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I

(Information)

COUNCIL

Communication relating to the opening of the quotas laid down by Decision of the Representatives of the Governments of the Member States, meeting within the Council, of 21 May 2002, for the imports of certain ECSC steel products originating in Kazakhstan

(2002/C 124/01)

Following the Decision of the Representatives of the Governments of the Member States meeting within the Council of 21 May 2002, the communication 2001/C 374/03 relating to the opening of the quotas ⁽¹⁾ is amended as follows:

1. The period of validity mentioned in paragraph 1 is hereby modified into 1 January 2002 to 31 December 2002.
2. In Appendix 2, Article 4(1), the date '30 September 2002' is replaced by '31 March 2003'; the date '30 June 2002' is replaced by '31 December 2002'.
3. Appendix 7 of that Annex is replaced by the attached Appendix 7.

All other elements of communication (2001/C 374/03) remain valid.

⁽¹⁾ OJ C 374, 29.12.2001, p. 23.

Appendix 7

QUANTITATIVE LIMITS

Products	(tonnes)
	1.1.2002-31.12.2002
SA. Flat products	
SA1. Coils	50 000
SA1a. Coils for re-rolling	5 000
SA2. Heavy plate	0
SA3. Other flat products	53 000

Communication relating to the opening of the quotas laid down by Decision of the Representatives of the Governments of the Member States, meeting within the Council, of 21 May 2002, for the imports of certain ECSC steel products originating in the Russian Federation

(2002/C 124/02)

Following the Decision of the Representatives of the Governments of the Member States meeting within the Council of 21 May 2002, the communication 2001/C 374/02 relating to the opening of the quotas ⁽¹⁾ is amended as follows:

1. The period of validity mentioned in paragraph 1 is hereby modified into 1 January 2002 to 31 December 2002.
2. Appendix 1 of that Annex is replaced by the attached Appendix 1.
3. In Appendix 2, Article 4, paragraph 1 is replaced by the following:

‘1. To the extent that the Commission pursuant to Article 4 of the Annex has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import authorisation within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March 2003 provided that the goods covered by the licence have been shipped before 31 December 2002. Import authorisation shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4 of the Annex, has confirmed that the amount requested is available within the quantitative limit in question.’

4. Appendix 7 of that Annex is replaced by the attached Appendix 7.

All other elements of communication (2001/C 374/02) remain valid.

⁽¹⁾ OJ C 374, 29.12.2001, p. 7.

Appendix 1

SA. Flat-rolled products	7209 18 99	7219 35 10	7214 91 90
SA1. Coils	7209 25 00	7219 35 90	7214 99 10
7208 10 00	7209 26 10	7225 40 80	7214 99 31
7208 25 00	7209 26 90		7214 99 39
7208 26 00	7209 27 10	SA4. Alloyed products	7214 99 50
7208 27 00	7209 27 90	7226 20 20	7214 99 61
7208 36 00	7209 28 10	7226 91 10	7214 99 69
7208 37 90	7209 28 90	7226 91 90	7214 99 80
7208 38 90	7209 90 10	7226 99 20	7214 99 90
7208 39 90			
	7210 11 10	SB. Long products	7215 90 10
7211 14 10	7210 12 11	SB1. Beams	
7211 19 20	7210 12 19		7216 10 00
	7210 20 10	7207 19 31	7216 21 00
7219 11 00	7210 30 10	7207 20 71	7216 22 00
7219 12 10	7210 41 10		7216 40 10
7219 12 90	7210 49 10	7216 31 11	7216 40 90
7219 13 10	7210 50 10	7216 31 19	7216 50 10
7219 13 90	7210 61 10	7216 31 91	7216 50 91
7219 14 10	7210 69 10	7216 31 99	7216 50 99
7219 14 90	7210 70 31	7216 32 11	7216 99 10
	7210 70 39	7216 32 19	
7225 20 20	7210 70 31	7216 32 91	7218 99 20
7225 30 00	7210 90 31	7216 32 99	
	7210 90 33	7216 33 10	7222 11 11
SA1a. Hot rolled coils for rerolling	7210 90 38	7216 33 90	7222 11 19
			7222 11 21
7208 37 10	7211 14 90	SB2. Wire rod	7222 11 29
7208 38 10	7211 19 90		7222 11 91
7208 39 10	7211 23 10	7213 10 00	7222 11 99
	7211 23 51	7213 20 00	7222 19 10
SA2. Heavy plate	7211 29 20	7213 91 10	7222 19 90
7208 40 10	7211 90 11	7213 91 20	7222 30 10
7208 51 10		7213 91 41	7222 40 10
7208 51 30	7212 10 10	7213 91 49	7222 40 30
7208 51 50	7212 10 91	7213 91 70	
7208 51 91	7212 20 11	7213 91 90	7224 90 31
7208 51 99	7212 30 11	7213 99 10	7224 90 39
7208 52 10	7212 40 10	7213 99 90	
7208 52 91	7212 40 91	7221 00 10	7228 10 10
7208 52 99	7212 50 31	7221 00 90	7228 10 30
7208 53 10	7212 50 51		7228 20 11
	7212 60 11	7227 10 00	7228 20 19
7211 13 00	7212 60 91	7227 20 00	7228 20 30
		7227 90 10	7228 30 20
SA3. Other flat rolled products		7227 90 50	7228 30 41
7208 40 90	7219 21 10	7227 90 95	7228 30 49
7208 53 90	7219 21 90		7228 30 61
7208 54 10	7219 22 10	SB3. Other longs	7228 30 69
7208 54 90	7219 22 90		7228 30 70
7208 90 10	7219 23 00	7207 19 11	7228 30 89
	7219 24 00	7207 19 14	7228 60 10
7209 15 00	7219 31 00	7207 19 16	7228 70 10
7209 16 10	7219 32 10	7207 20 51	7228 70 31
7209 16 90	7219 32 90	7207 20 55	7228 80 10
7209 17 10	7219 33 10	7207 20 57	7228 80 90
7209 17 90	7219 33 90		
7209 18 10	7219 34 10	7214 20 00	
7209 18 91	7219 34 90	7214 30 00	7301 10 00
		7214 91 10	

