

English edition

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

## I

*(Information)*

## COUNCIL

## COUNCIL DECISION

of 7 May 2002

**appointing members and alternate members of the Advisory Committee on Freedom of Movement for Workers**

(2002/C 119/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EEC) No 1612/80 of 15 October 1968 on freedom of movement for workers within the Community <sup>(1)</sup>, and in particular Articles 26 and 27 thereof,

Having regard to the lists of candidates submitted to the Council by the Governments of the Member States,

Whereas:

(1) The Council, by its Decision of 17 December 1999 <sup>(2)</sup>, appointed the members and alternate members of the Advisory Committee on Freedom of Movement for Workers for the period from 17 December 1999 to 16 December 2001.

(2) Members and alternate members of the said Committee should be appointed for a period of two years,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following are hereby appointed members and alternate members of the Advisory Committee on Freedom of Movement for Workers for the period **7 May 2002 to 6 May 2004**:

**I. GOVERNMENT REPRESENTATIVES**

Country	Members	Alternates
Belgium	Mr Thierry LHOIR Ms Manjula EKKA	Ms Nadine RENIERS
Denmark	Ms Elise QUADE Mr Kim TAASBY	Mr Erik HOLCK HANSEN
Germany	Mr Gisbert BRINKMANN Ms Friederike ORTMANN	Ms Dagmar FELDGEN
Greece	Mr Andreas KARIDIS Mr Konstantinos CHRYSSINIS	Ms Lydia KOTROFF
Spain	Ms Covadonga HERRERO COCO Ms Amaia SAEZ DE VITERI LETE	Mr Miguel COLINA ROBLEDÓ
France	Mr Christian LEFEUVRE Mr David SARTHOU	Ms Nadia MAROT
Ireland	Mr Peter BUCKLEY Mr Kevin QUINN	Ms Marie DEMPSEY

<sup>(1)</sup> OJ L 257, 18.10.1968, p. 2.

<sup>(2)</sup> OJ C 4, 7.1.2000, p. 1.

Country	Members	Alternates
Italy	Mr Luigi IELO Mr Enrico MORA	Ms Margherita Maria Giuseppina ESPOSITO SEU
Luxembourg	Mr Jean ZAHLEN Ms Mariette SCHOLTUS	Ms Nadine WELTER
Netherlands	...	...
Austria	Ms Ingrid NOWOTNY Ms Doris WITEK-WEINDORFER	Mr Heinz KUTROWATZ
Portugal	Ms Teresinha GARRIDO Ms Ana Cristina SANTOS PEDROSO	Ms Maria do GUADALUPE MEGRE
Finland	Ms Mielikki TENHUNEN Mr Olli SORAINEN	Ms Tiina SINKKANEN
Sweden	Mr Pontus RINGBORG Ms Ann-Christin LENNARTSSON-STÅHL	Ms Anna SANTESSON
United Kingdom	Ms Anna HUDZIECZEK Mr Andrew MILTON	...

## II. WORKERS' REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr Sakis DIMITRAKOPOULOS Mr Thierry AERTS	Mr Edwin LOOF
Denmark	Mr Michael JACOBSEN Ms Käthe MUNK RYOM	Mr Jens FRANK
Germany	Mr Volker ROSSOCHA Mr Georg FAUPEL	Mr Heinz OSSENKAMP
Greece	Mr Spiros LEFTERIOTIS Mr Giorgos SKOULATAKIS	Mr Efthimios EFTHIMIOU
Spain	Ms Ana María CORRAL Mr José María DíEZ-ROPERO	Ms Pilar ROC
France	Ms An LENOUIL-MARLIERE Ms Michèle MONRIQUE	Mr Omar BENFAID
Ireland	Ms Joan CARMICHAEL Mr Mike JENNINGS	Mr Brendan MACKEN
Italy	...	...
Luxembourg	Mr Edouardo DIAS Mr Daniel GEORGES	Mr Vincent JACQUET
Netherlands	Mr S. VAN DE POL Ms D. VAN SUJJDAM	Mr W. W. MULLER
Austria	Mr Josef WALLNER Mr Oliver RÖPKE	Mr Gernot MITTER
Portugal	Mr Carlos Manuel ALVES TRINDADE Mr Alberto Martinho GONÇALVES	Mr Rui Manuel OLIVEIRA e COSTA
Finland	Mr Janne METSÄMÄKI Mr Heikki LIEDE	Ms Leila KOSTIAINEN
Sweden	Mr Thord PETTERSSON Ms Christina EBBESKOG	Mr Ossian WENNSTRÖM
United Kingdom	Mr Roger McKENZIE Ms Nadja SALSON	...

## III. EMPLOYERS' REPRESENTATIVES

Country	Members	Alternates
Belgium	Ms Sonja KOHNENMERGEN Mr Philippe STIENON	Mr Ivo VAN DAMME
Denmark	Mr Flemming DREESEN Mr Erik SIMONSEN	Mr Thomas RØNNOW
Germany	Ms Angela SCHNEIDER-BODIEN Mr Bernhard SCHWARZKOPF	Ms Ilka HOUBEN
Greece	Mr Giorgos MANIATIS Mr Antonis MENKOULIS	Mr Leonidas NIKOLOUZOS
Spain	Mr Pablo GÓMEZ ALBO Mr Roberto SUÁREZ GARCÍA	Mr José L. SALIDO BANÚS
France	Ms Odile MENNETAU Mr Arnold BRUM	Mr Jean-Louis TERDJMAN
Ireland	Ms Heidi LOUGHEED Ms Catherine SMITH	Mr Loughlin DEEGAN
Italy	...	...
Luxembourg	Ms Christiane BERTRAND-SCHAUL Mr Pierre BLEY	Mr Romain SCHMIT
Netherlands	Mr A. VAN DELFT Mr S. J. L. NIEUWSMA	Mr G. A. M. VAN DER GRIND
Austria	Ms Maria KAUN Mr Johannes KOPF	Ms Christa SCHWENG
Portugal	Mr João MELO Mr Marcelino PENA COSTA	Mr João BAGUINHO VALENTIM
Finland	Mr Pekka CASTRÉN Mr Mikko RÄSÄNEN	Mr Mikko NYSSÖLÄ
Sweden	Ms Karin EKENGER Mr Markus GUSTAFSSON	Mr Fredrik SEGERFELDT
United Kingdom	Mr Jay SHETH Mr Thomas HADLEY	...

