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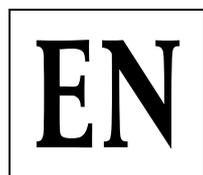
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Note to the reader (see page 3 of the cover)



⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 18 November 2008

at the request of the Council of the European Union on a proposal for a Directive of the European Parliament and of the Council amending Directive 94/19/EC on deposit-guarantee schemes as regards the coverage level and the payout delay

(CON/2008/70)

(2008/C 314/01)

Introduction and legal basis

On 24 October 2008, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a Directive of the European Parliament and of the Council amending Directive 94/19/EC on deposit-guarantee schemes as regards the coverage level and the payout delay ⁽¹⁾ (hereinafter the 'proposed directive').

The ECB's competence to deliver an opinion on the proposed directive is based on Article 105(4) of the Treaty establishing the European Community. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

1. General observations

1.1. The ECB notes that the current financial market crisis has confirmed that deposit-guarantee schemes are vital for maintaining depositors' confidence and therefore safeguarding financial stability. The ECB supports the underlying aim of enhancing depositors' confidence and understands that for urgency reasons the proposed directive focuses on increasing the coverage level of national deposit-guarantee schemes (hereinafter the 'national schemes') in line with the Ecofin Council's conclusions of 7 October 2008 ⁽²⁾, reducing payout delay and discontinuing the current option for co-insurance.

1.2. At the same time the ECB supports the Commission's intention to continue work on convergence of the national schemes, with particular regard to harmonising their funding mechanisms, and to submit a report on the matter to the European Parliament and to the Council by 31 December 2009 ⁽³⁾. In view of the importance of the funding arrangements of the national schemes for the effectiveness of the financial safety net and for safeguarding financial stability, the ECB looks forward to contributing to the Commission's future work in this field and encourages timely completion of the Commission's report.

⁽¹⁾ COM(2008) 661 final.

⁽²⁾ See the press release of the 2894th Council meeting (13784/08), available on the Council's website at: www.consilium.europa.eu, as mentioned in the sixth paragraph of Section 1 of the explanatory memorandum to the proposed directive.

⁽³⁾ Article 12 of Directive 94/19/EC, as amended by Article 1(6) of the proposed directive; cf. recitals 1 and 7 of the proposed directive.

In this context, the ECB underlines that national schemes' funding arrangements must, *inter alia*, comply with the monetary financing prohibition laid down in the Treaty, and in particular with the prohibition on national central banks providing overdraft facilities or any other type of facility within the meaning of Article 101 of the Treaty ⁽¹⁾, as more specifically considered in past ECB opinions concerning draft national legislation ⁽²⁾ and in the ECB's Convergence Reports ⁽³⁾.

2. Specific observations

2.1. Coverage level of the guarantee

The ECB welcomes the increase in the minimum amount of guaranteed deposits to EUR 50 000 by the end of 2008 and the further increase to EUR 100 000 ⁽⁴⁾, as mentioned in the Council's conclusions of 7 October 2008 ⁽⁵⁾. At the same time, the ECB emphasises that any increase in the coverage exceeding the latter of the above mentioned amounts should be preceded by close coordination at the EU level, as substantial differences between national measures may have a counter-productive effect and create distortions in the single market.

2.2. Reduction of payout delay

The ECB welcomes the intention to reduce delays in payouts of guaranteed deposits significantly and thereby strengthen depositors' confidence ⁽⁶⁾. In this context, the ECB would emphasise that recent analysis at international level has highlighted that a prompt payout of depositors' claims is of key importance for effective deposit protection. At the same time, a pragmatic approach should be taken to introducing the necessary reduction in payout delays, thereby preserving credibility of the deposit-guarantee schemes. This implies establishing efficient operational processes for verifying claims and paying depositors, as well as ensuring that sufficient funding is available. In particular, procedures need to be put in place so that if a bank that operates on a cross-border basis fails, depositors receive payouts as efficiently as they would if the failed bank were operating in a single Member State. Moreover, the ECB suggests that the Commission's plan to assess whether it would be possible to harmonise further the funding arrangements used by the national schemes should be accompanied by a review of the effectiveness of payout procedures. Finally, in addition to shortening the payout period, the ECB suggests that public confidence in deposit-guarantee schemes could be enhanced by improving depositors' awareness of the terms and conditions of deposit protection, *inter alia* through appropriate disclosure of the terms and conditions by credit institutions.

