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*(Acts adopted under Title VI of the Treaty on European Union)*

## **RULES OF PROCEDURE OF EUROJUST <sup>(1)</sup>**

(2002/C 286/01)

### **PREAMBLE**

#### **TITLE I — ORGANISATION AND FUNCTIONING**

##### **CHAPTER I — THE COLLEGE**

- Article 1. Composition and operation of the College
- Article 2. Functions of the College
- Article 3. Election of the President and Vice-Presidents
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- Article 8. Meetings of the College
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##### **CHAPTER II — NATIONAL MEMBERS**

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#### **TITLE IV — STAFF RULES**

- Article 24. The Administrative Director
- Article 25. The Eurojust staff

#### **TITLE V — PROVISIONS REGARDING THE TREATMENT OF PERSONAL DATA <sup>(2)</sup>**

- Article 26. Personal data

#### **TITLE VI — OTHER PROVISIONS**

- Article 27. Amendments to the Rules of Procedure
- Article 28. Entry into force

<sup>(1)</sup> Adopted unanimously by the College of Eurojust at its meeting on 30 May 2002 and approved by the Council on 13 June 2002.

<sup>(2)</sup> These provisions will be adopted at a later stage and submitted for approval by the Council (Article 10(2)).

## THE COLLEGE OF EUROJUST,

Having regard to the Council Decision 2002/187/JHA of 28 February 2002 <sup>(1)</sup>, hereinafter referred to as 'the Decision' whereby Eurojust was created with a view to reinforcing the fight against serious forms of crime, and in particular Article 10 of the Decision,

Noting that these Rules of Procedure will be supplemented with regard to the provisions concerning the processing of personal data when consultation with the Joint Supervisory Body has taken place.

ADOPTS THE FOLLOWING RULES OF PROCEDURE:

**TITLE I****ORGANISATION AND FUNCTIONING****CHAPTER I****The College***Article 1***Composition and operation of the College**

In accordance with Articles 10(1) and 28(1) of the Decision:

1. The College shall consist of all the national members. Each national member shall have one vote.
2. The College shall be responsible for the organisation and operation of Eurojust.

*Article 2***Functions of the College**

In performance of its functions as laid down in the Decision, the College, as the body responsible for the organisation and operation of Eurojust, shall:

1. Agree to the creation of ad-hoc committees in accordance with Article 6 of these Rules of Procedure and designate among the College its members.
2. Approve the call for applications for the post of Administrative Director and designate from among its members the selection board.
3. Appoint, by a two-thirds majority of the College, the financial controller of Eurojust.
4. Appoint, by a two-thirds majority of the College, the internal auditor of Eurojust.
5. Act as otherwise provided for in these rules of Procedure.

<sup>(1)</sup> OJ L 63, 6.3.2002, p. 1.

*Article 3***Election of the President and Vice-Presidents**

1. The College shall elect a President and two Vice-presidents from among its members. The results of the election shall be submitted to the Council for approval.

2. The College shall elect the President by a two-thirds majority of the College issued in a secret ballot by the national members. National members wishing to be elected shall present their candidacy in writing to the College before the meeting in which the election is to take place.

3. If no member attains the required majority in the first round of voting, a second round of voting shall be held immediately to elect by a two-thirds majority of the College one of the two or, where an equal number of votes has been attained, several members who attained the greatest number of votes in the first round. If a two-thirds majority of the College is not attained, a third ballot shall take place immediately to elect by a simple majority one of the members who attained the greatest number of votes in the second round. If no member obtains a majority in the third round, the longest serving member of those members tied will be deemed elected.

4. The College may invite a person from the European Union institutions to attend the election as an observer.

5. Once the President has been elected, the College shall elect the Vice-Presidents, also by secret ballot. The two members obtaining the greatest number of votes shall be elected. The election of Vice-President shall otherwise be governed by the same rules as applicable to the election of the President.

6. The term of office of the President and the Vice-Presidents shall be three years; a member may be re-elected once to the same office. At the end of their terms, the College shall hold new elections in accordance with the procedure established in the previous paragraphs. In the meantime, the President and the Vice-Presidents shall continue to exercise the functions of President and Vice-President until the appointment of their successors and approval by the Council.

7. In the event that a national member holding office as President or Vice-President is replaced by a Member State during the exercise of their office or in the case of resignation or death of a President or Vice-Presidents elections will be held in accordance with the procedures established in paragraphs 2, 3 and 5.

*Article 4***Functions of the President**

1. The President shall exercise the functions expressly conferred upon him or her by the Decision and the present Rules of Procedure, on behalf of the College and under its authority.

2. The President shall represent Eurojust. He or she shall sign all official communications from Eurojust, when acting as a College, on behalf of the College. His or her powers to sign on behalf of the College in financial matters shall be governed by the Financial Regulation.

3. The President shall call and preside over the meetings of the College, determine the place, day and time of the meetings, draft the provisional agenda, commence and conclude the meetings, moderate the debates and oversee the execution of the decisions adopted. All important matters necessary for the organisation and operation of Eurojust shall be placed on the agenda of the College. The President and the Administrative Director shall ensure that the College is kept informed of all matters that may interest it.

4. The President shall direct the work of the College and monitor the daily management ensured by the Administrative Director.

5. In the absence of the President and the Vice-Presidents the longest serving Eurojust member shall fulfil the functions of the President.

#### *Article 5*

##### **Functions of the Vice-Presidents**

1. The Vice-Presidents shall substitute for the President in the order of longest serving Eurojust member in the event of vacancy, absence or sickness. The Vice-Presidents shall assist the President in the exercise of his or her functions.

2. The Vice-Presidents shall perform functions which the President entrusts to them. The President shall inform and, when the matter is important, consult the College on the distribution of functions among the Vice-Presidents.

3. The Vice-Presidents shall substitute for one another in the case of vacancy, absence or sickness.

#### *Article 6*

##### **Committees**

1. The College may set up ad-hoc committees and appoint their Chairpersons and members by a two-thirds majority of the College and designate their members for any matter relating to preparing decisions concerning the organisation and operation of Eurojust.

2. The Committees so established shall report on their work to the College.

3. The College may decide to delegate its powers to any such Committee except where the Decision provides expressly that a task shall be carried out by the College. In such a case, the decision to delegate shall specify with precision the tasks delegated and any reporting obligations to the College.

4. The Secretary of the College or the Administrative Director or any other person designated by him or her in consultation with the President shall act also as the secretary to such Committees, the meetings of which shall be convened by the Chairperson of the Committee at least two days before they are to be held.

#### *Article 7*

##### **The function of Secretary of the College**

1. The College may decide that it is necessary for it to have a specially selected Secretary from among the Eurojust staff. The Administrative Director and the President shall consult closely on the selection of the Secretary of the College. The Secretary will attend the meetings of the College. He or she will take the minutes of the meetings.

2. The Secretary will work in close consultation with the President of the College and under the authority of the Administrative Director.

3. The Secretary shall meet the requirements established by the College in accordance with the following criteria:

(a) suitability to carry out the function;

(b) administrative level set by the College;

(c) availability to perform the function.

4. The Secretary shall assist the President in his or her bureaucratic tasks related to the College, and keep the record of the minutes of the meetings of the College and the ad-hoc committees.

#### *Article 8*

##### **Meetings of the College**

1. Each week, unless it is decided otherwise, the College shall hold at least one ordinary meeting.

2. Meetings of the College shall be held other than in public and the discussions shall be confidential.

3. When advisable, the President may call an extraordinary meeting either on his or her own initiative or at the request of one of the national members.