*Article 2*

The Council will at a later date appoint the members not yet designated by Italy, the Netherlands and the United Kingdom.

*Article 3*

This Decision shall be published, for information, in the *Official Journal of the European Communities*.

Done at Brussels, 7 May 2002.

*For the Council*  
*The President*  
R. DE RATO Y FIGAREDO

**COUNCIL DECISION**

**of 7 May 2002**

**appointing an Irish full member and alternate member in the category of representatives of employers' organisations of the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions**

(2002/C 119/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions <sup>(1)</sup>, as last amended by Regulation (EEC) No 1947/93 <sup>(2)</sup>, and in particular Article 6 thereof,

Having regard to the list of nominees forwarded by the Commission,

Whereas:

- (1) By its Decision of 8 November 2001 <sup>(3)</sup> the Council appointed the full members and alternate members of the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions, with the exception of the representatives of the Irish employers' organisations.
- (2) The Irish full members and alternate members in the category of representatives of employers' organisations on the said Administrative Board must be appointed for the remainder of their term of office, which runs until 18 October 2004,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following are hereby appointed full member and alternate member of the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions for the period from **7 May 2002 to 18 October 2004**:

**REPRESENTATIVES OF EMPLOYERS' ORGANISATIONS**

Country	Full member	Alternate member
Ireland	Mr Dermot KILLEN	Mr Gavin MARIÉ

*Article 2*

This Decision shall be published, for information, in the *Official Journal of the European Communities*.

Done at Brussels, 7 May 2002.

*For the Council*

*The Präsident*

R. DE RATO Y FIGAREDO

<sup>(1)</sup> OJ L 139, 30.5.1975, p. 1.

<sup>(2)</sup> OJ L 181, 23.7.1993, p. 13.

<sup>(3)</sup> OJ C 327, 22.11.2001, p. 1.

## COUNCIL DECISION

of 7 May 2002

## replacing members of the Committee referred to in Article 147 of the EC Treaty

(2002/C 119/03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 147 thereof,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds <sup>(1)</sup>, and in particular Article 49(1), third indent, thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Council, acting on a proposal from the Commission, by Decision of 8 October 2001 appointing members of the Committee referred to in Article 147 of the EC Treaty <sup>(2)</sup>, appointed the members and alternate members of the

European Social Fund Committee for the period up to 22 October 2004. In the meantime, the seats of members and alternate members have become vacant in the categories of government representatives, representatives of the workers' organisations and representatives of the employers' organisations.

(2) Members should be appointed to the European Social Fund Committee for the seats that have become vacant,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following are hereby appointed members of the European Social Fund Committee for the remaining term of office, i.e. until 22 October 2004:

Member State	Representing	Member	Name	Replacing
GERMANY	The Government	Full	Ms V. WERKER	Mr K. BRÜSS
SPAIN	The Workers' Organisations	Alternate	Ms L. GONZÁLEZ DE TXABARRI	Ms A. BETELU BAZO
ITALY	The Government	Full	Ms L. BATTISTONI	Ms A. VITTORE
NETHERLANDS	The Government	Full	Mr M. GEELHOED	Ms VAN BAAL
NETHERLANDS	The Government	Alternate	Mr M. VAN OOSTROM	Ms S. SCHOOF
NETHERLANDS	The Workers' Organisations	Alternate	Mr F. BLUIMINCK	Mr I. A. OVERDIEP
NETHERLANDS	The Employers' Organisations	Full	I. M. VAN HOOGSTRATEN	Mr A. M. HUNTJENS
AUSTRIA	The Employers' Organisations	Full	Ms M. KAUN	Mr F. MIKLAU

*Article 2*

This Decision shall take effect on the date of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 7 May 2002.

*For the Council*

*The President*

R. DE RATO Y FIGAREDO

<sup>(1)</sup> OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Council Regulation (EC) No 1447/2001 (OJ L 198, 21.7.2001, p. 1).

<sup>(2)</sup> OJ C 292, 18.10.2001, p. 1.

**COUNCIL CONCLUSIONS****on the follow-up of the Commission White Paper entitled 'A new impetus for European youth'**

(2002/C 119/04)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

- (1) The Commission White Paper entitled 'A new impetus for European youth' is the outcome of an extensive consultation process which has been ongoing since the end of 1999. This initiative, which has received the unqualified backing of the Member States, successive presidencies and the European Parliament, suggest a new framework for European cooperation in the youth field.
- (2) The Council (Education and Youth) of 29 November 2001 under the Belgian Presidency welcomed with considerable interest the publication of the White Paper and the proposals contained in it and proposed further in-depth discussions aimed at defining the framework for future cooperation.
- (3) The White Paper was presented at the seminar in Ghent from 26 to 28 November 2001, where its importance as a first stage in the process of establishing a more comprehensive, consistent and intersectoral youth policy was emphasised, in particular by the young.
- (4) At the Director-Generals' meeting on 10 December 2001, discussions on the priorities and methods proposed in the White Paper, consultations with the young and the desire to involve candidate countries in the debate were taken a stage further and the need to define positions and to adopt decisions in so far as is possible under each Member State's internal consultation process was put forward,

HAVING REGARD TO the answers given by the Members States to the questionnaire established by the Presidency on the key issues of the White Paper:

1. RECOGNISES that the European Commission's White Paper 'A new impetus for European Youth', drafted following extensive consultation with all the relevant actors in the youth sector and welcomed by the Council (Education and Youth) on 29 November 2001, implies the creation of a new European cooperation in youth affairs and provides the basis for initiating a framework in this sector.
  2. CONSIDERS that the approach proposed by the Commission, namely cooperation in the youth field using the open method of coordination in a specifically adapted way, and taking the youth dimension into account in other sectoral policies are both appropriate and feasible with a view to intensifying cooperation among States and making the youth dimension more visible and transparent among young people throughout Europe.
  3. AGREES with the importance of the priorities proposed by the White Paper in the specific youth field: participation, voluntary service, information and research.
  4. WELCOMES the adaptation to the youth field of the open method of coordination proposed by the White Paper, the implementation of which is still to be defined by the Council, while fully respecting Member States' competence and in accordance with the principle of subsidiarity, in order to strengthen the policy of cooperation in youth affairs using a flexible approach.
  5. STRESSES the need to include the youth dimension in sectoral policies and programmes both at national and European level, in accordance with the priorities set out in the White Paper, and the need to explore further the concept of autonomy of young people with a view to adopting appropriate measures.
  6. RECOGNISES the importance of the role of young people in participating in the cooperation process both at the national and at the European level.
  7. AFFIRMS moreover that the candidate countries be included, as appropriate, in the cooperation process in the youth field proposed by the White Paper.
  8. UNDERTAKES to pursue work towards drawing up a framework (common goals, timetable, working methods and follow-up) for cooperation in youth affairs with a view to adoption at the Council (Education and Youth) at its forthcoming meeting on 30 May 2002.
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**COUNCIL RESOLUTION****on the establishment of national systems for surveillance and control of the presence of radioactive materials in the recycling of metallic materials in the Member States**

(2002/C 119/05)

THE COUNCIL OF THE EUROPEAN UNION,

Considering that:

- (1) The use of radiation technologies in the Member States is subject to a specific regulatory system that includes strict control measures contemplating the control of cross-border movements, and that despite these controls the presence of uncontrolled radiation sources or materials contaminated with radionuclides of natural or artificial origin has been detected among metallic materials destined for recycling.
- (2) The presence of radioactive materials among metals may have serious consequences for the economy of companies, the safety of the environment and, in certain cases, the health of people as happened in the case of several accidents.
- (3) As a complementary measure to the provisions already in place, and in order to reduce the probability of such accidents being repeated, it is appropriate to adopt additional, specific and adequate prevention measures, since there are radiation sources that were used prior to the current control systems or because there is always the possibility of a source escaping from the control systems established or even because such systems are not necessarily applicable.
- (4) The prevention of radiological risk in the recycling of metallic materials cannot lose sight of the great economic and social importance of the metallurgical industry in most countries, and especially in the Member States.
- (5) The presence of radioactive materials in metals originates outside of the metallurgical industry.
- (6) In minimising radiological risk in the metallurgical industry consideration should be given to the safety standards applied in this field, which in general are not subject to any system regulating radiological aspects. The measures to be adopted should therefore include, among their basic requirements, the self-protection of the metallurgical industry against this type of risk, preventing, to the extent possible, the entry into the metallurgical field of quantities of radioactive material that might damage its products and its market. Therefore, they should be implemented as soon as possible within the whole commercial system in that industry with respect to raw materials needed in metal processing plants. This could be supplemented by adequate controls and surveillance of final products.
- (7) The prevention of radiological risk in the recycling of metals is an activity located at the interface between two industrial fields that are traditionally weakly linked, and that it would, therefore, appear to be appropriate that implementation be accomplished taking into account the capacities, needs and interests of both fields, and considering in this respect that the design of the prevention measures should be the result of collaboration between the different agents involved in the two industrial sectors, including the authorities responsible for decision-making, the regulators and the metallurgical, recovery and radioactive waste management sectors.
- (8) The market for metallic products intended for recycling is strongly international in nature, and that any action taken should take this circumstance into account, and in particular that the minimisation of radiological risk should be undertaken homogeneously in the different countries, especially in the case of the Member States, between which there are no frontier restrictions, and in which the radiological protection standards share a common basis.
- (9) These measures may contribute very positively to responding to the public concerns that have arisen as a result of the accidents that have occurred in steelyards and scrap-processing centres in recent years.
- (10) There is growing concern at international level regarding the illicit trafficking of radioactive material and that, although the prevention of radiological risk in the recycling of metals is not directly related to such activities, the implementation of systems of this type might make an additional contribution towards alleviating the consequences of such illegal activities.
- (11) In recent years, and as a result of the radiological accidents that have occurred in the metallic materials recycling sector, various international organisations, among them the International Atomic Energy Agency (IAEA), the World Customs Organisation (WCO), the International Criminal Police Organisation (ICPO-Interpol) and the Economic Commission of the United Nations for Europe (ECE), in collaboration with the Bureau of International Recycling (BIR), have adopted initiatives aimed at minimising radiological risk in this industrial sector.
- (12) The existing Community legislation includes basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation and that the basic standards include provisions on clearance levels to be established by national competent authorities.