Appendix 7

QUANTITATIVE LIMITS

Products	(tonnes)
	1.1.2002-31.12.2002
<i>SA. Flat products</i>	
SA1. Coils	259 000
SA1a. Hot-rolled coils for re-rolling	485 000
SA2. Heavy plate	60 000
SA3. Other flat products	80 000
SA4. Alloyed products	90 000
<i>SB. Long products</i>	
SB1. Beams	15 000
SB2. Wire rod	60 000
SB3. Other long products	165 000

COUNCIL DECISION

of 7 May 2002

on the designation of the European Capital of Culture 2005

(2002/C 124/03)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Decision No 1419/1999/EC of the European Parliament and of the Council of 25 May 1999 establishing a Community action for the European Capital of Culture event for the years 2005 to 2019 ⁽¹⁾, and in particular Article 2(3) thereof,

The City of Cork shall be designated as the European Capital of Culture 2005.

Article 2

Whereas:

The City of Cork shall take all necessary measures to ensure the effective implementation of Articles 1 and 5 of Decision No 1419/1999/EC.

(1) The Selection Panel submitted its report to the European Parliament, the Council and the Commission on 28 September 2001.

Done at Brussels on 7 May 2002.

(2) The European Parliament forwarded its Opinion to the Commission on the nominations on 11 December 2001,

For the Council

The President

⁽¹⁾ OJ L 166, 1.7.1999, p. 1.

R. DE RATO Y FIGAREDO

COMMISSION

Euro exchange rates ⁽¹⁾

24 May 2002

(2002/C 124/04)

1 euro	=	7,4368	Danish krone
	=	9,1128	Swedish krona
	=	0,6327	Pound sterling
	=	0,9188	United States dollar
	=	1,4157	Canadian dollar
	=	114,94	Japanese yen
	=	1,458	Swiss franc
	=	7,4435	Norwegian krone
	=	84,9	Icelandic króna ⁽²⁾
	=	1,6578	Australian dollar
	=	1,963	New Zealand dollar
	=	9,1558	South African rand ⁽²⁾

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

⁽²⁾ Source: Commission.

Notice of initiation of an examination procedure concerning an obstacle to trade, within the meaning of Council Regulation (EC) No 3286/94, consisting of trade practices maintained by Canada in relation to certain geographical indications for wines

(2002/C 124/05)

On 6 December 2001, the Commission received a complaint, pursuant to Article 4 of Council Regulation (EC) No 3286/94 ⁽¹⁾ (hereinafter 'the Regulation').

1. Complainant

The complaint was lodged by the Conseil Interprofessionnel du Vin de Bordeaux ('CIVB'). The CIVB is a trade organisation representing winegrowers and traders in Bordeaux and was set up in 1948. The CIVB is made up of representatives of winegrowers and traders who are chosen by their respective organisations, proposed by each of the production and trader federations and appointed by the State. The CIVB represents all winegrowers and over 85 % of traders in the Bordeaux region.

CIVB is an association acting on behalf of Community enterprises within the meaning of Articles 2(6) and 4(1) of the Regulation.

2. Product

This complaint concerns wines with the geographical indication 'Bordeaux' or 'Médoc'.

The wines under examination are classified in the combined nomenclature (CN) under the codes 2204 21 12, 2204 21 42, 2204 29 12 and 2204 29 42.

The examination which the Commission is initiating may also cover other products which appear to be affected in a similar way to the wines under investigation and in particular those in respect of which interested parties that make themselves known within the time limits mentioned below (see point 8), provide evidence that the alleged practices are applicable.

3. Subject

The complaint concerns a trade barrier allegedly caused by Canada, which adversely affects the Community exports of the products in question to the Canadian market.

The challenged Canadian practice is based on the legislation adopted by Canada to implement the Agreement on trade-related aspects of intellectual property rights (TRIPs). This Act came into force on 1 January 1996 and amended the Canadian Trade-Marks Act. It is referred to in the complaint as the C-57 Amendment.

