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## Information and Notices

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

## II

*(Information)*

## INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COMMISSION

**Communication from the Commission — Statement by the Commission with regard to the entry into force on 19 May 2009 of the Second Protocol to the Convention on the protection of the European Communities' financial interests**

(2009/C 219/01)

The Second Protocol to the Convention on the protection of the European Communities' financial interests enters into force, according to its Article 16, ninety days after the notification to the Secretary-General of the Council of the European Union of the completion of the national procedures required for adopting that Protocol, by the State which, being a member of the European Union on the date of the adoption by the Council of the act drawing up that Protocol, is the last to fulfil that formality.

As the last of these notifications took place on 18 February 2009, the Second Protocol to the Convention on the protection of the European Communities' financial interests entered into force on 19 May 2009.

The Commission reaffirms its commitment to accept the tasks entrusted to it under Article 7 of the Second Protocol to the Convention on the protection of the European Communities' financial interests, as enshrined in the Commission Declaration on Article 7 enclosed to that Protocol.

The Commission notes that:

- the processing of personal data carried out by the Commission is subject to 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. Regulation (EC) No 45/2001 also provides that the monitoring and enforcement of compliance with the provisions of this Regulation and any other Community act relating to the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data by a Community institution or body is done by an independent supervisory authority, the European Data Protection Supervisor,
- in the context of the exchange of information under Article 7(2) of the Second Protocol, and pursuant to its Article 8 as regards processing of personal data, a level of protection equivalent to the level of protection set out in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup> is ensured within the Commission (OLAF) through the application of 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 <sup>(2)</sup>,

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

- the supervisory authority for the purpose of exercising the function of independent data protection supervision over personal data held by the Commission (OLAF) required under Article 11 of the Second Protocol is the European Data Protection Supervisor, being the independent supervisory authority established by Regulation (EC) No 45/2001,
- the Court of Justice of the European Communities has jurisdiction to hear all disputes which relate to the provisions of Regulation (EC) No 45/2001, as requested under Article 15 of the Second Protocol.

Consequently, having complied with its obligation to publish the data protection rules pursuant to Article 9 of the Second Protocol and the terms of Article 11 of the Second Protocol concerning the supervisory authority, the Commission considers that it has implemented its obligations with the result that Article 7(2) of the Second Protocol becomes fully applicable between itself and the Member States having ratified that Protocol.

Done at Brussels, 11 September 2009.

*For the Commission*

Siim KALLAS

*Member of the Commission*

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**Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty**

**Cases where the Commission raises no objections**

(Text with EEA relevance)

(2009/C 219/02)

Date of adoption of the decision	29.4.2009
Reference number of State Aid	N 635/08
Member State	Italy
Region	Sicilia
Title (and/or name of the beneficiary)	Fiat Group Automobiles S.p.A.
Legal basis	Normativa di attuazione dei contratti di programma — Art. 8 <i>bis</i> , comma 3, del decreto legge 2 luglio 2007 n. 81, convertito con modificazioni dalla legge 3 agosto 2007 n. 127. Il decreto, registrato alla Corte dei conti il 22 febbraio 2008 e pubblicato nella g.u. n. 56 del 6 marzo 2008, disciplina i criteri, le condizioni e le modalità, per la concessione delle agevolazioni finanziarie attraverso la sottoscrizione dei contratti di programma, di cui all'articolo 2, comma 203, lettera e) della legge 23 dicembre 1996, n. 662.
Type of measure	Individual aid
Objective	Regional development, employment
Form of aid	Direct grant
Budget	Overall budget: EUR 46,3 million
Intensity	14,03 %
Duration (period)	Until 31.12.2010
Economic sectors	Manufacturing industry
Name and address of the granting authority	Ministero dello Sviluppo Regionale Via del Giorgione 2b 00147 Roma RM ITALIA
Other information	—

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

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	10.3.2009
Reference number of State Aid	NN 10/09
Member State	Ireland
Region	—
Title (and/or name of the beneficiary)	Irish film support scheme
Legal basis	Section 481 of the Taxes Consolidation Act, 1997 (as amended) and the Irish Film Board Act 1980 (as amended)
Type of measure	Aid scheme

Objective	Culture
Form of aid	Tax allowance, soft loan
Budget	Annual budget: EUR 43 million; overall budget: EUR 172 million
Intensity	50 %
Duration (period)	Until 31.12.2012
Economic sectors	Media
Name and address of the granting authority	Irish Revenue Commissioners & Irish Film Board Queensgate 23 Dock Road Galway IRELAND
Other information	—