Done at Frankfurt am Main, 18 November 2008.

The President of the ECB

Jean-Claude TRICHET

⁽¹⁾ Interpreted in line with Council Regulation (EC) No 3603/93 of 13 December 1993 specifying definitions for the application of the prohibitions referred to in Articles 104 and 104b(1) of the Treaty (OJ L 332, 31.12.1993, p. 1).

⁽²⁾ See paragraphs 11-14 of ECB Opinion CON/2001/32 of 11 October 2001 at the request of the Portuguese Ministry of Finance on a draft decree law amending the legal framework of credit institutions and financial companies; paragraphs 11-13 of ECB Opinion CON/2005/50 of 1 December 2005 at the request of Národná banka Slovenska on a draft law amending the Act No 118/1996 Coll. on the protection of bank deposits and on amendments to certain laws, as last amended; paragraphs 2.1-2.3 of ECB Opinion CON/2007/26 of 27 August 2007 at the request of the Polish Minister for Finance on a draft law amending the Law on the Bank Guarantee Fund; and paragraphs 2.2-2.8 of ECB Opinion CON/2008/5 of 17 January 2008 at the request of the Polish Minister for Finance on a draft law amending the Law on the Bank Guarantee Fund.

⁽³⁾ See, e.g. the ECB's Convergence Report December 2006, p. 30.

⁽⁴⁾ Article 7(1) of Directive 94/19/EC, as amended by Article 1(3)(a) of the proposed directive and as complemented by the first and second subparagraphs of Article 2(1) of the proposed directive, which provides for retroactive application of the increased coverage level from 15 October 2008; cf. recital 3 of the proposed directive and Section 5.3 of the explanatory memorandum to the proposed directive.

⁽⁵⁾ The Council agreed that 'all Member States would, for an initial period of at least one year, provide deposit-guarantee protection for individuals for an amount of at least EUR 50 000, acknowledging that many Member States determine to raise their minimum protected amount to EUR 100 000'.

⁽⁶⁾ Article 1(3) of Directive 94/19/EC, as amended by Article 1(1) of the proposed directive, and Article 10(1) and (2) of Directive 94/19/EC, as amended by Article 1(5) of the proposed directive; cf. recital 5 of the proposed directive and Section 5.1 of the explanatory memorandum to the proposed directive.

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

EUROJUST

Information regarding a 'Practical Agreement on arrangements of cooperation between Eurojust and OLAF'

(2008/C 314/02)

On 24 September 2008, Eurojust, the European Union's Judicial Co-operation Body, and the European Anti-Fraud Office (OLAF) signed a Practical Agreement on a further improved co-ordination and co-operation in the fight against financial fraud, corruption or any other criminal offence affecting the European Community's financial interests. The Practical Agreement governs modalities for close and increased co-operation and provisions for the exchange of general and personal data. The Agreement was approved by the Council on 25 July 2008.

ANNEX

Practical Agreement on arrangements of cooperation between Eurojust and OLAF

EUROJUST AND OLAF,

Hereinafter referred to as 'the Parties',

Having regard to the Council Decision of 28 February 2002 setting up Eurojust and the Commission Decision of 28 April 1999 establishing the European Anti-fraud Office (OLAF) as well as Regulations (EC) No 1073/1999 and (Euratom) No 1074/1999 and the tasks, objectives and responsibilities assigned to Eurojust and OLAF in the fight against fraud, corruption and any other criminal offence or illegal activity adversely affecting the European Communities' financial interests;

Having regard to the opinion of the Joint Supervisory Body of Eurojust of 26 April 2007, re-iterated on 24 April 2008;

After consulting the European Data Protection Supervisor;

Considering that Article 26(3) of the Council Decision setting up Eurojust stipulates that Eurojust shall establish and maintain close co-operation with OLAF;

Considering Articles 26(4) and 27 of the Council Decision setting up Eurojust explicitly dealing with the exchange of information;

Considering the Council Framework Decision of 13 June 2002 on Joint Investigation Teams as well as Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 2000 and in particular the provision for the setting up of Joint Investigation Teams;

Considering that both Parties have adequate rules in place regarding the protection of personal data;

