated to Roma and use mediation as one

of the measures to tackle the inequalities Roma face in terms of access to quality education, employment, healthcare and housing.

2.10. Carry out information activities to further raise awareness among Roma of their rights (notably in relation to discrimination and the possibilities of seeking redress) and of their civic duties.

3. STRUCTURAL MEASURES

Local action

3.1. While respecting the competences of regional and local authorities, encourage those authorities to develop local action plans or strategies, or sets of local policy measures within wider social inclusion policies, which could include baselines, benchmarks and measurable objectives for Roma integration as well as appropriate funding.

3.2. Involve regional and local authorities and local civil society in developing, implementing and monitoring their national strategies or integrated sets of policy measures within broader social inclusion policies. Relevant representatives and stakeholders should be involved as regards partnership agreements and operational programmes co-financed by the ESIF. Central and local authorities should cooperate in the implementation of those strategies.

To this end, support local public authorities so as to facilitate the implementation of sets of policy measures at local level.

3.3. Strive at the local level for an integrated approach concerning families with a Roma background facing multiple problems such as non-completion of school, debt, poverty and poor health. To this end, the capacity of local authorities could be strengthened, while respecting the division of responsibilities within each Member State, in order to allow them to effectively work in co-operation with the families concerned and also with, for example, schools, youth care organisations, police, public health organisations, welfare organisations and housing corporations.

Monitoring and evaluating policies

3.4. Appropriately monitor and evaluate the effectiveness of their national strategies or integrated sets of policy measures within their broader social inclusion policies. This could be done by means of measures such as setting baselines or measurable targets or by collecting relevant qualitative or quantitative data on the social and economic effects of such strategies or measures, in line with applicable national and Union law, particularly regarding the protection of personal data.

3.5. Make use of any relevant core indicators or methods of empirical social research or data collection for monitoring and evaluating progress on a regular basis, particularly at the local level, enabling efficient reporting on the situation of Roma in the Member States with the optional support of the European Union Agency for Fundamental Rights.

Bodies for the promotion of equal treatment

3.6. Support the work and institutional capacity of bodies for the promotion of equal treatment by granting them adequate resources so that the legal and judicial assistance they provide can effectively benefit Roma victims of discrimination.

3.7. Promote regular dialogue between their National Contact Points for Roma integration and national bodies for the promotion of equal treatment.

National Contact Points for Roma integration

3.8. Provide their National Contact Points for Roma integration with an adequate mandate and resources appropriate to their role so that they can effectively coordinate the cross-sectoral monitoring of Roma integration policies with a view to their implementation, while respecting the division of responsibilities within each Member State.

3.9. Involve their National Contact Points for Roma integration in decision-making processes regarding the development, funding and implementation of relevant policies. The National Contact Points for Roma integration should facilitate the participation and involvement of Roma civil society in the implementation of national Roma integration strategies and local action plans.

Transnational cooperation

3.10. Encourage the development of, and active participation in, transnational forms of cooperation at national, regional or local level, through policy initiatives, in particular projects and bilateral or multilateral agreements, in order to:

- (a) coordinate on issues related to the cross-border mobility of Roma within the Union; and
- (b) support mutual learning and the multiplication of good practices, for example by cooperation between

authorities managing structural funds with a view to designing effective Roma integration interventions.

3.11. The transnational cooperation referred to in point 3.10 should supplement the measures taken within national strategies for Roma integration and integrated sets of policy measures within broader social inclusion policies and within the framework of any existing cooperation agreements between Member States such as the Danube Strategy, and of other international organisations such as the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).

4. REPORTING AND FOLLOW-UP

4.1. Communicate to the Commission any measures taken in accordance with this Recommendation by 1 January 2016.

4.2. Thereafter, communicate to the Commission any new measures taken on an annual basis, at the end of each year, along with information on the progress achieved in implementing their national Roma integration strategies or integrated sets of policy measures within broader social inclusion policies.

HEREBY INVITES THE COMMISSION TO:

5.1. Ensure that the information provided by the Member States will serve as a basis for the preparation of its annual reports to the European Parliament and to the Council on the implementation of national Roma integration strategies and will contribute to the European Semester of the Europe 2020 Strategy through the country specific recommendations.

5.2. On this basis, monitor the situation closely and, by 1 January 2019, assess the need to revise and update this Recommendation.

Done at Brussels, 9 December 2013.

For the Council

The President

A. PABEDINSKIENĖ

EUROPEAN COMMISSION

COMMISSION RECOMMENDATION

of 27 November 2013

on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings

(2013/C 378/02)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The aim of this Recommendation is to encourage Member States to strengthen the procedural rights of all suspects or accused persons who are not able to understand and to effectively participate in criminal proceedings due to age, their mental or physical condition or disabilities ('vulnerable persons').
- (2) By establishing minimum rules on the protection of procedural rights of suspects or accused persons, this Recommendation should strengthen the trust of Member States in criminal justice systems of other Member States and can thus help improve the mutual recognition of decisions in criminal matters.
- (3) The Stockholm Programme⁽¹⁾ put a strong focus on the strengthening of the rights of individuals in criminal proceedings. In its point 2.4, the European Council invited the Commission to put forward proposals setting out a step by step approach⁽²⁾ to strengthening the rights of suspects or accused persons.
- (4) Three measures have been adopted to date, namely Directive 2010/64/EU of the European Parliament and of the Council⁽³⁾, Directive 2012/13/EU of the European Parliament and of the Council⁽⁴⁾ and Directive 2013/48/EU of the European Parliament and of the Council⁽⁵⁾.
- (5) References in this Recommendation to suspects or accused persons who are deprived of liberty should be understood to refer to any situation where, in the course of criminal proceedings, suspects or accused persons are deprived of liberty within the meaning of Article 5(1)(c) of the ECHR, as interpreted by the case-law of the European Court of Human Rights.
- (6) It is essential that the vulnerability of a person suspected or accused in criminal proceedings is promptly identified and recognised. For that purpose, an initial assessment should be carried out by police officers, law enforcement or judicial authorities. The competent authorities should also be able to ask an independent expert to examine the degree of vulnerability, the needs of the vulnerable person and the appropriateness of any measures taken or envisaged against the vulnerable person.
- (7) Suspects or accused persons or their lawyers should have the right to challenge, in accordance with national law, the assessment of their potential vulnerability in criminal proceedings, in particular if this would significantly impede or restrict the exercise of their fundamental rights. That right does not entail the obligation for Member States to provide for a specific appeal procedure, a separate mechanism, or a complaint procedure in which such failure or refusal may be challenged.
- (8) The term 'legal representative' means a person who represents the interests and oversees the legal affairs of a vulnerable person. An example is notably a court appointed guardian of a vulnerable person.
- (9) The term 'appropriate adult' means a relative or a person with a social relationship with the vulnerable person who is likely to interact with the authorities and to enable the vulnerable person to exercise his or her procedural rights.

⁽¹⁾ OJ C 115, 4.5.2010, p. 1.

⁽²⁾ OJ C 295, 4.12.2009, p. 1.

⁽³⁾ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

⁽⁴⁾ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

⁽⁵⁾ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and European arrest warrant proceedings and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities (OJ L 294, 6.11.2013, p. 1).

