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### Information and Notices

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## I

*(Resolutions, recommendations and opinions)*

## OPINIONS

## EUROPEAN DATA PROTECTION SUPERVISOR

**Opinion of the European Data Protection Supervisor on the proposal for a Regulation of the European Parliament and of the Council on investigation and prevention of accidents and incidents in civil aviation**

(2010/C 132/01)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Article 16,

Having regard to the Charter of Fundamental Rights of the European Union, and in particular its Article 8,

Having regard to 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>,

Having regard 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 <sup>(2)</sup>, and in particular its Article 41,

HAS ADOPTED THE FOLLOWING OPINION:

**I. INTRODUCTION**

1. On 29 October 2009, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council on investigation and prevention of accidents and incidents in civil aviation <sup>(3)</sup>. The proposed Regulation is intended to replace Council Directive 94/56/EC establishing the fundamental principles governing the investigation of civil aviation accidents and incidents <sup>(4)</sup>.
2. The EDPS has not been consulted as required by Article 28(2) of Regulation (EC) No 45/2001. The current opinion is therefore based on Article 41(2) of the same

Regulation. The EDPS recommends that a reference to this opinion is included in the preamble of the proposal.

3. As a general comment, although the EDPS regrets that he has not been consulted in due course, he notes with satisfaction that data protection aspects are included in the proposal. Some provisions insist on the fact that the measures foreseen are without prejudice to Directive 95/46/EC and the confidentiality of data is one of several important aspects of the proposal.
4. The EDPS has nevertheless identified some shortcomings and unclarities as far as the protection of personal data is concerned. After a description of the context and background of the proposal in Chapter II, those comments will be developed in Chapter III.

**II. CONTEXT AND BACKGROUND OF THE PROPOSAL**

5. The purpose of the proposal is to update the existing regulation in the field of air accident investigation. Previous rules, adopted 15 years ago, would no longer be adapted to the new common aviation market, and to the expertise needed for more complex aircraft systems. The growing divergences in the investigation capacities of Member States would also be a justification for a new framework supporting collaboration and coordination of national investigation authorities.
6. The proposal thus focuses on the establishment of a Network of Civil Aviation Safety Investigation Authorities to facilitate a more structured cooperation. It also provides for binding rules with the main purposes of defining the mutual rights and obligations of national investigation authorities and the European Aviation Safety Agency (EASA), ensuring the protection of sensitive information, and establishing uniform requirements in terms of processing of safety recommendation.

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

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

<sup>(3)</sup> COM(2009) 611 final.

<sup>(4)</sup> OJ L 319, 12.12.1994, p. 14.

7. The EDPS has no observations on the general objective of the proposal and he fully supports the initiative taken, which is intended to improve the efficiency of investigations and hence prevent the occurrence of future aircraft accidents. The observations below will concentrate on the aspects of the proposal which have an impact on the protection of personal data, including in particular the processing of data from passengers lists, about victims, their families and witnesses as well as cabin crew, during the different stages of the investigation and in the context of an exchange of information between investigation authorities.

### III. ANALYSIS OF THE PROPOSAL

#### III.1. Objective of the proposal

8. Recital 3 and Article 1 recall the limitation already stated in the explanatory memorandum of the proposal, according to which the sole objective of safety investigations should be the prevention of future accidents and incidents without apportioning blame or liability. The EDPS welcomes this precision which is in line with the purpose limitation principle of Article 4 of Regulation (EC) No 45/2001 and Article 6 of Directive 95/46/EC. According to these provisions, personal data shall be processed for specified, explicit and legitimate purposes, and not further processed in a way incompatible with those purposes.

9. Although this purpose limitation is explicitly stated in the beginning of the proposal, it is important that no derogation deprives this principle from its substance, as will be examined under Chapters III.4 to III.6.

10. The EDPS notes that besides the main purpose to improve aviation safety, the draft regulation also provides for the collection of personal data in the context of assistance to victims and their families (Article 23). The EDPS does not see any issue of compatibility between this purpose and the purpose of safety investigation. However, Article 1 of the Regulation could be complemented in order to reflect properly both aspects of the Regulation.

#### III.2. Collection of information

11. The proposal describes in detail the broad range of information which can be accessed by those responsible for the investigation. It includes notably personal data such as those contained in flight recorders and any other recording, results of examination of bodies of victims or people involved in the operation of the aircraft, and examination of witnesses who can be required to produce relevant information or evidence.

12. This information is available to the investigator-in-charge as well as to his experts and advisers and those of the accredited representatives, on a need to know basis. EASA also has the right to access some of this information while participating in the investigation under the control of the investigator-in-charge, with a few exceptions including when the witness refuses his/her statement being released.

13. The proposal also provides for the conditions under which the list of passengers should be made available. The purpose here does not relate only to the conduct of an investigation but also to the need to liaise with families and in relation to medical units.

14. The EDPS welcomes the level of detail provided in the proposal as to the conditions for collection of personal data in relation to the purpose followed, which is in line with the necessity principle<sup>(5)</sup> of data protection law.

#### III.3. Storage of personal data

15. While the EDPS understands the need for a wide collection of information including personal data, as specified above, he emphasises the need for strict rules when it comes to their storage and divulgence to third parties.