- (13) The Commission has also taken several initiatives to minimise the risks deriving from the presence of radioactive materials among metallic materials intended for recycling, among which are the commitment to propose a Council Directive aimed at improving the control over high activity sealed radioactive sources in the Member States, the publication of guidance on the practical use of the concepts of clearance and exemption and the establishment of a group of experts from the Member States on radioactive contamination of scrap metals.
- (14) The conclusions of the Council of June 1999 in relation to the monitoring of metal recycling, and the conclusions of the Meeting on Preventing Radiological Risk in Metal Recycling, held in Seville in January 2002, attended by representatives from radiological protection and metallurgical sectors.
- (15) Various Member States, echoing the concerns expressed by the business associations and trade unions in the metallurgical sector, have manifested to the Commission their concern regarding this issue, with the objective of the latter's undertaking some type of measures at Community level.
- (16) In certain countries additional steps have been taken, with the installation of radiation monitoring systems at steelyards and scrap storage facilities, and that other complementary measures have been adopted to prevent the occurrence of this type of incident and to manage the radioactive materials detected among the metallic products destined for recycling.
- (17) In certain cases, these national actions have led to a specific integrated plan contemplating legal, administrative, financial, operational, materials management, training and information measures, the implementation of such integrated systems having proved to be efficient for the detection and control of uncontrolled radiation sources.
- (18) Some of these national systems are based on various measures including voluntary action by the industrial sector and that such actions, based in turn on the responsibility of an industrial sector that has well-established practices, have proved to be simple to apply and to provide efficient results.
- (19) The two fields involved, the metallurgical field and the nuclear or radiation protection regulated field, have repeatedly manifested their desire that national systems be implemented.
- (20) The trans-national nature of the market for metallic materials makes it advisable to develop such national initiatives within a more global context, in order for the measures and decisions adopted by the different countries to be coherent, this being especially relevant in the case of the European Community, where there are no internal frontiers and where merchandise may freely circulate without border controls,
1. INVITES Member States to examine the measures required to minimise the radiological risks deriving from the presence of radioactive materials among metallic materials destined for recycling with a view to supplementing, if appropriate, their regulations implementing Euratom legislation, notably the basic safety standards directive <sup>(1)</sup>.
  2. To that effect, INVITES the Commission, in collaboration with Member States, to compile the existing measures in this field.
  3. UNDERSTANDS that the operability and efficiency of these radiological risk prevention measures are based on a series of elements, among which are the adoption of voluntary measures, such as voluntary agreements, the implementation of technical or legal measures or a combination of both, the assignment of resources, the training of the agents involved, the development of appropriate procedures and information paths, including public information, preparedness for action against situations of imminent risk and the analysis of the experience acquired in order to improve the measures adopted.
  4. ENCOURAGES Member States to adopt the measures required to establish systems minimising radiological risk in the recycling of metal at national level and preventing, to the extent possible, the presence of radioactive materials.
  5. INVITES the Commission to promote and facilitate homogeneity between the different national systems, to facilitate the exchange of information between the agents of the national systems, systematically to compile, in collaboration with Member States, the information submitted by the different national plans such that it may be used as a reference for updating and improvement, and to identify possible improvements in order to bring cross-border control aspects into harmony.
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- <sup>(1)</sup> Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the danger arising from ionising radiation (OJ L 159, 29.6.1996, p. 1).

6. ENCOURAGES each Member State to adopt measures to reduce to a minimum and to the extent possible the existence of radioactive materials significant from a radiation protection point of view in imports of metallic materials, to place whatever radioactive materials might be detected in imported shipments under proper control and to facilitate the safe return of whatever radioactive materials might be detected in another country in shipments originating in their territories, especially in the case of intra-Community movements of merchandise.
  7. INVITES the Commission to continue its studies on how to reduce the presence of radioactive materials in imports of metallic materials and to facilitate their safe return after the appropriate detection.
  8. NOTES that the technical, legal and administrative resources of the country of origin to manage the radioactive materials safely should be evaluated before returning radioactive materials to the country of origin.
  9. ENCOURAGES Member States to ensure the establishment and the implementation of arrangements to facilitate the management of contaminated materials constituting radioactive sources, discovered in the recycling loop, with clear assignment of responsibilities, in order to encourage the detection and the proper treatment of such radioactive materials.
  10. STRESSES the importance of taking the appropriate steps to ensure that orphan radiation sources are placed under proper supervision.
  11. ENCOURAGES Member States to collaborate, with the assistance of the Commission, in the exchange of experiences, information and technology for the development of the national systems for the prevention of radiological risk in the recycling of metallic products, in particular the risk of having radioactive materials being mixed with scrap metals intended for recycling and SUGGESTS in this respect that each Member State and the Commission appoint an organisation for each party that will be responsible for coordinating the prevention system.
  12. ADVISES Member States and the Commission to use the information arising from the implementation of these prevention systems to collaborate with the systems established internationally to prevent the illicit trafficking of radioactive materials.
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## COMMISSION

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

21 May 2002

(2002/C 119/06)

<b>1 euro</b>	=	7,4378	Danish krone
	=	9,1733	Swedish krona
	=	0,6321	Pound sterling
	=	0,9213	United States dollar
	=	1,4169	Canadian dollar
	=	115,02	Japanese yen
	=	1,4525	Swiss franc
	=	7,536	Norwegian krone
	=	84,53	Icelandic króna <sup>(2)</sup>
	=	1,6591	Australian dollar
	=	1,973	New Zealand dollar
	=	9,2867	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.

**Information procedure — Technical rules**

(2002/C 119/07)

**(Text with EEA relevance)**

Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules on Information Society services (OJ L 204, 21.7.1998, p. 37; OJ L 217, 5.8.1998, p. 18).