Considering that it is within the common interest of Eurojust and OLAF to enhance their co-operation, in an effort to make the fight against fraud, corruption and any other criminal offence or illegal activity adversely affecting the European Communities' financial interests as efficient as possible and to avoid duplication of effort wherever possible,

HAVE AGREED:

CHAPTER 1

DEFINITIONS AND PURPOSE OF THE PRACTICAL AGREEMENT ON ARRANGEMENTS OF COOPERATION*Point 1***Definitions**

For the purpose of this Practical Agreement on arrangements of cooperation:

1. 'Eurojust Decision' means the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime ⁽¹⁾;
2. 'Rules of Procedure of Eurojust' means the Rules of Procedure of Eurojust ⁽²⁾;
3. 'Eurojust' means the unit set up by the Eurojust Decision;
4. 'OLAF' means the European Anti-Fraud Office established by the Commission Decision of 28 April 1999 ⁽³⁾, carrying out the administrative investigation tasks set out in Council Regulation (EC) No 1073/1999 ⁽⁴⁾ and Council Regulation (Euratom) No 1074/1999 ⁽⁵⁾;
5. 'President of the College' means the President as elected by the College, as referred to in Article 28 of the Eurojust Decision;
6. 'Director of OLAF' means the Director, as referred to in Article 12 of Regulation (EC) No 1073/1999 and Regulation (Euratom) No 1074/1999;
7. 'College' means the College of Eurojust, as referred to in Article 10 of the Eurojust Decision;
8. 'Eurojust National Member' means the national member seconded to Eurojust by each Member State, as referred to in Article 2(1) of the Eurojust Decision;
9. 'Assistant' means a person who may assist each Eurojust National Member, as referred to in Article 2(2) of the Eurojust Decision, unless defined otherwise in this Practical Agreement on arrangements of cooperation;
10. 'Administrative Director' means the Administrative Director as referred to in Article 29 of the Eurojust Decision;
11. 'Eurojust Staff' means the staff referred to in Article 30 of the Eurojust Decision;
12. 'Competent OLAF Unit' means the unit within OLAF, whose tasks comprise, amongst others, liaising with national judicial authorities;
13. 'OLAF Staff' means staff as referred to in Article 6(1) of Commission Decision 1999/352/EC, ECSC, Euratom establishing the European Anti-fraud Office (OLAF);
14. 'Data Protection Provisions' means, within Eurojust, the applicable data protection rules as laid down in the Eurojust Decision and the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust ⁽⁶⁾, and, within OLAF, the Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽⁷⁾;
15. 'Personal Data' means any information relating to an identified or identifiable natural person: an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;

⁽¹⁾ OJ L 63, 6.3.2002, p. 1.

⁽²⁾ OJ C 286, 22.11.2002, p. 1.

⁽³⁾ OJ L 136, 31.5.1999, p. 20.

⁽⁴⁾ OJ L 136, 31.5.1999, p. 1.

⁽⁵⁾ OJ L 136, 31.5.1999, p. 8.

⁽⁶⁾ OJ C 68, 19.3.2005, p. 1.

⁽⁷⁾ OJ L 8, 12.1.2001, p. 1.

16. 'Processing' of Personal Data means any operation or set of operations which are performed upon Personal Data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;
17. 'Case Summary' means general information on a case dealt with either by Eurojust or OLAF and describing the main features of elements of the case, but without containing any Personal Data;
18. 'Joint Investigation Team' means a Joint Investigation Team, as referred to in Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union ⁽¹⁾ and in the Framework Decision 2002/465/JHA on Joint Investigation Teams ⁽²⁾.

Point 2

Purpose of the Practical Agreement on arrangements of cooperation

1. The purpose of this Practical Agreement on arrangements of cooperation is to enhance the fight against fraud, corruption or any other criminal offence or illegal activities affecting the European Communities' financial interests and to define to this end the modalities for a close co-operation between the Parties. The co-operation will take place with due regard to transparency, complementarity of tasks and coordination of efforts.
2. This Practical Agreement on arrangements of cooperation does not modify any relevant legal rules and does not interfere with or amend the legal framework governing Eurojust or OLAF.