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

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	30.7.2009
Reference number of State Aid	N 229/09
Member State	Denmark
Region	—
Title (and/or name of the beneficiary)	Programmet for brugerdriven innovation
Legal basis	Lov om erhvervsfremme Å§ 2, stk. 2 og 3, stk. 2, Å§ 4 stk. 1 og Å§ 22 stk. 1, 3 og 4 i lov nr. 602 af 24. juni 2005 Bekendtgørelse nr. 241 af 20. marts 2007 som ændret ved bekendtgørelse nr. 616 af 30. juni 2008
Type of measure	Aid scheme
Objective	Research and development
Form of aid	Direct grant
Budget	Overall budget: DKK 400,7 million
Intensity	50 %
Duration (period)	Until 31.12.2010
Economic sectors	—
Name and address of the granting authority	Erhvervs- og Byggestyrelsen Dahlerups Pakhus Langelinie Alle 17 2100 København Ø DANMARK
Other information	—

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

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	14.8.2009
Reference number of State Aid	N 243/09
Member State	Germany
Region	Niedersachsen
Title (and/or name of the beneficiary)	Ausbau der Breitbandinfrastruktur in Niedersachsen
Legal basis	Landeshaushaltsordnung Niedersachsen, Verwaltungsvorschriften und allgemeine Nebenbestimmungen zu Artikel 44 Landeshaushaltsordnung
Type of measure	Aid scheme
Objective	Regional development
Form of aid	Direct grant
Budget	Overall budget: EUR 80 million
Intensity	—
Duration (period)	Until 31.12.2011
Economic sectors	Post and telecommunications
Name and address of the granting authority	Investitions-und Förderbank Niedersachsen, Günther-Wagner Allee 12-14 30177 Hannover DEUTSCHLAND
Other information	—

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

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	15.7.2009
Reference number of State Aid	N 276/09
Member State	Germany
Region	—
Title (and/or name of the beneficiary)	Flugzeug-Ausrüsterprogramm
Legal basis	Haushaltsgesetz des Bundes, Bundeshaushalt 2009: Kapitel 0902; Titel 66292-634: Ausgaben zur Absicherung des Ausfallrisikos im Zusammenhang mit Darlehen zur Finanzierung der anteiligen Entwicklungskosten ziviler Luftfahrzeuge; Gesetz über die Kreditanstalt für Wiederaufbau in der Fassung der Bekanntmachung vom 23. Juni 1969 (BGBl. I S. 573), zuletzt geändert durch Artikel 173 der Verordnung vom 31. Oktober 2006 (BGBl. I S. 2407); Bekanntmachung über die Möglichkeit einer anteiligen Finanzierung der Entwicklungskosten von Projekten beteiligter Unternehmen der Ausrüstungsindustrie
Type of measure	Aid scheme
Objective	Research and development, environmental protection
Form of aid	Reimbursable grant
Budget	Overall budget: EUR 300 million
Intensity	25 %

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Duration (period)	20.9.2009-31.12.2013
Economic sectors	Manufacturing industry
Name and address of the granting authority	Bundesministerium für Wirtschaft und Technologie 10119 Berlin DEUTSCHLAND
Other information	—

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

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

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## III

(Preparatory acts)

## COUNCIL

**Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Latvia, the Republic of Lithuania, Republic of Hungary, the Kingdom of the Netherlands, Romania, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden for a Council Framework Decision 2009/.../JHA of ... on transfer of proceedings in criminal matters**

(2009/C 219/03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(1)(a) and Article 34(2)(b) thereof,

Having regard to the initiative of ...,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice.
- (2) The Hague Programme for strengthening freedom, security and justice in the European Union <sup>(2)</sup> requires Member States to consider possibilities of concentrating the prosecution in cross-border multilateral cases in one Member State, with a view to increasing the efficiency of prosecutions while guaranteeing the proper administration of justice.
- (3) Eurojust was created to stimulate and improve the coordination of investigations and prosecutions between competent authorities of the Member States.
- (4) The Council Framework Decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings <sup>(3)</sup> addresses the adverse consequences of

several Member States having criminal jurisdiction to conduct criminal proceedings (proceedings) in respect of the same facts relating to the same person. That Framework Decision establishes a procedure for exchange of information and direct consultations, aimed at preventing infringements of the *ne bis in idem* principle.