## Notifications of draft national technical rules received by the Commission

Reference	Title	End of three-month standstill period
2002/139/B	Draft Royal Decree implementing the provisions of the Act of 30 June 1994 on the protection of privacy against the eavesdropping, surveillance and recording of private communications and telecommunications, and Article 109(b)(2) of the Act of 21 March 1991 reforming certain public economic companies	3.7.2002
2002/141/B	Draft Royal Decree amending the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions with which motor vehicles and their trailers, parts and safety accessories must comply, with a view to improving the visibility of vulnerable road users for drivers of buses and coaches over five tonnes	( <sup>3</sup> )
2002/144/F	Order laying down the conditions for the validity of a detonation test for an ammonium nitrate-based fertiliser with a nitrogen content greater than 28 % by mass	( <sup>3</sup> )
2002/158/A	Order of the Federal Minister for Transport, Innovation and Technology amending the Order on air ambulance services, rescue flights and civil aircraft	19.7.2002
2002/159/NL	Amendment IV to the Regulation on potato growing, issued by the Commodity Board for Arable Products, 1997	19.7.2002
2002/160/NL	Amendment III to the Regulation on wart disease, issued by the Commodity Board for Arable Products, 1999	19.7.2002
2002/161/NL	Draft Decree implementing Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (OJ L 332) (Decree on the incineration of waste substances)	23.7.2002
2002/162/S	Provisions on hunting and State stock	23.7.2002
2002/163/NL	Decree containing rules on packaging, packaging waste, paper and cardboard (Decree on the management of packaging, paper and cardboard)	25.7.2002
2002/164/I	Draft decree on the analytical methods for checking the conformity of honey with the provisions of Directive 2001/110/EC	30.7.2002
2002/165/NL	Decree containing rules concerning asbestos and products containing asbestos (Asbestos Products Decree)	30.7.2002
2002/166/A	Order of the Federal Minister for Agriculture and Forestry, the Environment and Water Management on the designation of very toxic and toxic substances in a poisons list (Poisons List Order 2002)	5.8.2002
2002/167/UK	UK Radio Interface Requirement 2000, point-to-point radio-relay systems operating in fixed service bands administered by RA, Version 4 (February 2002)	5.8.2002
2002/168/F	Draft Order amending the amended Order of 26 October 1982 on ingredients in chewing-gum	5.8.2002
2002/169/B	Royal Decree amending the Royal Decree of 21 November 2001 laying down special rules concerning the indication of quantity in the event of the marketing of some liquid fuels in bulk	5.8.2002

(<sup>1</sup>) Year — registration number — Member State of origin.

(<sup>2</sup>) Period during which the draft may not be adopted.

(<sup>3</sup>) No standstill period since the Commission accepts the grounds of urgent adoption invoked by the notifying Member State.

(<sup>4</sup>) No standstill period since the measure concerns technical specifications or other requirements linked to fiscal or financial measures, pursuant to the third indent of the second paragraph of Article 1(11) of Directive 98/34/EC.

(<sup>5</sup>) Information procedure closed.

The Commission draws attention to the judgment given on 30 April 1996 in the 'CIA Security' case (C-194/94 — ECR I, p. 2201), in which the Court of Justice ruled that Articles 8 and 9 of Directive 98/34/EC (formerly 83/189/EEC) are to be interpreted as meaning that individuals may rely on them before the national court which must decline to apply a national technical regulation which has not been notified in accordance with the Directive.

This judgment confirms the Commission's Communication of 1 October 1986 (OJ C 245, 1.10.1986, p. 4).

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable, so that they are unenforceable against individuals.

If you require any information on these notifications, please contact the national departments listed below:

## LIST OF NATIONAL DEPARTMENTS RESPONSIBLE FOR THE MANAGEMENT OF DIRECTIVE 98/34/EC

**BELGIUM**

Institut belge de normalisation/Belgisch Instituut voor Normalisatie  
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**Commission notice pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92**

**Imposition of public service obligations in respect of scheduled air services within Italy**

(2002/C 119/08)

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, the Italian Government, in accordance with the decisions taken at the Conferences of services held by the Region of Sicily, has decided to impose public service obligations in respect of scheduled air services operated on the following routes:

**1. Routes concerned:**

- Pantelleria–Trapani and vice versa,
- Lampedusa–Trapani and vice versa,
- Pantelleria–Palermo and vice versa,
- Lampedusa–Palermo and vice versa,
- Lampedusa–Catania and vice versa,
- Trapani–Rome–Milan and vice versa,
- Trapani–Bari–Venice and vice versa,
- Trapani–Catania and vice versa.

1.1. Pursuant to Article 9 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, the competent authorities may reserve slots at the airports concerned subject to the coordination system.

**2. The public service obligations in question are as follows:**

*2.1. Minimum frequency*

- (a) Pantelleria–Trapani and vice versa:
  - at least two outward and two return flights from 1 October to 31 May and three outward and three return flights from 1 June to 30 September and during the Easter and Christmas holiday periods;
- (b) Lampedusa–Trapani and vice versa:
  - at least one outward and one return flight from 1 October to 31 May and two outward and two return flights from 1 June to 30 September;
- (c) Pantelleria–Palermo and vice versa:
  - at least two outward and two return flights all year round;

(d) Lampedusa–Palermo and vice versa:

- at least two outward and two return flights from 1 October to 31 May and three outward and three return flights from 1 June to 30 September;

(e) Lampedusa–Catania and vice versa:

- at least one outward and one return flight all year round;

(f) Trapani–Rome–Milano and vice-versa:

- at least two outward and two return flights from 16 September to 14 June and three outward and three return flights from 15 June to 15 September;

(g) Trapani–Bari–Venice and vice versa:

- at least one outward and one return flight all year round;

(h) Trapani–Catania and vice versa:

- at least one outward and one return flight all year round.

*2.2. Timetables*

For the routes Pantelleria–Trapani and vice versa, Pantelleria–Palermo and vice versa, Lampedusa–Palermo and vice versa, Trapani–Lampedusa and vice versa, Trapani–Rome–Milan and vice versa, Trapani–Bari–Venice and vice versa, timetables must include an early morning outward flight (6.00-9.00) and a late evening return flight (18.00-21.00) to enable business travellers to make a round trip the same day, unless there are operational restrictions in specific airports.

For the other routes (Trapani–Catania and vice versa and Lampedusa–Catania and vice versa) timetables must allow for connections with scheduled national and international air services stopping at Catania.

*2.3. Type and capacity of aircraft used*

The aircraft used within the guaranteed time periods must have at least 100 seats on the Trapani–Rome–Milan and Trapani–Bari–Venice routes and at least 40 seats on the other routes. Alternatively, aircraft of other capacities may be used if equivalent annual capacity is provided in the guaranteed time periods even by adapting frequencies.

