

English edition

## Information and Notices

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**Commission**

1999/C 127/07

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**Notice to readers** (see page 3 of the cover)



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

## I

*(Information)*

## COMMISSION

**Euro exchange rates <sup>(1)</sup>****6 May 1999**

(1999/C 127/01)

|               |   |         |                                   |
|---------------|---|---------|-----------------------------------|
| <b>1 euro</b> | = | 7,4323  | Danish krone                      |
|               | = | 324,8   | Greek drachma                     |
|               | = | 9,005   | Swedish krona                     |
|               | = | 0,6601  | Pound sterling                    |
|               | = | 1,0799  | United States dollar              |
|               | = | 1,563   | Canadian dollar                   |
|               | = | 130,6   | Japanese yen                      |
|               | = | 1,608   | Swiss franc                       |
|               | = | 8,2685  | Norwegian krone                   |
|               | = | 79,0306 | Icelandic króna <sup>(2)</sup>    |
|               | = | 1,6107  | Australian dollar                 |
|               | = | 1,9144  | New Zealand dollar                |
|               | = | 6,57281 | South African rand <sup>(2)</sup> |

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

<sup>(2)</sup> Source: Commission.

**Prior notification of a concentration****(Case IV/M.1439 — Telia/Telenor)**

(1999/C 127/02)

**(Text with EEA relevance)**

1. On 28 April 1999, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertakings Telia AB (Telia), wholly owned by the Swedish Government, and Telenor AS (Telenor), wholly owned by the Norwegian Government, are acquired by a new company, Newco, which will be jointly controlled, within the meaning of Article 3(1)(b) of the Regulation, by the Swedish and Norwegian Governments.
2. The business activities of the undertakings concerned are telecommunications services and related activities, and distribution of television services.
3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. 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.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1439 — Telia/Telenor, to:

European Commission,  
Directorate-General for Competition (DG IV),  
Directorate B — Merger Task Force,  
Avenue de Cortenberg/Kortenberglaan 150,  
B-1040 Brussels.

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

**Prior notification of a concentration****(Case No IV/M.1383 — Exxon/Mobil)**

(1999/C 127/03)

**(Text with EEA relevance)**

1. On 3 May 1999, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which Exxon Corporation and Mobil Corporation enter into a full merger, within the meaning of Article 3(1)(a) of the Regulation.

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

2. The business activities of the undertakings concerned are:
  - Exxon: exploration, production, refining, marketing and transportation of crude oil, natural gas, petroleum products and petrochemicals; production and sale of coal and minerals; and power generation,
  - Mobil: exploration, production, refining, marketing and transportation of crude oil, natural gas, petroleum products and petrochemicals.
3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. 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.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1383 — Exxon/Mobil, to:

European Commission,  
Directorate-General for Competition (DG IV),  
Directorate B — Merger Task Force,  
Avenue de Cortenberg/Kortenberglaan 150,  
B-1040 Brussels.

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### Initiation of proceedings

**(Case No IV/M.1412 — Hutchison Whampoa/RMPM/ECT)**

(1999/C 127/04)

**(Text with EEA relevance)**

On 14 April 1999, the Commission decided to initiate proceedings in the above mentioned case after finding that the notified concentration raises serious doubts as to its compatibility with the common market. The initiation of proceedings opens a second phase investigation with regard to the notified concentration. The decision is based on Article 6(1)(c) of Council Regulation (EEC) No 4064/89.

The Commission invites interested third parties to submit their observations on the proposed concentration to the Commission.

In order to be fully taken into account in the procedure, observations should reach the Commission not later than 15 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1412 — Hutchison Whampoa/RMPM/ECT, to:

European Commission,  
Directorate-General for Competition (DG IV),  
Directorate B — Merger Task Force,  
Avenue de Cortenberg/Kortenberglaan 150,  
B-1040 Brussels.