4. The President of the College shall prepare the provisional agenda for each meeting, which shall be sent by the Secretary to the other members of the College at least three days prior to the beginning of the meeting. When an extraordinary meeting is called, the agenda will be sent 24 hours in advance of the meeting.

5. The provisional agenda shall include the points which have been requested by any national member prior to the calling of the meeting as well as any point that the President or the Administrative Director deems appropriate.

6. At the beginning of each meeting, the College shall approve the agenda. Urgent matters not appearing on the provisional agenda may be included and submitted for discussion and voting if the College agrees but, if a matter arises for a decision requiring a vote, absent members shall be consulted, if possible, by any means by the President. If such a consultation has taken place, the absent member's opinion shall be taken into consideration.

7. The votes shall be taken by a show of hands or by a roll call if the voting by a show of hands is challenged. The decisions or agreements adopted by the College shall not record the breakdown of votes. The opinions expressed by the minority shall be included in the minutes of the meeting if so requested by any national member but they shall remain confidential.

8. The College shall decide whether or not to take up matters referred to it, while taking into account all circumstances. If, by two-thirds majority, the College decides not to deal with a case, it shall do so in consideration of relevant priorities established, and where difficulties of a practical nature arise, Eurojust may discuss these matters with the requesting Member States' competent authorities on how best to advance the matter.

#### *Article 9*

##### **Quorum and voting**

1. The President shall organise the work of the College in such a manner so as to enable all members of the College to be present, in particular when important decisions are to be taken. However, if it is not possible for all members to be present, two thirds of the members of the College shall constitute a quorum. In the absence of a quorum, the President shall continue the meeting without recording any formal decision. Provisional decisions shall be confirmed at the next meeting at which there is quorum.

2. The College may only proceed to vote on a matter when the President deems that the issue has been sufficiently considered.

3. Those decisions for which the Decision and these Rules of Procedure do not require unanimity or a majority of two thirds, shall be adopted by a simple majority of the College.

4. Without prejudice to Article 3, paragraph 5, any agreement under the decision requiring the approval of the Council shall be adopted by a two-thirds majority of the College.

#### *Article 10*

##### **Attendance at meetings**

1. Assistants to the national members may attend the meetings of the College. When they attend in substitution of a national member they shall participate as full voting members. The President or the College may decide to restrict meetings to voting members.

2. The President, having consulted the College, may permit persons particularly qualified on matters for discussion to speak on specific points on the agenda.

3. At the invitation of the President and under the conditions established by the Decision and the present Rules of Procedure, representatives of the Commission, including OLAF, Europol or other institutions and bodies and contact points of the European Judicial Network may attend meetings of the College. With regard to operational meetings, their participation will be governed by Articles 15 to 19 of these Rules of Procedure. Where the meetings do not concern operational matters, operational information shall not be exchanged in the meetings in which they participate. Without prejudice to the provisions of Article 19, no operational matters may be dealt with in such meetings.

#### *Article 11*

##### **Minutes of the meetings**

1. The Secretary of the College shall record the minutes of each meeting that is held. The minutes, to be finalised in principle within two days of the meeting, shall record at least the following information:

- names of persons attending,
- report on the debates,
- decisions adopted by the College.

2. A draft of the minutes shall be sent by the President to the national members to be approved by the College.

3. Once the College has approved the minutes, they shall be signed by the President and the Secretary and attached to the record kept by the Secretary.

#### **CHAPTER II**

##### **National members**

#### *Article 12*

##### **Status of the national members**

1. Each national member shall inform the President and each other of his or her term of office and any judicial powers granted to him or her within their territories under Article 9(3) of the Decision and of any change therein. In this regard, the President shall draft and periodically update a document detailing the term of office and judicial powers and the prerogatives that the Member States have granted their national members to act in relation to foreign judicial authorities. The President shall make this document available to the national members.

2. Where a national member has had contacts with authorities other than those of his or her State of origin, he or she shall so inform the national member of that State without delay and of the nature of his contacts.

*Article 13***Information from the national members**

1. The national members shall inform the College in general terms of any matter that is likely to be within the competence of Eurojust particularly when it may have repercussions at European Union level or may affect Member States other than those directly concerned.

2. If a dispute arises involving one or more national members in the exercise of their functions, the national members concerned may inform the President who may call an urgent meeting of the College to examine the issue.

**TITLE II****OPERATIONAL RULES***Article 14***Operational work**

Eurojust shall discharge its operational tasks in accordance with the following provisions.

*Article 15***Operational work of the College [level I]**

1. At the beginning of the meetings of the College, the President or any national member concerned may propose that a certain matter be taken up by the College pursuant to the provisions of Articles 5(1)(b) and 7 of the Decision. In this regard, the President or the national member concerned shall inform the College of the States concerned and justify the inclusion of the defined matter in one of the competencies listed in Article 4 of the Decision.

2. Eurojust shall record any matter referred to it.

3. The College shall decide whether or not to take up the matter.

4. The College shall analyse the status of its operational matters at least once a month. The national members involved in such matters shall report to the College regarding their status, and request that they be closed when appropriate.

5. Both when a matter is taken up as well as at any subsequent time, the College may decide, on the proposal of any of the national members concerned, to call a coordination meeting at the second operational level within Article 16 of the present rules. The outcome of such meetings shall be reported to the College in general terms.

*Article 16***Operational work of the members [level II]**

1. Operational meetings of the national members shall be convened, if necessary, when two or more national members

act in accordance with Article 5(1)(a) of the Decision or when the College decides to call a coordination meeting at the second level, according to Article 15(5) of the present Rules of Procedure.

2. Meetings may be attended by the national members concerned with the case, their assistants, where appropriate, as well as the Secretary of the College or any other person designated by the President and approved by the members concerned who has the requisite security clearance, who will record the minutes of the meeting. A national member interested in a case may assist with the consent of the national members concerned.

3. Matters requiring a decision by the College will be referred to it, in accordance with the Decision.

*Article 17***Special coordination meetings [level III]**

1. The College on the proposal of one or more national members concerned may decide to convene a special coordination meeting, which will be conducted in accordance with the following paragraph.

2. Meetings at this level may be attended by the national members concerned, their assistants, where appropriate, and the competent national authorities of the Member States concerned, as well as the Secretary of the College or any other person designated by the President after approval of the national members concerned, who shall record the minutes of the meeting.

*Article 18***Exercise of powers under Articles 6 and 7 of the Decision**

1. The President will ensure that procedures are in place to establish and maintain a register to record the exercise of powers under Articles 6 and Article 7 of the Decision.

2. When a national member exercises the power to make a request under Article 6(a) of the Decision he or she will do so in writing. He or she will also send a written copy of the request to the President and to the national member of every member State concerned.

3. When the College exercises the power under Article 7(a) of the Decision it will do so in writing. The President will also send a written copy of the request to the national member of every member state concerned.

4. The President will ensure that, following a request made by the College under Article 7(a), all responses made by competent authorities in Member States and sent to Eurojust under Article 8 of the Decision are retained in the Register.

5. All communications and transmissions of information between Eurojust and the competent authorities of the Member States shall be directed through the national member concerned.

*Article 19***Participation of other entities**

1. The participation of Europol in operational meetings shall be subject to the provisions of any agreement concluded pursuant to Article 26 of the Decision.