16. As far as storage is concerned, the proposal foresees in its Article 14 the need to preserve documents, materials and recordings, for obvious reasons linked with the conduct of the investigation. However the proposal does not provide for any indication as to the duration of storage of this information. According to data protection principles<sup>(6)</sup>, personal data must be kept 'in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed'. Accordingly, personal data should in principle be deleted as soon as the investigation is terminated, or should be kept in an anonymous format if complete deletion is not possible<sup>(7)</sup>. Any reasons for which identifiable data should be kept longer should be indicated and justified, and should include criteria identifying those entitled to keep the data. A provision should be inserted in the proposal in that sense, which should apply in a horizontal way to any personal information exchanged through the network.

<sup>(5)</sup> Article 4 of Regulation (EC) No 45/2001 and Article 6 of Directive 95/46/EC.

<sup>(6)</sup> Article 4(e) of Regulation (EC) No 45/2001 and Article 6(e) of Directive 95/46/EC.

<sup>(7)</sup> Anonymisation should be understood as rendering impossible any further identification of the individual. For some types of information, like voice recording, complete anonymisation will not be possible, which supports the need for stricter safeguards to avoid any misuse.

### III.4. Availability and publication of information

17. Although the proposal states as a principle that personal information should only be used for investigation purposes and by the parties responsible for such investigations, the text includes some broad derogations <sup>(8)</sup>.

18. This is the case for the statements of witnesses which can be made available or used for purposes other than safety investigations if the witness agrees (Article 15.1.a). The EDPS recalls that such consent of a witness should be free, specific and informed, and the further use of the information should not relate to a purpose which would be incompatible with safety investigations. If these conditions are not met, consent should not be used as a basis for further use of personal data. This comment is also valid with regard to the use of consent to derogate from the purpose limitation principle in the case of recordings (Article 16).

19. Article 15 of the proposal also includes a wide derogation which applies to any kind of sensitive safety information <sup>(9)</sup>. This information, which is in principle subject to specific protection against misuse, can still be disclosed for any purpose other than safety investigations, if the competent authority for the administration of justice in a Member State decides so, considering the existence of an overriding interest and the balance between the benefits of disclosure and its adverse domestic and international impact on investigations and on the management of civil aviation safety. The EDPS considers that this derogation does not offer enough legal certainty. In particular, the notion of 'competent authority for the administration of justice' could lead to speculation. An administrative decision by a governmental body (for instance the department of justice) would not benefit from the same legitimacy as a decision by a judicial court on a case by case basis. Even in the case of a decision by a court, strict conditions should be provided: in addition to the fact that the purpose must be permitted by law and there is an overriding public interest <sup>(10)</sup>, the interests and fundamental rights of data subjects should be taken into consideration. In particular, the fact that personal information given by the individual in the context of a safety investigation might be reused against him at the occasion of a court procedure

could influence the legitimacy of the processing. The EDPS calls for a clarification of this derogation and for a detailed procedure including more stringent safeguards as to the protection of the fundamental rights of the data subject.

20. He also calls for a definition of one type of sensitive safety information mentioned in this Article, that is, information which is of a 'particularly sensitive and private nature'. Directive 95/46/EC provides for a definition of sensitive data, but it is unclear whether the proposal refers to this definition. If the objective is to cover and go beyond sensitive data as defined in Directive 95/46/EC, a more appropriate terminology could refer to information which is of a particularly intimate and private nature, including sensitive data in the sense of Directive 95/46/EC as well as other examples of personal data to be listed in the definition. This should be made clear in Article 2 (the provision on definitions), or in Article 15 of the proposal.

21. Recordings are similarly protected as a principle, but they can be made available or used for other purposes in some cases including the use for airworthiness or maintenance purpose, if the records are de-identified or if they are disclosed under secure procedures. These exceptions are alternative and not cumulative. The EDPS questions why records should not be de-identified — i.e. anonymised <sup>(11)</sup> — as a rule: it should be justified why airworthiness or maintenance purposes require the processing of identifiable personal data. Moreover, the third exception, which allows for disclosure under secure procedures, is too vague and not proportionate. Unless specific legitimate purposes are mentioned, this exception should be deleted.

22. The same principle of de-identification should apply by default to the communication of information as foreseen in Articles 8, 17 and 18 of the proposal relating to the network and the communication of information. The EDPS welcomes in this spirit the mention of an obligation of professional secrecy, and the obligation to communicate only pertinent information to relevant stakeholders. He also supports the principle mentioned in Article 19.2 according to which the investigation report shall protect the anonymity of the persons involved in the accident or incident.

23. Finally, the publication of the list of passengers is also subject to some conditions. The principle is that the list can be made public only after all families of passengers have been informed, and Member States may decide to keep the list confidential. The EDPS considers that the principle should be reversed. The list should in principle be kept confidential, but Member States could decide in

<sup>(8)</sup> The EDPS has been consulted in November 2008 at the occasion of a conciliation procedure on a proposal for a Directive establishing the fundamental principles governing the investigation of accidents in the maritime sector. Considering the analogy between the two contexts, similar issues have been raised and the comments in Chapter III.4, like the reply to the previous consultation, focus on the balance to be found between disclosure of information in the course of an investigation and data protection.

<sup>(9)</sup> It includes information relating to witnesses, communication between persons having been involved in the operation of the aircraft, or recording from air traffic control units. It also applies to information which is of a 'particularly sensitive nature', such as health information.