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# EUROPEAN CENTRAL BANK

## OPINION OF THE EUROPEAN CENTRAL BANK

**at the request of the Council of the European Union under Article 109(3) of the Treaty establishing the European Community on three recommendations for three Council Decisions concerning monetary relations with the Principality of Monaco, the Republic of San Marino and the Vatican City**

(1999/C 127/05)

1. On 21 December 1998 the European Central Bank (ECB) received a request from the Council of the European Union for an ECB Opinion on three Recommendations of the Commission of the European Communities (COM(1998) 789 final) for three Council Decisions (EC) on the position to be taken by the Community regarding an agreement concerning monetary relations with the Principality of Monaco, the Republic of San Marino and the Vatican City respectively.
  2. The ECB's competence to deliver an opinion is based on Article 109(3) of the Treaty establishing the European Community (hereinafter referred to as the 'Treaty'). In accordance with Article 17.5, first sentence, of the Rules of Procedure, this ECB opinion has been adopted by the Governing Council of the ECB. It is only in the context of the exceptional circumstances of the changeover to the euro that the ECB has agreed to comply with the request of the Council and adopt its Opinion within the short deadlines established in the consultation request.
  3. The draft Council Decisions provide for agreements to be concluded between the Community and the Principality of Monaco, the Republic of San Marino and the Vatican City respectively. The agreements concern only the issuance and use of banknotes and coins, access to payment systems within the euro area and the legal status of the euro in the Principality of Monaco, the Republic of San Marino and the Vatican City. This is to comply with Declaration No 6 of the Treaty, which requires the Community to undertake to facilitate the renegotiations of existing arrangements with the Principality of Monaco, the Republic of San Marino and the Vatican City, as might become necessary as a result of the introduction of the single currency.
  4. The ECB agrees with the scope of monetary links to be established on the basis of the agreements laid down in the draft Council Decisions. Given the existing economic relations between France and the Principality of Monaco on the one hand, and Italy and the Republic of San Marino and the Vatican City on the other, the ECB considers it appropriate for agreements concerning banknotes and coins, access to payment systems and the legal status of the euro to be concluded between the Community and the Principality of Monaco, the Republic of San Marino and the Vatican City respectively.
  5. The ECB welcomes the fact that the draft Council Decisions adequately reflect the transfer of competence for monetary matters to the Community and the respective distribution of these competences between the Council of the European Union, the Commission of the European Communities and the European System of Central Banks. In particular, the ECB welcomes the fact that access by financial institutions located in the Principality of Monaco, in the Republic of San Marino and in the Vatican City to payment systems within the euro area needs to be agreed with the ECB; that, within its field of competence, the ECB will be fully associated with the negotiations of the agreement; and that the ECB is empowered to initiate the submission of the draft agreements to the Council for decision.
  6. The ECB takes note of the fact that neither the Treaty nor the draft Council Decision on Monaco provide the legal basis to allow the ECB, as from the start of Stage Three, to impose minimum reserve requirements and statistical reporting obligations on credit institutions or monetary financial institutions located in the Principality of Monaco or to allow a continuation of the current links between the Principality of Monaco and the Banque de France as an integral part of the European System of Central Banks with regard to minimum reserve requirements and statistical reporting obligations. A new bilateral arrangement between the Community and the Principality of Monaco could supplement the Treaty in this respect, and therefore the Council may contemplate adding, in Article 6 of the draft Decision, which already deals with access to French payment systems, a reference to maintaining minimum reserves and statistical reporting obligations pertaining to financial institutions located in the Principality of Monaco.
  7. In Article 9 of the three draft Decisions the inclusion of Monaco, San Marino and the Vatican should be deleted, since decisions addressed to France and Italy cannot impose obligations on the three other states.
  8. This Opinion will be published in the *Official Journal of the European Communities*.
- Done at Frankfurt am Main on 30 December 1998.
- |                                      |   |
|--------------------------------------|---|
| <i>Vice-President<br/>of the ECB</i> | <i>Member of the Executive Board<br/>of the ECB</i> |
| C. NOYER                             | T. PADOA-SCHIOPPA                                   |

