

# Official Journal

## of the European Union

ISSN 1725-2423

C 282

Volume 46

25 November 2003

English edition

## Information and Notices

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## I

*(Information)*

## COUNCIL

## COUNCIL RESOLUTION

of 10 November 2003

**on the profession and the career of researchers within the European Research Area (ERA)**

(2003/C 282/01)

THE COUNCIL OF THE EUROPEAN UNION

RECALLING:

chapter, supports the development of abundant and dynamic world-class human resources in the European research system, taking into account the inherent international dimension of research;

1. The Council Resolutions of 15 June 2000 and 16 November 2000 <sup>(1)</sup> on the European Research Area (ERA) which, inter alia, stressed the importance of developing human resources as the key to research excellence in Europe, as well as the need to introduce a European dimension into researchers' careers;
2. The Commission Communication on: 'A mobility strategy for ERA', and the subsequent Council Resolution <sup>(2)</sup> concerning the 'Reinforcement of the mobility strategy within the European research area (ERA)' which endorsed efforts to create a more favourable environment for researchers in Europe; as well as the Commission Communication on 'The role of the universities in the Europe of knowledge';
3. The Commission's Communications on 'More Research for Europe — towards 3 % of GDP', and 'Investing in research: an action plan for Europe' which stressed that more researchers are needed by 2010 as well as the subsequent Council Resolution of 22 September 2003 on 'Investing in research for European growth and competitiveness' <sup>(3)</sup> which underlined the fact that enhanced investment in human resources in particular through the development of the training of researchers and the promotion of career opportunities would be key factors in achieving the 3 % objective for investment in research;
4. The Sixth Framework Programme (2002-2006) <sup>(4)</sup> which, in particular under its 'Human resources and mobility' chapter, supports the development of abundant and dynamic world-class human resources in the European research system, taking into account the inherent international dimension of research;
5. The Council Resolution on 'Science and society and on women and science' <sup>(5)</sup> and the importance of the science/society dialogue and the gender dimension in achieving the full potential of R&D efforts in ERA;
6. The discussions in the context of the Bologna Process and the development of the European Higher Education Area, and in particular the conclusions of the Berlin Conference on the Bologna Process in September 2003, which referred to the importance of research as an integral part of higher education across Europe;
7. The conclusions of recent European Councils, which have endorsed the creation and development of the ERA, highlighted the importance of investment in R & D to achieve a higher degree of competitiveness and economic growth and, in this context, have emphasised the importance of developing human resources in R&D;
8. REAFFIRMS that research and researchers play a key role in stimulating European growth and competitiveness;
9. WELCOMES the Commission's Communication 'Researchers in ERA: one profession, multiple careers' which analyses the different factors which condition and shape careers in R&D and which refers to researchers as 'professionals engaged in the conception or creation of new knowledge, products, processes, methods and systems, and in the management of the projects concerned';

<sup>(1)</sup> OJ C 205 of 19.7.2000, p. 1.  
OJ C 374 of 28.12.2000, p. 1.

<sup>(2)</sup> OJ C 367 of 21.12.2001.

<sup>(3)</sup> OJ C 250 of 18.10.2003.

<sup>(4)</sup> OJ L 232 of 29.8.2002 and OJ L 294 of 29.10.2002.

<sup>(5)</sup> OJ C 199 of 14.7.2001.