CHAPTER 2

CO-OPERATION

Point 3

Regular contacts and co-operation

1. The Parties will maintain close and regular contacts. To this end, they will set up teams consisting for Eurojust of designated Eurojust National Members and/or their Assistants and for OLAF of the Competent OLAF Unit.
2. The teams will meet regularly, at least quarterly. The meetings will be chaired by a representative of each Party in rotation, on the basis of an agenda agreed on beforehand.
3. The teams will exchange Case Summaries in accordance with Point 5 and provide general feedback on the progress made and the activities performed in cases exchanged between the Parties with a view to reinforcing, if necessary, the co-operation.
4. Moreover, the meetings and further contacts between the teams are intended
 - (a) to reinforce common strategies on cases and to resolve practical problems in the co-operation which may arise from the application of this Practical Agreement on arrangements of cooperation;
 - (b) to consult on matters of common interest in order to allow the Parties to achieve their respective objectives and co-ordinate their activities;
 - (c) to support the development of priorities and strategies which are complementary to each other having regard to the priorities established in accordance with the respective legal framework of both Parties and the overall objective of enhancing the fight against fraud, corruption or any other criminal offence or illegal activities affecting the European Communities' financial interests within their respective competences;

- (d) to identify individual or joint activities, if any, that need to be taken thereafter with a view to a more efficient and better use of the resources of the Parties;
 - (e) to help in coordinating the Parties' support and assistance of the national judicial authorities and of the authorities in charge of investigations and prosecutions.
5. If necessary to improve co-operation, the teams may invite other Eurojust National Member(s), their Assistants and/or Eurojust and OLAF Staff to take part in a meeting.
 6. The designation of teams does not have any effect on direct contacts of OLAF Staff responsible for a specific case with one or more of the Eurojust National Members concerned and *vice versa*.

Point 4

General rules on operational co-operation

1. The Parties may collaborate in accordance with their respective competences and tasks either at the request of OLAF or on the initiative of Eurojust. This collaboration includes in particular the exchange of Case Summaries with a view to identifying appropriate cases requiring co-operation in accordance with Point 5, the exchange of operational information in accordance with Point 6, the participation in operational meetings in accordance with Point 8 and the provision of such mutual assistance and advice as may be useful to the Parties for the efficient and effective fulfilment of their respective tasks.
2. Before taking up collaboration with OLAF on a case concerning the protection of the European Communities' financial interests, Eurojust will verify in accordance with Article 26(3) of the Eurojust Decision that the competent authorities of the Member States concerned do not oppose the collaboration in such case.
3. Unless otherwise specified in this Practical Agreement on arrangements of cooperation, collaboration and any kind of communication will take place directly between the person(s) or, as the case may be, the College in charge of the case.

To this end, the Parties will promptly inform each other after having taken up collaboration of the competent person(s) or, as the case may be, the College in charge of the case and his/her/their contact details.
4. The Parties will inform each other of any action taken, responses received or other relevant developments or encountered difficulties in cases where they collaborate. This includes information on the decision to close or not to pursue a specific case.

Point 5

Exchange of Case Summaries

1. With a view to identifying appropriate cases for collaboration, the Parties will inform each other as soon as possible via the transmission of Case Summaries of the existence of any case dealt with under their respective competences where:
 - in respect of Eurojust, it appears that the case is related to fraud, corruption or any criminal offence affecting the European Communities' financial interests,
 - in respect of OLAF, it appears that the case directly involves judicial co-operation between the competent national authorities of two or more Member States, or where the case concerns a Member State and the Community.

Unless otherwise stated when transmitting the Case Summary, the transmission of a Case Summary constitutes a request to the other Party (requested Party) to examine the necessity for close co-operation on a specific case.

⁽¹⁾ OJ C 197, 12.7.2000, p. 3.

⁽²⁾ OJ L 162, 20.6.2002, p. 1.

2. As soon as the requested Party has decided that a specific case, for which a Case Summary was transmitted, requires co-operation:

- in respect of Eurojust, the College and/or the National Member(s) concerned,
- in respect of OLAF, the Competent OLAF unit and/or the Director of OLAF and/or the OLAF Staff member responsible for the case

will inform the other Party of this decision without undue delay.

Information will also be provided when the requested Party decides that a case is not appropriate for co-operation.

3. Nothing prevents one Party from directly requesting the other Party to collaborate in a specific case without exchanging Case Summaries beforehand.