2. The participation of the contact points of the European Judicial Network and liaison magistrates in operational meetings at any level shall be at the invitation of the President having consulted the College at the instance of the members concerned. Contact points designated by the European Judicial Network shall be invited at regular intervals to the College to express their views, share experiences or discuss matters of common concern. The European Judicial Network shall express to the College its views on its administrative and budgetary needs.

3. The Commission in the circumstances referred to in Article 3(3) of the Decision may attend meetings at the invitation of the President with the approval of the national members concerned.

4. Representatives of third States in the circumstances referred to in Article 3(2) of the Decision may attend meetings at the invitation of the President with the approval of the national members concerned.

5. When operational meetings deal with cases the purpose of which is to coordinate investigations and prosecutions regarding the protection of the financial interests of the Community, the participation of OLAF shall, at the initiative of the national members concerned, be at the invitation of the President. OLAF's participation on its own request is regulated by Article 26(3) of the Decision.

**TITLE III****RELATIONS WITH THE INSTITUTIONS AND BODIES CREATED BY OR BASED ON THE TREATIES***Article 20***The European Parliament**

Eurojust shall maintain the necessary channels of communication with the European Parliament in accordance with the Decision.

*Article 21***The European Commission**

1. In accordance with the provisions of Article 11 of the Decision, Eurojust shall maintain regular relations with the Commission, in order to enable it to be associated with Eurojust's work in aspects related to general questions, and in particular budgetary matters, and questions coming within its competence under Article 36(2) of the Treaty on European Union. Having been invited by Eurojust, the Commission may present its views to the College on matters within its competence under the Treaty on European Communities.

2. Without prejudice to other practical arrangements made with the Commission and in order to allow the Commission to make recommendations, issue opinions or suggest initiatives to the Council that it deems appropriate to improve judicial cooperation in criminal matters among the Member States, the College will inform the Commission at regular intervals of the main problems concerning judicial cooperation in criminal matters that it has detected in the exercise of its functions.

3. In principle, the Commission will be invited by the College to regular meetings on a monthly basis with a view to exchanging experience, advice and sharing information other than operational information. During these meetings, an exchange of information on general matters and about the activities and projects of Eurojust and the Commission will be organised. Before each meeting and preferably one week before the meeting, Eurojust will propose an agenda to the Commission. The Commission will be invited to contribute to the agenda. The agenda will be adopted at the beginning of the meeting with any additional point which has been accepted. Where necessary the College will invite the Commission to exceptional meetings.

4. In the coordination of investigations and prosecutions, Eurojust shall in particular consider whether any issue arises relating to the competence of the Commission, and for which its expertise or an exchange of information could be requested by the College.

5. The Commission shall not have access to operational data.

*Article 22***The European Anti-Fraud Office (OLAF)**

In accordance with Article 26(3) of the Decision, which provides that Eurojust shall establish and maintain close cooperation with OLAF:

1. Other than those cases referred to in Article 19(5), when Eurojust takes the initiative to collaborate with OLAF on a case-by-case basis concerning the protection of the financial interests of the Community, it shall verify through the corresponding national members that the competent authorities of the Member States concerned do not oppose this collaboration.

2. Where OLAF requests to collaborate with Eurojust on a case-by-case basis concerning the protection of the financial interests of the Community, the College shall verify through the corresponding national members that the competent authorities of the Member States concerned do not oppose this collaboration.

3. A Memorandum of Understanding may be drawn up between Eurojust and the Commission (OLAF) on the further necessary practical arrangements, in accordance with Article 11(3) of the Decision, for cooperation between Eurojust and the Commission (OLAF). This Memorandum shall contain arrangements for the exchange of information with OLAF in appropriate cases in conformity with the Decision.



*Article 23***Europol**

Relations between Eurojust and Europol shall be governed by the provisions of an Agreement to be approved by the Council pursuant to Article 26 of the Decision.

**TITLE IV****STAFF RULES***Article 24***The Administrative Director**

1. The Administrative Director shall propose to the College all necessary measures for the organisation and operation of Eurojust.

2. A Selection Board comprising three national members, and, where appropriate and after a decision by the College, if he or she does not stand for re-election, the former Administrative Director or another person who may be a management consultant or another person with particular experience in selection of senior posts, shall select and interview candidates and present a list of candidates to the College with a recommendation of the candidate to be chosen. The Selection Board may propose to the College the manner in which to call for applications and decide the number of candidates to be interviewed following the call for applications.

3. The candidates shall have the academic qualifications, linguistic skills, legal, financial and management experience sufficient to carry out the function of Administrative Director. They shall be nationals of a Member State.

4. The College can remove the Administrative Director. Any member of Eurojust can initiate the removal procedure, stating the reasons for the measure. The President shall remit the removal proposal to the Administrative Director so that he or she can make representations to the President within a period of eight days. The President shall report to the College. The decision to remove an Administrative Director shall be by a two-thirds majority of the College.

*Article 25***Eurojust staff**

1. The College shall, on the proposal of the Administrative Director, adopt an establishment plan for the financial year in question.

2. Eurojust staff shall be recruited by the Administrative Director in accordance with the establishment plan or a specific decision by the College under Article 28 of the Decision.

3. Eurojust staff positions shall be evaluated and shall be subject to the approval of the College in the establishment plan according to the nature and importance of the mission and bearing in mind the knowledge and experience required.

4. The Administrative Director shall exercise over the staff the powers devolved to the Appointing Authority (AIPN). The College shall adopt appropriate rules for the implementation of this paragraph.

**TITLE V****PROVISIONS REGARDING THE TREATMENT OF PERSONAL DATA***Article 26***Personal data**

The present Rules of Procedure shall be supplemented by a separate decision on processing and protection of personal data, in accordance with the Article 10(2) of the Decision.

**TITLE VI****OTHER PROVISIONS***Article 27***Review of the rules of procedure**

Any amendment to the present Rules of Procedure shall follow the same procedures established for its approval in the Decision.

*Article 28***Entry into force**

The present Rules of Procedure shall enter into force the day following their definitive approval by the Council.

## I

(Information)

## COMMISSION

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

21 November 2002

(2002/C 286/02)

1 euro =

Currency		Exchange rate	Currency		Exchange rate
USD	US dollar	1,0034	LVL	Latvian lats	0,6021
JPY	Japanese yen	122,75	MTL	Maltese lira	0,4146
DKK	Danish krone	7,4261	PLN	Polish zloty	3,9535
GBP	Pound sterling	0,6356	ROL	Romanian leu	33666
SEK	Swedish krona	9,0633	SIT	Slovenian tolar	230,15
CHF	Swiss franc	1,4687	SKK	Slovak koruna	41,419
ISK	Iceland króna	86,26	TRL	Turkish lira	1586000
NOK	Norwegian krone	7,3155	AUD	Australian dollar	1,7845
BGN	Bulgarian lev	1,9527	CAD	Canadian dollar	1,5851
CYP	Cyprus pound	0,57212	HKD	Hong Kong dollar	7,8258
CZK	Czech koruna	30,674	NZD	New Zealand dollar	1,9932
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	1,7733
HUF	Hungarian forint	237,53	KRW	South Korean won	1208,9
LTL	Lithuanian litas	3,4522	ZAR	South African rand	9,6978

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

**Final report of the Hearing Officer in case COMP/29.373 — Visa International/Multilateral Interchange FEE**

**(pursuant to Article 15 of Commission Decision 2001/462/EC, ECSC of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings (OJ L 162, 19.6.2001, p. 21))**

(2002/C 286/03)

(Text with EEA relevance)

The draft decision gives rise to the following observations.