According to the complainant, the C-57 Amendment deprives the geographical indications at issue (Bordeaux and Médoc) of a standard of protection in compliance with the protection requirements laid down by TRIPs for geographical indications for wines.

4. Allegation of obstacles to trade

The complainant claims that Canada by maintaining the above-mentioned trade measure violates Articles 23(1) and (2) as well as Article 24(3) of the TRIPs.

The complaint contests Sections 11.14 and 11.15 of the C-57 Amendment, where it is stated that: 'No person shall adopt in connection with a business, as a trademark or otherwise, a protected geographical indication identifying a wine in respect of a wine not originating in the territory indicated by the protected geographical indication; or a translation, in any language of the geographical indication in respect of that wine.'

Canada implemented Article 23 of the TRIPs via a registration system allowing special protection to be conferred on geographical indications for wines and spirits. Nonetheless, subsections 11.18(3) and (4) of the C-57 Amendment provides that: 'Notwithstanding Sections 11.14 and 11.15 and paragraphs 12(1)(g) and (h), nothing in any of those provisions prevents the adoption, use or registration as a trademark or otherwise, in connection with a business, of the following indications; in respect of wines: . . . (m) Bordeaux; . . . (r) Médoc; (s) Médoc . . .'. Accordingly, 'Bordeaux' and 'Médoc' geographical indications are excluded from the special protection provided for in Section 11.14 of the C-57 Amendment.

The complainant also claims that the C-57 Amendment is in breach of the so-called 'standstill obligation' provided for by Article 24(3) of TRIPs.

The complainant has provided sufficient prima-facie evidence that the contested measures are inconsistent with the obligations of Canada under the WTO Agreement, in particular with Articles 23(1), 23(2) and 24(3) of TRIPs, and that they thereby constitute an obstacle to trade within the meaning of Article 2(1) of the TBR.

5. Allegation of adverse trade effects

The complainant contends that it is suffering, and is threatened with further, adverse trade effects within the meaning of Article 2(4) of the Regulation.

⁽¹⁾ Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation (OJ L 349, 31.12.1994, p. 71), as last amended by Regulation (EC) No 356/95 (OJ L 41, 23.2.1995, p. 3).

The alleged obstacles to trade identified in CIVB's complaint, i.e. the qualification of 'Bordeaux' and 'Médoc' as generic under Canadian law, appear, to deprive the complainant of its intellectual property rights in 'Bordeaux' and 'Médoc' in Canada, thus causing adverse trade effects.

The adverse trade effects referred to above could have a material impact on a specific region of the Community, namely the Bordeaux region in France where most of the exported wine is produced.

Under such circumstances, there appears to be *prima facie* evidence of adverse trade effects as defined in Article 2(4) of the Regulation.

6. Community interest

A correct implementation of the TRIPs Agreement by Canada is undeniably in the interest of the Community. The protection and enforcement of these rights, and in particular of denominations of origin, is of great importance for the economy of several regions of the Community. In this connection, there is a need to examine the WTO compatibility of the Canadian trade practices concerning protection of geographical indications.

The Commission is currently negotiating an agreement with Canada on trade in wine and spirits, aimed, among other things, at improving the protection of EC denominations of origin, in particular by ending their generic usage, in that country. If successfully concluded, this agreement could represent an appropriate means to protect the Community interests in this field.

Given the above circumstances, it is considered to be in the Community's interest to initiate an examination procedure.

7. Procedure

Having decided, after consultation of the Advisory Committee established by the Regulation, that there is sufficient evidence to justify initiating an examination procedure for the purpose of considering the legal and factual issues involved, and that this is in the interest of the Community, the Commission has commenced an examination in accordance with Article 8 of the Regulation.

Interested parties may make themselves known and make known their views in writing, in particular by addressing the specific issues raised in the complaint, and by providing supporting evidence.

Furthermore, the Commission will hear parties who so request in writing when making themselves known, provided that they are a party primarily concerned by the result of the procedure.

This notice is published in accordance with Article 8(1)(a) of the Regulation.

8. Time limit

Any information relating to the matter and any requests for hearings should be sent in writing to:

European Commission
Directorate-General for Trade
Mr Ignacio Garcia Bercero, DG Trade D/3
CHAR 9/74
B-1049 Brussels
Fax (32-2) 299 32 64.

Any such information or request for a hearing should reach the Commission not later than 30 days following the publication of this notice.

Prior notification of a concentration
(Case COMP/M.2806 — SABIC/DSM Petrochemicals)

(2002/C 124/06)

(Text with EEA relevance)

1. On 15 May 2002 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking Sabic Basic Industries Corporation (SABIC), Saudi Arabia, acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of DSM Petrochemicals (DPC), Netherlands, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- SABIC: International industrial group that is primarily active in the manufacture and sale of basic chemicals, polymers, fertilizer and metals,
- DPC: The business group of DSM NV, manufacture and sale of polyethylene, polypropylene, hydrocarbons and other chemicals.

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 COMP/M.2806 — SABIC/DSM Petrochemicals, to:

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

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

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