10. RECOGNISES that a variety of factors affect the careers of researchers in Europe, bearing in mind the diversity of approach within Member States. These relate to, inter alia, training, mobility, recruitment methods, the development and evaluation of careers, as well as the contractual and salary situation according to the sectors in which researchers operate or the legal, administrative, infrastructural and cultural environment in which they work, as well as the level of R&D funding. RECOGNISES that improvements in these areas are needed to contribute to the development of a true European employment market for researchers, paying specific attention to an enlarged European Union;
11. THE COUNCIL THEREFORE WELCOMES the Commission's approach to overcome the difficulties inherent in research training and mobility and career development, in cooperation, on a voluntary basis, with Member States and other stakeholders including both public and private sectors. The Commission's actions would complement other initiatives in this area being undertaken also in the international context taking into account the experience of relevant third countries. It welcomes in particular the Commission's intention to:
- Work towards the development of a 'European Researcher's Charter' in order to further improve the framework for the career management of human resources in R&D, and a code of conduct for the recruitment of researchers, taking into account the specificities of different sectors and based on best practice;
  - Launch a European Year of Researchers to strengthen the public recognition of the profession of researchers and careers in R&D;
  - Further analyse different career development issues and research training including data collection and analysis of needs, which could also feed into actions implementing the open method of coordination;
  - Intensify efforts to improve the operation of the Researchers' Mobility Portal and the European network of mobility centres.
12. INVITES Member States, Acceding States and the Commission, in cooperation with the stakeholders including both public and private sectors, to undertake, on a voluntary basis, actions, in particular through the implementation of the open method of co-ordination (omc), as agreed by the Scientific and Technical Research Committee (CREST), in relation to:
- developing criteria for recording different professional achievements throughout the career of researchers taking into account developments in the 'Bologna Process';
  - exchanging good practice, where appropriate at international level, as regards the evaluation and appraisal systems for careers in R&D;
  - encouraging the social dialogue, as well as dialogue among researchers, stakeholders and society at large, including improving public awareness of science and promoting the interest of young people in research and in a career in science;
  - overall working conditions for doctoral candidates, including aspects such as parental leave, and taking necessary steps, bearing in mind reciprocity at European level, regarding the portability of national loans and grants in the context of enhanced mobility for researchers;
  - promoting equal opportunities for men and women researchers when developing these initiatives;
  - continuing efforts to remove other obstacles to a career in research or to mobility, including those related to intersectoral mobility and mobility between and within public and private sectors as well as mobility between different functions, taking into account an enlarged European Union;
13. INVITES the Commission to report regularly on the progress achieved in improving the employment and career prospects for researchers in Europe.
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**COUNCIL RESOLUTION****of 10 November 2003****on the Communication of the European Commission 'Enhancing the Implementation of the New Approach Directives'**

(2003/C 282/02)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING its objectives laid down in its Decision of 22 July 1993 (93/465/EEC) <sup>(1)</sup> and its Resolutions of 7 May 1985 on a New Approach to technical harmonization and standards <sup>(2)</sup>, of 21 December 1989 on a Global Approach to conformity assessment <sup>(3)</sup> and of 28 October 1999 on the role of standardisation in Europe <sup>(4)</sup>, and its Conclusion of 1 March 2002 on standardisation <sup>(5)</sup>;

ACKNOWLEDGING the importance of the New and Global Approach as an appropriate and efficient regulatory model, allowing technological innovation and enhancing competitiveness of European industry, as well as supporting the principles of confidence, transparency and competence;

UNDERLINING its continued support of the efforts undertaken by the Commission, both on international and regional/bilateral platforms, to harness and develop the potential of the New Approach principles for the effective protection of e.g. health and safety and removal of technical barriers to trade, and to encourage trading partners to adopt standards and regulatory approaches compatible with the European Union's regulatory framework;

CONFIRMING its commitment to further improving the operational efficiency of the internal market and reinforcing the competitiveness of European industry, and TAKING NOTE of the extensive consultations and discussions involving all stakeholders as well as national authorities of Member States;

RECOGNISING the need for a clearer framework for conformity assessment, accreditation and market surveillance in the European Union;

RECOGNISING the value of a shared understanding of Member States' responsibilities for the operation of the New and Global Approaches, and the need for the accountability of Member

States in fulfilling their responsibilities together with their rights to devise the means of doing so;

CONFIRMING the necessity for the Commission and the Member States to take all appropriate steps to further strengthen and enhance the implementation of Directives based on the principles of the New and Global Approaches in all Member States and to extend the application of those principles to new areas;

WELCOMES the Commission's Communication on 'Enhancing the Implementation of the New Approach Directives' and the objectives contained therein;

INVITES THE COMMISSION:

To propose appropriate initiatives in the fields of conformity assessment and of market surveillance, and in particular:

(a) With respect to bodies performing conformity assessment tasks under the New Approach Directives and to bodies and authorities involved in the assessment, designation and surveillance of conformity assessment bodies:

1. To take steps towards ensuring that all notified bodies perform their functions to the same level and under conditions of fair competition, including measures:

— to consolidate the requirements with which the notified bodies must comply such as exchange of experience, exchange of information related to withdrawal or refusal of certificates and requirements for the cross-border activities of notified bodies;

— to establish and support appropriate procedures for the exchange of information between notified bodies which shall respect the principle of business confidentiality and shall not restrict competition between notified bodies;

— to consolidate the requirements that bodies involved in the designation, assessment and monitoring of notified bodies have to fulfil.