- (10) Vulnerable persons need appropriate assistance and support during criminal proceedings. For that purpose, the legal representative of a vulnerable suspect or accused person or an appropriate adult should be informed as soon as possible of the criminal proceedings against him, of the nature of the accusation, the procedural rights and the available remedies. The legal representative or an appropriate adult should be notified as soon as possible of the deprivation of liberty and be informed about the reasons for it, unless it is contrary to the person's best interests.
- (11) Persons who are recognised as particularly vulnerable are not able to follow and understand the criminal proceedings. In order to ensure that their fair trial rights are ensured, they should not be able to waive their right to a lawyer.
- (12) In order to ensure the personal integrity of a vulnerable person who is deprived of liberty, vulnerable persons should have access to medical examination assessing their general condition and compatibility of possible measures taken against them with their condition.
- (13) Vulnerable persons are not always able to understand the content of police interviews to which they are subject. In order to avoid any contestation of the content of an interview and thereby undue repetition of questioning, these interviews should be audio-visually recorded.
- (14) Subject to the specific circumstances of each case, the state of vulnerability should not constitute an obstacle for the suspected or accused person to have access to material evidence held by the competent authorities with regard to the criminal case in question in the exercise of their procedural rights and with a view to the right to effective remedies.
- (15) This Recommendation applies to vulnerable persons who are subject to surrender procedure pursuant to Council Framework Decision 2002/584/JHA ⁽¹⁾ (European arrest warrant proceedings). The competent authorities in the executing Member State should apply the specific procedural rights of this Recommendation to European arrest warrant proceedings.
- (16) References in this Recommendation to appropriate measures to ensure effective access to justice for persons with disabilities should be understood in light of the objectives defined in the 2006 United Nations Convention on the Rights of Persons with Disabilities and in particular in Article 13 thereof.
- (17) In order to ensure that professionals in contact with vulnerable persons are aware of the specific needs of these persons, they should receive adequate training.
- (18) This Recommendation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, this Recommendation seeks to promote the right to liberty, the right to a fair trial and the rights of defence.
- (19) Member States should inform the Commission on the follow up on this Recommendation within [36 months] of its notification. Based on this information, the Commission should monitor and assess the measures taken by Member States,

RECOMMENDS:

SECTION 1

SUBJECT-MATTER AND SCOPE

1. This Recommendation calls upon Member States to strengthen certain procedural rights of vulnerable suspects or accused persons in criminal proceedings and of vulnerable persons who are subject to European arrest warrant proceedings.
2. The specific procedural rights of vulnerable persons should apply from the time they are suspected of having committed an offence. Such rights should apply until the conclusion of the proceedings.
3. Vulnerable persons should be associated in accordance with their best interests to the exercise of procedural rights taking into account their ability to understand and effectively participate in the proceedings.

SECTION 2

IDENTIFICATION OF VULNERABLE PERSONS

4. Vulnerable persons should be promptly identified and recognised as such. Member States should ensure that all competent authorities may have recourse to a medical examination by an independent expert to identify vulnerable persons, and to determine the degree of their vulnerability and their specific needs. This expert may give a reasoned opinion on the appropriateness of the measures taken or envisaged against the vulnerable person.

⁽¹⁾ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

SECTION 3

RIGHTS OF VULNERABLE PERSONS*Non-discrimination*

5. Vulnerable persons should not be subject to any discrimination under national law in the exercise of the procedural rights referred to in this Recommendation.
6. The procedural rights granted to vulnerable persons should be respected throughout the criminal proceedings taking into account the nature and degree of their vulnerability.

Presumption of vulnerability

7. Member States should foresee a presumption of vulnerability in particular for persons with serious psychological, intellectual, physical or sensory impairments, or mental illness or cognitive disorders, hindering them to understand and effectively participate in the proceedings.

Right to information

8. Persons with disabilities should receive upon request information concerning their procedural rights in a format accessible to them.
9. Vulnerable persons and, if necessary, their legal representative or an appropriate adult should be informed of the specific procedural rights referred to in this Recommendation, in particular those relating to the right to information, the right to medical assistance, the right to a lawyer, the respect of privacy and, where appropriate, the rights related to pre-trial detention.
10. The legal representative or an appropriate adult who is nominated by the vulnerable person or by the competent authorities to assist that person should be present at the police station and during court hearings.

Right of access to a lawyer

11. If a vulnerable person is unable to understand and follow the proceedings, the right to access to a lawyer in accordance with Directive 2013/48/EU should not be waived.

Right to medical assistance

12. Vulnerable persons should have access to systematic and regular medical assistance throughout criminal proceedings if they are deprived of liberty.

Recording of questioning

13. Any questioning of vulnerable persons during the pre-trial investigation phase should be audio-visually recorded.

Deprivation of liberty

14. Member States should take all steps to ensure that deprivation of liberty of vulnerable persons before their conviction is a measure of last resort, proportionate and taking place under conditions suited to the needs of the vulnerable person. Appropriate measures should be taken to ensure that vulnerable persons have access to reasonable accommodations taking into account their particular needs when they are deprived of liberty.

Privacy

15. Competent authorities should take appropriate measures to protect the privacy, personal integrity and personal data of vulnerable persons, including medical data, throughout the criminal proceedings.

European arrest warrant proceedings

16. The executing Member State should ensure that a vulnerable person who is subject to European arrest warrant proceedings has the specific procedural rights referred to in this Recommendation upon arrest.

Training

17. Police officers, law enforcement and judicial authorities competent in criminal proceedings conducted against vulnerable persons should receive specific training.

SECTION 4

MONITORING

18. Member States should inform the Commission on the measures taken to give effect to this Recommendation, by [36 months after notification].

SECTION 5

FINAL PROVISIONS

19. This Recommendation is addressed to the Member States.

Done at Brussels, 27 November 2013.

For the Commission
Viviane REDING
Vice-President

COMMISSION RECOMMENDATION

of 27 November 2013

on the right to legal aid for suspects or accused persons in criminal proceedings

(2013/C 378/03)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The aim of this Recommendation is to reinforce the right to legal aid for suspects or accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings pursuant to Council Framework Decision 2002/584/JHA ⁽¹⁾ in order to complement and render effective the right of access to a lawyer as set out in Directive 2013/48/EU of the European Parliament and of the Council ⁽²⁾.
- (2) The right to legal aid in criminal proceedings is enshrined in Article 47(3) of the Charter of Fundamental Rights of the European Union ('the Charter') and in Article 6(3)(c) of the European Convention on Human Rights ('ECHR'). It is also recognised in Article 14(3)(d) of the ICCPR. The fundamental principles on which a legal aid system should be based are outlined in the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems adopted on 20 December 2012 by the General Assembly.
- (3) The scope and content of the right of access to a lawyer are set out in Directive 2013/48/EU and nothing in this Recommendation should be construed as limiting the rights as provided for in that Directive.
- (4) A suspect or accused person in criminal proceedings has a right of access to a lawyer from the time they are made aware, by official notification or otherwise, by the competent authorities, that they are suspected or accused of having committed a criminal offence, and irrespective of whether they are deprived of liberty. It applies until the conclusion of the proceedings, which is understood to mean the final determination of the

question of whether the suspect or accused person has committed the offense, including, where applicable, sentencing and the resolution of any appeal. The same temporal scope should apply to the right to legal aid.

- (5) The term 'lawyer' in this Recommendation refers to any person, who, in accordance with national law, is qualified and entitled, including by means of accreditation by an authorised body, to provide legal advice and assistance to suspects or accused persons.
- (6) 'Legal aid' means funding and assistance from the Member State ensuring the effective use of the right of access to a lawyer. The funding should cover the costs of the defence and the proceedings for suspects or accused persons in criminal proceedings and requested persons in European arrest warrant proceedings.
- (7) Suspects or accused persons and requested persons who lack sufficient financial resources to meet some or all of the costs of the defence and the proceedings should have access to legal aid, insofar as such aid is required in the interests of justice.
- (8) A suspect or accused person should not have to prove beyond reasonable doubt that they have insufficient financial means, as has been set out in the case-law of the European Court of Human Rights. In order to determine whether the 'interests of justice' require free legal assistance to be provided, the European Court of Human Rights has held that the non-cumulative criteria of the seriousness of the offence, the severity of the sentence at stake, the complexity of the case or the personal situation of the suspect or accused persons should be taken into account.
- (9) Moreover, the European Court of Human Rights has held that, when deprivation of liberty is at stake, the interests of justice test should, in principle, be considered to be fulfilled.
- (10) The decision as to whether or not legal aid is granted in criminal proceedings should be made in sufficient time to enable the suspect or accused person to present their case in a concrete and effective way.