<sup>(10)</sup> It should be noted that Directive 95/46/EC allows for derogations from the purpose limitation principle, only if this is done by law and is necessary to safeguard certain public interests in accordance with the conditions of its Article 13.

<sup>(11)</sup> De-identification would satisfy the proportionality principle if it is to be understood as complete anonymisation, in other words, if it is impossible to re-identify the individual (see footnote 5).

specific cases and on legitimate grounds to publish this list, after having informed all families and having obtained their consent as to the publication of the name of their relative. The EDPS recommends an amendment of Article 22.3 accordingly.

### III.5. Exchange of information between Member States and with third countries

24. One of the main purposes of the draft regulation is to establish a network in order for investigating authorities to exchange information and experience. According to Article 8.6 of the draft proposal, the safety investigation authorities participating in the network shall exchange any information available to them in the context of the application of the Regulation. They shall take all necessary measures to ensure appropriate confidentiality of such information in accordance with applicable national or Community legislation.
25. The EDPS welcomes the measures foreseen as far as confidentiality of information is concerned, and especially the obligation not to disclose information which has been considered as confidential by the Commission. As far as personal information is processed through the network, the EDPS considers that these safeguards should be complemented by an obligation to guarantee the accuracy of these data and their possible correction and deletion in a synchronised way by all members of the network processing such personal data.
26. The role of the repository mentioned in Article 15.3 should be clarified in relation to the circulation of information within the network. In particular, it should be made clear, as informally communicated to the EDPS, that the central repository is in no way connected to the network and that it does not contain personal data. The EDPS notes in this respect that information such as flight numbers could allow indirect identification of individuals involved in an aircraft accident or incident. As a minimum rule, the Regulation should precise that the information stored in the repository cannot be used in order to trace back individuals involved in an aircraft accident or incident.
27. The EDPS notes that observers and experts, who might include representatives of airline companies or aircraft producers, can be invited to join the network. They would have access to the same kind of information as the members of the network, except if on a case by case basis the Commission decides that the information is confidential and that access to it shall be restricted. This provision might leave open the possibility for third parties to access personal data relating for instance to victims or witnesses, if these are not deemed as confidential. The EDPS considers that in the context of this proposal, personal data should always be considered as confidential. Would this not be the case, access to personal data should be limited as far as third parties are concerned.

28. This is all the more important if experts or observers represent third countries or if the investigation is done jointly with investigators of third countries which would not provide for an adequate level of protection. A provision could be added in the proposal recalling that no personal data should be transferred to representatives of a third country which does not provide an adequate level of protection, except when specific conditions have been fulfilled<sup>(12)</sup>. It would apply in particular with regard to Article 8 on the network, and Article 18 on the conditions of communication of information.
29. These observations call again for a general principle of anonymisation of personal data at an early stage of the process, and as soon as identification is no longer necessary for the conduct of investigations, as already mentioned in Chapter III.3.

### III.6. Role of the Commission and EASA

30. The EDPS notes that the Commission and EASA are involved in the functioning of the network (Articles 7 and 8) and that they will be entitled to participate to some extent in safety investigations (Article 9). The EDPS recalls that the processing of personal data by these two bodies is subject to compliance with Regulation (EC) No 45/2001 and to supervision by the EDPS. A provision should be added in the Regulation on this point.
31. The EDPS calls for clarification on the extent to which the network will be managed by the Commission and through European Unions' technical infrastructure. Would the purpose be to use an already existing network, any plan to allow for interoperability with existing databases should be clearly mentioned and motivated. The EDPS emphasises the need to provide for a secure network, accessible only for the purposes described in the proposal and to entitled stakeholders. The respective roles and responsibilities of the Commission and of EASA<sup>(13)</sup> as well as any other Union body which would be involved in the management of the network, should be clarified in the text for reasons of legal certainty.

## IV. CONCLUSIONS

32. The EDPS welcomes the fact that the regulation explicitly applies without prejudice to Directive 95/46/EC, and thus, to some extent, takes data protection principles into account. However, considering the context in which personal data are processed, he considers that specific provisions should be added in order to ensure a fair processing.

<sup>(12)</sup> See Article 9 of Regulation (EC) No 45/2001 and Article 26 of Directive 95/46/EC.

<sup>(13)</sup> Including precisions on aspects such as who is managing the access rights to the network and who guarantees its integrity.



33. This is all the more necessary considering the circumstances in which these data are processed: they will mostly relate to individuals directly or indirectly affected by a serious accident and/or with the loss of relatives. This supports the need for an effective protection of their rights, and for a strict limitation of the transmission or publication of personal data.
34. Considering that the purpose of the proposal is to allow the investigation of accidents or incidents and that personal data are relevant only where necessary in the framework of such investigation, such data should in principle be deleted or anonymised, as soon as possible, and not only at the stage of the final report. This should be guaranteed by the insertion of a horizontal provision in the Regulation.
35. The EDPS also advises to:
- ensure a coordinated procedure for access, rectification and/or deletion of personal data, especially in the context of their transmission to Member States through the network,
  - submit the transmission of personal data to representatives of third countries to the condition that they provide an adequate level of protection,
  - clarify the roles and responsibilities of the Commission and of EASA, in the perspective of the application of Regulation (EC) No 45/2001.
- strictly define and limit the exceptions to the purpose limitation principle,
- provide for a limited period of storage of personal data,

Done at Brussels, 4 February 2010.