2. To support the establishment of a forum of Member States' authorities responsible for policy on designation, in order to facilitate the exchange of best practices for the assessment, designation and surveillance of notified bodies.

<sup>(1)</sup> Council Decision of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for affixing and use of the CE conformity marking, which are intended to be used in the technical harmonization Directives (93/465/EEC) (OJ L 220, 30.8.1993, p. 23).

<sup>(2)</sup> OJ C 136, 4.6.1985.

<sup>(3)</sup> OJ C 10, 16.1.1990.

<sup>(4)</sup> OJ C 141, 19.5.2000.

<sup>(5)</sup> OJ C 66, 15.3.2002.

3. To establish an efficient information exchange procedure between designating authorities and accreditation bodies that have assessed conformity assessment bodies in all Member States, EEA and other countries to allow a reinforced administrative cooperation;
4. To increase the efficiency and transparency of the notification procedure, considering notably the development of an on-line notification system, made available by the Commission, with the aim to replace the existing paper-based system, including the availability of an updated list of notified bodies and of conformity assessment bodies;
5. To develop more comprehensive policy and guidance for the definition (including its role in the designation procedure) and use of accreditation with the aim of increasing coherence, transparency and co-operation of accreditation services within the European Union, in both the regulatory and voluntary areas, taking into account the freedom of operators in the non-regulated area to use them, as well as the relevant international aspects. The development of such a policy should include, in particular, the independence of accreditation bodies from commercial conformity assessment activities and, as a service of general economic interest, the avoidance of competition between different bodies. Consideration should be given to including such provisions in the general legislative framework for the New Approach.

(b) With respect to market surveillance and CE-marking:

1. To consider with Member States essential requirements defining the objectives to be achieved by the Member States with regard to market surveillance and to introduce in New Approach legislation a framework for the relevant administrative co-operation, including the exchange of information among Member States.

2. To improve the safeguard clause procedure foreseen in the New Approach legislation in order to increase transparency and to reduce processing time, with the aim to make it more efficient and uniformly applied and to draw on expertise available in Member States.

3. To start, in co-operation with Member States, EEA States and other countries having concluded agreements with the European Union on the use of the CE marking in their territories, as well as European stakeholders, a campaign to better promote and clarify the meaning of the CE marking and its relation to voluntary marks.

To introduce measures on the protection of the CE marking.

(c) On General measures:

1. To propose measures to clarify and to harmonise the definitions of a horizontal nature with a view to their coherent application, through the inclusion of aspects applicable to all sectors in a single legislative text.
2. To consider, in view of the enlarged Union and of a strengthened application of the Directives, the means that would allow to pool scarce technical expertise and ensure efficiency of the decision — making process.
3. To ensure, in co-operation with Member States, a consistent application of conformity assessment procedures to products covered by more than one Directive, by considering whether a more consistent range of modules can be made available in the individual Directives and ensuring that then only standard modules are used. The suppliers' declaration of conformity should be used whenever feasible.

# COMMISSION

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

**24 November 2003**

(2003/C 282/03)

**1 euro =**

Currency			Exchange rate	Currency			Exchange rate
USD	US dollar		1,1823	LVL	Latvian lats		0,6501
JPY	Japanese yen		128,93	MTL	Maltese lira		0,4283
DKK	Danish krone		7,436	PLN	Polish zloty		4,6364
GBP	Pound sterling		0,69605	ROL	Romanian leu		40 039
SEK	Swedish krona		8,962	SIT	Slovenian tolar		236,305
CHF	Swiss franc		1,5527	SKK	Slovak koruna		40,963
ISK	Iceland króna		88,99	TRL	Turkish lira		1 739 609
NOK	Norwegian krone		8,1645	AUD	Australian dollar		1,6393
BGN	Bulgarian lev		1,948	CAD	Canadian dollar		1,5461
CYP	Cyprus pound		0,58384	HKD	Hong Kong dollar		9,1799
CZK	Czech koruna		31,897	NZD	New Zealand dollar		1,8496
EEK	Estonian kroon		15,6466	SGD	Singapore dollar		2,0384
HUF	Hungarian forint		258,79	KRW	South Korean won		1 423,49
LTL	Lithuanian litas		3,4529	ZAR	South African rand		7,7768

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

**Prior notification of a concentration**  
**(Case COMP/M.3329 — Tchibo/Beiersdorf)**

(2003/C 282/04)

(Text with EEA relevance)

1. On 18 November 2003 the Commission received a 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 Tchibo Holding AG ('Tchibo', Germany) acquires within the meaning of Article 3(1)(b) of the Regulation control of the whole of the undertaking Beiersdorf AG ('Beiersdorf', Germany) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Tchibo: manufacture and distribution of roasted coffee particularly in its retail outlets, over-the-counter sales of non-food-merchandise/services and sales via Internet,
- Beiersdorf: manufacture and distribution of cosmetics, medical and personal health care products, adhesive products.