⁽¹⁾ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

⁽²⁾ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and European arrest warrant proceedings and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities (OJ L 294, 6.11.2013, p. 1).

- (11) Given the legal profession's independence, the conduct of the defence is essentially a matter between the suspect or accused or requested person, and their representative. In order to ensure a high professional standard of legal assistance that ensures a fair trial, Member States should establish effective systems for general quality assurance of legal aid lawyers. To this end, Member States should put in place accreditation schemes for legal aid lawyers. In any event, Member States should ensure that action is taken if a failure in the legal assistance is manifest or is sufficiently brought to the Member States' attention.
- (12) Defense lawyers, as well as staff involved in decision-making on the right to legal aid, such as prosecutors, judges and staff on legal aid boards, should receive appropriate training to further the right to effective access to legal aid.
- (13) Given the importance of confidence between lawyer and client, the relevant competent authorities should, as far as possible, have regard to the preference and wishes of the suspect or accused person in the choice of the legal aid lawyer. However, as has been recognised in the case-law of the European Court of Human Rights, they may override those wishes where there are relevant and sufficient grounds for holding that this is necessary in the interests of justice.
- (14) This Recommendation upholds fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms. In particular, this Recommendation seeks to promote the right to liberty, the right to a fair trial and the rights of defense. It should be interpreted and given effect accordingly.
- (15) Insofar as the Charter of Fundamental Rights of the European Union contains rights, which correspond to rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights should be the same as those laid down by that Convention. The corresponding provisions of this Recommendation should thus be interpreted and given effect in a manner which is consistent with those rights, as interpreted in the case-law of the European Court of Human Rights.
- (16) Member States should inform the Commission on the action taken to follow up on this Recommendation.
- (17) Within 48 months after notification of this Recommendation, the Commission should assess if any further action, including legislative measures, is needed in order to ensure that the objectives of this Recommendation are fully met,

HEREBY RECOMMENDS:

SECTION 1

SUBJECT-MATTER AND SCOPE

1. This Recommendation concerns the right to legal aid for suspects or accused persons in criminal proceedings and for requested persons subject to European arrest warrant proceedings in order to ensure effective access to a lawyer according to the Directive 2013/48/EU.
2. Suspects and accused persons in criminal proceedings should have a right to legal aid from the time they are suspected of having committed a criminal offence. This right should apply until the conclusion of the proceedings.

SECTION 2

ACCESS TO LEGAL AID

Right to legal aid

3. Member States should take appropriate measures to ensure that suspects or accused persons and requested persons are entitled to receive effective legal aid to ensure the right to a fair trial in accordance with this Recommendation.
 4. Suspects or accused persons and requested persons should, as a minimum, be granted legal aid if they lack sufficient financial resources to meet some or all of the costs of the defence and the proceedings as a result of their economic situation ('means test'), and/or when such aid is required in the interests of justice ('merits test').
 5. All necessary measures should be taken to make all relevant information on legal aid in criminal proceedings easily accessible and understandable for suspects or accused persons and requested persons, including information on how and where to apply for such aid, transparent criteria on when a person is eligible for legal aid, as well as information on the possibilities to complain in circumstances where access to legal aid is denied or a legal aid lawyer provides insufficient legal assistance.
- (16) Member States should inform the Commission on the action taken to follow up on this Recommendation.

Means test

6. When a requirement of lack of sufficient financial resources is applied when assessing the right to legal aid (means test), the assessment of the applicant's economic situation should be made on the basis of objective factors such as income, capital, family situation, standard of living and the cost of a defence lawyer. When the legal aid is for a child, the child's own assets should be taken into account and not those of their parents or holder of parental responsibility.
7. Where the household income of families is taken into account in the means test, but individual family members are in conflict with each other or do not have equal access to the family income, only the income of the person applying for legal aid should be used.
8. In determining the question of whether suspects or accused or requested persons lack sufficient financial resources, all relevant circumstances should be considered.
9. If a Member States defines a threshold above which a person is presumed partly or totally able to bear the cost of the defence and the proceedings, they should take into account the factors in point 6 when setting that threshold. Moreover, the existence of such a threshold should not prevent persons who are above the threshold from obtaining legal aid in respect of all or some of the costs, if they lack sufficient financial resources in the particular case at hand.
10. Suspects or accused persons and requested persons should not need to prove beyond all doubt that they lack of sufficient financial resources to cover the costs of the defence and the proceedings.

Merits test

11. When a requirement of whether the interests of justice require legal aid is applied (merits test), this should encompass an assessment of the complexity of the case, the social and personal situation of the suspect or accused person or requested person, the seriousness of the offence and the severity of the potential penalty that can be incurred. All relevant circumstances should be considered.
12. In situations where a person is suspected or accused of an offence that carries a custodial sentence as a possible penalty, and in situations where legal assistance is mandatory, the granting of legal aid should be considered to be in the interests of justice.

13. Where legal aid is granted to suspects or accused persons or requested persons on the basis of a merits test, the costs of legal aid can be recovered in the event of a final conviction, provided that the person has sufficient resources at the time of recovery, as determined in accordance with points 6 to 10.

Decisions on legal aid applications

14. Decisions on whether or not to grant legal aid should be made promptly by an independent competent authority, within a time frame that allows suspects or accused persons and requested persons to effectively and concretely prepare their defence.
15. Suspects or accused persons and requested persons should have a right to review decisions rejecting their application for legal aid in full or in part.
16. Where applications are rejected in full or in part, the reasons for rejection should be given in writing.

SECTION 3

EFFECTIVENESS AND QUALITY OF LEGAL AID*Quality of legal assistance provided under legal aid schemes*

17. Legal assistance provided under legal aid schemes should be of high quality in order to ensure the fairness of proceedings. To this end, systems to ensure the quality of legal aid lawyers should be in place in all Member States.
18. Mechanisms should be in place that allow the competent authorities to replace legal aid lawyers or require them to fulfil their obligations, if those lawyers fail to provide adequate legal assistance.

Accreditation

19. A system of accreditation for legal aid lawyers should be put in place and maintained in each Member State.
20. Member States are invited to establish criteria for the accreditation of legal aid lawyers, taking into account best practices.

Training

21. Staff involved in the decision-making on legal aid in criminal proceedings should receive appropriate training.
22. In order to ensure high quality legal advice and assistance, training and the development of training programmes for lawyers that provide legal aid services should be encouraged.

23. The accreditation of legal aid lawyers should as far as possible be linked with an obligation to undergo continuous professional training.

Appointment of legal aid lawyers

24. The preference and wishes of the suspects or accused persons and requested persons should as far as possible be taken into account by the national legal aid systems in the choice of the legal aid lawyer.
25. The legal aid system should endeavour to ensure continuity in legal representation by the same lawyer, if the suspect or accused or requested person so wishes.
26. Transparent and accountable mechanisms should be put in place to ensure that suspects or accused persons and requested persons can make an informed choice on legal assistance under the legal aid scheme, free from undue influence.

SECTION 4

DATA COLLECTION AND MONITORING

Data collection

27. Member States should collect data on relevant matters for the follow up on this Recommendation.

Monitoring

28. Member States should inform the Commission on the measures taken to give effect to this Recommendation, by [36 months after notification].