- (5) Further development of judicial cooperation between Member States is needed to increase the efficiency of investigations and prosecutions. Common rules between the Member States regarding the transfer of proceedings are essential in order to address cross-border crimes. Such common rules help to prevent infringements of the *ne bis in idem* principle and support the work of Eurojust. Furthermore, in an area of freedom, security and justice there should be a common legal framework for the transfer of proceedings between Member States.
- (6) Thirteen Member States have ratified and applied the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972. The other Member States have not ratified that convention. Some of them have relied, for the purpose of enabling other Member States to bring proceedings, on the mechanism of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, in conjunction with the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union <sup>(4)</sup> of 29 May 2000. Others have used bilateral agreements or informal cooperation.
- (7) An agreement between the Member States of the European Communities on the transfer of proceedings in criminal matters was signed in 1990. That agreement has, however, not entered into force due to a lack of ratifications.

<sup>(1)</sup> Opinion of ...

<sup>(2)</sup> OJ C 53, 3.3.2005, p. 1.

<sup>(3)</sup> 8535/09.

<sup>(4)</sup> OJ C 197, 12.7.2000, p. 3.

- (8) Consequently, no uniform procedure has been applied to cooperation between Member States regarding transfer of proceedings.
- (9) This Framework Decision should establish a common legal framework for the transfer of criminal proceedings between the Member States. The measures provided for in the Framework Decision should be aimed at extending cooperation between competent authorities of the Member States with an instrument which increases efficiency in criminal proceedings and improves the proper administration of justice, by establishing common rules regulating the conditions under which criminal proceedings initiated in one Member State may be transferred to another Member State.
- (10) Member States should designate the competent authorities in a way that promotes the principle of direct contacts between those authorities.
- (11) For the purpose of applying this Framework Decision, a Member State could acquire competence where that competence is conferred upon the Member State by another Member State.
- (12) Several Council Framework Decisions have been adopted on the application of the principle of mutual recognition to judgments in criminal matters for enforcement of sentences in other Member States, in particular Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties<sup>(1)</sup>, Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union<sup>(2)</sup> and Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions<sup>(3)</sup>. This Framework Decision should supplement the provisions of those Framework Decisions and should not be interpreted as precluding their application.
- (13) The legitimate interests of suspects and victims should be taken into account in applying this Framework Decision. Nothing in this Framework Decision should, however, be interpreted as undermining the prerogative of the competent judicial authorities to determine whether proceedings will be transferred.
- (14) Nothing in this Framework Decision should be interpreted as affecting any right of individuals to argue that they should be prosecuted in their own or in another jurisdiction if such a right exists under national law.
- (15) The competent authorities should be encouraged to consult each other before a transfer of proceedings is requested and whenever it is felt appropriate to facilitate the smooth and efficient application of this Framework Decision.
- (16) When proceedings have been transferred in accordance with this Framework Decision, the receiving authority should apply its national law and procedures.
- (17) This Framework Decision does not constitute a legal basis for arresting persons with a view to their physical transfer to another Member State so that the latter can bring proceedings against the person.
- (18) This Framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and reflected by the Charter of Fundamental Rights of the European Union, in particular Chapter VI thereof. Nothing in this Framework Decision should be interpreted as prohibiting a refusal to cooperate when there are objective reasons to believe that proceedings have been initiated for the purpose of punishing a person on the grounds of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced on any one of those grounds,

HAS ADOPTED THIS FRAMEWORK DECISION:

## CHAPTER 1

### GENERAL PROVISIONS

#### Article 1

#### Objective and scope

The purpose of this Framework Decision is to increase efficiency in criminal proceedings and to improve the proper administration of justice within the area of freedom, security and justice by establishing common rules facilitating the transfer of criminal proceedings between competent authorities of the Member States, taking into account the legitimate interests of suspects and victims.

#### Article 2

#### Fundamental rights

This Framework Decision shall not have the effect of modifying the obligations to respect the fundamental rights and principles recognised by Article 6 of the Treaty on European Union.

<sup>(1)</sup> OJ L 76, 22.3.2005, p. 16.

<sup>(2)</sup> OJ L 327, 5.12.2008, p. 27.

<sup>(3)</sup> OJ L 337, 16.12.2008, p. 102.

*Article 3***Definitions**

For the purposes of this Framework Decision:

- (a) 'offence' shall mean an act constituting an offence pursuant to national criminal law;
- (b) 'transferring authority' shall mean an authority which is competent to request transfer of proceedings;
- (c) 'receiving authority' shall mean an authority which is competent to receive a request for transfer of proceedings.