Point 6

Exchange of case-related information

1. When collaborating on a specific case, the Parties will exchange any necessary information, including personal data, in order to achieve the purpose of this Practical Agreement on arrangements of cooperation as set forth in Point 2. Any exchange of information takes place within the limits of their respective competences and as far as allowed under their respective legal framework and this Practical Agreement on arrangements of cooperation.
2. The Requesting Party will notify the other Party of the purpose for which the information is requested. In the case of a spontaneous transfer of information, the Party providing information will notify the other Party of the purpose for which the information is supplied.
3. Personal Data transmitted from OLAF to Eurojust will be transmitted:
 - directly to the College, when the case falls within the competence of the College, or
 - directly to the Eurojust National Member(s) concerned, when the case falls within the competence of one or more of the Eurojust National Members.
4. The respective Eurojust National Member(s) concerned with a case may transmit personal data to OLAF.
5. Information not containing Personal Data can be exchanged between the Parties also via other channels, in particular via the teams.

Point 7

Exchange of strategic information

Within the limits of their respective competences, the Parties will exchange strategic information necessary for the accomplishment of the missions of each Party, either spontaneously or on specific request. Strategic information may include:

- trends in criminality related to fraud, corruption or any other illegal activities affecting the European Communities' financial interests,
- operational structures of the organisations implicated in these activities, as well as the links existing between these organisations operating inside or outside the European Union,
- strategies, modus operandi, techniques and the financing of these organisations.

Point 8

Operational and strategic meetings

1. When operational meetings, organised by Eurojust, deal with cases the purpose of which is to co-ordinate investigations and prosecutions regarding the protection of the European Communities' financial interests, the participation of OLAF will, at the initiative of the Eurojust National Members concerned, be at the invitation of the President of the College.

2. OLAF may also participate in strategic meetings, organised by Eurojust, dealing with the protection of the European Communities' financial interests, at the invitation of the President of the College and with the approval of the Eurojust National Members concerned.

3. OLAF may also be invited by the President of the College to participate in operational and strategic meetings on its own request provided that the competent national authorities concerned do not oppose such participation.

4. Eurojust National Members and their Assistants, the Administrative Director, Eurojust Staff and, where appropriate, Liaison Magistrates and Liaison Prosecutors at Eurojust may also attend meetings organised by OLAF at the invitation of OLAF.

Point 9

Joint Investigation Teams

1. If either Eurojust or OLAF participates in a Joint Investigation Team set up by the Member States related to fraud, corruption or any criminal offence affecting the European Communities' financial interests, the Party will, when appropriate, inform the other Party and propose to the Member States to consider inviting the other Party to participate in the Joint Investigation Team.
2. The Parties may assist the Member States in the setting up of the Joint Investigation Team.
3. Eurojust and OLAF, acting separately or together, may recommend to the national authorities of the Member States the setting up of Joint Investigation Teams when the information they possess shows the usefulness of doing so.

Point 10

Co-operation in the field of professional training, seminars and workshops

The Parties will co-operate in the field of professional training, seminars and workshops:

- by informing each other of relevant activities which they organise and which may be of common interest, and, when appropriate, by inviting each other to these activities,
- by organising joint activities in this field.

CHAPTER 3

PROTECTION OF PERSONAL DATA

Point 11

General principles

1. The transmission of Personal Data between the Parties and their Processing will take place in accordance with:
 - in respect of Eurojust, the Eurojust Decision and the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust,
 - in respect of OLAF, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of Personal Data by the Community institutions and bodies and on the free movement of such data.
2. When transmitting the information, the Party may notify the other Party of any restriction on the use of the provided information. This includes possible access restrictions, restrictions on transmission to the competent authorities of the Member States and terms for deletion or destruction. Notification may also be given at a later stage, when the need for such restrictions becomes apparent after the transfer.

3. As far as allowed under the respective legal frameworks, the Parties may further process information obtained from the other Party under this Practical Agreement on arrangements of cooperation for the purpose of achieving the objectives of this Practical Agreement on arrangements of cooperation as set forth in Point 2.

Point 12

Documentation

Each Party will maintain a record of the transmission and receipt of Personal Data communicated to the other Party under this Practical Agreement on arrangements of cooperation.