This case can be traced back originally to 31 January 1977 when Ibanco Ltd, subsequently renamed Visa International Service Association (Visa), notified various rules and regulations governing the Visa association and its members to the Commission, seeking negative clearance under Article 81(1) or, alternatively an exemption under Article 81(3). A comfort letter was sent in April 1985 and the case was closed.

The investigation was reopened in 1992 following a complaint. The comfort letter was withdrawn. A complaint was registered by Eurocommerce on 23 May 1997 against various aspects of *inter alia* the Visa International payment card scheme, in particular interchange fees. On 9 August 2001, the Commission adopted a decision clearing certain provisions of the various Visa rules under Article 81(1) of the EC Treaty and Article 53(1) of the EEA Agreement <sup>(1)</sup>. That decision did not deal with the interchange fee issue. This issue, known as the multilateral interchange fee (MIF) is the subject of the present decision.

Visa received a statement of objections concerning its intra-regional MIFs scheme on 11 October 2000. Visa replied on 11 December 2000. An oral hearing took place on 6 February 2001. Eurocommerce participated in this hearing, as did other interested third parties. In March 2001, Visa, Eurocommerce and other interested third parties presented supplementary observations to the Commission.

In June 2001, Visa adopted a proposal to modify its MIF scheme. This was to the Commission. On 11 August 2001, the Commission published a notice in the Official Journal

describing the proposed scheme, as modified, indicating the Commission's provisional intention to adopt a favourable position and inviting interested parties to comment.

On 7 September 2001, the Commission sent a letter pursuant to Article 6 of Commission Regulation (EC) No 2842/98, rejecting on a preliminary basis the complaint brought by Eurocommerce. Following extensions to the time limit granted by the Hearing Officer, Eurocommerce replied to this letter on 29 October 2001, having been granted access to certain additional documentation in order to respond. A request for an oral hearing was not granted but on 5 December 2001 Eurocommerce had a meeting with DG Competition, in the presence of the Hearing Officer in order to present its views orally.

Following observations made by Eurocommerce in its reply and comments received from third parties to the notice published in the Official Journal, the Commission reopened discussions with Visa on certain aspects of the proposed MIF scheme, as a result of which, on 5 February 2002, Visa submitted certain additional modifications and clarifications to the proposed scheme. Eurocommerce was given a further opportunity to comment.

In the light of the above, I conclude that Visa's rights to be heard, as addressee of the present decision, those of Eurocommerce and other interested third parties have been fully respected.

Done at Brussels on 25 June 2002.

Karen WILLIAMS

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<sup>(1)</sup> OJ L 293, 10.11.2001, p. 24.

**Publication of an application for registration pursuant to Article 6(2) of Council Regulation (EEC)  
No 2081/92 on the protection of geographical indications and designations of origin**

(2002/C 286/04)

This publication confers the right to object to the application pursuant to Article 7 of the abovementioned Regulation. Any objection to this application must be submitted via the competent authority in the Member State concerned within a time limit of six months from the date of this publication. The arguments for publication are set out below, in particular under 4.6, and are considered to justify the application within the meaning of Regulation (EEC) No 2081/92.

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO (x)    PGI ( )

**National application No: 13/2001**

**1. Responsible department in the Member State**

Name: Ministero delle Politiche agricole e forestali

Address: Via XX Settembre, 20, I-00187 Roma

Tel. (39) 06 481 99 68

Fax (39) 06 420 131 26

E-mail: qualità@politicheagricole.it

**2. Applicant group**

2.1. Name: Associazione regionale produttori olivicoli — ARPO

2.2. Address: Via Emilia, 106, I-47900 Rimini

2.3. Composition: producer/processor (x)    other ( )

**3. Type of product:** Class 1.5 — Oils and fats — Extra virgin olive oil.

**4. Specification**

(summary of requirements under Article 4(2))

4.1. **Name:** Colline di Romagna

4.2. **Description:** extra virgin olive oil having the following characteristics:

- colour: from green to golden yellow,
- aroma: average to intense olive aroma,
- flavour: olive flavour with a slight bitterness and/or sharpness,
- panel test:  $\geq 7$ ,
- maximum total acidity, expressed as oleic acid by weight: 0,5 g or less per 100 g of oil,
- peroxide value:  $\leq 12$  meq O<sub>2</sub>/kg,
- oleic acid:  $\geq 72$  %,
- tocopherols:  $\geq 70$  mg/kg.

- 4.3. **Geographical area:** The area in which olives intended for the production of Colline di Romagna extra virgin olive oil are grown and processed and in which the oil undergoes market preparation comprises part of the provinces of Rimini and Forlì-Cesena in the Emilia-Romagna Region (see rules governing production).

- 4.4. **Proof of origin:** From the Villanovan era through to the Middle Ages and the beginning of the 20th century, church and other official records have contained numerous references both to the olive trees found in the hills of Romagna and to the importance of olive oil in the context of the local rural economy.

At the beginning of the 20th century the oil was extracted — in 22 municipalities within the province — from locally grown olives. Olive-growing was the subject of special attention, as evidenced by the publication of a booklet entitled 'Ulivo e olio' in Rimini in 1901. Also in the early years of the 20th century the 'Rivista agraria romagnola' featured a regular column with information and advice on olive-growing. Combined with suitable cultivation techniques, the microclimate produces a high-quality oil of outstanding chemical and organoleptic characteristics.

Production, processing and bottling take place within the designated geographical area. Bottling is included because of the need to safeguard the quality and characteristics of Colline di Romagna olive oil, ensuring that the producers concerned can witness the checks carried out by the independent supervisory body. The PDO is of major importance to the said producers and, in line with the objectives and spirit of the Regulation, can help them increase their income. Moreover, bottling has traditionally been carried out in the designated geographical area. With a view to ensuring the traceability of the product, producers who intend to market extra virgin olive oil under the PDO must have their olive groves, processing plants and bottling facilities entered in registers kept and regularly updated by the supervisory body and must declare annually the quantities of olives produced and the mills and bottling plants used.

- 4.5. **Method of production:** Colline di Romagna extra virgin olive oil is produced from the following varieties of olive trees: Correggiolo (60 % or more in each grove), Leccino (up to 40 % in each grove) and minor varieties such as Pendolino, Moraiolo and Rossina (up to 10 % in each grove).

Measures to control weeds and the principal olive tree parasites must comply with the Emilia-Romagna region's rules on integrated control.

The olives are harvested — by hand or mechanically — between 20 October and 15 December each year. They are harvested direct from the tree, care being taken to prevent the olives from coming into contact with the ground. The use of products designed to encourage the olives to separate from the stalk or branch is prohibited. The olives are stored and transported in rigid containers made of inert materials and providing suitable aeration. The olives must be processed two days at most after being harvested. Olive production may not exceed 7 000 kg per hectare in the case of specialised olive groves and 60 kg per tree elsewhere. After the leaves have been removed and the olives washed, the oil is extracted, using mechanical and physical means only, at mills located in the area. The oil yield may not exceed 18 %. In the course of the processing of the olives into oil the temperature of the olive paste may not exceed 27 °C. Producers may not carry out a 'second run' or use chemical or biochemical aids to extraction.