SECTION 5

FINAL PROVISIONS

29. This Recommendation is addressed to the Member States.

Done at Brussels, 27 November 2013.

For the Commission

Viviane REDING

Vice-President

EUROPEAN CENTRAL BANK

RECOMMENDATION OF THE EUROPEAN CENTRAL BANK

of 17 December 2013

to the Council of the European Union on the external auditors of Banque centrale du Luxembourg

(ECB/2013/51)

(2013/C 378/04)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 27.1 thereof,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and national central banks of the Member States whose currency is the euro are audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) The mandate of the Banque centrale du Luxembourg's current external auditors will end after the audit for the financial year 2013. It is therefore necessary to appoint external auditors from the financial year 2014.

- (3) The Banque centrale du Luxembourg has selected DELOITTE AUDIT SARL as its external auditors for the financial years 2014 to 2018,

HAS ADOPTED THIS RECOMMENDATION:

It is recommended that DELOITTE AUDIT SARL should be appointed as the external auditors of the Banque centrale du Luxembourg for the financial years 2014 to 2018.

Done at Frankfurt am Main, 17 December 2013.

The President of the ECB
Mario DRAGHI

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Authorisation for State aid pursuant to Articles 107 and 108 of the TFEU

Cases where the Commission raises no objections

(Text with EEA relevance, except for products falling under Annex I to the Treaty)

(2013/C 378/05)

Date of adoption of the decision	14.10.2013	
Reference number of State Aid	SA.36709 (13/N)	
Member State	Poland	
Region	—	—
Title (and/or name of the beneficiary)	Restoration of forests damaged by adverse weather conditions and prevention measures	
Legal basis	<p>1) Ustawa z dnia 7 marca 2007 r. o wspieraniu rozwoju obszarów wiejskich z udziałem środków Europejskiego Funduszu Rolnego na rzecz Rozwoju Obszarów Wiejskich</p> <p>2) Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z dnia 20 maja 2008 r. w sprawie szczegółowych warunków i trybu przyznawania pomocy finansowej w ramach działania „Odtwarzania potencjału produkcji leśnej zniszczonego przez katastrofy oraz wprowadzanie instrumentów zapobiegawczych” objętego Programem Rozwoju Obszarów Wiejskich na lata 20...</p>	
Type of measure	Scheme	—
Objective	Forestry	
Form of aid	Other	
Budget	—	
Intensity	100 %	
Duration (period)	1.1.2014-31.12.2015	
Economic sectors	Forestry and logging	
Name and address of the granting authority	Agencja Restrukturyzacji i Modernizacji Rolnictwa ul. Poleczki 33 02-822 Warszawa POLSKA/POLAND	
Other information	—	

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

<http://ec.europa.eu/competition/elojade/isef/index.cfm>

Authorisation for State aid pursuant to Articles 107 and 108 of the TFEU

Cases where the Commission raises no objections

(Text with EEA relevance, except for products falling under Annex I to the Treaty)

(2013/C 378/06)

Date of adoption of the decision	4.11.2013	
Reference number of State Aid	SA.37151 (13/N)	
Member State	Czech Republic	
Region	—	—
Title (and/or name of the beneficiary)	Zásady, kterými se stanovují podmínky pro poskytování dotací na zmírnění škod způsobených povodněmi v lesním hospodářství a myslivosti v červnu roku 2013	
Legal basis	<ol style="list-style-type: none"> 1) Zásady, kterými se stanovují podmínky pro poskytování dotací na zmírnění škod způsobených povodněmi v lesním hospodářství a myslivosti v červnu roku 2013 2) Zákon č. 289/1995 Sb., o lesích a o změně a doplnění některých zákonů (lesní zákon), ve znění pozdějších předpisů 3) Zákon č. 449/2001 Sb. o myslivosti, ve znění pozdějších předpisů 4) Usnesení vlády č. 548 ze dne 24. července 2013, k řešení zmírnění škod způsobených na státním vodohospodářském majetku, zemědělském a lesním majetku v důsledku povodně v červnu 2013 (včetně přílohy – souhrnné vyčíslení škod) 5) Zákon č. 218/2000 Sb., o rozpočtových pravidlech a o změně některých souvisejících zákonů, ve znění pozdějších předpisů 	
Type of measure	Scheme	—
Objective	Compensation of damages caused by natural disaster	
Form of aid	Direct grant	
Budget	Overall budget: CZK 28 million Annual budget: CZK 28 million	
Intensity	80 %	
Duration (period)	Until 31.12.2014	
Economic sectors	Crop and animal production, hunting and related service activities, Forestry and logging	
Name and address of the granting authority	Ministerstvo zemědělství Těšnov 17 117 05 Praha 1 ČESKÁ REPUBLIKA	
Other information	—	

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

<http://ec.europa.eu/competition/elojade/isef/index.cfm>

Authorisation for State aid pursuant to Articles 107 and 108 of the TFEU

Cases where the Commission raises no objections

(Text with EEA relevance, except for products falling under Annex I to the Treaty)

(2013/C 378/07)

Date of adoption of the decision	4.11.2013	
Reference number of State Aid	SA.36895 (13/N)	
Member State	Slovenia	
Region	Slovenia	—
Title (and/or name of the beneficiary)	Pomoč za izgube zaradi neugodnih vremenskih razmer – suša 2012	
Legal basis	Program odprave posledic škode v kmetijstvu zaradi suše leta 2012 (Sklep Vlade RS, št. 84400-1/2013/4, sprejet na 4. seji, z dne 11.4.2013).	
Type of measure	Scheme	—
Objective	Compensation of damages caused by natural disaster, Natural disasters or exceptional occurrences	
Form of aid	Direct grant	
Budget	Overall budget: EUR 0,3 million Annual budget: EUR 0,3 million	
Intensity	45 %	
Duration (period)	Until 31.12.2015	
Economic sectors	Crop and animal production, hunting and related service activities	
Name and address of the granting authority	Ministrstvo za kmetijstvo in okolje Dunajska cesta 22 SI-1000 Ljubljana SLOVENIJA	
Other information	—	

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

<http://ec.europa.eu/competition/elojade/isef/index.cfm>

Non-opposition to a notified concentration**(Case COMP/M.7100 — New Mountain Capital/Alexander Mann Solutions)****(Text with EEA relevance)**

(2013/C 378/08)

On 13 December 2013, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32013M7100. EUR-Lex is the online access to the European law.

Non-opposition to a notified concentration**(Case COMP/M.6844 — GE/Avio)****(Text with EEA relevance)**

(2013/C 378/09)

On 1 July 2013, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32013M6844. EUR-Lex is the online access to the European law.
-

Non-opposition to a notified concentration
(Case COMP/M.7096 — Eni ULX/Liverpool Bay JV)

(Text with EEA relevance)

(2013/C 378/10)

On 19 December 2013, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32013M7096. EUR-Lex is the online access to the European law.
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

23 December 2013

(2013/C 378/11)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3702	AUD	Australian dollar	1,5320
JPY	Japanese yen	142,38	CAD	Canadian dollar	1,4524
DKK	Danish krone	7,4612	HKD	Hong Kong dollar	10,6248
GBP	Pound sterling	0,83770	NZD	New Zealand dollar	1,6697
SEK	Swedish krona	8,9873	SGD	Singapore dollar	1,7349
CHF	Swiss franc	1,2257	KRW	South Korean won	1 453,63
ISK	Iceland króna		ZAR	South African rand	14,1583
NOK	Norwegian krone	8,3975	CNY	Chinese yuan renminbi	8,3151
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,6395
CZK	Czech koruna	27,574	IDR	Indonesian rupiah	16 607,59
HUF	Hungarian forint	298,52	MYR	Malaysian ringgit	4,5117
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	60,825
LVL	Latvian lats	0,7022	RUB	Russian rouble	44,8968
PLN	Polish zloty	4,1597	THB	Thai baht	44,780
RON	Romanian leu	4,4810	BRL	Brazilian real	3,2504
TRY	Turkish lira	2,8660	MXN	Mexican peso	17,7681
			INR	Indian rupee	84,7030