Peter HUSTINX

*European Data Protection Supervisor*

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## II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

**Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of  
the European Union****Cases where the Commission raises no objections**

(2010/C 132/02)

Date of adoption of the decision	7.4.2010
Reference number of State Aid	N 480/09
Member State	Italy
Region	Sicilia
Title (and/or name of the beneficiary)	Misura 221 del PSR Sicilia 2007-2013 «Primo imboscimento di terreni agricoli»
Legal basis	Misura 221 del PSR Sicilia 2007-2013 «Primo imboscimento di terreni agricoli»
Type of measure	Aid scheme
Objective	Aid to the forestry sector
Form of aid	Direct grant
Budget	Annual maximum expenditure: EUR 56,06 million Overall maximum amount: EUR 224,27 million
Intensity	70 %, 80 % or 100 % of eligible costs
Duration (period)	2010-2013
Economic sectors	Forestry sector
Name and address of the granting authority	Regione Siciliana Assessorato Agricoltura e Foreste — Dipartimento foreste Viale Regione Siciliana 2246 90145 Palermo PA 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	24.3.2010
Reference number of State Aid	N 635/09
Member State	Poland
Region	—
Title (and/or name of the beneficiary)	Pomoc dla sektora leśnego – Rekultywacja na cele przyrodnicze zdegradowanych terenów powojennych
Legal basis	Ustawa z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju
Type of measure	Individual aid
Objective	Aid in the forest sector
Form of aid	Direct grant
Budget	PLN 130 million
Intensity	85 %
Duration (period)	2010-2015
Economic sectors	Forestry
Name and address of the granting authority	Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej ul. Konstruktorska 3A 02-673 Warszawa POLSKA/POLAND
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	7.4.2010
Reference number of State Aid	N 64/10
Member State	Italy
Region	Umbria
Title (and/or name of the beneficiary)	«Investimenti a finalità ambientale nelle foreste pubbliche» Misura 227, azione a), PSR Umbria 2007-2013
Legal basis	Programma di Sviluppo Rurale (PSR) Umbria 2007-2013, decisione C(2009) 10316 del 15 dicembre 2009
Type of measure	Aid scheme
Objective	Aid to the forestry sector
Form of aid	Direct grant
Budget	Annual maximum expenditure: EUR 2,625 million Overall maximum amount: EUR 10,50 million

Intensity	Up to 100 % of eligible costs
Duration (period)	31.12.2013
Economic sectors	Forestry sector
Name and address of the granting authority	Regione Umbria Via Mario Angeloni 61 06124 Perugia PG 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)

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## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

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

20 May 2010

(2010/C 132/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,2334	AUD Australian dollar	1,4920
JPY Japanese yen	111,93	CAD Canadian dollar	1,3120
DKK Danish krone	7,4422	HKD Hong Kong dollar	9,6233
GBP Pound sterling	0,86440	NZD New Zealand dollar	1,8412
SEK Swedish krona	9,7388	SGD Singapore dollar	1,7389
CHF Swiss franc	1,4179	KRW South Korean won	1 473,34
ISK Iceland króna		ZAR South African rand	9,8041
NOK Norwegian krone	8,0450	CNY Chinese yuan renminbi	8,4215
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,2680
CZK Czech koruna	25,913	IDR Indonesian rupiah	11 297,49
EEK Estonian kroon	15,6466	MYR Malaysian ringgit	4,0400
HUF Hungarian forint	283,00	PHP Philippine peso	56,720
LTL Lithuanian litas	3,4528	RUB Russian rouble	38,5590
LVL Latvian lats	0,7074	THB Thai baht	39,931
PLN Polish zloty	4,1880	BRL Brazilian real	2,3067
RON Romanian leu	4,2031	MXN Mexican peso	16,1134
TRY Turkish lira	1,9625	INR Indian rupee	57,7540

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

**List of grants awarded under the 2009 financial year on budget line 05.08.06**

*(Published under Commission Regulation (EC) No 2208/2002)*

(2010/C 132/04)