#### 2.4. Fares

Maximum fares net of VAT and airport taxes are as follows:

- Pantelleria–Trapani and vice versa: EUR 15,49,
- Lampedusa–Trapani and vice versa: EUR 18,08,
- Pantelleria–Palermo and vice versa: EUR 18,08,
- Lampedusa–Palermo and vice versa: EUR 20,66,
- Lampedusa–Catania and vice versa: EUR 18,08,
- Trapani–Milan and vice versa (via Rome): EUR 56,81,
- Trapani–Venice and vice versa (via Bari): EUR 56,81,
- Trapani–Rome and vice versa: EUR 38,73,
- Trapani–Bari and vice versa: EUR 36,15,
- Trapani–Catania and vice versa: EUR 18,08.

No fare restrictions apply to the routes between Rome–Milan and vice versa or Bari–Venice and vice versa.

Every year the competent authorities will adjust the maximum fares in accordance with the rate of inflation of the previous year and the ISTAT general index of consumer prices.

If the average recorded in each half-year of the EUR/USD exchange rate and/or the cost of aviation changes by more than 5 %, fares must be adjusted in proportion to the change recorded.

Six-monthly fare adjustments are made by the Minister for Infrastructure and Transport, in agreement with the President of the Sicilian Region, on the basis of a report by a joint technical committee, composed of one representative appointed by the ENAC and one representative appointed by the Sicilian Region, which must consult the carriers operating the routes concerned.

Any adjustment will enter into force as of the next half-year.

Adjustments must be notified to all carriers operating the services in question, and to the European Commission for publication in the *Official Journal of the European Communities*.

#### 2.5. Continuity of service

Except in cases of *force majeure*, the number of flights cancelled for reasons directly attributable to the carrier must not exceed 1 % of the number of flights scheduled in any IATA scheduling season.

The carrier must provide these services for at least 12 consecutive months and give at least six months' notice before discontinuing them.

3. Any carrier operating the routes in question who fails to comply with the public service obligations described above will be liable to penalties imposed by the administrative authorities and/or courts.

**STATISTICS RELATING TO TECHNICAL REGULATIONS NOTIFIED IN 2001 UNDER THE  
DIRECTIVE 98/34/EC PROCEDURE**

**Information supplied by the Commission in accordance with Article 11 of Directive 98/34/EC of  
the European Parliament and of the Council laying down a procedure for the provision of  
information in the field of technical standards and regulations and of rules on information  
society services <sup>(1)</sup>**

(2002/C 119/09)

(Text with EEA relevance)

I. TYPES OF REACTIONS SENT TO EC MEMBER STATES REGARDING THE DRAFTS NOTIFIED BY EACH OF THEM

Member State	Notifications	Observations <sup>(2)</sup>			Detailed opinions <sup>(3)</sup>		Proposals for Community Acts	
		Member State	Commission	EFTA <sup>(4)</sup>	Member State	Commission	9(3) <sup>(5)</sup>	9(4) <sup>(6)</sup>
<b>Belgium</b>	30	7	13	0	5	6	0	1
<b>Denmark</b>	36	17	9	0	12	7	0	0
<b>Germany</b>	50	21	15	0	12	7	0	0
<b>Spain</b>	27	11	6	0	3	1	0	0
<b>Finland</b>	22	6	8	0	1	3	0	0
<b>France</b>	55	14	18	0	6	4	4	1
<b>Greece</b>	8	0	2	0	1	0	0	0
<b>Ireland</b>	2	0	1	0	1	0	0	0
<b>Italy</b>	30	13	7	0	6	7	0	3
<b>Luxembourg</b>	0	0	0	0	0	0	0	0
<b>The Netherlands</b>	98	21	17	1	21	7	1	0
<b>Austria</b>	75	15	26	0	17	12	0	3
<b>Portugal</b>	7	3	2	0	3	1	0	2
<b>Sweden</b>	40	9	10	0	1	4	0	2
<b>United Kingdom</b>	50	15	13	0	1	3	0	2
<b>EU TOTAL</b>	<b>530</b>	<b>152</b>	<b>147</b>	<b>1</b>	<b>90</b>	<b>62</b>	<b>5</b>	<b>14</b>

<sup>(2)</sup> Article 8(2) of the Directive.

<sup>(3)</sup> Article 9(2) of the Directive ('detailed opinion . . . to the effect that the envisaged measure may create obstacles to the free movement of goods or services or to freedom of establishment of service operators within the internal market').

<sup>(4)</sup> On the basis of the Agreement on the European Economic Area, the EFTA countries contracting parties to this Agreement apply Directive 98/34/EC adapted as necessary in accordance with Annex II, Chapter XIX, Point 1, and may thus issue observations relating to drafts notified by Member States of the Community. Switzerland may also issue such observations on the basis of an informal agreement for the exchange of information in the field of technical regulations.

<sup>(5)</sup> Article 9(3) of the Directive requiring Member States to postpone the adoption of a notified draft (except for draft regulations concerning services) for 12 months from receipt by the Commission if the latter announces its intention to propose or adopt a Directive, Regulation, or Decision on the matter.

<sup>(6)</sup> Article 9(4) of the Directive requiring Member States to postpone the adoption of a notified draft for twelve months from the receipt by the Commission if the latter announces its finding that the draft concerns a matter which is covered by a proposal for a Directive, Regulation or Decision presented to the Council.

<sup>(1)</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 (OJ L 204, 21.7.1998) consolidates Directive 83/189/EEC, as amended principally by Directives 88/182/EEC and 94/10/EC. Directive 98/34/EC was amended by Directive 98/48/EC of 20 July 1998 (OJ L 217, 5.8.1998) which broadened its scope to include information society services. This came into effect on 5 August 1999.