- 4.6. **Link:** The natural factors consist of two characteristics — the soil and, above all, the microclimate — which have a direct bearing on the chemical and organoleptic characteristics of the oil, since the olives are harvested before they reach full maturity, thereby ensuring a potentially high level of oil quality. The land generally consists of medium soils, tending towards clay. It has a high chalk content and is well structured so as to encourage the growth of the olives. The microclimate with, in particular, most of the rainfall occurring in the spring and autumn, and the low average annual temperatures which restrict plant growth to the period April to October, result in a gradual and late ripening of the olives and, as a result, produce oil of a high chemical and organoleptic quality. The human factor is best illustrated by the attachment to olive-growing traditionally shown by local farmers and the techniques introduced by the latter with a view to preserving it in the area.

Olive-growing is very widespread in the province of Rimini, above all in the small and medium-sized hills located, beyond the coastal area, in the province of Forlì-Cesena. In these areas olive-growing is, together with wine-growing, the only possible type of farming, practised as it is on steep marginal land that is difficult to farm. Consequently it is a major component of the landscape.

Correggiolo is the commonest type of olive tree in the area and gives the oil its typical characteristics. The variety is, in addition, resistant to cold weather, tends to ripen gradually and late and this, together with the characteristics of the soil and climate, helps to produce a typical and highly prized oil.

#### 4.7. **Inspection body**

Name: Cermet — Certificazione e ricerca per la qualità

Address: Via Aldo Moro, 22, I-40068 San Lazzaro di Savena — Bologna.

- 4.8. **Labelling:** Colline di Romagna extra virgin olive oil must be put up for retail sale in the following sizes of ready-made, hermetically sealed foodstuffs-grade containers: 0,10 litre, 0,25 litre, 0,50 litre, 0,75 litre, 1 litre, 3 litres and 5 litres.

The PDO 'Colline di Romagna' must appear on the label in clear and indelible characters and must stand out from the rest of the information found on the latter. The year of production of the olives from which the oil was made must be indicated. Additional references to geographical or place names of municipalities, parishes or areas inside the production area are not allowed.

#### 4.9. **National requirements:** —

EC No: IT/00211/2001.10.12.

**Date of receipt of the full application:** 8 July 2002.

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**Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid**

(2002/C 286/05)

(Text with EEA relevance)

**Aid No:** XT 04/01

**Member State:** Germany

**Region:** Rhineland-Palatinate

**Title of aid scheme or name of the company receiving an individual aid:** Offensive for structural change — Programme of the Ministry of Labour, Social Affairs and Health of Rhineland-Palatinate (Training measures for businesses in Rhineland-Palatinate)

**Legal basis:** Verordnung (EG) Nr. 68/2001 der Kommission vom 12. Januar 2001 über die Anwendung der Artikel 87 und 88 EG-Vertrag auf Ausbildungsbeihilfen

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** It is assumed that funds of approximately DEM 2 Million (EUR 1 022 583,76) are required in order to implement the aid scheme

**Maximum aid intensity:** For specific training measures in large companies: 25 % of eligible costs,

For specific training measures in SMEs: 35 % of eligible costs,

For general training measures in large companies: 50 % of eligible costs;

For general training measures in SMEs: 70 % of eligible costs.

An increase in the above-mentioned aid intensity of 10 % is possible in respect of training measures for disadvantaged employees

**Date of implementation:** Aid can be provided under this scheme as from 1 May 2001

**Duration of scheme or individual aid award:** For the time being, the aid scheme will be implemented until 31 December 2006. Aid for measures under the scheme must be terminated by 30 June 2007 at the latest

**Objective of aid:** Aid for internal training measures is intended to provide employees threatened by unemployment with better opportunities within their company and on the wider labour market.

This aid is intended to enable companies which rely on their workforce acquiring new qualifications to cope with structural change to prepare their employees for the new demands of the job.

To ensure that the objective of homogeneous living standards is met, aid is to be targeted particularly on employment in structurally weak regions of the *Land*. Accordingly, businesses which move to structurally weak regions of the *Land* or which plan to expand staff numbers there but are unable to find sufficiently qualified personnel on the regional labour market are to obtain aid to promote training measures for those new employees once employment contracts have been signed.

This may involve both general and specific training measures: this aspect must be decided on a case-by-case basis

**Economic sector(s) concerned:** The aid scheme applies to all economic sectors in accordance with Commission Regulation (EC) No 68/2001 of 12 January 2001

**Name and address of the granting authority:**

Landesamt für Soziales  
Jugend und Versorgung  
Referat 63  
Rheinallee 97—101  
D-55118 Mainz

**Aid No:** XT 65/01

**Member State:** Italy

**Region:** Autonomous Province of Trento

**Title of aid scheme or name of the company receiving an individual aid:** Criteria and procedures for financing training activities qualifying for co-financing by the European Social Fund under measure D1 (Development of continuing training, labour market flexibility and business competitiveness, with priority for SMEs) of the operational programme for the Autonomous Province of Trento, Objective 3, European Social Fund 2000 to 2006

**Legal basis:** Deliberazione della giunta provinciale n. 2920 d.d. 9.11.2001 avente ad oggetto: Modalità e termini di presentazione e di valutazione dei progetti rientranti nella Misura D1 del FSE — «Sviluppo delle formazione continua, della flessibilità del mercato del lavoro e della competitività delle imprese, con priorità alle PMI» la quale da applicazione alle disposizioni contenute nel Capo II del Titolo II D.P.G. 33-51/Leg. d.d. 27.12.2000 (pubblicato sul Bollettino ufficiale della Regione Trentino Alto Adige n. 04/I-II del 23.1.2001) sottoposte ad una clausola sospensiva dell'efficacia e alle disposizioni della deliberazione della giunta provinciale n. 527 d.d. 9.3.2001

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:**

EUR 2 764 200 in 2001;

EUR 7 745 000 in 2002

**Maximum aid intensity:**

Specific training for large enterprises: intensity not exceeding 25 %,

Specific training for SMEs: intensity not exceeding 35 %,

General training for large enterprises: intensity not exceeding 50 %,

General training for SMEs: intensity not exceeding 70 %.

The above intensities are increased by 10 percentage points where the training is given to workers with disabilities, migrant workers, unskilled workers (i.e. persons without educational qualifications or appropriate skills), long-term unemployed persons or women wishing to re-enter working life

**Date of implementation:** 20 November 2001

**Duration of scheme or individual aid award:** 31 December 2002

**Objective of aid:** The aid is intended for general and special training.

The definition of general training given in Regulation (EC) No 68/2001 has been adopted as it is considered sufficiently clear and exhaustive: "general training" shall mean training involving tuition which is not applicable only or principally to the employee's present or future position in the assisted firm, but which provides qualifications that are largely transferable to other firms or fields of work and thereby substantially improve the employability of the employee'

**Economic sector(s) concerned:** all sectors

**Name and address of the granting authority:**

Provincia autonoma di Trento — Servizio addestramento e formazione professionale  
Via Gilli, 3  
I-38100 Trento

**Other information:** Since this is an aid scheme, it is not possible to give a description of the content of each project in order to confirm that it corresponds to the definition of general training.