**SPECIFIC INFORMATION MEASURES**

Name of applicant (acronym)	Name of applicant (full)	Street	Postcode	Town	Country	Amount granted (EUR)	% of co-financing	Title/Description
<b>Documentary.dk ApS</b>	Documentary.dk ApS	Det Gule Pakhus, Chr. IX Vej 1 A	5600	Faaborg	Denmark	200 000,00	53,29 %	FOOD AND FARMING IN EUROPE IN 2020 Audiovisual production
<b>PK 'Agromedia'</b>	'Production House Agromedia' Ltd.	Vazkresenie blvd. 1	1330	Sofia	Bulgaria	91 697,90	50,00 %	CAP — the European model for profitable agriculture Information campaign
<b>Hoferichter &amp; Jacobs GmbH</b>	Hoferichter & Jacobs Gesellschaft für audiovisuelle Medien und Kommunika- tionstechnologien mbH	Alte Schönhauser Str. 9	10119	Berlin	Germany	100 000,00	48,34 %	Ancient Countries — Modern Paths. On the trail of Modern Agriculture Audiovisual production
<b>FWA</b>	Asbl Fédération Wallonne de l'Agriculture — Etudes Information	Chaussée de Namur, 47	5030	Gembloux	Belgium	26 408,90	50,00 %	Popularisation of the operation and objectives of the CAP Audiovisual production
<b>Chambre d'agricul- ture des Pyrénées orientales</b>	Chambre d'agriculture des Pyrénées orientales	19 avenue de Grande Bretagne	66025	Perpignan	France	30 445,00	50,00 %	Summer's fruits and vegetables encounter with youngsters: How to explain the CAP to children in a Mediterranean region? Information campaign: action in school
<b>IDC de Cuenca</b>	Asociación Instituto de Desarrollo Comunitario de Cuenca	C/ Segóbriga 7	16001	Cuenca	Spain	23 921,00	50,00 %	CAP and the Mediterranean Diet (For a balanced and healthy feeding) Information campaign: action in school
<b>EPKK (ECAC)</b>	MTÜ Eesti Põllumajandus-Kauband- uskoda Estonian Chamber of Agriculture and Commerce	Vilmsi 53g	10147	Tallin	Estonia	92 887,50	75,00 %	CAP measures are profitable for everyone in Estonia and Latvia Information campaign
<b>FAPA</b>	Fundacja Programów Pomocy dla Rolnictwa FAPA	ul. Wspólna 30	00-930	Warszawa	Poland	27 000,00	66,60 %	Communicating the reformed Common Agricultural Policy — Conference on renewable energy sources as a new challenge for rural areas in Poland Information campaign

Name of applicant (acronym)	Name of applicant (full)	Street	Postcode	Town	Country	Amount granted (EUR)	% of co-financing	Title/Description
<b>Regione Campania</b>	Regione Campania — Area Generale di Coordinamento Sviluppo Attività Settore Primario	Via S. Lucia 81	80132	Napoli	Italy	158 982,50	50,00 %	CAP: Agriculture, Environment and Society Information campaign: action in school and audiovisual production
<b>ARM — CCIAA di Roma</b>	Azienda Romana Mercati, Azienda Speciale della Camera di Commercio Industria Artigianato e Agricoltura di Roma	Via de Burrò 147	00186	Roma	Italy	95 865,75	50,00 %	Countryside at school — CAP class lessons in the Roman schools — 2nd year Information campaign: action in school
<b>ASAJA Sevilla</b>	Asociación Agraria Jóvenes Agricultores de Sevilla	Av. San Francisco Javier 9, 3ª pta, Edificio Sevilla-2	41018	Sevilla	Spain	109 505,00	50,00 %	European Congress of Young Agricultors ASAJA-CEJA 'The CAP after 2013: strengthening the role of farmers to meet the needs of European society' Seminar/Conference
<b>AGRI AWARE</b>	Agricultural Awareness Trust	Waverley Office Park, Old Naas Road, Bluebell	Dublin 12	Dublin	Ireland	59 292,00	50,00 %	CAP — A Better Fit For You! Information campaign
<b>INTERBEV</b>	Association Nationale Interprofessionnelle du Bétail et des Viandes	149 rue de Bercy	75595	Paris Cedex 12	France	31 332,00	50,00 %	European Encounters of young shepherds Information campaign with a students' EU competition
<b>A.L.P.A.</b>	Associazione Lavoratori Produttori dell'Agroalimentare	Via B. Musolino 15-19-21	00153	Roma	Italy	128 040,69	50,00 %	Farmers as stewards of biodiversity in agriculture Information campaign
<b>ANAPTIXIAKI A.M.TH</b>	ANAPTIXIAKI ETERIA A.M.TH S.A.	Michail Karaoli 74	67100	Xanthi	Greece	31 392,99	50,00 %	Information campaign to the farmers of East Macedonia and Thrace Region on their ability to utilize the Agricultural EU Funding Programmes and to learn how to manage new alternative cultivations Information campaign
<b>Euromontana</b>	Euromontana — European Association for mountain areas	11 rue de la Baume	75008	Paris	France	76 224,95	50,00 %	Europe's mountain bonus — how communities and land management provide positive externalities for European society, and the related policies and opportunities Seminar/Conference