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.3329 — Tchibo/Beiersdorf, to:

European Commission,  
Directorate-General for Competition,  
Merger Registry,  
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.

**Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty****Cases where the Commission raises no objections**

(2003/C 282/05)

<b>Date of adoption of the decision:</b>	29.10.2003
<b>Member State:</b>	Italy (Veneto)
<b>Aid No:</b>	N 161/03
<b>Title:</b>	Aid to improve the quality of zootechnical production (draft Regional Law No 13/01, Article 6)
<b>Objective:</b>	Aid to offset the loss of income suffered by cattle farmers due to the continuation of the BSE crisis in the period April to June 2001
<b>Legal basis:</b>	Legge regionale n. 13 del 31 maggio 2001 «Iniziative regionali per la qualificazione della carne bovina», modificata dal DDL 5 dell'8.2.2002 e dalle lettere del 30.6.2003 e del 29.8.2003
<b>Budget:</b>	EUR 9 037 995
<b>Aid intensity or amount:</b>	The aid is EUR 80 for cattle between six and 12 months old, EUR 160 for cattle between 12 and 18 months old, EUR 240 for cattle between 18 and 24 months old and EUR 290 for cattle between 24 and 30 months old
<b>Duration:</b>	One-off aid
<b>Other information:</b>	The Region undertakes to submit an annual report to the Commission on application of the measure

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

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids](http://europa.eu.int/comm/secretariat_general/sgb/state_aids)

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**Commission notification on the issuing of licences to railway undertakings**

(2003/C 282/06)

Under Article 11(8) of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings the Commission is obliged to inform the Member States of the situation regarding licences. The main aspects of the licence issued by the office mentioned under point 2 are set out below.

**1. Name and address of the railway undertaking**

DB Energie GmbH  
Pfarrer-Perabo Platz 2  
D-60326 Frankfurt am Main

**2. Issuing office**

Eisenbahn-Bundesamt  
Postfach 2861  
D-53018 Bonn

**3. Date of the decision**

17 December 2002

First issued	<input checked="" type="checkbox"/>
Suspended	<input type="checkbox"/>
Revoked	<input type="checkbox"/>
Amended	<input type="checkbox"/>

**4. Licence No**

Rbnv Edb 2/02

**5. Terms and conditions**

For freight transport. Valid until: 30 November 2017

**6. Observations regarding notifications, suspensions, revocations or amendments**

—

**7. Other observations**

—

**8. Person to contact at the issuing office**

(Name, telephone and fax number, e-mail address)

Herr Mass  
Tel. (49-228) 982 61 34, Fax (49-228) 98 26 91 34  
E-mail: massm@eba.bund.de

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**Commission notification on the issuing of licences to railway undertakings**

(2003/C 282/07)

Under Article 11(8) of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings the Commission is obliged to inform the Member States of the situation regarding licences. The main aspects of the licence issued by the office mentioned under point 2 are set out below.

**1. Name and address of the railway undertaking**

Lausitzbahn GmbH  
Zittauer Straße 71/73  
D-02826 Görlitz

**2. Issuing office**

Sächsisches Staatsministerium für Wirtschaft und Arbeit  
Abteilung Verkehr  
Postfach 10 03 29  
D-01073 Dresden

**3. Date of the decision**

31 July 2002

First issued ☒

Suspended ☐

Revoked ☐

Amended ☐

**4. Licence No**

57a-3825.30

**5. Terms and conditions**

For Passenger Services and Freight Transport. Valid until: 31 July 2017

**6. Observations regarding notifications, suspensions, revocations or amendments**

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**7. Other observations**

—

**8. Person to contact at the issuing office**

(Name, telephone and fax number, e-mail address)

Herr Schöning  
Tel. (49-351) 564 86 59, Fax (49-351) 564 86 07  
E-mail: michael.schoenig@smwa.sachsen.de

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**Commission notification on the issuing of licences to railway undertakings**

(2003/C 282/08)

Under Article 11(8) of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings the Commission is obliged to inform the Member States of the situation regarding licences. The main aspects of the licence issued by the office mentioned under point 2 are set out below.