The prior verification procedure applied by the Province to ensure that the highest aid intensity is granted only to general training projects comprises the following steps:

- on submitting the project, the applicant declares whether it involves general or specific training,
- as provided for by point 5 of the operative part of Decision No 2920 adopted by the Provincial Council on 9 November 2001, a committee makes a prior assessment of whether individual projects are to be classed as general or specific training; its findings are set out on an evaluation grid signed by the experts and attached to the minutes of the committee meeting,
- on the basis of the above assessment, the Province determines the intensity of the funding to be granted to each individual project,
- the Province then adopts the project funding decision, which also reproduces the committee's assessment of the nature of each project (general or specific training),
- the Province notifies the individual applicants of the outcome of the committee's assessment and consequently the intensity of the funding allocated to them

The committee is composed of:

- three experts on training and the evaluation of training activities, from outside the Province (all highly qualified university lecturers),
- one official from the Province, appointed by the Provincial Council

**Aid No:** XT 68/01

**Member State:** Italy

**Region:** Autonomous Province of Trento



**Title of aid scheme or name of the company receiving an individual aid:** Procedures and criteria for implementing employee training activities under Article 6(4) of Law No 53 of 8 March 2000 and managing the funds referred to in Ministry of Labour and Social Security Decree No 167 of 6 June 2001

**Legal basis:** Deliberazione della giunta provinciale n. 3106 d.d. 23 novembre 2001 in attuazione del decreto del ministero del Lavoro e della previdenza sociale del 6 giugno 2001 n. 167 (pubblicato nella Gazzetta ufficiale della Repubblica italiana del 22.6.2001 serie generale n. 143)

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** Central government budget allocation to the Province for 2001: ITL 902 036 000 (EUR 465 862,72)

**Maximm aid intensity:**

Specific training for large enterprises: intensity not exceeding 25 %,

Specific training for SMEs: intensity not exceeding 35 %,

General training for large enterprises: intensity not exceeding 50 %,

General training for SMEs: intensity not exceeding 70 %.

The above intensities are increased by 10 percentage points where the training is given to workers with disabilities, migrant workers, unskilled workers (i.e. persons without educational qualifications or appropriate skills), long-term unemployed persons or women wishing to re-enter working life

**Date of implementation:** 12 December 2001

**Duration of scheme or individual aid award:** 31 December 2001

**Objective of aid:** The aid is intended for general and special training.

The definition of general training given in Regulation (EC) No 68/2001 has been adopted as it is considered sufficiently clear and exhaustive: "general training" shall mean training involving tuition which is not applicable only or principally to the employee's present or future position in the assisted firm, but which provides qualifications that are largely trans-

ferable to other firms or fields of work and thereby substantially improve the employability of the employee'

**Economic sector(s) concerned:** All sectors

**Name and address of the granting authority:**

Provincia autonoma di Trento — Servizio addestramento e formazione professionale  
Via Gilli, 3  
I-38100 Trento

**Other information:** since this is an aid scheme, it is not possible to give a description of the content of each project in order to confirm that it corresponds to the definition of general training.

The prior verification procedure applied by the Province to ensure that the highest aid intensity is granted only to general training projects comprises the following steps:

- on submitting the project, the applicant declares whether it involves general or specific training,
- as provided for by point 5 of the operative part of Decision No 3106 adopted by the Provincial Council on 23 November 2001, a committee makes a prior assessment of whether individual projects are to be classed as general or specific training; its findings are set out on an evaluation grid signed by the experts and attached to the minutes of the committee meeting,
- on the basis of the above assessment, the Province determines the intensity of the funding to be granted to each individual project,
- the Province then adopts the project funding decision, which also reproduces the committee's assessment of the nature of each project (general or specific training),
- the Province notifies the individual applicants of the outcome of the committee's assessment and consequently the intensity of the funding allocated to them

The committee is composed of:

- three experts on training and the evaluation of training activities, from outside the Province (all highly qualified university lecturers),
- one official from the Province, appointed by the Provincial Council

**Prior notification of a concentration**  
**(Case COMP/M.3007 — E.ON/TXU Europe Group)**  
(2002/C 286/06)

(Text with EEA relevance)

1. On 15 November 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 undertaking Powergen UK plc (Powergen, UK), controlled by the German E.ON group, acquires, within the meaning of Article 3(1)(b) of the Regulation, control of parts of the UK-based company TXU Europe (TXU-E, UK), belonging to the American TXU Corp group, by way of purchase of assets.

2. The business activities of the undertakings concerned are:

- Powergen: generation, distribution and supply of electricity and supply of gas,
- TXU-E: generation and supply of electricity and supply of gas.

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.3004 — E.ON/TXU Europe Group, 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.

**Prior notification of a concentration****(Case COMP/M.2857 — ECS/IEH)**

(2002/C 286/07)

**(Text with EEA relevance)**

1. On 12 November 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 undertaking Electrabel Customer Solutions SA (ECS, Belgium), controlled by Electrabel SA, acquires, within the meaning of Article 3(1)(b) of the Regulation, the progressive control of part of the electricity supply business of Intercommunale d'Électricité du Hainaut (IEH, Belgium) by way of purchase of assets.

2. The business activities of the undertakings concerned are:

— ECS: gas and electricity supply; services and products related to gas and electricity supply,

— IEH: electricity supply and distribution.

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.2857 — ECS/IEH, 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.

**Prior notification of a concentration**  
**(Case COMP/M.2783 — Mediatrade/Endemol)**

**Candidate case for simplified procedure**

(2002/C 286/08)

(Text with EEA relevance)

1. On 14 November 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 Endemol Italia SpA (Endemol), belonging to the Telefónica group (Spain), and Mediatrade SpA (Mediatrade), belonging to the Mediaset group (Italy), acquire, within the meaning of Article 3(1)(b) of the Regulation, joint of a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

— Endemol: production of TV programmes,

— Mediatrade: production of TV programmes and TV contents, acquisition and management of TV rights,

— joint venture: production of TV contents, and in particular of soaps operas.

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.2783 — Mediatrade/Endemol, 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.

## II

(Preparatory Acts pursuant to Title VI of the Treaty on European Union)

**Initiative of the Kingdom of Denmark with a view to adopting a Council Act amending the Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information**

(2002/C 286/09)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention on the establishment of a European Police Office (Europol Convention) <sup>(1)</sup>, and in particular Article 31(1) thereof,

Having regard to the initiative of the Kingdom of Denmark,

Having regard to the Opinion of the European Parliament,

Having regard to the draft prepared by the Management Board of Europol,

Whereas:

- (1) It is desirable to align the classification levels to be applied within Europol, with respect to the security measures to be applied, so that they correspond as far as possible to the levels currently applied within the institutions of the European Union and to existing international standards.
- (2) It is for the Council, acting unanimously, to adopt appropriate rules on the confidentiality of information which is obtained by or exchanged with Europol on the basis of the Europol Convention,

HAS ADOPTED THIS ACT:

*Article 1*

The Council Act of 3 November 1998 adopting Rules on the confidentiality of Europol information <sup>(2)</sup> is hereby amended as follows:

1. Article 1(g) shall be replaced by the following:

‘(g) “classification level” means a security marking assigned to a document processed by or through Europol as mentioned in Article 8;’;

2. The last sentence of Article 8(1) shall be replaced by the following:

‘Information which is subject to the basic protection level and to which no classification level has been assigned shall be marked as “Europol Unclassified not for public dissemination”;’;

3. Article 8(4) shall be replaced by the following:

‘4. The Europol classification levels will be named “Europol Restricted”, “Europol Confidential”, “Europol Secret” and “Europol Top Secret”.

“Europol Restricted”: This classification shall be applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of Europol or of one or more Member States.