Name of applicant (acronym)	Name of applicant (full)	Street	Postcode	Town	Country	Amount granted (EUR)	% of co-financing	Title/Description
<b>Eesti Külaliikumine Kodukant</b>	Eesti Külaliikumine Kodukant	Väike-Ameerika 19-220	10129	Tallin	Estonia	42 565,00	50,00 %	RURAL PARLIAMENT OF ESTONIA VILLAGES: Active villages help to guarantee the sustainability of rural areas Seminar/Conference
<b>COMUNITA' MONTANA DI CAMERINO</b>	COMUNITA' MONTANA DI CAMERINO	Via Venanzio Varano 2	62032	Camerino	Italy	51 500,00	47,98 %	FAST — Countryside — Farmers Are STewards of Countryside Seminar/Conference
<b>Chambre d'agriculture de la Drôme</b>	Chambre d'agriculture de la Drôme	2 Blvd Vauban, BP 121	26001	Valence	France	50 823,54	50,00 %	The CAP, a lever for the improvement of agricultural practices and the development of organic farming Stand fairs
<b>RRA severne Primorske</b>	RRA severne Primorske Regijska razvojna agencija d.o.o. Nova Gorica	Mednarodni prehod 6, Vrtojba	SI-5290	Šempeter pri Gorici	Slovenia	47 750,00	50,00 %	Agricultural EUtrip 2009 Information campaign
<b>ARSIAL</b>	Agenzia Regionale per lo Sviluppo e l'Innovazione dell'Agricoltura del Lazio	Via Rodolfo Lanciani 38	00162	Roma	Italy	105 000,00	50,00 %	For a healthy diet: promoting consumption of fruits and vegetables in elementary schools Lazio Information campaign: action in school
<b>CSA</b>	Collectif Stratégies Alimentaires asbl	Boulevard Leopold II, 184D	1080	Bruxelles	Belgium	20 720,00	50,00 %	CAP budget to tackle the major challenges of sustainable development Seminar/Conference
<b>CCIAA Firenze</b>	Camera di Commercio, Industria, Artigianato ed Agricoltura di Firenze (CCIAA)	Piazza dei Giudici 3	50122	Firenze	Italy	17 635,00	50,00 %	CAP Reforms: innovation and growth towards a sustainable and market oriented agriculture Seminar/Conference
<b>FdP</b>	Fundacja dla Polski	ul. L. Narbutta 20/33	02-541	Warszawa	Poland	29 862,50	50,00 %	Information campaign on the new Common Agricultura Politic-Promoting and supporting the development of traditional and regional quality food products as a vehicle of sustainable development of rural areas Information campaign
<b>SCF</b>	Scottish Crofting Foundation	Lochalsh Business Park, Auchtertyre	IV40 8EG	Kyle of Lochalsh	United Kingdom	20 308,00	50,00 %	Small farmers: backbone of rural development or barrier to efficiency? Seminar/Conference
<b>Regione Lazio</b>	Assessorato all'Agricoltura della Regione Lazio	Via Rosa Raimondi Garibaldi 7	00145	Roma	Italy	121 225,00	50,00 %	Taste of Land Information campaign

Name of applicant (acronym)	Name of applicant (full)	Street	Postcode	Town	Country	Amount granted (EUR)	% of co-financing	Title/Description
<b>UUAA</b>	Unión Agrarias — UPA	Doutor Maceira 13, bajo	15706	Santiago de Compostela	Spain	54 753,25	50,00 %	The CAP and the new challenges for the rural areas Information campaign
<b>CeRSAA</b>	Centro Regionale di Sperimentazione e Assistenza Agricola	Regione Rollo 98	17031	Albenga	Italy	66 750,34	50,00 %	AgriCultura News Audiovisual production
<b>I.C.R.</b>	Istituto Cooperativo di Ricerca s.c.	Via Cinthia Parco San Paolo 25	80126	Napoli	Italy	42 883,50	50,00 %	CAP reform and innovative aspects to the development of European agriculture Seminar/Conference
<b>FFRF</b>	Fundación Félix Rodríguez de la Fuente	Plaza de las Cortes, 5, 5º	28014	Madrid	Spain	23 340,00	50,00 %	Information Campaign at Agricultural Fairs Information campaign
<b>KPIR</b>	Kujawsko-Pomorska Izba Rolnicza	Przysiek 75	87-134	Zławieś Wielka	Poland	53 186,00	50,00 %	Preparation of farmers, agricultural stakeholders and rural society in Kuyavian — Pomeranian region to functioning and benefit from evolving CAP Information campaign
<b>UPA</b>	Unión de Pequeños Agricultores y Ganaderos	C/ Agustín de Betancourt 17, 3º	28003	Madrid	Spain	197 955,90	50,00 %	The CAP beyond 2013: the CAP we want and need Seminar/Conference
<b>COPA</b>	Committee of Professional Agricultural Organisations in the European Union	61, rue de Trèves	1040	Brussels	Belgium	200 000,00	48,51 %	European Agriculture — European photographic exhibition Visual production
<b>AGRYA</b>	Fiatal Gazdák Magyarországi Szövetsége	Váci út 134/C VI. 28.	1138	Budapest	Hungary	71 240,50	50,00 %	Utilization of sources allotted to Common Agricultural Policy, through the examples of young farmers Exchange information visits
<b>DSSM-UNIBA</b>	Università degli Studi di Bari-Dipartimento per lo Studio delle Società Mediterranee	Piazza Cesare Battisti 1	70121	Bari	Italy	34 965,00	50,00 %	Information campaign on the new CAP in Apulia targeting universities and business agricultural stakeholders Information campaign
<b>DINAMICA</b>	DINAMICA Soc. Cons. a r.l.	Via Bigari 3	40128	Bologna	Italy	45 000,00	49,38 %	The Common Agricultural Policy in Emilia-Romagna Region between Innovation and Tradition Information campaign



Name of applicant (acronym)	Name of applicant (full)	Street	Postcode	Town	Country	Amount granted (EUR)	% of co-financing	Title/Description
<b>CEJA</b>	European Council of Young Farmers	Rue Belliard 23A — Boîte 8	1040	Brussels	Belgium	78 377,00	50,00 %	Young farmers' visions for the future — A new approach to interactive agriculture Information campaign
<b>Total specific information measures</b>						<b>2 658 836,71</b>		