*Article 4***Designation of competent authorities**

1. Each Member State shall inform the General Secretariat of the Council which judicial authorities, under its national law, are competent to act as transferring authority and receiving authority (competent authorities) pursuant to this Framework Decision.
2. Member States may designate non-judicial authorities as the competent authorities for taking decisions under this Framework Decision, provided that such authorities have competence for taking decisions of a similar nature under their national law and procedures.
3. Each Member State may, if necessary due to the organisation of its internal system, designate one or more central authorities to assist the competent authorities with the administrative transmission and reception of the requests. It shall inform the General Secretariat of the Council thereof.
4. The General Secretariat of the Council shall make the information received available to all Member States and the Commission.

*Article 5***Competence**

1. For the purpose of applying this Framework Decision, any Member State shall have competence to prosecute, under its national law, any offence to which the law of another Member State is applicable.
2. The competence conferred on a Member State exclusively by virtue of paragraph 1 may be exercised only pursuant to a request for transfer of proceedings.

*Article 6***Waiver of proceedings**

Any Member State having competence under its national law to prosecute an offence may, for the purposes of applying this Framework Decision, waive or desist from proceedings against a suspected person, in order to allow for the transfer of proceedings in respect of that offence to another Member State.

## CHAPTER 2

**TRANSFER OF PROCEEDINGS***Article 7***Criteria for requesting transfer of proceedings**

When a person is suspected of having committed an offence under the law of a Member State, the transferring authority of that Member State may request the receiving authority in another Member State to take the proceedings if that would improve the efficient and proper administration of justice, and if at least one of the following criteria is met:

- (a) the offence has been committed wholly or partly in the territory of the other Member State, or most of the effects or a substantial part of the damage caused by the offence was sustained in the territory of the other Member State;
- (b) the suspected person is ordinarily resident in the other Member State;
- (c) substantial parts of the most important evidence are located in the other Member State;
- (d) there are ongoing proceedings against the suspected person in the other Member State;
- (e) there are ongoing proceedings in respect of the same or related facts involving other persons, in particular in respect of the same criminal organisation, in the other Member State;
- (f) the suspected person is serving or is to serve a sentence involving deprivation of liberty in the other Member State;
- (g) enforcement of the sentence in the other Member State is likely to improve the prospects for social rehabilitation of the person sentenced or there are other reasons for a more appropriate enforcement of the sentence in the other Member State; or
- (h) the victim is ordinarily resident in the other Member State or the victim has another significant interest in having the proceedings transferred.

#### Article 8

##### Informing the suspected person

Before a request for transfer is made, the transferring authority shall, where appropriate and in accordance with national law, inform the person suspected of the offence of the intended transfer. If the suspected person presents an opinion on the transfer, the transferring authority shall inform the receiving authority thereof.

#### Article 9

##### The rights of the victim

Before a request for transfer is made the transferring authority shall give due consideration to the interests of the victim of the offence and see to it that their rights under national law are fully respected. This includes, in particular, a right for the victim to be informed of the intended transfer.

#### Article 10

##### Procedure for requesting transfer of proceedings

1. Before the transferring authority makes a request for transfer of proceedings in accordance with Article 7, it may inform and consult with the receiving authority, in particular as regards whether the receiving authority is likely to invoke one of the grounds for refusal referred to in Article 12.

2. To consult with the receiving authority in accordance with paragraph 1, the transferring authority shall make information regarding the proceedings available to the receiving authority and may provide it in writing, using a standard form set out in the Annex.

3. The form referred to in paragraph 2 shall be forwarded by the transferring authority directly to the receiving authority by any means that leave a written record under conditions that allow the receiving authority to establish its authenticity. All other official communications shall also be made directly between those authorities.

4. A request for transfer shall be accompanied by the original or by a certified copy of the criminal file or relevant parts thereof, by any other relevant documents and by a copy of the relevant legislation, or, where this is not possible, by a statement of the relevant law. If consultation has not taken place in accordance with the procedure referred to in paragraph 3, the request for transfer shall be made in writing, using the standard form set out in the Annex, in accordance with the procedure referred to in paragraph 3.

5. The transferring authority shall inform the receiving authority of any procedural acts or measures with a bearing

on the proceedings that have been undertaken in the Member State of the transferring authority after the transmission of the request. This communication shall be accompanied by all relevant documents.

6. The transferring authority may withdraw the request for transfer at any time prior to the receiving authority's decision under Article 13(1) to accept transfer.

7. If the receiving authority is not known to the transferring authority, the latter shall make all necessary inquiries, including through the contact points of the European Judicial Network, in order to obtain the details of the receiving authority.

8. If the authority which receives the request is not the competent authority under Article 4, it shall transmit the request *ex officio* to the competent authority and shall without delay inform the transferring authority accordingly.