“Europol Confidential”: This classification shall be applied to information and material the unauthorised disclosure of which could harm to the essential interests of Europol or of one or more Member States.

“Europol Secret”: This classification shall be applied only to information and material the unauthorised disclosure of which could seriously harm the essential interests of Europol or of one or more Member States.

“Europol Top Secret”: This classification shall be applied only to information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of Europol or of one or more Member States.

Each Europol classification level shall relate to a specific security package, to be applied within Europol. The security packages shall offer different levels of protection, depending on the content of the information, and taking account of the detrimental effect, which unauthorised access, dissemination or use of the information, might have on the interests of Europol or the Member States.

When information protectively marked at different levels is gathered, the classification level to be applied shall be at least as high as that applicable to the information protected at the highest level. At all events, a group of information may be given a higher protection level than that of each of its parts.

The translation of protectively marked documents shall be subject to the same protection as the originals.’;

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 2.

<sup>(2)</sup> OJ C 26, 30.1.1999, p. 10.

4. Article 8(5) shall be replaced by the following:

‘5. The security packages shall consist of various measures of a technical, organisational or administrative nature, as laid down in the Security Manual.’;

5. Article 9(2) shall be replaced by the following:

‘2. In choosing any classification level, Member States shall take account of the classification of the information under their national regulations, the need for the operational flexibility required for Europol to function adequately and the requirement that classification of law enforcement information should be the exception and that, if such information has to be classified, the lowest possible level should be assigned.’;

6. In Article 11(3) the terms ‘1 or 2’ shall be replaced by ‘Europol Restricted’ or ‘Europol Confidential’;

7. In the whole text, the words ‘security level’ or ‘security levels’ shall be replaced by the words ‘classification level’ or ‘classification levels’ respectively.

#### Article 2

This Act shall enter into force on 1 July 2003.

#### Article 3

This Act shall be published in the *Official Journal of the European Communities*.

Done at ...

*For the Council*

*The President*

...

### **Initiative of the Kingdom of Denmark with a view to adopting a Council Act amending the Staff Regulations applicable to Europol employees**

(2002/C 286/10)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS ACT:

Having regard to the Convention on the establishment of a European Police Office (Europol Convention)<sup>(1)</sup>, and in particular Article 30(3) thereof,

#### Article 1

The Staff Regulations are amended as follows:

Having regard to the initiative of the Kingdom of Denmark,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Management Board of Europol,

Whereas:

1. Article 43 shall be replaced by the following:

#### ‘Article 43

1. The remuneration of Europol staff shall comprise basic salary, family allowances and, if appropriate, other allowances. It shall be paid in euro in the Netherlands.

(1) It is desirable to amend the Staff Regulations applicable to Europol employees (the Staff Regulations), as laid down in Council Act of 3 December 1998<sup>(2)</sup>, in particular in order to establish special provisions for Europol officials serving in third countries, on account of special living conditions there.

(2) It is for the Council, acting unanimously, to lay down detailed arrangements applicable to Europol employees, thereto,

2. Notwithstanding paragraph 1, the official, who is transferred by a decision of the Director to a place of employment other than the Netherlands, may choose to have his salary paid in the currency of the country where he performs his duties. In that case, the remuneration, excluding any education allowances pursuant to Article 3(1), first indent, and Article 3(2) of Appendix 5, shall be weighted, after the compulsory deductions set out in these Staff Regulations or in any implementing regulations, and shall be calculated on the basis of the corresponding exchange rate. In duly substantiated exceptional cases, the Director may make all or part of this payment in a currency other than that of the country of employment in such a way as to maintain purchasing power.

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 2.

<sup>(2)</sup> OJ C 26, 30.1.1999, p. 23, as last amended by Decision of 13 June 2002 (OJ C 150, 22.6.2002, p. 2).

3. The weighting applicable shall be calculated at a rate above, below or equal to 100 %, as decided by the Director, reflecting the most recent weightings adopted by the Council of the European Union pursuant to Article 64 of the Staff Regulations applicable to officials and other servants of the European Communities, as they may be amended. The Director shall promptly inform the Management Board of Europol of any decision taken under this paragraph. Where however, in the case of a given country, the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate is found to have exceeded 5 % since the last adjustment, the Director shall decide on interim measures for adjusting the weighting and shall inform the Management Board thereof as soon as possible.;

2. A new Title IIIA shall be inserted:

'TITLE IIIA

### **Officials serving in a third country**

#### *Article 100a*

Without prejudice to the other provisions of the Staff Regulations, Appendix 9 lays down the special and exceptional provisions applicable to officials serving in a third country.;

3. The fourth paragraph of Article 7 of Appendix 5 shall read as follows:

'4. The preceding provisions shall apply to officials whose place of employment and place of origin are in the territory of a Member State of the European Union. An official whose place of origin is outside that territory shall be entitled for himself and, if he is entitled to receive the household allowance, for his spouse and other dependants within the meaning of Article 2, in each calendar year, subject to submission of supporting documents, to repayment of the actual travel expenses to his place of origin, or to repayment of travel expenses to another place not exceeding the expenses of travel to his place of origin.

However, if the spouse and the persons referred to in Article 2(2) do not live with the official at his place of employment, they shall be entitled once in each calendar year, subject to the submission of supporting documents, to repayment of travel expenses from the place of origin to the place of employment or to repayment of actual travel expenses to another place not exceeding the costs of the former journey.

The foregoing shall also apply to officials whose place of employment is outside the territory of a Member State of the European Union, but in such cases the Director may decide, by special reasoned decision, that the official shall be entitled to repayment in accordance with the preceding indents a second time within the same calendar year.;

4. The following section is added to Section 3 in Appendix 5:

### **'G. Resettlement allowance**

#### *Article 17*

1. A resettlement allowance equal to one month's basic salary for an official who is entitled to the household allowance or to a half month's basic salary in other cases, shall be paid to an official who is obliged to change his place of residence for reasons related to a decision of the Director to transfer the official to another place of employment.

In cases where a husband and wife who are officials of Europol are both entitled to the resettlement allowance, this shall be payable only to the person whose basic salary is the higher.

The resettlement allowance shall be weighted at the rate fixed for the place where the official is employed.

2. The resettlement allowance shall be calculated by reference to the official's marital status and salary on the day of his transfer to a new place of employment.

3. If the official so requests, fifty percent of the resettlement allowance shall be paid in advance. The remaining fifty percent shall be paid on production of documents establishing that the official, and his family, if he is entitled to the household allowance, has settled at the place where he will be employed.

4. Notwithstanding paragraph 2, an official who is entitled to the household allowance and does not settle with his family at the place where he is employed shall receive only half the allowance to which he would otherwise be entitled. The second half shall be paid when his family settles at the place where he is employed, provided that it does so within the period of one year of the date of his transfer. Where the official is transferred to the place where his family resides before his family has settled at the place where he is employed, he shall not thereby be entitled to a resettlement allowance.;

5. The following Appendix is added:

#### *'Appendix 9*

### **Special and exceptional provisions applicable to officials serving in a third country**

#### SECTION 1

### **General provisions**

#### *Article 1*

This Annex lays down the special and exceptional provisions applicable to officials of Europol serving in a third country.

*Article 2*

By decision of the Director, in the interests of the service, officials may be transferred to serve in a third country.

A transfer may not be for longer than the duration of the official's contract.