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

Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 28 June 2013 regarding a draft decision relating to Case COMP/39.847/E-BOOKS

Rapporteur: Lithuania

(2013/C 378/12)

1. The Advisory Committee shares the competition concerns raised by the Commission in its draft decision.
 2. The Advisory Committee agrees with the Commission that the behaviour may have effects on trade between Member States.
 3. The Advisory Committee agrees that the commitments offered by Penguin address the competition concerns raised by the Commission.
 4. The Advisory Committee agrees that the commitments are adequate.
 5. The Advisory Committee agrees with the duration of the commitments.
 6. The Advisory Committee agrees that the commitments should be made binding in full.
 7. The Advisory Committee agrees that in light of the commitments and without prejudice to Article 9(2) of Regulation (EC) No 1/2003 there are no longer grounds for action by the Commission against Penguin as regards the competition concerns identified in the draft decision.
 8. The Advisory Committee asks the Commission to take into account any other points raised during the discussion.
 9. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
-

Final report of the Hearing Officer ⁽¹⁾**E-BOOKS (Penguin)****(COMP/39.847)**

(2013/C 378/13)

- (1) This proceeding concerns certain allegedly concerted practices in relation to the sale of e-books to consumers.
- (2) On 12 December 2012, the Commission adopted a decision pursuant to Article 9 of Regulation (EC) No 1/2003 ⁽²⁾ addressed to four publishers (Hachette, Harper Collins, Holtzbrinck/Macmillan, Simon & Schuster) ⁽³⁾ as well as Apple in relation to the sale of e-books to consumers. The decision made binding commitments offered by the four publishers and Apple and closed proceedings as far as they were concerned ⁽⁴⁾.
- (3) Since Pearson, the parent company of the Penguin group ⁽⁵⁾, did not offer any commitments, the Commission, carried on investigating Pearson's conduct and its compatibility with Article 101 of the TFEU and Article 53 of the EEA Agreement.
- (4) On 16 April 2013 Penguin, the seller of trade e-books within the Pearson group, submitted commitments to the Commission in response to the concerns expressed in the preliminary assessment of 1 March 2013 ⁽⁶⁾.
- (5) On 19 April 2013, a notice was published in the *Official Journal of the European Union* pursuant to Article 27(4) of Regulation (EC) No 1/2003, summarising the case and the commitments and inviting interested third parties to submit their observations on commitments within one month following publication ⁽⁷⁾. No relevant observations have been received. The Commission considered therefore, as for the first part of these proceedings against four publishers and Apple, that the commitments were adequate to address the competition concerns.
- (6) In its decision pursuant to Article 9(1) of Regulation (EC) No 1/2003, the Commission makes the commitments offered by Penguin binding upon it and concludes that in light of the commitments offered, there are no longer grounds for action on its part, and thus the proceedings in this case should be brought to an end.

⁽¹⁾ Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29).

⁽²⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

⁽³⁾ Hachette Livre SA, HarperCollins Publishers, L.L.C. and HarperCollins Publishers Limited, Georg von Holtzbrinck GmbH & Co. KG and Verlagsgruppe Georg von Holtzbrinck GmbH, Simon & Schuster, Inc. Simon & Schuster (UK) Ltd and Simon & Schuster Digital Sales, Inc.

⁽⁴⁾ Commission Decision of 12 December 2012 published under document C(2012) 9288 available at: http://ec.europa.eu/competition/antitrust/cases/dec_docs/39847/39847_26804_4.pdf See also Final report of the Hearing Officer, OJ C 73, 13.3.2013, p. 15, available at: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52013XX0313\(02\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52013XX0313(02):EN:NOT)

⁽⁵⁾ Penguin Publishing Company Limited, The Penguin Group, Penguin Group (USA) Inc. and Dorling Kindersley Holdings Limited, their successors and assigns and each of their respective subsidiaries, divisions, groups and partnerships, hereinafter 'Penguin'.

⁽⁶⁾ The commitments offered by Penguin are available at: http://ec.europa.eu/competition/antitrust/cases/dec_docs/39847/39847_27098_5.pdf

⁽⁷⁾ Communication of the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case COMP/39.847/E-BOOKS (OJ C 112, 19.4.2013, p. 9).

(7) I did not receive any request or complaint from any party to this second part of the proceedings ⁽¹⁾. In view thereof, I consider that the effective exercise of the procedural rights of all parties in this case has been respected.

Brussels, 28 June 2013.

Michael ALBERS

⁽¹⁾ In accordance to Article 15(1) of Decision 2011/695/EU, parties to the proceedings offering commitments pursuant to Article 9 of Regulation (EC) No 1/2003 may call upon the hearing officer at any stage of the procedure in order to ensure the effective exercise of their procedural rights.

Summary of Commission Decision

of 25 July 2013

relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union
and Article 53 of the EEA Agreement

(Case COMP/39.847/E-BOOKS)

(notified under document C(2013) 4750)

(Only the English text is authentic)

(Text with EEA relevance)

(2013/C 378/14)

On 25 July 2013, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. INTRODUCTION

- (1) The Decision is addressed to Penguin Random House Limited (formerly 'The Penguin Publishing Company Limited') and Penguin Group (USA), LLC (formerly 'Penguin Group (USA), Inc.') (collectively 'Penguin')⁽²⁾. The Decision concerns conduct by Penguin in relation to its participation in a possible concerted practice concerning the sale of e-books to consumers.

concerned. Penguin was not an addressee of that Decision as it did not offer commitments at the time. However, Penguin decided to formally offer commitments earlier this year.

- (3) On 1 March 2013, the Commission adopted a preliminary assessment addressed to Penguin.

2. THE PROCEDURE

- (2) On 1 December 2011, the Commission opened proceedings against Apple Inc. ('Apple'), Hachette Livre SA ('Hachette'), HarperCollins Publishers Limited and HarperCollins Publishers L.L.C. (collectively 'Harper Collins'), Georg von Holtzbrinck GmbH & Co. KG and Verlagsgruppe Georg von Holtzbrinck GmbH (collectively 'Holtzbrinck/Macmillan'), Simon & Schuster, Inc., Simon & Schuster (UK) Ltd and Simon & Schuster Digital Sales Inc. (collectively 'Simon & Schuster') (hereinafter collectively the 'four publishers'), and Penguin (collectively referred to as the 'five publishers'), following preliminary concerns regarding a possible concerted practice between these undertakings with the object of raising retail prices in the EEA. On 12 December 2012, the Commission adopted a decision pursuant to Article 9 of Regulation (EC) No 1/2003 addressed to the four publishers and Apple ('Decision of 12 December 2012'). It made binding the commitments offered by the four publishers and Apple and closed proceedings as far as they had been

- (4) On 16 April 2013, Penguin submitted commitments to address the concerns set out in the preliminary assessment ('commitments').

- (5) On 19 April 2013, an Article 27(4) Notice was published in the Official Journal inviting third parties to submit their observations on the commitments within one month of publication (the 'market test').

- (6) On 23 May 2013, the Commission informed Penguin about one observation received from an interested third party during the market test.

- (7) On 28 June 2013, the Advisory Committee approved the draft decision based on Article 9 of Regulation (EC) No 1/2003. On 28 June 2013, the Hearing Officer issued his final report.