#### RE-COMMITMENTS IN 2009 OF GRANTS AWARDED IN PREVIOUS YEARS

Name of applicant (acronym)	Name of applicant (full)	Street	Postcode	Town	Country	Amount granted (EUR)	% of co-financing	Title/Description
<b>Cia Grossetto</b>	Confederazione italiana agricoltori di Grosseto	Via Monterosa 130	58100	Grosseto	Italy	65 035,00	49,89 %	'The New PAC: agricultural opportunities to promote a competitive and sustainable Agriculture in Grosseto' Seminar/Conference
<b>Cipa-At Umbria</b>	Centro Istruzione Professionale e Assistenza Tecnica della Confederazione Italiana Agricoltori Dell'Umbria	Via Mario Angeloni 1	06125	Perugia	Italy	104 621,53	50,00 %	'Agropolis — Agricultural Policy Information & Society' Seminar/Conference
<b>Ehne</b>	Ehne	Plaza Simon Bolivar 14	01003	Vitoria-Gasteiz	Spain	5 497,20	50,00 %	'Exchange of experiences amongst young farmers of Europe. The CAP as a means of generating a sustainable rural development' Seminar/Conference
<b>Total grants awarded in previous years</b>						<b>175 153,73</b>		
<b>Grand total</b>						<b>2 833 990,44</b>		

For information purposes only:

#### GRANTS AWARDED IN 2009 BUT CANCELLED BY THE APPLICANT IN THE SAME YEAR (NO FINANCIAL IMPACT)

Name of applicant (acronym)	Name of applicant (full)	Street	Postcode	Town	Country	Amount granted (EUR)	% of co-financing	Title/Description
<b>Coldiretti</b>	Confederazione Nazionale Coldiretti	Via XXIV Maggio 43	00187	Roma	Italy	165 233,00	50,00 %	'The new challenges for the CAP in terms of financial perspective' Seminar/Conference
<b>Total cancelled grants</b>						<b>165 233,00</b>		

**Notice to importers****Imports of tuna from Colombia and El Salvador into the EU**

(2010/C 132/05)

The European Commission informs European Union operators that there are reasonable doubts concerning the proper application of the preferential treatment and the applicability of the evidence of origin presented in the European Union for canned tuna and frozen tuna loins of HS subheading 1604 14 imported from Colombia and El Salvador.

From various investigations, it results that significant quantities of canned tuna and frozen tuna loins of HS subheading 1604 14 are declared as having origin of Colombia or El Salvador, for which they are not eligible.

Moreover, it cannot be excluded that consignments are imported from other countries benefitting from the generalised system of preferences (GSP) without fulfilling requirements of GSP rules of origin concerning cumulation of origin.

European Union operators declaring and/or presenting documentary evidence of origin for the products mentioned above are therefore advised to take all necessary precautions, since the release of the goods in question for free circulation may give rise to a customs debt and lead to fraud against the European Union financial interests. The possible subsequent entry in the accounts of a customs debt resulting from the above-mentioned circumstances will be covered by the provisions of the fifth subparagraph of Article 220(2)(b) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>.

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<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

## NOTICES FROM MEMBER STATES

**Winding-up proceedings****Decision (Order EHA/662/2010 of 15 March 2010) to initiate winding up proceedings in respect of Seguros Mercurio, SA**

*(Publication made in accordance with Article 14 of Directive 2001/17/EC of the European Parliament and of the Council on the reorganisation and winding-up of insurance undertakings)*

(2010/C 132/06)

Insurance undertaking	Seguros Mercurio, S.A. Cl Alfonso Gómez, 45 A 28037 Madrid ESPAÑA
Date, entry into force and nature of the decision	Date: 15 March 2010 Entry into force: 15 March 2010 Nature of decision: Ministerial Order
Competent authorities	Ministry of Economic Affairs and Finance  Capacity: Minister for Economic Affairs and Finance Name: Elena Surnames: Salgado Méndez Address: Cl Alcalá, 9 28046 Madrid ESPAÑA
Supervisory authority	Directorate-General for Insurance and Pension Funds  Capacity: Director-General for Insurance and Pension Funds Name: Ricardo Surnames: Lozano Aragüés Address: Pº Castellana, 44 28046 Madrid ESPAÑA
Liquidator appointed	Consorcio de Compensación de Seguros  Capacity: Director-General Name: Ignacio Surnames: Machetti Bermejo Address: Pº Castellana, 44 28046 Madrid ESPAÑA  Tel. +34 913395500 Fax +34 913395678 E-mail: actividadliquidadora@consorseguros.es
Applicable law	Spanish — Legislative Royal Decree 6/2004, of 29 December 2004, approving the revised text of the Law on the Organisation and Supervision of Private Insurance — Legislative Royal Decree 7/2004, of 29 December 2004, approving the revised text of the Memorandum and Articles of Association of the Consorcio de Compensación de Seguros — Royal Decree 2020/1986 of 22 August 1986 approving the Rules of Procedure of the Insurance Companies Settlements Commission

## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

## EUROPEAN COMMISSION

**Communication from the Minister for Economic Affairs of the Kingdom of the Netherlands pursuant to Article 3(2) of Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons**

(2010/C 132/07)

The Minister for Economic Affairs hereby gives notice that an application has been received for authorisation to prospect for hydrocarbons in an area known as Hemelum.

The area covered by the application is in the province of Friesland and is bounded by the straight lines jointed the following points A-B, B-C, C-D, D-E, E-F, F-G, G-H, H-I, I-J, J-K, K-L, L-M, M-N, N-O, O-P, P-Q, Q-R, R-S, S-T, T-U and U-A.