**OPINION OF THE EUROPEAN CENTRAL BANK**

**at the request of the Council of the European Union under Article 109l(4) of the Treaty establishing the European Community on a proposal for a Council Decision concerning the monetary arrangements in the French territorial communities of Saint-Pierre-et-Miquelon and Mayotte**

(1999/C 127/06)

1. On 22 December 1998 the European Central Bank (ECB) received a request from the Council of the European Union for an ECB Opinion on a proposal for a Council Decision concerning the monetary arrangements in the French territorial communities of Saint-Pierre-et-Miquelon and Mayotte (COM(1998) 801 final).
2. The ECB's competence to deliver an opinion is based on Article 109l(4) of the Treaty establishing the European Community (hereinafter referred to as the 'Treaty'). In accordance with Article 17.5, first sentence, of the Rules of Procedure of the ECB, this ECB opinion has been adopted by the Governing Council of the ECB. It is only in the context of the exceptional circumstances of the changeover to the euro that the ECB has agreed to comply with request of the Council and adopt its opinion within the very short deadline established in the consultation request.
3. The draft Council Decision, which is based on Article 109l(4) of the Treaty, provides for the extension of the euro area to the French territorial communities of Saint-Pierre-et-Miquelon and Mayotte. It provides that the euro will become the currency of Saint-Pierre-et-Miquelon and Mayotte, circulate and have legal tender in these territories. As a measure necessary for the introduction of the euro in France, the draft Council Decision also aims to confer rights and impose obligations on the ECB and the national central banks, in particular the obligation to carry out monetary functions and operations of the European System of Central Banks (ESCB) in Saint-Pierre-et-Miquelon and Mayotte.
4. It may be questioned whether Article 109l(4) of the Treaty provides a proper legal basis for extending the application of Community law relating to the introduction of the euro beyond the Community territory and for imposing obligations on the ECB and the national central banks to carry out functions and operations of the ESCB, as laid down in Chapter IV and Article 16 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'), in Saint-Pierre-et-Miquelon and Mayotte. These territories are an integral part of France but do not form part of the Community. The Treaty, the Statute and secondary Community legislation do not apply immediately or directly in these territories. Article 105(2) of the Treaty, for example, confines the basic tasks of the ESCB, for example, to define and implement monetary policy, territorially to the Community. In addition, Article 109l(4) creates obligations only in a part of the Community, namely the Member States having adopted the single currency. According to Community law, these overseas territories have a special status.
5. The ECB notes a clear contradiction between Article 6 and Article 3 of the draft Council Decision: while Article 6 points out that the Council Decision is addressed to France, Article 3 imposes obligations on the ECB and the national central banks. From a logical point of view, neither the ECB nor the national central banks can be bound by decisions addressed to France. From a legal point of view, a Council Decision addressed to the ECB and the national central banks for the monetary functions and operations of the ESCB to be carried out outside the Community is inconsistent with the independence of the ECB and the national central banks as laid down in Article 107 of the Treaty. The ECB understands that no obligation can be imposed on the ECB and the national central banks by means of a Council Decision, and therefore suggests that the word 'shall' is replaced by 'may' in Article 3 of the draft Decision.
6. The ECB notes with concern that a Council Decision is being used to put in place an arrangement whereby the specific parts of Community law which it is, or will be, necessary to apply in Saint-Pierre-et-Miquelon and Mayotte in order for Economic and Monetary Union to function there are allowed to fall within the competence of France and its national legislation, while the ECB and the Commission of the European Communities will only be consulted. The ECB considers it vital for the specific application of the relevant Community law to be made in agreement with the ECB and the Commission of the European Communities.
7. The ECB notes with concern that the Commission of the European Communities proposes to adopt the Council Decision without having a clear knowledge of the future status and role of the Institut d'Emission des Départements d'Outre-Mer (IEDOM), which France intends to reform, in time, in order to achieve compatibility with the tasks assigned to the ESCB by the Treaty and the Statute. The ECB notes that all those tasks which fall within the competence of the ESCB should be carried out exclusively through the ECB and the national central banks.
8. This very special case of the two French territorial communities should not create a precedent for other cases that may arise in the future.
9. This Opinion will be published in the *Official Journal of the European Communities*.