Point 13

Data security

The Parties will inform each other of the technical measures and organisational arrangements, which they have taken in accordance with the respective law applicable to the Parties, to protect Personal Data against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration, access or any unauthorised form of Processing. The Parties in particular ensure that only those authorised to access Personal Data can have access to such data.

Point 14

Rights of data subjects

The transmitting Party will be consulted by the other Party before it takes a final decision on the request by an individual to have access to, and to request the correction, blocking or deletion of, Personal Data concerning him transmitted under this Practical Agreement on arrangements of cooperation, in accordance with the applicable Data Protection Provisions of the Party to which the request is addressed.

Point 15

Correction and deletion of information

1. Each Party will immediately inform the other Party in all cases where information which has been transmitted to or received from that Party is corrected or deleted, stating the reasons. It will also inform the other Party in cases where it emerges that the information should not have been transmitted.
2. When the transmitting Party informs the receiving Party that it has corrected or deleted information previously transmitted, or that the information should not have been transmitted, the receiving Party will correct or delete the information accordingly.
3. When a Party has reason to assume that information received from the other Party is not accurate, or no longer up to date, it will inform the other Party. This Party will verify the data and inform the other Party of the outcome of such verification.
4. In cases where Personal Data received from a Party and transmitted onward to a third party is corrected or deleted afterwards, the onward transmitting Party will inform that third party thereof.

Done at Brussels, this twenty fourth of September two thousand and eight, in two copies in the English language.

For Eurojust
José Luís LOPES DA MOTA
President

For OLAF
Franz-Hermann BRÜNER
Director

Point 16

Time limits for the storage of Personal Data

Personal Data will be stored in accordance with the respective laws applicable to the Parties.

CHAPTER 4

FINAL PROVISIONS

Point 17

Evaluation of co-operation

1. During the meetings of the teams set out in Point 3, the Parties will evaluate periodically the application of this Practical Agreement on arrangements of cooperation and the necessity for amendments.
2. The President of Eurojust and the Director of OLAF, or their nominees, will consult each other regularly on the application of this Practical Agreement on arrangements of cooperation. They will meet at least once a year to oversee the evaluation process conducted by the teams.
3. The Parties will provide information on their collaboration in their respective annual reports.

Point 18

Amendments

1. This Practical Agreement on arrangements of cooperation may be amended by mutual consent of the Parties at any time, provided that these amendments are approved in accordance with the procedures established for obtaining approval for this Practical Agreement on arrangements of cooperation.
2. The Parties will enter into consultations with respect to the amendment of this Practical Agreement on arrangements of cooperation at the request of either of them.

Point 19

Relation to other instruments

This Practical Agreement on arrangements of cooperation replaces the Memorandum of Understanding between Eurojust and OLAF, dated 14 April 2003.

Point 20

Entry into force

This Practical Agreement on arrangements of cooperation will enter into force on the first day after its signature.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND
BODIES

COMMISSION

Euro exchange rates ⁽¹⁾

8 December 2008

(2008/C 314/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,2854	TRY Turkish lira	2,0341
JPY Japanese yen	120,10	AUD Australian dollar	1,9377
DKK Danish krone	7,4497	CAD Canadian dollar	1,6067
GBP Pound sterling	0,86510	HKD Hong Kong dollar	9,9633
SEK Swedish krona	10,4150	NZD New Zealand dollar	2,3690
CHF Swiss franc	1,5590	SGD Singapore dollar	1,9400
ISK Iceland króna	290,00	KRW South Korean won	1 865,53
NOK Norwegian krone	9,1270	ZAR South African rand	13,1246
BGN Bulgarian lev	1,9558	CNY Chinese yuan renminbi	8,8436
CZK Czech koruna	25,712	HRK Croatian kuna	7,1948
EEK Estonian kroon	15,6466	IDR Indonesian rupiah	14 974,91
HUF Hungarian forint	264,45	MYR Malaysian ringgit	4,6756
LTL Lithuanian litas	3,4528	PHP Philippine peso	62,470
LVL Latvian lats	0,7093	RUB Russian rouble	36,0075
PLN Polish zloty	3,8875	THB Thai baht	45,702
RON Romanian leu	3,8795	BRL Brazilian real	3,1580
SKK Slovak koruna	30,195	MXN Mexican peso	17,3209

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

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1628/2006 on the application of Articles 87 and 88 of the EC Treaty to national regional investment aid