#### Article 11

##### Double criminality

A request for transfer of proceedings can be complied with only if the act underlying the request for transfer constitutes an offence under the law of the Member State of the receiving authority.

#### Article 12

##### Grounds for refusal

1. The receiving authority of a Member State may refuse transfer only:

- (a) if the act does not constitute an offence under the law of that Member State in accordance with Article 11;
- (b) if taking proceedings would be contrary to the *ne bis in idem* principle;
- (c) if the suspect cannot be held criminally liable for the offence due to his or her age;
- (d) if there is an immunity or privilege under the law of that Member State which makes it impossible to take action;
- (e) where the criminal prosecution is statute-barred in accordance with the law of that Member State;
- (f) if the offence is covered by amnesty in accordance with the law of that Member State;
- (g) if the criteria on which the request is based under Article 7 points (a) to (h) are not considered met.

2. If the competence of the Member State which received the request is exclusively grounded on Article 5, the receiving authority may, in addition to the grounds for refusal in paragraph 1, refuse transfer if it is not considered to improve the efficient and proper administration of justice.

3. In the cases referred to in paragraph 1(g), before deciding to refuse transfer, the receiving authority shall communicate, by appropriate means, with the transferring authority and, where necessary, ask it to supply without delay all additional information required.

#### *Article 13*

##### **Decision of the receiving authority**

1. When a request for transfer of proceedings has been received, the receiving authority shall without undue delay determine whether a transfer of proceedings will be accepted and shall, unless it decides to invoke one of the grounds for refusal in Article 12, take all necessary measures to comply with the request under its national law.

2. The receiving authority shall without delay inform the transferring authority, by any means that leave a written record, of its decision. If the receiving authority decides to refuse transfer, it shall inform the transferring authority of the reasons for its decision.

#### *Article 14*

##### **Consultations between the transferring and receiving authorities**

The transferring and receiving authorities may, where and whenever it is felt appropriate, consult each other with a view to facilitating the smooth and efficient application of this Framework Decision.

#### *Article 15*

##### **Cooperation with Eurojust and the European Judicial Network**

Any competent authority may, at any stage of the procedure, request the assistance of Eurojust or the European Judicial Network.

### CHAPTER 3

#### **EFFECTS OF THE TRANSFER**

#### *Article 16*

##### **Effects in the Member State of the transferring authority**

1. At the latest upon receipt of the notification of the acceptance by the receiving authority of a transfer of

proceedings, the proceedings related to the facts underlying the request for transfer shall, in accordance with national law, be suspended or discontinued in the Member State of the transferring authority, except for any necessary investigations, including judicial assistance to the receiving authority.

2. The transferring authority may open or reopen proceedings if the receiving authority informs it of its decision to discontinue the proceedings related to the facts underlying the request.

3. The transferring authority may not open or reopen proceedings if it has been informed by the receiving authority of a decision delivered at the end of the proceedings in the Member State of the receiving authority, if that decision presents an obstacle to further proceedings under the law of that Member State.

4. This Framework Decision is without prejudice to the right of victims to initiate criminal proceedings against the offender, when so provided for by national law.

#### *Article 17*

##### **Effects in the Member State of the receiving authority**

1. The proceedings transferred shall be governed by the law of the Member State to which transfer has been effected.

2. Where compatible with the law of the Member State of the receiving authority, any act for the purpose of proceedings or preparatory inquiries performed in the Member State of the transferring authority or any act interrupting or suspending the period of limitation shall have the same validity in the other Member State as if it had been validly performed in or by the authorities of that Member State.

3. When the receiving authority has decided to accept a transfer of proceedings, it may apply any procedural measures permitted under its national law.

4. If proceedings are dependent on a complaint in both Member States, the complaint brought in the Member State of the transferring authority shall have equal validity with that brought in the other Member State.

5. Where only the law of the Member State of the receiving authority requires that a complaint be lodged or another means of initiating proceedings be employed, those formalities shall be carried out within the time limits laid down by the law of that Member State. The other Member State shall be informed thereof. The time limit shall start to run on the date on which the receiving authority decides to accept a transfer of proceedings.



6. In the Member State of the receiving authority the sanction applicable to the offence shall be that prescribed by its own law unless that law provides otherwise. Where the competence is exclusively grounded on Article 5, the sanction pronounced in that Member State shall not be more severe than that provided for in the law of the other Member State.

#### CHAPTER 4

#### FINAL PROVISIONS

##### Article 18

##### Information to be given by the receiving authority

The receiving authority shall inform the transferring authority of the discontinuation of proceedings or of any decision delivered at the end of the proceedings, including whether that decision presents an obstacle to further proceedings under the law of the Member State of the receiving authority, or of other information of substantial value. It shall forward a copy of the written decision.