Done at Frankfurt on 30 December 1998.

Vice-President  
of the ECB

C. NOYER

Member of the Executive Board  
of the ECB

T. PADOA-SCHIOPPA

## III

(Notices)

## COMMISSION

## Call for proposals

**Programme of Community action on the prevention of AIDS and certain other communicable diseases (1996-2000)**

(1999/C 127/07)

(Text with EEA relevance)

## 1. BACKGROUND

The Commission is required to ensure the implementation of Decision No 647/96/EC of the European Parliament and of the Council of 29 March 1996 concerning the Programme of Community action on the prevention of AIDS and certain other communicable diseases (OJ L 95, 16.4.1996, p. 16). The programme covers a period of five years and has an overall budget of ECU 49,6 million. The actions envisaged by the Programme are described in detail in the Annex to the Decision. The following are listed under heading A, 'Surveillance and monitoring of communicable diseases':

**Objective**

To help to improve knowledge and dissemination of information and data concerning HIV/AIDS and other communicable diseases, taking into account international disease-classification provisions, and to improve the coordination of systems for monitoring these diseases and coordinating Community-level responses, particularly in the event of an epidemic outbreak.

**Actions**

1. Exploration with Member States of ways to increase the amount and improve the quality, comparability and availability of data and provide support for strengthening national or regional monitoring systems and implementing them as part of a network and, in the case of HIV/AIDS and connected diseases, support for the European Centre for the Epidemiological Monitoring of AIDS.
2. Contribution towards improving the quality and coordination of Member States' epidemiological monitoring systems and participation in the development of surveillance networks on the basis of the jointly-defined methodologies and conditions for data transmission, prior consultation and coordination of replies.
3. Setting up of a Community network of public health epidemiologists for the purpose of defining common

surveillance methods and tools and enhancing the ability to respond in a coordinated way to the development of communicable diseases, especially in the case of epidemic outbreaks.

4. Contributing, in particular by the provision of the logistical support necessary, to the production and dissemination of a regular information notice and of a Community bulletin on communicable diseases surveillance, comprising both routine surveillance data and reports on specific epidemiological investigations.
5. Encouraging action aimed at increasing awareness of the problems and including comparable and reliable data on nosocomial infections particularly in routine surveys of hospital conditions; promoting knowledge and exchanges of experience on the ways in which surveillance results concerning infections caused by germs resistant to normal treatment (antibiotics) are analysed, processed and used by the actors in the field.
6. Promotion of investigations of the effectiveness and feasibility of screening for certain types of communicable diseases (tuberculosis, hepatitis, etc.), in particular among pregnant women. Coordination of research to minimalise transmission of diseases from mother to child.

These actions constitute the reference framework for the selection of projects.

On 24 September 1998 the Council and the European Parliament adopted Decision No 2119/98/EC setting up a network for the surveillance and control of communicable diseases. This Decision defines a framework for the surveillance of all relevant communicable diseases at European level.

The provisions of Decision No 2119/98/EC constitute the reference framework for the selection of projects relevant to actions 1, 2 and 5. Only projects that contribute to the objectives of that Decision will be considered for financial support.

## 2. PURPOSE OF THIS CALL FOR PROPOSALS

With this call for proposals the Commission services are inviting project proposals from organisations active in the field concerned. The types of organisations eligible to submit proposals are defined in point 3. The types of projects eligible are defined in point 4. Interested organisations are invited to submit a funding application to the Commission services in accordance with the procedure described in point 6, bearing in mind the selection and funding criteria described in point 5.

The proposals selected will qualify for Community financial assistance.