(Text with EEA relevance)

(2008/C 314/04)

Aid No	XR 16/08
Member State	Poland
Region	Lubuskie
Title of aid scheme or the name of the undertaking receiving <i>ad hoc</i> aid supplement	Program pomocy regionalnej na wspieranie nowych inwestycji i na tworzenie nowych miejsc pracy związanych z nową inwestycją, przeznaczonych dla przedsiębiorców prowadzących działalność gospodarczą na terenie miasta Gorzowa Wlkp. oraz na terenie specjalnych stref ekonomicznych usytuowanych w obrębie miasta Gorzowa Wlkp.
Legal basis	Ustawa z dnia 12 stycznia 1991 roku o podatkach i opłatach lokalnych (tekst jedn. z 2006 r. Dz.U. nr 121, poz. 844 ze zm.). Uchwała nr XI/158/2007 Rady Miasta Gorzowa Wlkp. z dnia 23 maja 2007 r. w sprawie programu pomocy regionalnej na wspieranie nowych inwestycji i na tworzenie nowych miejsc pracy związanych z nową inwestycją, przeznaczonych dla przedsiębiorców prowadzących działalność gospodarczą na terenie miasta Gorzowa Wlkp. oraz na terenie specjalnych stref ekonomicznych usytuowanych w obrębie miasta Gorzowa Wlkp.
Type of measure	Aid scheme
Annual budget	PLN 1 million
Maximum aid intensity	50 % In conformity with Article 4 of the Regulation
Date of implementation	9.6.2007
Duration	31.12.2013
Economic sectors	All sectors eligible for regional investment aid
Name and address of the granting authority	Prezydent Miasta Gorzowa Wlkp. ul. Sikorskiego 3-4 PL-66-400 Gorzów Wlkp tel. (48-95) 721 95 27 e-mail: wojnicka@um.gorzow.pl
Internet address of the publication of the aid scheme	http://www.wojewodalubuski.pl/download.php?what=../dzienniki/2007/duw152.pdf
Other information	—

Aid No	XR 41/08
Member State	Belgium
Region	Brabant wallon (Tubize); Namur (Dinant, Houyet, Rochefort, Sambreville et Somme-Leuze); Liège (Awans, Dison, Engis, Flémalle, Grâce-Hollogne, Herstal, Liège, Oupeye, Saint-Nicolas, Seraing, Verviers et Visé); Luxembourg (Bastogne, Bertogne, La roche-en Ardenne, Libin, Libramont-Chevigny, Marche-en-Famenne, Neufchâteau, Tellin et Vielsalm).
Title of aid scheme or the name of the undertaking receiving <i>ad hoc</i> aid supplement	Incitants en faveur des entreprises (grandes entreprises et PME) objectif convergence
Legal basis	Arrêté du GW du 6 mai 2006 portant exécution du décret du 11 mars 2004 relatif aux incitants régionaux en faveur des grandes entreprises modifié par l'arrêté du Gouvernement wallon du 17 janvier 2008; Arrêté du GW du 6 mai 2006 portant exécution du décret du 11 mars 2004 relatif aux incitants régionaux en faveur des PME modifié par l'arrêté du Gouvernement wallon du 17 janvier 2008; Arrêté du GW du 6 décembre 2006 déterminant les zones de développement pour la période 2007-2013
Type of measure	Aid scheme
Annual budget	EUR 18,7 million
Maximum aid intensity	15 % In conformity with Article 4 of the Regulation
Date of implementation	8.2.2008
Duration	31.12.2013
Economic sectors	All sectors eligible for regional investment aid
Name and address of the granting authority	Direction générale de l'Économie et de l'Emploi Direction de la Politique économique Place de la Wallonie, 1, bât. 1 B-5100 Jambes
Internet address of the publication of the aid scheme	http://wallex.wallonie.be
Other information	—

V

(Announcements)

ADMINISTRATIVE PROCEDURES

COMMISSION

Call for proposals under the 'Capacities' work programme of the 7th EC Framework Programme for Research, Technological Development and Demonstration Activities

(2008/C 314/05)

Notice is hereby given of the launch of a call for proposals under the 'Capacities' work programme of the 7th Framework Programme of the European Community for Research, Technological Development and Demonstration Activities (2007 to 2013).