## II. BREAKDOWN BY SECTOR OF DRAFTS NOTIFIED BY EU MEMBER STATES

Sector	B	DK	D	E	FIN	F	GR	IRL	I	L	NL	A	P	S	UK	EC Total
<b>Building and construction</b>	3	3	12	5	5	11	1	1	5	0	4	41	1	1	6	<b>99</b>
<b>Foodstuffs and agricultural products</b>	5	8	9	6	0	6	1	0	5	0	37	9	1	13	8	<b>108</b>
<b>Chemicals</b>	0	0	2	2	0	0	0	0	0	0	7	4	1	2	1	<b>19</b>
<b>Pharmaceuticals</b>	1	1	6	0	1	9	0	0	0	0	3	0	0	1	2	<b>24</b>
<b>Domestic and leisure equipment</b>	3	3	0	1	0	1	0	0	0	0	1	0	0	4	0	<b>13</b>
<b>Machinery</b>	1	1	2	5	1	3	0	0	4	0	4	0	0	2	2	<b>25</b>
<b>Energy, ores, wood</b>	3	2	1	0	1	6	2	0	5	0	5	3	1	1	2	<b>32</b>
<b>Environment, packaging</b>	3	3	8	1	0	1	1	1	0	0	10	4	0	1	4	<b>37</b>
<b>Health, medical equipment</b>	0	0	0	1	0	0	0	0	1	0	2	0	0	0	2	<b>6</b>
<b>Transport</b>	6	8	2	1	4	3	3	0	5	0	15	3	1	9	9	<b>69</b>
<b>Telecommunications</b>	0	4	1	0	2	11	0	0	2	0	3	9	0	2	13	<b>47</b>
<b>Miscellaneous products</b>	3	2	2	3	2	2	0	0	1	0	6	1	1	3	0	<b>26</b>
<b>Information society services</b>	2	1	5	2	6	2	0	0	2	0	1	1	1	1	1	<b>25</b>
<b>TOTAL PER MEMBER STATE</b>	<b>30</b>	<b>36</b>	<b>50</b>	<b>27</b>	<b>22</b>	<b>55</b>	<b>8</b>	<b>2</b>	<b>30</b>	<b>0</b>	<b>98</b>	<b>75</b>	<b>7</b>	<b>40</b>	<b>50</b>	<b>530</b>

III. OBSERVATIONS RELATING TO DRAFTS NOTIFIED BY ICELAND, NORWAY <sup>(7)</sup> AND SWITZERLAND <sup>(8)</sup>

Country	Notifications	EC observations <sup>(*)</sup>
<b>Iceland</b>	6	4
<b>Norway</b>	16	15
<b>Switzerland</b>	12	4
<b>TOTAL</b>	<b>34</b>	<b>23</b>

<sup>(\*)</sup> The only type of Community reaction provided for by the Agreement on the European Economic Area (see notes 4 and 7) is the facility to issue observations (Article 8(2) of Directive 98/34/EC as in Annex II, Chapter XIX, point 1 of this Agreement). The same type of reaction may be issued in respect of Swiss notifications on the basis of the informal agreement between the Community and Switzerland (see notes 4 and 8).

<sup>(7)</sup> The Agreement on the European Economic Area (see note 4) requires EFTA countries which are contracting parties to this Agreement to notify draft technical regulations to the Commission.

<sup>(8)</sup> On the basis of the informal agreement for the exchange of information in the field of technical regulations (see note 4), Switzerland forwards its draft technical regulations to the Commission.

## IV. BREAKDOWN BY SECTOR OF DRAFTS NOTIFIED BY ICELAND, NORWAY AND SWITZERLAND

Sector	Iceland	Norway	Switzerland	Total per sector
<b>Building and construction</b>	0	0	0	<b>0</b>
<b>Foodstuffs and agricultural products</b>	5	3	5	<b>13</b>
<b>Chemicals</b>	0	2	1	<b>3</b>
<b>Pharmaceuticals</b>	0	0	3	<b>3</b>
<b>Domestic and leisure equipment</b>	0	0	0	<b>0</b>
<b>Machinery</b>	0	5	0	<b>5</b>
<b>Energy</b>	0	1	1	<b>2</b>
<b>Health, medical equipment</b>	0	0	0	<b>0</b>
<b>Environment, packaging</b>	0	0	0	<b>0</b>
<b>Transport</b>	0	0	1	<b>1</b>
<b>Telecommunications</b>	0	3	1	<b>4</b>
<b>Miscellaneous products</b>	0	0	0	<b>0</b>
<b>Information society services</b>	1	2	0	<b>3</b>
<b>TOTAL PER COUNTRY</b>	<b>6</b>	<b>16</b>	<b>12</b>	<b>34</b>

## V. STATISTICS ON INFRINGEMENT PROCEDURES ONGOING IN 2001 AND INITIATED UNDER ARTICLE 226 OF THE EC TREATY AGAINST NATIONAL TECHNICAL REGULATIONS ADOPTED IN BREACH OF THE PROVISIONS OF DIRECTIVE 98/34/EC

**Total per Member State**

Country	Number
<b>Belgium</b>	2
<b>Denmark</b>	0
<b>Germany</b>	1
<b>Spain</b>	4
<b>Finland</b>	1
<b>France</b>	2
<b>Greece</b>	2
<b>Ireland</b>	2
<b>Italy</b>	1
<b>Luxembourg</b>	1
<b>The Netherlands</b>	0
<b>Austria</b>	0
<b>Portugal</b>	3
<b>Sweden</b>	0
<b>United Kingdom</b>	1
<b>EU TOTAL</b>	<b>20</b>

**Prior notification of a concentration**  
**(Case COMP/M.2809 — Cinven/Carlyle/VUP)**

**Candidate case for simplified procedure**

(2002/C 119/10)

(Text with EEA relevance)

1. On 8 May 2002 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 Cinven, belonging to Cinven Group Limited, UK (Cinven), and Carlyle, a limited partnership registered in the Cayman Island (Carlyle), acquire, within the meaning of Article 3(1)(b) of the Regulation, joint control of some assets sold by Vivendi Universal Publishing, FRA (VUP assets) by way of purchase of shares in newly created vehicle companies.

2. The business activities of the undertakings concerned are:

— Cinven: Venture capital business,

— Carlyle: Private equity investments,

— VUP assets: Activities concerning medical publishing, trade publishing and organisation of trade shows.