3. CONCERNS EXPRESSED IN THE PRELIMINARY ASSESSMENT

Agency agreements signed between each of the five publishers and Apple in the US and EEA

- (8) In line with the preliminary assessment addressed to the four publishers, the Commission took the preliminary

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ On 1 July 2013, the transaction resulting in the creation of the joint venture known as Penguin Random House was completed. As a result, Penguin Group (USA), Inc. has changed its name to Penguin Group (USA), LLC and The Penguin Publishing Company Limited has changed its name to Penguin Random House Limited. The Penguin Group (a division of Pearson plc) has ceased to exist while Dorling Kindersley Holdings Limited's publishing assets have been transferred to Penguin Random House Limited or its subsidiaries (over which Penguin Random House Limited exercises decisive influence).

view in the preliminary assessment addressed to Penguin, that no later than 2008, at least the five publishers expressed to each other concerns regarding retail prices for e-books being set by Amazon, a large online retailer, at or below wholesale prices. The Commission takes the preliminary view that no later than December 2009, each of the five publishers engaged in direct and indirect (through Apple) contacts aimed at either raising the retail prices of e-books above those of Amazon (as was the case in the UK) or avoiding the arrival of such prices altogether (as was the case in France and Germany) in the EEA. In order to achieve this aim, the five publishers, together with Apple planned to jointly switch the sale of e-books from a wholesale model (where the retailer determines retail prices) to an agency model (where the publisher determines retail prices) on a global basis and on the same key pricing terms, first with Apple and then with Amazon and other retailers.

- (9) In the preliminary assessment, the Commission took the preliminary view that to achieve such a joint switch, each of the five publishers disclosed to, and/or received information from, the rest of the Five Publishers and/or Apple, regarding the five publishers' future intentions with respect to: (i) whether to enter into an agency agreement with Apple in the US; and (ii) the key terms under which each of the five publishers would enter into such an agency agreement with Apple in the US, including a retail price MFN clause, maximum retail price grids and the level of commission to be paid to Apple. The retail price MFN clause provided that each of the publishers would have to match on Apple's iBookstore store any lower prices available for the same e-book titles from other online retailers. Combined with the other key pricing terms, the MFN clause would have resulted in lower revenues for publishers if other retailers continued to offer e-books at the prices then prevalent on the market. The Commission took the preliminary view that the financial implications for publishers of the retail price MFN clause were such that this clause acted as a joint 'commitment device'. Each of the five publishers was in a position to force Amazon to accept changing to the agency model or otherwise face the risk of being denied access to the e-books of each of the five publishers, assuming that all five publishers had the same incentive during the same time period, and that Amazon could not have sustained simultaneously being denied access even to only a part of the e-books catalogue of each of the five publishers.
- (10) In the preliminary assessment, the Commission expressed the preliminary view that Apple's goal was to find a way to have retail prices at the same level as Amazon's while still making its desired margin. Apple would have known that this goal and the goal of each of the five publishers of raising retail prices above the level set by Amazon (or avoiding the introduction of lower prices by Amazon) could be achieved if Apple: (i) followed the suggestion by at least some of the five publishers that it enter the market for the sale of e-books under an agency, rather

than a wholesale, model; and (ii) informed each of the five publishers whether any of at least the other five publishers were entering into an agency agreement with Apple in the US under the same key terms.

Article Article 101(1) and (3) TFEU, Article 53(1) and (3) of the EEA Agreement

- (11) The Commission's preliminary view was that the joint switch for the sale of e-books from a wholesale model to an agency model with the same key pricing terms on a global basis amounted to a concerted practice with the object of either raising retail prices of e-books in the EEA or preventing the emergence of lower prices of e-books in the EEA.
- (12) The concerted practice between and among the five publishers and Apple is likely to appreciably affect trade between Member States within the meaning of Article 101(1) TFEU and Article 53(1) of the EEA Agreement.
- (13) Further, the Commission's preliminary view was that Article 101(3) TFEU and Article 53(3) of the EEA Agreement do not apply in this case because the cumulative conditions set out in these provisions are not met.
- (14) The Commission's concerns identified in the preliminary assessment do not relate to the legitimate use of the agency model for the sale of e-books. Penguin remains free to enter into agency agreements in line with the Commitments in so far as those agreements and their provisions do not infringe Union competition legislation.
- (15) The preliminary assessment was furthermore without prejudice to any national laws allowing the publishers to set retail prices for e-books at their own discretion ('RPM laws').

4. THE COMMITMENTS AND THE MARKET TEST

- (16) Penguin does not agree with the Commission's preliminary assessment of 1 March 2013. Nevertheless, in order to address the Commission's concerns as set out in that preliminary assessment, Penguin offered, on 16 April 2013, commitments that are substantially the same as

the commitments previously submitted and made binding by the commission's Decision of 12 December 2012 on the four publishers.

(17) The key elements of the commitments offered by Penguin are as follows:

(18) If Apple has not already terminated, pursuant to its commitments, its agency agreements concluded with Penguin, Penguin will terminate its agreements with Apple no later than 14 days following the date of the adoption of the Commission decision making binding the commitments.

(19) Penguin will offer each retailer other than Apple the opportunity to terminate any agency agreements concluded for the sale of e-books that: (i) restrict, limit or impede the retailer's ability to set, alter or reduce the retail price, or to offer any other form of promotions; or (ii) contain a price MFN clause as defined in Penguin's commitments. In case a retailer decides not to use the opportunity to terminate such an agreement, Penguin will terminate it in line with the conditions laid down therein.

(20) For a period of two years (so called 'cooling-off period'), Penguin undertakes not to restrict, limit or impede e-book retailers' ability to set, alter or reduce retail prices for e-books and/or to restrict, limit or impede an e-book retailer's ability to offer discounts or promotions. In the event that, after termination of the agreements mentioned above, Penguin enters into an agency agreement with an e-book retailer, that e-book retailer will be able, for a period of two years, to reduce the retail prices of e-books by an aggregate amount equal to the total commissions that publisher pays to that e-book retailer over a period of at least one year, in connection with the sale of its e-books to consumers; and/or to use such amount to offer any other forms of promotions.

(21) For a period of five years Penguin will not enter into any agreement for the sale of e-books in the EEA that contains any type of MFN clause specified in Penguin's commitments (retail price, wholesale price and commission/revenue share MFN clauses).

(22) In response to the market test, the Commission received one observation.

(23) The observation related to considerations which are not linked to the competition concerns expressed in the preliminary assessment, namely the use of differing file formats and digital rights management ('DRM') which may render certain e-book files readable only on certain types of e-book readers, and Amazon's strong market position in the EEA.

5. ASSESSMENT AND PROPORTIONALITY OF THE COMMITMENTS

(24) In its preliminary assessment, the Commission expressed the preliminary view that the possible concerted practice among and between the five publishers and Apple had the object of preventing, restricting or distorting competition in the EEA.

(25) In the Decision of 12 December 2012, the Commission considered that the conditions of competition that existed in the EEA prior to the possible concerted practice should be substantially re-established ('competitive reset').

(26) Each of the four publishers and Apple offered commitments that would bring about that competitive reset by causing the termination of relevant agency agreements and by agreeing to certain restraints when renegotiating their commercial arrangements for e-books. These included, as regards the four publishers, both a cooling-off period and a price MFN ban and, as regards Apple, a retail price MFN ban.

(27) The Commission considered that the commitments offered by each of the four publishers and Apple, taken together, would create, over a sufficient period of time, conditions for a competitive reset in the EEA. The commitments would result in sufficient uncertainty regarding the future intentions of publishers and retailers regarding the choice of business models (that is to say, wholesale, agency or a novel model) and the pricing terms used therein. They would also decrease incentives for each of the four publishers and Apple to renegotiate agreements for e-books with the same key terms.