##### Article 19

##### Languages

1. The form set out in the Annex and the relevant parts of the criminal file shall be translated into the official language or one of the official languages of the Member State to which they are forwarded.

2. Any Member State may, upon the adoption of this Framework Decision or later, state in a declaration deposited with the General Secretariat of the Council that it will accept a translation into one or more other official languages of the institutions of the European Union. The General Secretariat shall make that information available to the other Member States and the Commission.

##### Article 20

##### Costs

Costs resulting from the application of this Framework Decision shall be borne by the Member State of the receiving authority, except for costs arising exclusively in the territory of the other Member State.

##### Article 21

##### Relationship with other agreements and arrangements

1. In relations between Member States that are bound by the European Convention on the Transfer of Proceedings in

Criminal Matters of 15 May 1972, the provisions of this Framework Decision shall apply instead of the corresponding provisions of that Convention from the date referred to in Article 22(1).

2. Member States may continue to apply bilateral or multi-lateral agreements or arrangements in force, insofar as they allow the objectives of this Framework Decision to be extended or help to further simplify or facilitate the transfer of proceedings.

3. Member States may conclude bilateral or multilateral agreements or arrangements after the entry into force of this Framework Decision insofar as such agreements or arrangements allow the provisions of this Framework Decision to be extended and help to simplify or facilitate further the transfer of proceedings.

4. Member States shall notify the Council and the Commission by [...] of the agreements and arrangements referred to in paragraph 2 which they wish to continue applying. Member States shall also notify the Council and the Commission of any agreement or arrangement referred to in paragraph 3, within three months of signing it.

##### Article 22

##### Implementation

1. Member States shall take the necessary measures to comply with the provisions of this Framework Decision by [...].

2. Member States shall transmit to the General Secretariat of the Council and the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision.

##### Article 23

##### Entry into force

This Framework Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at, ...

For the Council

The President

...

## ANNEX

**FORM FOR TRANSFER OF CRIMINAL PROCEEDINGS**

(referred to in Article 10 of Framework Decision 2009/.../JHA)

This form is used as:

☐ a means to inform and consult regarding a possible transfer of proceedings☐ a request for transfer of proceedings

Member State of the transferring authority:

Member State of the receiving authority:

Transferring authority (or other authority referred to in Article 4) — contact details:

Name: .....

Address: .....

Tel. (country code) (area/city code): .....

Fax (country code) (area/city code): .....

Details of the person(s) to be contacted:

Name: .....

Position (title/grade): .....

File reference: .....

Tel. (country code) (area/city code): .....

Fax (country code) (area/city code): .....

E-mail (if any): .....

The receiving authority which has been consulted:

Name: .....

Address: .....

☐ No consultation has been made.

Details of the person(s) contacted, if the receiving authority has been consulted:

Name: .....

Position (title/grade): .....

File reference (if known): .....

Tel. (country code) (area/city code): .....

Fax (country code) (area/city code): .....

E-mail (if any): .....

Details of the suspected person(s):

Name: .....

Nationality: .....

Date of birth: .....

Place of birth: .....

Identity number or social security number (if any):

Address: .....

Language(s) understood (if known): .....

☐ The suspected person has been informed about the intended transfer.

☐ The suspected person has presented an opinion on the intended transfer. The opinion of the suspected person:



Description of facts of the alleged offence(s) (including where, when and how it was committed):

Nature and legal classification of the alleged offence(s):

- ☐ The criminal file or its certified copy is enclosed.
- ☐ Relevant parts of the criminal file or their certified copies are enclosed.
- ☐ A copy of the relevant legislation is enclosed.
- ☐ A copy of the relevant legislation is not enclosed. A statement of applicable legislation:

Criteria for requesting transfer of proceedings:

- ☐ the offence has been committed wholly or partly in the territory of the Member State of the receiving authority;
- ☐ most of the effects or substantial part of the damage caused by the offence was sustained in the territory of the Member State of the receiving authority;
- ☐ the suspected person is ordinarily resident in the Member State of the receiving authority;
- ☐ substantial parts of the most important evidence are located in the Member State of the receiving authority;
- ☐ there are ongoing proceedings against the suspected person in the Member State of the receiving authority;
- ☐ there are ongoing proceedings in respect of the same or related facts involving other persons, in particular in respect of the same criminal organisation, in the Member State of the receiving authority;
- ☐ the suspected person is serving or is to serve a sentence involving deprivation of liberty in the Member State of the receiving authority;
- ☐ enforcement of the sentence in the Member State of the receiving authority is likely to improve the prospects for social rehabilitation of the person sentenced;
- ☐ there are other reasons for a more appropriate enforcement of the sentence in the Member State of the receiving authority.