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. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Regulation (EEC) No 4064/89 <sup>(3)</sup>, 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.

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 COMP/M.2809 — Cinven/Carlyle/VUP, to:

European Commission,  
Directorate-General for Competition,  
Directorate B — Merger Task Force,  
J-70,  
B-1049 Brussels.

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<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.

<sup>(3)</sup> OJ C 217, 29.7.2000, p. 32.

**Commission notice on the expiry of the guidelines on State aid for undertakings in deprived urban areas**

(notified under document number C(2002) 1806)

(2002/C 119/11)

(Text with EEA relevance)

1. The guidelines on State aid for undertakings in deprived urban areas have been adopted by the Commission on 2 October 1996 and were published on 14 May 1997 in the *Official Journal of the European Communities* <sup>(1)</sup>. These guidelines lay down rules for identifying urban districts which can be classed as deprived urban areas eligible for State aid subject to certain conditions and ceilings which, if met, allow the aid to be considered compatible with the common market.
2. Paragraph 20 of the guidelines on State aid for undertakings in deprived urban areas states that '[t]hese guidelines have been approved for a period of five years from the date of publication in the *Official Journal of the European Communities*. Prior to the expiry of that period, the Commission will review the functioning of the guidelines in order to decide whether they should be extended or any amendments should be made'. The guidelines will thus expire on 14 May 2002.
3. It appears that in the past five years there have been no cases where a Member State has granted aid under the guidelines. Indeed, the eligibility criteria imposed, which include:
  - targeting only certain population groups in urban areas (thus excluding, for example, rural areas),
  - the restriction that total population in selected areas must not exceed 1 % of national population,as well as the form of the aid which is limited to investment and employment aid linked with such investment (thus excluding other objectives, like environmental or social considerations) have rendered the guidelines so restrictive that they could not effectively be used.
4. Modernisation of State aid rules must include abolishing obsolete or inappropriate rules. Since no use has been made of this instrument after it was adopted by the Commission, it is suggested neither to prolong the guidelines on State aid for undertakings in deprived urban areas in its current form beyond May 2002 nor to propose a revision thereof.
5. Obviously, schemes or individual cases granting State aid to undertakings in deprived urban areas approved in the past under other legal bases will in no way be affected by the non-prolongation of the guidelines on State aid for undertakings in deprived urban areas.
6. The Commission recognises that, in some instances, market forces alone appear to be inadequate to resolve or alleviate the socioeconomic problems of deprived areas. It follows that the non-prolongation of the guidelines does not imply that State aid for deprived urban areas would no longer be possible. Such aid may be found compatible under the existing rules applicable to State aid or, as the case may be and depending on the specific circumstances of the proposed aid in question, directly on the basis of Article 87(3)(c) of the EC Treaty. The Commission will examine any such cases in the light of Community objectives, in particular those pursued by the Community regional policy. Based on the experience gained in such future cases, the Commission will also examine whether there is a need for an additional, specific instrument dealing with State aid for undertakings in deprived urban areas and what the basic features for such an instrument would need to be.

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<sup>(1)</sup> OJ C 146, 14.5.1997, p. 6.

**Commission notice on the determination of the applicable rules for the assessment of unlawful State aid**

*(notified under document number C(2002) 458)*

(2002/C 119/12)

**(Text with EEA relevance)**

A number of instruments approved by the Commission over the years contain a provision to the effect that unlawful State aid, i.e. aid put into effect in contravention of Article 88(3) of the EC Treaty, shall be assessed in accordance with the texts in force at the time when the aid was granted. This is for example the case for the Community guidelines on State aid for environmental protection <sup>(1)</sup> and the multisectoral framework on regional aid for large investment projects <sup>(2)</sup>.

For the purpose of transparency and legal certainty, the Commission informs Member States and third parties that it has decided to apply the same rule in respect of all instruments indicating how the Commission will exercise its discretion in order to assess the compatibility of State aid with the common market (frameworks, guidelines, communications, notices). Therefore, the Commission shall always assess the compatibility of unlawful State aid with the common market in accordance with the substantive criteria set out in any instrument in force at the time when the aid was granted.

The present notice is without prejudice to the more specific rules contained in the Community guidelines on State aid for rescuing and restructuring firms in difficulty <sup>(3)</sup>.

The present notice is without prejudice to the interpretation of Council and Commission regulations in the field of State aid.

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<sup>(1)</sup> OJ C 37, 3.2.2001, p. 3.

<sup>(2)</sup> OJ C 70, 19.3.2002, p. 8.

<sup>(3)</sup> OJ C 288, 9.10.1999, p. 2.



## III

*(Notices)*

## EUROPEAN PARLIAMENT

**NOTICE OF OPEN COMPETITIONS**

(2002/C 119/13)

The European Parliament Secretariat is organising the following open competitions:

- PE/222/LA French-language INTERPRETERS <sup>(1)</sup>  
(career bracket LA 7/LA 6)
- PE/224/LA English-language INTERPRETERS <sup>(2)</sup>  
(career bracket LA 7/LA 6)
- PE/225/LA Swedish-language INTERPRETERS <sup>(3)</sup>  
(career bracket LA 7/LA 6)
- PE/226/LA German-language INTERPRETERS <sup>(4)</sup>  
(career bracket LA 7/LA 6)
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<sup>(1)</sup> OJ C 119 A, 22.5.2002 (French-language edition).

<sup>(2)</sup> OJ C 119 A, 22.5.2002 (English-language edition).

<sup>(3)</sup> OJ C 119 A, 22.5.2002 (Swedish-language edition).

<sup>(4)</sup> OJ C 119 A, 22.5.2002 (German-language edition).

# COUNCIL

## Texts published in the *Official Journal of the European Communities* C 119 E

(2002/C 119/14)

These texts are available on:

**EUR-Lex:** <http://europa.eu.int/eur-lex>

**CELEX:** <http://europa.eu.int/celex>

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