The coordinates of the points referred to are as follows:

Point	X	Y
A	151 275,00	565 000,00
B	165 000,00	565 000,00
C	180 637,50	565 000,00
D	179 050,00	564 000,00
E	174 450,00	559 650,00
F	167 525,00	550 570,00
G	172 746,50	545 447,70
H	169 310,00	540 380,00
I	167 193,00	538 089,00
J	165 603,00	538 059,00
K	160 102,00	540 480,00
L	157 527,00	539 778,00
M	154 614,00	541 169,00
N	152 050,00	544 069,00
O	153 237,00	545 873,00
P	155 538,00	547 332,00
Q	154 835,00	550 837,00

Point	X	Y
R	155 786,00	551 727,00
S	154 947,00	557 285,00
T	155 404,00	558 703,00
U	153 145,00	56 366,00

The above-mentioned points are defined by their geographical coordinates, calculated according to the National Triangulation System (RD, *Rijks Driehoeksmeting*).

On the basis of this description of the boundaries, the surface area is 450,4 km<sup>2</sup>.

With reference to the Directive mentioned in the introduction and Article 15 of the Mining Act (*Mijnbouwwet*) (Bulletin of Acts and Decrees (*Staatsblad*) 2002, No 542), the Minister for Economic Affairs hereby invites interested parties to submit a competing application for authorisation to prospect for hydrocarbons in the area bounded by the above-mentioned points and coordinates.

The Minister for Economic Affairs is the competent authority for the granting of authorisations. The criteria, conditions and requirements referred to in Articles 5(1), 5(2) and 6(2) of the above-mentioned Directive are set out in the Mining Act (Bulletin of Acts and Decrees 2002, No 542).

Applications may be submitted during the 13 weeks following the publication of this notice in the *Official Journal of the European Union* and should be sent to:

The Minister for Economic Affairs  
For the attention of J. C. De Groot, Director for the Energy Market  
ALP/562  
Bezuidenhoutseweg 30  
Postbus 20101  
2500 EC Den Haag  
NEDERLAND

Applications received after the expiry of this period will not be considered.

A decision on the applications will be taken no later than 12 months after this period has expired.

Further information can be obtained from Mr E. J. Hoppel on the following telephone number: +31 703797088.

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**Communication from the Minister for Economic Affairs of the Kingdom of the Netherlands pursuant to Article 3(2) of Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons**

(2010/C 132/08)

The Minister for Economic Affairs hereby gives notice that an application has been received for authorisation to prospect for hydrocarbons in block T1 as indicated on the map appended as Annex 3 to the Mining Regulation (*Mijnbouwregeling*) (Government Gazette (*Staatscourant*) 2002, No 245). The area in question is to be designated block segment F13b.

With reference to the Directive mentioned in the introduction and Article 15 of the Mining Act (*Mijnbouwwet*) (Bulletin of Acts and Decrees (*Staatsblad*) 2002, No 542), the Minister for Economic Affairs hereby invites interested parties to submit a competing application for authorisation to prospect for hydrocarbons in block T1 of the Dutch continental shelf.

Block T1 covers an area of 1,3 km<sup>2</sup>.

The Minister for Economic Affairs is the competent authority for the granting of authorisations. The criteria, conditions and requirements referred to in Articles 5(1), 5(2) and 6(2) of the above-mentioned Directive are set out in the Mining Act (Bulletin of Acts and Decrees 2002, No 542).

Applications may be submitted during the 13 weeks following the publication of this notice in the *Official Journal of the European Union* and should be sent to:

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**CORRIGENDA****Corrigendum to prior notification of a concentration (Case COMP/M.5740 — Gazprom/A2A/JV)**

*(This text annuls and replaces that published in Official Journal of the European Union C 126 of 18 May 2010, p. 16)*

(2010/C 132/09)

**‘Prior notification of a concentration  
(Case COMP/M.5740 — Gazprom/A2A/JV)  
(Text with EEA relevance)**

1. On 7 May 2010, 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 undertaking Gazprom Germania GmbH (“Gazprom Germania”, Germany), which is ultimately controlled by OAO Gazprom (“Gazprom”, Russian Federation) and the undertaking A2A SpA (“A2A”, Italy), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking PremiumGas SpA (“PremiumGas”, Italy), by way of purchase of shares in a company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Gazprom Germania: it is active in the sale of gas in Europe and in the Community of Independent States (CIS) <sup>(2)</sup> as well as in the construction of gas infrastructure;
- for A2A: it operates mainly in Italy in the supply of electricity, gas, district heating and waste treatment;
- PremiumGas: it is active in the supply of natural gas in Italy.

3. On preliminary examination, the European Commission finds that the notified transaction could fall within the scope of the Merger Regulation. 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 European Commission not later than 10 days following the date of the original publication. Observations can be sent to the European Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5740 — Gazprom/A2A/JV, to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
J-70  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the “Merger Regulation”).

<sup>(2)</sup> The countries of the CIS are Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.’



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#### **Corrigenda**

2010/C 132/09	Corrigendum to prior notification of a concentration (Case COMP/M.5740 — Gazprom/A2A/JV) ( <i>This text annuls and replaces that published in OJ C 126, 18.5.2010, p. 16</i> ) .....	20
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