(28) Penguin's commitments will add to the competitive reset brought about by the Decision of 12 December 2012.

(29) First, Penguin's commitments will lead it to terminate its relevant agency agreements with retailers (in addition to the agency agreements with Apple which have to be terminated under the commitments made binding on Apple by the Decision of 12 December 2012).

(30) Second, under Penguin's commitments, the two-year cooling-off period will now apply to all Penguin e-book titles offered by Apple and other retailers.

(31) Third, under Penguin's commitments, the price MFN ban will apply to any renegotiated agreement between Penguin and retailers (in addition to the application of the retail price MFN ban to any renegotiated agreement between Penguin and Apple, as foreseen by the commitments made binding on Apple by the Decision of 12 December 2012).

- (32) The Commission considers that taken together, the commitments offered by Penguin, in light of the commitments of the four publishers and Apple made binding by the Decision of 12 December 2012, will further contribute to creating, over a sufficient period of time, conditions for a competitive reset.
- (33) In conclusion, the Commission considers that the commitments offered by Penguin are adequate (both regarding their scope and their duration) to remove the Commission's concerns as expressed in its preliminary assessment. Moreover, Penguin did not offer less onerous commitments that also adequately address those concerns.
- (34) The Commission has taken into consideration the interests of third parties, including those that have responded to the market test.

6. CONCLUSION

- (35) The Decision makes the commitments binding on Penguin for a total period of five years from the date of notification of the Decision, except for the cooling-off period, which will be binding for a total period of two years from the date of notification of the decision.
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NOTICES FROM MEMBER STATES

Public holidays in 2014

(2013/C 378/15)

Belgique/België	1.1, 20.4, 21.4, 1.5, 2.5, 29.5, 30.5, 8.6, 9.6, 21.7, 15.8, 1.11, 2.11, 10.11, 11.11, 15.11, 25.12, 26.12, 27.12, 28.12, 29.12, 30.12, 31.12
България	1.1, 3.3, 18.4, 21.4, 1.5, 6.5, 24.5, 6.9, 22.9, 1.11, 24.12, 25.12, 26.12
Česká republika	1.1, 21.4, 1.5, 8.5, 5.7, 6.7, 28.9, 28.10, 17.11, 24.12, 25.12, 26.12
Danmark	1.1, 17.4, 18.4, 20.4, 21.4, 16.5, 29.5, 5.6, 8.6, 9.6, 24.12, 25.12, 26.12, 31.12
Deutschland	1.1, 18.4, 21.4, 1.5, 29.5, 9.6, 21.7, 15.8, 3.10, 1.11, 25.12, 26.12
Eesti	1.1, 24.2, 18.4, 20.4, 1.5, 8.6, 23.6, 24.6, 20.8, 24.12, 25.12, 26.12
Éire/Ireland	1.1, 17.3, 18.4, 21.4, 5.5, 2.6, 4.8, 27.10, 25.12, 26.12
Ελλάδα	1.1, 6.1, 3.3, 25.3, 18.4, 21.4, 1.5, 9.6, 15.8, 28.10, 25.12, 26.12
España	1.1, 18.4, 1.5, 15.8, 1.11, 6.12, 8.12, 25.12
France	1.1, 21.4, 1.5, 9.5, 29.5, 9.6, 14.7, 21.7, 15.8, 1.11, 25.12
Hrvatska	1.1, 6.1, 20.4, 21.4, 1.5, 19.6, 22.6, 25.6, 5.8, 15.8, 8.10, 1.11, 25.12, 26.12
Italia	1.1, 6.1, 21.4, 25.4, 1.5, 2.6, 15.8, 1.11, 8.12, 25.12, 26.12
Κύπρος/Kıbrıs	1.1, 6.1, 3.3, 25.3, 1.4, 18.4, 21.4, 1.5, 9.6, 15.8, 1.10, 28.10, 24.12, 25.12, 26.12
Latvija	1.1, 18.4, 21.4, 1.5, 2.5, 5.5, 23.6, 24.6, 17.11, 18.11, 24.12, 25.12, 26.12, 31.12
Lietuva	1.1, 16.2, 11.3, 20.4, 1.5, 4.5, 1.6, 24.6, 6.7, 15.8, 1.11, 24.12, 25.12, 26.12
Luxembourg	1.1, 21.4, 1.5, 29.5, 9.6, 23.6, 15.8, 1.11, 25.12, 26.12
Magyarország	1.1, 15.3, 21.4, 1.5, 9.6, 20.8, 23.10, 1.11, 25.12, 26.12
Malta	1.1, 10.2, 19.3, 31.3, 18.4, 1.5, 7.6, 29.6, 15.8, 8.9, 21.9, 8.12, 13.12, 25.12
Nederland	1.1, 20.4, 21.4, 27.4, 29.5, 8.6, 9.6, 25.12, 26.12
Österreich	1.1, 6.1, 21.4, 1.5, 29.5, 9.6, 19.6, 15.8, 26.10, 1.11, 8.12, 25.12, 26.12
Polska	1.1, 6.1, 20.4, 21.4, 1.5, 3.5, 8.6, 19.6, 15.8, 1.11, 11.11, 25.12, 26.12
Portugal	1.1, 18.4, 20.4, 25.4, 1.5, 10.6, 15.8, 8.12, 25.12
România	1.1, 2.1, 20.4, 21.4, 1.5, 8.6, 9.6, 15.8, 30.11, 1.12, 25.12, 26.12

Slovenija	1.1, 8.2, 1.4, 1.5, 2.5, 25.6, 15.8, 31.10, 1.11, 25.12, 26.12
Slovensko	1.1, 6.1, 18.4, 21.4, 1.5, 8.5, 5.7, 29.8, 1.9, 15.9, 1.11, 17.11, 24.12, 25.12, 26.12
Suomi/Finland	1.1, 6.1, 18.4, 21.4, 1.5, 29.5, 21.6, 1.11, 6.12, 25.12, 26.12
Sverige	1.1, 6.1, 18.4, 21.4, 1.5, 29.5, 21.6, 1.11, 25.12, 26.12
United Kingdom	Wales and England: 1.1, 18.4, 21.4, 5.5, 26.5, 4.8, 1.12, 25.12, 26.12 Northern Ireland: 1.1, 17.3, 18.4, 21.4, 5.5, 26.5, 14.7, 25.8, 25.12, 26.12 Scotland: 1.1, 2.1, 18.4, 5.5, 26.5, 4.8, 1.12, 25.12, 26.12

Notification of the Slovak Republic Government pursuant to Article 10(2) of Directive 2009/72/EC of the European Parliament and of the Council ('Electricity Directive') concerning common rules for the internal market in electricity regarding the designation of Slovenská elektrizačná prenosová sústava, a. s. as transmission system operator in the Slovak Republic — Electricity TSO

(2013/C 378/16)

Following the Slovak Republic regulatory authority's final decision of 14 October 2013 regarding the certification of Slovenská elektrizačná prenosová sústava, a. s. as ownership unbundled transmission system operator (Article 9 of the Electricity Directive), the Slovak Republic has notified to the Commission the official approval and designation of this company as a transmission system operator operating in the Slovak Republic in accordance with Article 10 of the Electricity Directive of the European Parliament and of the Council.

Any additional information can be obtained at the following address:

Ministry of Economy
Mierová 19
827 15 Bratislava 212
SLOVENSKO/SLOVAKIA
<http://www.economy.gov.sk>

Notification of the Slovak Republic Government pursuant to Article 10(2) of Directive 2009/73/EC of the European Parliament and of the Council ('Gas Directive') concerning common rules for the internal market in natural gas regarding the designation of eustream, a. s. as transmission system operator in the Slovak Republic — Gas TSO

(2013/C 378/17)

Following the Slovak Republic regulatory authority's final decision of 28 October 2013 regarding the certification of eustream, a. s. as independent transmission operator (Chapter IV of the Gas Directive), the Slovak Republic has notified to the Commission the official approval and designation of this company as a transmission system operator operating in the Slovak Republic in accordance with Article 10 of the Gas Directive.