## 3. ORGANISATIONS ELIGIBLE FOR FUNDING

### A. Projects relevant to actions 1, 2 and 5 as described in point 1

Only proposals from organisations able to contribute to the objectives of Decision No 2119/98/EC will be eligible for funding. In particular, these organisations must be able and officially authorised to provide, process and analyse data transmitted in the framework of Decision No 2119/98/EC. The following specific criteria will be used to assess the eligibility of each project:

- All participating organisations/structures must have the scientific, technical and legal capacity necessary to fulfil their respective role in the project.
- Each participating organisation from a Member State must produce a written statement from the Government of that Member State authorising the organisation to act as national partner for the specific purposes of the project in question.

### B. Projects relevant to actions 3, 4 and 6 as described in point 1

All organisations fulfilling the general requirement of Decision No 647/96/EC are eligible.

## 4. PROJECTS ELIGIBLE FOR FUNDING

### A. Projects relevant to actions 1, 2 and 5 as described in point 1

Networks must be established by bringing into permanent communication with one another the Commission and those structures and/or authorities which, at the level of each Member State and under the responsibility of that Member State, are competent at national level and are charged with collecting information relating to the epidemiological surveillance of communicable diseases, and by establishing

procedures for the dissemination of the relevant surveillance data at Community level. Each project must establish a network dedicated to the surveillance of one or several of the diseases listed in the Annex to Decision No 2119/98/EC.

### B. Projects relevant to actions 3, 4 and 6 as described in point 1

All projects fulfilling the general requirements of Decision No 647/96/EC are eligible.

## 5. CRITERIA FOR THE SELECTION AND FUNDING OF PROJECTS

Selection of projects for funding under this Programme will be based on the following criteria:

1. The project must address one or more of the actions listed in point 1.
2. The participating organisations must fulfil the criteria set out in point 3.
3. In the case of actions 1, 2, 4 and 5, the project must include participants from all 15 Member States. In the case of actions 3 and 6, large-scale projects will generally be given priority.
4. In the case of actions 1, 2 and 5, the project participants must use the IDA-EUPHIN-HSSCD system for the internal transmission of data.
5. Account will be taken of the activities undertaken by other Commission services and by national and international organisations, in order to avoid any duplication.

## 6. PROCEDURE, DEADLINES AND SUBMISSION OF PROPOSALS

Proposals must comply with the requirements set out below, otherwise they will not be considered for funding:

- they must be drawn up using the form obtainable from the address shown below;
- they must be submitted, in triplicate, by 15 June 1999 (as evidenced by the postmark) for projects commencing in 2000, to the following address:

European Commission  
 Programme 'AIDS and other communicable diseases' —  
 DG V/F/4  
 Bâtiment Euroforum  
 10, rue Robert Stumper  
 L-2257 Luxembourg  
 Fax (352) 43 01 332 48

*Financial provisions*

The following extract from the main financial provisions applying to projects is given for guidance:

1. After appropriate consultation and after selecting the projects, the Commission will determine the amount of financial assistance to be granted on the basis of the annual budget availability.
2. Projects are financed under the shared cost principle. If the amount granted by the Commission is lower than the financial support requested by the applicant, it is up to the applicant to find supplementary financing or to cut down on the total expenditure without diluting either the objectives or the content of the project.
3. The Commission grants a percentage of the estimated total cost of the project. If the actual expenditure is lower than the estimated total cost, the Commission's contribution will be reduced in proportion to the difference between the actual cost of the project and the estimated cost. If expenditure is higher than the

estimated total cost, the Commission will pay, at the most, the sum equivalent to the percentage granted on the basis of the initial budget annexed to the contract.

## 7. PRACTICAL INFORMATION

An information pack containing all the documents needed for submitting an application is available on written request (letter or fax) from the address shown in point 6.

The information pack contains:

- Decision No 647/96/EC (published in OJ L 95, 16.4.1996, p. 16),
- Decision NO 2119/98/EC (published in OJ L 268, 3.10.1998, p. 1),
- the rules, criteria and procedures for the selection and financing of projects,
- the application form, along with a summary sheet;

together with other relevant information.

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