**1. Name and address of the railway undertaking**

Swiss Rail Cargo Köln GmbH (SRCK)  
Bayenstraße 2  
D-50678 Köln

**2. Issuing office**

Ministerium für Verkehr, Energie und Landesplanung des Landes Nordrhein-Westfalen  
Postfach 10 11 03  
D-40190 Düsseldorf

**3. Date of the decision**

17 July 2002

First issued ☒

Suspended ☐

Revoked ☐

Amended ☐

**4. Licence No**

VB 3-90-194/52

**5. Terms and conditions**

For freight transport.

Valid until: 31 July 2017

**6. Observations regarding notifications, suspensions, revocations or amendments**

—

**7. Other observations**

—

**8. Person to contact at the issuing office**

(Name, telephone and fax number, e-mail address)

Herr Hallmann

Tel. (49-211) 837 43 99, Fax (49-211) 837 42 62

E-mail: hartmut.hallmann@mwmev.nrw.de

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**Commission notification on the issuing of licences to railway undertakings**

(2003/C 282/09)

Under Article 11(8) of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings the Commission is obliged to inform the Member States of the situation regarding licences. The main aspects of the licence issued by the office mentioned under point 2 are set out below.

**1. Name and address of the railway undertaking**

Siemens Dispolok GmbH  
Krauss-Maffei-Straße 2  
D-80997 München

**2. Issuing office**

Bayerisches Staatsministerium für Wirtschaft, Verkehr und Technologie  
Prinzregentenstraße 28  
D-80525 München

**3. Date of the decision**

5 July 2002

First issued ☒

Suspended ☐

Revoked ☐

Amended ☐

**4. Licence No**

7998-VII/3c-19 181

**5. Terms and conditions**

For passenger services and freight transport.

Valid until: 1 August 2017

**6. Observations regarding notifications, suspensions, revocations or amendments**

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**7. Other observations**

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**8. Person to contact at the issuing office**

(Name, telephone and fax number, e-mail address)

Herr Hütter  
Tel. (49-89) 21 62 25 52, Fax (49-89) 21 62 23 70  
E-mail: manfred.huetter@stmwvt.bayern.de

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**Commission notification on the issuing of licences to railway undertakings**

(2003/C 282/10)

Under Article 11(8) of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings the Commission is obliged to inform the Member States of the situation regarding licences. The main aspects of the licence issued by the office mentioned under point 2 are set out below.

**1. Name and address of the railway undertaking**

Railogic GmbH  
Lehrer-Mainz-Straße 1a  
D-52372 Kreuzau

**2. Issuing office**

Ministerium für Verkehr, Energie und Landesplanung des Landes Nordrhein-Westfalen  
Postfach 10 11 03  
D-40190 Düsseldorf

**3. Date of the decision**

15 July 2002

First issued ☒

Suspended ☐

Revoked ☐

Amended ☐

**4. Licence No**

VB 3-90-195/52

**5. Terms and conditions**

For Passenger Services and Freight Transport.

Valid until: 31 July 2017

**6. Observations regarding notifications, suspensions, revocations or amendments**

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**7. Other observations**

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**8. Person to contact at the issuing office**

(Name, telephone and fax number, e-mail address)

Herr Hallmann  
Tel. (49-211) 837 43 99, Fax (49-211) 837 42 62  
E-mail: hartmut.hallmann@mwmev.nrw.de

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**Commission notification on the issuing of licences to railway undertakings**

(2003/C 282/11)

Under Article 11(8) of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings the Commission is obliged to inform the Member States of the situation regarding licences. The main aspects of the licence issued by the office mentioned under point 2 are set out below.

**1. Name and address of the railway undertaking**

Nordbayerische Eisenbahngesellschaft mbH  
Hafenbahnhofstraße 25  
D-63741 Aschaffenburg

**2. Issuing office**

Bayerisches Staatsministerium für Wirtschaft, Verkehr und Technologie  
Prinzregentenstraße 28  
D-80525 München

**3. Date of the decision**

15 July 2002

First issued ☒

Suspended ☐

Revoked ☐

Amended ☐

**4. Licence No**

7999b-VII/3c-18 212

**5. Terms and conditions**

For passenger services and freight transport.