Any additional information can be obtained at the following address:

Ministry of Economy
Mierová 19
827 15 Bratislava 212
SLOVENSKO/SLOVAKIA
<http://www.economy.gov.sk>

Notification by the French Government of the designation of GRTgaz and TIGF as transmission system operators in France pursuant to Article 10(2) of Directive 2009/73/EC of the European Parliament and of the Council ('Gas Directive') concerning common rules for the internal market in natural gas

(2013/C 378/18)

Following the final decisions of 26 January 2012 by the French regulatory authority (Energy Regulatory Commission) to certify GRTgaz and TIGF as independent transmission operators (Chapter IV of the Gas Directive), France notified the Commission that it had approved the decisions and officially designated those undertakings as transmission system operators operating in France in accordance with Article 10 of the Gas Directive of the European Parliament and of the Council.

Further information may be obtained from:

Ministère de l'écologie, du développement durable et de l'énergie
Direction générale de l'énergie et du climat
Arche Nord
92055 La Défense Cedex
FRANCE

<http://www.developpement-durable.gouv.fr>

Notice from the Ministry of Economic Development of the Italian Republic pursuant to Article 3(2) of Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons

(2013/C 378/19)

The Ministry of Economic Development has received an application from Northsun Italia SpA (sole representative), Petrorep Italiana SpA and Aleanna Resources LLC, with shares of 75 %, 15 % and 10 % respectively, for a hydrocarbon prospecting licence, referred to as 'ZANZA', in respect of an area in the Emilia-Romagna region, specifically in the province of Ferrara, delimited by meridian and parallel arcs that connect the points defined below by their geographical coordinates:

Points	Geographical coordinates	
	Longitude west measured from the Monte Mario meridian	Latitude north
a	– 0°37'	44°51'
b	– 0°35'	44°51'
c	– 0°35'	44°50'
d	– 0°37'	44°50'

The above coordinates have been plotted using the map of Italy produced by the Military Geographical Institute (Istituto Geografico Militare, IGM) on a scale of 1:100 000 — grid square No 76.

On the basis of this description of the boundaries, the surface area amounts to 4,89 km².

In accordance with the abovementioned Directive, Article 4 of Legislative Decree No 625 of 25 November 1996, the Ministerial Decree of 4 March 2011 and the Directorial Decree of 22 March 2011, the Ministry of Economic Development must publish a notice to enable other interested persons to submit applications for hydrocarbon prospecting licences for the same area described above.

The competent authority for granting the relevant licence is Division VI of the Directorate-General for Mineral and Energy Resources of the Department of Energy at the Ministry of Economic Development.

The rules for granting the mineralogical licence are laid down in the following provisions:

Law No 613 of 21 July 1967; Law No 9 of 9 January 1991; Legislative Decree No 625 of 25 November 1996; the Ministerial Decree of 4 March 2011 and the Directorial Decree of 22 March 2011.

The time limit for submitting applications is three months after publication of this notice in the *Official Journal of the European Union*.

Applications received after the expiry of this period will not be considered.

The address to which applications must be submitted is:

Ministry of Economic Development
 Department for Energy
 Directorate-General for Mineral and Energy Resources
 Division VI
 Via Molise 2
 00187 Roma RM
 ITALIA

The application may also be submitted by e-mail to the following address: ene.rme.div6@pec.sviluppoeconomico.gov.it; the requisite documents should be submitted in electronic format together with the digital signature of a legal representative of the applicant.

In accordance with point 2 of Annex A to Prime Ministerial Decree No 22 of 22 December 2010, the overall duration of the procedure for the granting of prospecting licences must not exceed 180 days.

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for proposals — Hercule II/2013/Training

(2013/C 378/20)

1. Objectives and priorities

This call for proposals relates to the activities under Article 1(a)(b) of the Hercule II Decision, which consists of the organisation of technical training, seminars and conferences to support the fight against fraud, corruption and other illegal activities as well as the development and implementation of fraud prevention and detection policies.

2. Eligible applicants

All national or regional administrations of a Member State or in a country outside the Union, as defined in Article 3 of the Hercule II programme, which promote the strengthening of Union action to protect its financial interests.

3. Budget and project duration

The total budget earmarked is estimated at EUR 1 000 000.

EU co-financing will be provided to a maximum of 80 % of the total eligible costs.

The training must relate to a project starting on 15 June 2014 at the earliest and finishing on or before 15 June 2015 at the latest.

4. Deadline

Applications must be sent to the Commission no later than **6 March 2014**.

5. Further information

The full text of the call for proposals, application form and related documents are available on the following website:

http://ec.europa.eu/anti_fraud/about-us/funding/training/index_en.htm

Applications must comply with the requirements set out in the abovementioned texts and be submitted on the forms provided.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.7052 — Lloyds Development Capital/PostNL/TNT Post UK)

(Text with EEA relevance)

(2013/C 378/21)

1. On 16 December 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾ by which Lloyds Development Capital (Holdings) Limited ('LDC', United Kingdom) and PostNL NV ('PostNL', Netherlands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of TNT Post UK (United Kingdom) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - LDC is a private equity specialist, focusing on management buyouts, institutional buyouts and development capital transactions from a network of regional offices, predominantly across the United Kingdom. It is a wholly owned subsidiary of Lloyds Banking Group plc, which offers a full range of financial services, including retail and wholesale banking, insurance and investment management services,
 - PostNL provides mail, parcels and support services, both physical and digital, in its home market of the Netherlands, as well as in United Kingdom, Germany, Italy, Luxembourg and Belgium (and elsewhere). In the United Kingdom, PostNL provides services through TNT Post UK and Spring Global Mail,
 - TNT Post UK operates through a network of wholly-owned operating subsidiaries to supply postal services in the United Kingdom.
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.7052 — Lloyds Development Capital/PostNL/TNT Post UK, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
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.7112 — Sigma Alimentos/Campofrío)
Candidate case for simplified procedure
(Text with EEA relevance)
(2013/C 378/22)

1. On 16 December 2013 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 Sigma Alimentos, SA de C.V. ('Sigma', Mexico), ultimately controlled by Alfa, S.A.B. de C.V. ('Alfa', Mexico), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the undertaking Campofrío Food Group, SA ('Campofrío', Spain) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Alfa: its subsidiary Sigma is active in production, distribution and sale of processed meat, cheese, yogurt and pre-cooked meals and beverages. In addition, Alfa is also active in natural gas and oil, petrochemicals, aluminium components and telecommunication services,

— for Campofrío: manufacturing and sale of processed meat products.

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.7112 — Sigma Alimentos/Campofrío, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
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').

CORRIGENDA**Corrigendum to the calls for proposals under the multi-annual work programme 2013 for grants in the field of the Trans-European Transport Network (TEN-T) for the period 2007-2013**

(Official Journal of the European Union C 361 of 11 December 2013)

(2013/C 378/23)

On page 8:

for: 'The deadline for the submission of proposals is 17 March 2014.'

read: 'The deadline for the submission of proposals is 11 March 2014.'

**Corrigendum to the call for proposals under the annual work programme 2013 for grants in the field of the
Trans-European Transport Network (TEN-T) for the period 2007-2013**

(Official Journal of the European Union C 361 of 11 December 2013)

(2013/C 378/24)

On page 7:

for: 'The deadline for the submission of proposals is 17 March 2014.;

read: 'The deadline for the submission of proposals is 11 March 2014.'

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