Please indicate the reasons:

- ☐ the victim is ordinarily resident in the Member State of the receiving authority;
- ☐ the victim has another significant interest in having the proceedings transferred.

Please indicate the reason:

Stage of the proceedings that has been reached, including any procedural acts taken in the Member State of the transferring authority:

Information about evidence collected so far:

Details of the victim(s) (if applicable):

Name: .....

Nationality: .....

Date of birth: .....

Place of birth: .....

Identity number or social security number (if any):

Address: .....

Language(s) understood (if known): .....

Other details of interest: .....

☐ The victim has been informed about the intended transfer.

Additional information:

☐ Other relevant documents have been enclosed, namely:

Signature, date and official stamp:

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COMMISSION

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

11 September 2009

(2009/C 219/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,4594	AUD Australian dollar	1,6908
JPY Japanese yen	132,62	CAD Canadian dollar	1,5728
DKK Danish krone	7,4431	HKD Hong Kong dollar	11,3106
GBP Pound sterling	0,87390	NZD New Zealand dollar	2,0660
SEK Swedish krona	10,2128	SGD Singapore dollar	2,0752
CHF Swiss franc	1,5137	KRW South Korean won	1 781,26
ISK Iceland króna		ZAR South African rand	11,0648
NOK Norwegian krone	8,6340	CNY Chinese yuan renminbi	9,9662
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,3300
CZK Czech koruna	25,488	IDR Indonesian rupiah	14 468,46
EEK Estonian kroon	15,6466	MYR Malaysian ringgit	5,0970
HUF Hungarian forint	273,33	PHP Philippine peso	70,528
LTL Lithuanian litas	3,4528	RUB Russian rouble	44,8015
LVL Latvian lats	0,7023	THB Thai baht	49,554
PLN Polish zloty	4,1925	BRL Brazilian real	2,6442
RON Romanian leu	4,2800	MXN Mexican peso	19,5779
TRY Turkish lira	2,1865	INR Indian rupee	70,7440

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

**Commission notice concerning the date of application of the protocols on rules of origin providing for diagonal cumulation between the Community, Algeria, Egypt, Faeroe Islands, Iceland, Israel, Jordan, Lebanon, Morocco, Norway, Switzerland (including Liechtenstein), Syria, Tunisia, Turkey and West Bank and Gaza Strip**

(2009/C 219/05)

For the purpose of the creation of diagonal cumulation of origin among the Community, Algeria, Egypt, Faeroe Islands, Iceland, Israel, Jordan, Lebanon, Morocco, Norway, Switzerland (including Liechtenstein), Syria, Tunisia, Turkey and West Bank and Gaza Strip, the Community and the countries concerned notify each other, through the European Commission, of the origin rules in force with the other countries.

Based on the notifications received from the countries concerned, the table here enclosed gives an overview of the protocols on rules of origin providing for diagonal cumulation specifying the date from which such cumulation becomes applicable. This table replaces the previous one (OJ C 136, 16.6.2009).

It is recalled that cumulation can be only applied if the countries of final manufacture and of final destination have concluded free trade agreements, containing identical rules of origin, with all the countries participating in the acquisition of originating status, i.e. with all the countries from which all the materials used originate. Materials originating in the country which has not concluded an agreement with the countries of final manufacture and of final destination shall be treated as non-originating. Specific examples are given in the Explanatory Notes concerning the pan-Euro-Mediterranean protocols on rules of origin <sup>(1)</sup>.

It is also recalled that:

- Switzerland and the Principality of Liechtenstein form a customs union,
- within the European Economic Area, which is composed of the EU, Iceland, Liechtenstein and Norway, the date of application is 1.11.2005.

The ISO-Alpha-2 codes for the country listed in the table are given here below:

— Algeria	DZ	— Morocco	MA
— Egypt	EG	— Norway	NO
— Faeroe Islands	FO	— Switzerland	CH
— Iceland	IS	— Syria	SY
— Israel	IL	— Tunisia	TN
— Jordan	JO	— Turkey	TR
— Lebanon	LB	— West Bank and Gaza Strip	PS
— Liechtenstein	LI		

<sup>(1)</sup> OJ C 83, 17.4.2007.