*Article 3*

In order to allow retraining periods of limited duration, the Director may decide to assign an official serving in a third country to a temporary post at the Europol headquarters. Such assignments may not be for longer than the duration of the official's contract. The Director may decide, on the basis of general implementing provisions that the official shall remain subject to certain provisions of this Annex for the duration of this temporary assignment, excluding Articles 5, 8 and 9.

## SECTION 2

**Obligations***Article 4*

An official shall carry out his duties at the place to which he is transferred in the interests of the service.

*Article 5*

If Europol provides the official with accommodation, which corresponds to the composition of his dependent family, he shall be required to reside in it.

## SECTION 3

**Working conditions***Article 6*

An official shall, per calendar year, be entitled to annual leave of three working days for each month of service.

*Article 7*

1. In the year in which an official takes up or ceases to perform his duties in a third country, he shall be entitled to three working days leave for each complete month of service, to three working days for an incomplete month consisting of more than 15 days and to one and a half working days for an incomplete month of 15 days or less.

2. Where an official, for reasons other than the requirements of the service, has not used up his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 15 working days.

## SECTION 4

**Emoluments and family allowances***Article 8*

1. An allowance for living conditions shall be fixed, according to the official's place of employment, as a percentage of a reference amount. This reference amount shall comprise the total basic salary, plus the expatriation allowance, household allowance and dependent child allowance, less the compulsory deductions referred to in the Staff Regulations or in the regulations adopted to implement them.

The allowance for living conditions shall be fixed as follows:

The parameters taken into account for fixing the allowance for living conditions shall be the following:

- health and hospital environment,
- security,
- climate,

to which three parameters shall be applied a weighting of 1:

- degree of isolation,
- other local conditions,

to which two parameters shall be applied a weighting of 0,5.

Each parameter shall have the following value:

- 0: where conditions are normal but not equivalent to those normally obtaining in the European Union,
- 2: where conditions are difficult compared with those normally obtaining in the European Union,
- 4: where conditions are very difficult compared with those normally obtaining in the European Union.

The allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph, in accordance with the following scale:

- 10 % where the value equals 0,
- 15 % where the value is greater than 0 but not greater than 2,
- 20 % where the value is greater than 2 but not greater than 5,
- 25 % where the value is greater than 5 but not greater than 7,



- 30 % where the value is greater than 7 but not greater than 9,
- 35 % where the value is greater than 9 but not greater than 11,
- 40 % where the value is greater than 11.

The allowance for living conditions fixed for each place of employment shall be reviewed and, where appropriate, adjusted each year by the Director after the opinion of the Staff Committee has been obtained.

2. If living conditions at the place of employment are such as to put the official at personal risk, a temporary additional allowance shall be paid to him by special reasoned decision of the Director. This allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph of paragraph 1:

- at 5 % where the authority advises its staff not to settle their families in the place of employment,
- at 10 % where the authority decides to reduce temporarily the number of staff serving in the place of employment.

#### Article 9

1. If actual educational costs incurred by an official for a dependent child who is in regular full-time attendance at an educational establishment for primary or secondary education in the country of employment, exceed the maximum educational allowance pursuant to Article 3 of Appendix 5, the official is entitled to receive a further additional allowance to cover the actual educational costs up to a maximum of twice the maximum educational allowance pursuant to Article 3 of Appendix 5.

2. If the child is in regular full-time attendance at an educational establishment for tertiary education, the education allowance shall be 150 % of the amount mentioned in the second indent of Article 3, first paragraph, of Appendix 5.

3. The payment of the allowance shall be made on production of supporting documents.

#### Article 10

1. Reimbursements due to officials shall be paid in either euro or the currency of the country of employment, on the basis of a reasoned request from the official.

2. Officials may opt to have the resettlement allowance paid in either euro or the currency of the country of employment. In the latter case, it shall be subject to the Europol weighting fixed for the place of employment and converted at the corresponding exchange rate.

#### SECTION 5

##### Rules relating to the reimbursement of expenses

#### Article 11

1. An official provided accommodation pursuant to Article 5 and 13 and who, for reasons beyond his control, is obliged to change his residence at the place of employment shall, by special reasoned decision of the Director, be reimbursed the expenses incurred in respect of removal of furniture and personal effects, on production of supporting documents and in accordance with the rules on removals.

2. In such cases, he shall have his actual resettlement expenses reimbursed on production of supporting documents, subject to a ceiling equal to the resettlement allowance as mentioned in Article 17 of Appendix 5 of the Staff Regulations.

#### Article 12

1. An official who, at his place of employment, is staying at a hotel because the accommodation provided for in Article 5 cannot yet be allocated to him or is no longer available to him or who, for reasons beyond his control, has not been able to take possession of his accommodation, shall be reimbursed the hotel expenses of himself and his family on production of the hotel bills, after prior authorisation by the Director. The official shall also receive half of the daily subsistence allowance provided for in Article 9 of Appendix 5, except where the Director takes a special decision that there is a case of "force majeure".

2. Where hotel accommodation cannot be provided, the official shall be entitled to reimbursement of the actual cost of renting temporary accommodation, after prior authorisation by the Director.

#### Article 13

Where Europol does not provide the official with accommodation, his rent shall be reimbursed, provided that the accommodation corresponds to the level of his duties and to the composition of his dependent family. The reasonable maximum rent costs for the place where the official is employed will be laid down by the Director of Europol reflecting the maximum rent costs applicable to officials and other servants of the European Communities who hold similar positions in the same place of employment.

#### Article 14

In the event of termination of service, or death, Europol shall, subject to conditions laid down by the Director, bear the actual cost of moving an official's furniture and personal effects from their location at the time to his place of origin or of transporting his furniture and personal effects from the place of employment to his place of origin.

*Article 15*

An official who does not have access to a service car for official business directly connected with the performance of his duties shall receive a mileage allowance for the use of his own car. The Director shall fix the amount of the allowance.

## SECTION 6

**Social security benefits***Article 16*

The official, his spouse, his children and other persons dependent on him shall be insured for repatriation on health grounds in the case of an emergency or extreme emergency; the premium shall be paid entirely by Europol.

*Article 17*

The official, his spouse, his children and other persons dependent on him shall be insured against the actual sickness expenditure incurred, arising in the place of employment. Any additional premium to cover this risk shall be paid entirely by Europol.

*Article 18*

1. The spouse, children and other persons dependent on the official shall be insured against accidents occurring outside the European Union.

2. The official, the spouse, children and other persons dependent on him shall be insured against liability for material damage and physical injuries inflicted on third parties, occurring outside the European Union.

3. Half the premiums for the insurance under this Article shall be paid by the official and half by Europol.

## SECTION 7

**Education allowance for officials returning from a transfer***Article 19*

1. An official returning from serving in a third country, not in receipt of an expatriation allowance in the Netherlands, shall be entitled to receive the education allowance specified in Article 3 of Appendix 5, in order to enable a dependent child whose education in the third country was in a language other than the child's mother tongue, to continue his or her education in the Netherlands in the language in which the child received education in the third country.

2. The right to receive the education allowance referred to in paragraph 1 shall apply for a maximum period of six years from the date of transfer but in any case no longer than the duration of the contract of the official.

3. The official shall submit an application for the benefits under this Article within one year after returning from serving in a third country.'

*Article 2*

This Act shall enter into force on the day following its adoption.

*Article 3*

This Act shall be published in the *Official Journal of the European Communities*.

Done at ...

*For the Council*

*The President*

...

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