Valid until: 1 August 2017

**6. Observations regarding notifications, suspensions, revocations or amendments**

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**7. Other observations**

—

**8. Person to contact at the issuing office**

(Name, telephone and fax number, e-mail address)

Herr Hütter

Tel. (49-89) 21 62 25 52, Fax (49-89) 21 62 23 70

E-mail: manfred.huetter@stmwvt.bayern.de

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**Notification of an agreement on the administration of phono-mechanical rights in Europe****(Case COMP/C2/38.772 — Cannes Extension Agreement)**

(2003/C 282/12)

**(Text with EEA relevance)**

1. On 1 July 2003 the Commission received a notification pursuant to Articles 2 and 4 of Council Regulation No 17 of the Cannes Extension Agreement. The agreement was concluded on 18 November 2002 between the five major music publishers, Universal Music Publishing Group, Warner/Chappell Music Limited, EMI Music Publishing Europe, BMG Music Publishing International Limited and Sony/ATV Music Publishing Europe and the EEA/Swiss mechanical rights collecting societies, AEPI, Austro Mechana, GEMA, MCPS, MCPSI, NCB, SDRM, SABAM, SGAE, SIAE, SPA, STEMRA and SUISA.

2. The Cannes Agreement was concluded on 13 November 1997 and finally expired on 30 June 2002. The Commission issued an administrative letter in respect of the Cannes Agreement on 9 November 2000. The parties stated at the time that the purpose of the Cannes Agreement was to bring about greater efficiencies in the administration of phono-mechanical rights in the EEA. These included progressive reductions in the societies' commission on the distribution of mechanical royalties to be achieved through real and permanent cost savings and efficiency improvements. The parties also agreed to suspend temporarily, during the term of the agreement, the direct distribution of royalty income.

3. The Cannes Extension Agreement extends the terms of the Cannes Agreement for another 3½ years commencing on 1 July 2002 and expiring on 31 December 2005. The terms of the 'Cannes Agreement' shall be extended automatically for periods of one year thereafter unless any of the contracting parties serve a notice of termination.

4. Other than extending the terms of the Cannes Agreement — including the commitment to suspend any kind of direct distribution of royalty income during the term of the Agreement — the Cannes Extension Agreement deals with additional issues which require a mutual understanding between the publishers and the collecting societies.

5. The Cannes Extension Agreement sets terms for the calculation of the commission in respect of the royalties distributed. It sets maximum rates, which collecting societies may deduct, for royalties distributed under central licensing and other agreements. The parties agree on a charter for third party accountancy firms to carry out verifications of the collecting societies' abidance of the agreement on rates. If a collecting society requires additional funding for specific transactions — such as investment in systems for the administration of mechanical rights and distribution of income, taking action against piracy, audit and control — then the society must negotiate an increase to the commissions on a case by case basis.

6. The Cannes Extension Agreement also provides that collecting societies must agree with the relevant member, including publishers, before giving any money to any record company or allowing any record company to retain or be paid money in the form of a rebate or reduction in tariffs or any other form. This applies unless the discount relates to a new form of exploitation for an introductory period, allowances for timely payments or improved accounting returns, agreements with association of users facilitating the collection of monies or agreeing a settlement of a dispute between a collecting society and a record company.

7. In the agreement the collecting societies acknowledge that their role is primarily to administer, protect and promote the interests of their members, including the publishers and that, if a collecting society would wish to engage in any commercial activity, the activity should be carried out in relation to the promotion of the interests of the society's members and shall never be an activity that would be undertaken by a publisher or a record company save for the purpose of production of non-profit

recordings with the explicit consent of any publisher or other rights holder. Nor shall any collecting society act in any significant manner where it shall be both licensor and licensee of any rights. Publishers on the other hand shall not take any action to impair or preclude the collecting societies' role in the administration, protection and/or collection of rights on behalf of their members.

8. Upon preliminary examination, the Commission finds that the notified co-operation agreement could fall within the scope of Regulation No 17.

9. The Commission invites interested third parties to submit any observations they may have on the proposed operation. In accordance with Article 20 of Regulation 17, such observations will be protected by professional secrecy.

10. Observations must reach the Commission not later than three weeks following the date of this publication. Observations can be sent to the Commission by fax ((32-2) 295 01 28) or by post under the reference Case COMP/C2/38.772 — Cannes Extension Agreement, to:

European Commission  
Directorate-General for Competition  
Antitrust Registry  
Office 0/18  
J-70  
B-1049 Brussels

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