**Date of application of the protocols on rules of origin providing for diagonal cumulation in the pan-euro-med zone**

	EU	DZ	CH(EFTA)	EG	FO	IL	IS(EFTA)	JO	LB	LI(EFTA)	MA	NO(EFTA)	PS	SY	TN	TR
EU		1.11.2007	1.1.2006	1.3.2006	1.12.2005	1.1.2006	1.1.2006	1.7.2006		1.1.2006	1.12.2005	1.1.2006	1.7.2009		1.8.2006	( <sup>1</sup> )
DZ	1.11.2007															
CH(EFTA)	1.1.2006			1.8.2007	1.1.2006	1.7.2005	1.8.2005	17.7.2007	1.1.2007	1.8.2005	1.3.2005	1.8.2005			1.6.2005	1.9.2007
EG	1.3.2006		1.8.2007				1.8.2007	6.7.2006		1.8.2007	6.7.2006	1.8.2007			6.7.2006	1.3.2007
FO	1.12.2005		1.1.2006				1.11.2005			1.1.2006		1.12.2005				
IL	1.1.2006		1.7.2005				1.7.2005	9.2.2006		1.7.2005		1.7.2005				1.3.2006
IS(EFTA)	1.1.2006		1.8.2005	1.8.2007	1.11.2005	1.7.2005		17.7.2007	1.1.2007	1.8.2005	1.3.2005	1.8.2005			1.3.2006	1.9.2007
JO	1.7.2006		17.7.2007	6.7.2006		9.2.2006	17.7.2007			17.7.2007	6.7.2006	17.7.2007			6.7.2006	
LB			1.1.2007				1.1.2007			1.1.2007		1.1.2007				
LI(EFTA)	1.1.2006		1.8.2005	1.8.2007	1.1.2006	1.7.2005	1.8.2005	17.7.2007	1.1.2007		1.3.2005	1.8.2005			1.6.2005	1.9.2007
MA	1.12.2005		1.3.2005	6.7.2006			1.3.2005	6.7.2006		1.3.2005		1.3.2005			6.7.2006	1.1.2006
NO(EFTA)	1.1.2006		1.8.2005	1.8.2007	1.12.2005	1.7.2005	1.8.2005	17.7.2007	1.1.2007	1.8.2005	1.3.2005				1.8.2005	1.9.2007
PS	1.7.2009															
SY																1.1.2007
TN	1.8.2006		1.6.2005	6.7.2006			1.3.2006	6.7.2006		1.6.2005	6.7.2006	1.8.2005				1.7.2005
TR	( <sup>1</sup> )		1.9.2007	1.3.2007		1.3.2006	1.9.2007			1.9.2007	1.1.2006	1.9.2007		1.1.2007	1.7.2005	

(<sup>1</sup>) For goods covered by the EC-Turkey customs union, the date of application is 27 July 2006.

For agricultural products, the date of application is 1 January 2007.

For coal and steel products, the date of application is 1 March 2009.

## V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION  
POLICY

## COMMISSION

**Prior notification of a concentration****(Case COMP/M.5622 — Infineon/LSIS/LS Power Semitech JV)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2009/C 219/06)

1. On 4 September 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Infineon Technologies AG ('Infineon', Germany) and LS Industrial System Co. Ltd ('LSIS', Republic of Korea) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of LS Power Semitech Co. Ltd ('LS Power Semitech', Republic of Korea) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Infineon: development, manufacturing and marketing of semiconductor and system solutions for automotive, security, consumer and industry applications,
- for LSIS: development, manufacturing and marketing of semiconductor and system solutions for industrial electric power and automation applications,
- for LS Power Semitech: development, manufacturing and marketing of molded intelligent power modules (MIPMs) for use in consumer applications.

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. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</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 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 22964301 or 22967244) or by post, under reference number COMP/M.5622 — Infineon/LSIS/LS Power Semitech JV, to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32.

**CORRIGENDA****Corrigendum to the call for proposals for actions in the field of eco-innovation under the 'Competitiveness and Innovation Framework Programme' (CIP, Decision 1639/2006/EC of the European Parliament and of the Council)**

*(Official Journal of the European Union C 89 of 18 April 2009)*

*(2009/C 219/07)*

On page 2:

**Extension of deadline for submission of proposals to the above mentioned call for proposals**

Due to an unforeseen technical problem with the electronic proposal submission system EPSS, the deadline for submission of proposals to call CIP-EIP-Eco-Innovation-2009 is extended to **Tuesday, 15 September 2009 at 17.00 CET**.

Access to the call website: [http://ec.europa.eu/environment/eco-innovation/application\\_en.htm](http://ec.europa.eu/environment/eco-innovation/application_en.htm)

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