Proposals are invited for the following call.

'Capacities' Specific Programme:

Part: Research Infrastructures
Call Identifier: FP7-INFRASTRUCTURES-2009-1

This call for proposals relates to the work programme adopted by Commission Decision C(2008) 4566 of 26 August 2008.

Information on the call budget, deadline and modalities, the work programme, and the guide for applicants on how to submit proposals is available through the CORDIS website: <http://cordis.europa.eu/fp7/calls/>

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

COMMISSION

Planned closure of complaint 2007/2001

(2008/C 314/06)

The European Commission has received multiple complaints concerning a discriminatory tax levied in Romania on the occasion of the first registration of a motor vehicle within its territory. In this respect, the Secretariat General of the European Commission registered a large number of complaints and letters. The complaints registered under reference numbers 2007/4078, 2007/4079, 2007/4151 and the other correspondence from the concerned citizens of the EU were treated under the lead file with reference number 2007/2001.

The responsible Commission's department completed its investigation of the above-mentioned case. In order to properly inform not only the complainants but also all other concerned persons the Commission has decided to publish the present notice expressing an intention to close this file.

Whilst it is clear that there is no harmonisation of the passenger car related taxes at Community level and thus Member States may impose such taxes and decide on their levels and methods of application, such a discretion is restricted by the provisions of the Treaty establishing the European Community (EC), in particular Article 90, which precludes any discriminatory taxation of the products coming from other Member States.

The Romanian provisions relating to the car registration tax did not appear to comply with Article 90 of the EC Treaty. Consequently, on 23 March 2007, the Commission initiated an infringement procedure by issuing a letter of formal notice (IP/07/372) to Romania. The Commission referred to the jurisprudence of the European Court of Justice which has consistently ruled that when the tax is levied only once on new and used motor vehicles, the amount of tax due on a second-hand motor vehicle coming from another Member State must never exceed the residual tax included in the market value of a similar used car already registered in that Member State when new. To that effect Member States must take the depreciation of imported used motor vehicles into account.

Romania acknowledged the letter of formal notice and developed general lines, according to which the necessary amendments were drafted, together with a formula for calculating the amount of car registration tax and the values to be used for that purpose, including a fixed grid of depreciation. However, the necessary amendments were not adopted in due time.

On 28 November 2007, the Commission addressed a reasoned opinion to Romania requesting that they comply with Community law as interpreted by the Court (IP/07/1799). This was followed by a number of technical meetings and discussions on versions of a draft legislation which resulted in the adoption on 21 April 2008 of Emergency Ordinance No 50/2008 (published in the Official Journal of Romania on 25 April 2008) amending the contested legislation. The Romanian Government has also approved the methodological norms for the application of Emergency Ordinance No 50/2008 by integrating Title V *Determination of the real depreciation of a used motor vehicle* into the application of the improved fixed grid of depreciation contained in Annex 4 of the Emergency Ordinance. This ensures that the actual depreciation of used motor vehicles is taken into account when calculating the amount of car registration tax due.

Furthermore, the above-mentioned Romanian legislation removed a discriminatory correlation coefficient, established a proper definition of 'a new motor vehicle', and also provided the tax payer with the right to have an individual inspection of his motor vehicle in order to establish its true depreciation. Finally, the adopted legislation disclosed to the public the criteria on the basis of which the depreciation of used motor vehicles is established.

In the light of the above information, the responsible department of the Commission considers that the Romanian authorities have taken the appropriate steps to ensure compliance with Community law and at present it would appear that the Romanian legislation on car registration taxes has been brought in to line with Article 90 of the EC Treaty.

For this reason, the responsible department will propose to the Commission that the case in question be closed.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

COMMISSION

Prior notification of a concentration **(Case COMP/M.5358 — Arizona/Abieta)**

(Text with EEA relevance)

(2008/C 314/07)

1. On 2 December 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Arizona Chemical GmbH ('Arizona', Germany) belonging to the Arizona Chemical group acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Abieta Chemie GmbH ('Abieta', Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Arizona: refining, processing and sale of oleochemicals,
 - for Abieta: production and sale of rosin soaps, used as emulsifiers.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. 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 to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.5358 — Arizona/Abieta, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Brussels

⁽¹⁾ OJL 24, 29.1.2004, p. 1.

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.