

# Il-Ġurnal Uffiċjali

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## ta' l-Unjoni Ewropea

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Avviż Nru

Werrej

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## I

(Riżoluzzjonijiet, Rakkomandazzjonijiet u Opinjonijiet)

## OPINJONIJIET

## BANK ĊENTRALI EWROPEW

## OPINJONI TAL-BANK ĊENTRALI EWROPEW

tat-18 ta' Novembru 2008

**fuq it-talba tal-Kunsill ta' l-Unjoni Ewropea dwar proposta għal Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttiva 94/19/KE dwar Skemi ta' Garanzija ta' Depożitu fir-rigward tal-livell ta' kopertura u d-dewmien tal-hlas**

(CON/2008/70)

(2008/C 314/01)

**Introduzzjoni u bażi legali**

Fl-24 ta' Ottubru 2008 il-Bank Ċentrali Ewropew (BĊE) irċieva talba mill-Kunsill ta' l-Unjoni Ewropea għal opinjoni dwar proposta għal Direttiva tal-Parlament Ewropew u tal-Kunsill li temenda d-Direttiva 94/19/KE dwar Skemi ta' Garanzija ta' Depożitu fir-rigward tal-livell ta' kopertura u d-dewmien tal-hlas <sup>(1)</sup> (minn issa 'l quddiem id-"direttiva proposta").

Il-kompetenza tal-BĊE li jagħti opinjoni dwar id-direttiva proposta hija bbażata skond l-Artikolu 105(4) tat-Trattat li jstabbilixxi l-Komunita' Ewropea. Skond l-ewwel sentenza ta' l-Artikolu 17.5 tar-Regoli ta' Proċedura tal-Bank Ċentrali Ewropew, il-Kunsill Governattiv adotta din l-opinjoni.

**1. Osservazzjonijiet generali**

1.1 Il-BĊE jinnota li l-kriżi ta' bħalissa fis-suq finanzjarju kkonfermat li skemi ta' garanzija ta' depożitu huma vitali biex tinzamm il-kunfidenza tad-depożitanti u għalhekk biex tiġi salvagwardata l-istabbiltà finanzjarja. Il-BĊE jaqbel ma' l-għan bażiku li tittejjeb il-kunfidenza tad-depożitanti, u jifhem li għal raġunijiet ta' urġenza d-direttiva proposta tiffoka fuq iż-żieda tal-livell ta' kopertura ta' skemi nazzjonali ta' garanzija ta' depożitu (minn issa 'l quddiem id-"iskemi nazzjonali") konformi mal-konkluzjonijiet tal-Kunsill ta' l-Ecofin tas-7 ta' Ottubru 2008 <sup>(2)</sup>, li jnaqqsu d-dewmien tal-hlas u li ma titkomplikax l-għażla ta' bħalissa għal ko-assigurazzjoni.

1.2 Fl-istess hin il-BĊE jinkoraġġixxi l-intenzjoni tal-Kummissjoni biex tkompli x-xogħol dwar il-konverġenza ta' l-iskemi nazzjonali, b'mod partikolari fir-rigward ta' l-armonizzazzjoni tal-mekkanizmi ta' l-iffinanzjar tagħhom, u biex tippreżenta rapport dwar il-kwistjoni lill-Parlament Ewropew u lill-Kunsill sal-31 ta' Dicembru 2009 <sup>(3)</sup>. Minhabba l-importanza ta' l-arranġamenti ta' l-iffinanzjar ta' l-iskemi nazzjonali għall-effettività tas-*safety net* finanzjarja u biex tiġi salvagwardata l-istabbiltà finanzjarja, il-BĊE jinsab herqan biex jikkontribwixxi għax-xogħol futur tal-Kummissjoni f'dan il-qasam u jinkoraġġixxi

<sup>(1)</sup> COM(2008) 661 finali.

<sup>(2)</sup> Ara l-istqarrija għall-istampa ta' l-2894 laqgħa tal-Kunsill (13784/08), li tinsab fuq is-sit elettroniku tal-Kunsill f'[www.consilium.europa.eu](http://www.consilium.europa.eu), kif imsemmi fis-sitt paragrafu tas-sezzjoni 1 tal-memorandum spjegattiv għad-direttiva proposta.

<sup>(3)</sup> L-Artikolu 12 tad-Direttiva 94/19/KE, kif emendat bl-Artikolu 1(6) tad-direttiva proposta; cf. *recitals* 1 u 7 tad-direttiva proposta.

t-tlestija fil-hin tar-rapport tal-Kummissjoni. F'dan il-kuntest, il-BĊE jirrimarka b'enfasi li l-arrangamenti ta' l-iffinanzjar ta' l-iskemi nazzjonali għandhom, *inter alia*, jaderrixxu mal-projbizzjoni ta' l-iffinanzjar monetarju stabbilita fit-Trattat, u b'mod partikolari mal-projbizzjoni li timpedixxi lill-banek ċentrali nazzjonali milli jipprovdu faċilitajiet ta' *overdraft* jew kull tip ieħor ta' faċilita' fit-tifsira ta' l-Artikolu 101 tat-Trattat <sup>(1)</sup>, kif intqies b'mod aktar speċifiku f'opinjonijiet passati tal-BĊE dwar abbozzi ta' leġislazzjoni nazzjonali <sup>(2)</sup> u fir-Rapporti ta' Konverġenza tal-BĊE <sup>(3)</sup>.

## 2. Osservazzjonijiet speċifiċi

### 2.1 Livell ta' kopertura tal-garanzija

Il-BĊE jilqa' ż-żieda fl-ammont minimu ta' depożiti ggarantiti sa EUR 50 000 sat-tmiem ta' l-2008 u ż-żieda l-oħra sa EUR 100 000 <sup>(4)</sup>, kif imsemmi fil-konkluzjonijiet tal-Kunsill tas-7 ta' Ottubru 2008 <sup>(5)</sup>. Fl-istess hin il-BĊE jenfasizza li kull żieda fil-kopertura li teċċedi l-aħħar mill-ammonti msemmija hawn fuq, għandha tkun ippreċeduta b'koordinazzjoni mill-qrib fuq il-livell ta' l-UE, billi differenzi sostanzjali bejn miżuri nazzjonali jista' jkollhom effett kontroproduktiv u johlqu rregolaritajiet (*distortions*) fis-suq wiehed.

### 2.2 Tnaqqis fid-dewmien tal-hlas

Il-BĊE jilqa' l-intenzjoni biex jitnaqqas b'mod sinifikanti d-dewmien fil-hlasijiet ta' depożiti ggarantiti u b'hekk tissahħa il-kunfidenza tad-depożitanti <sup>(6)</sup>. F'dan il-kuntest, il-BĊE jenfasizza li l-analiżi riċenti fuq il-livell internazzjonali enfasizzat li hlas fil-pront tal-klejms tad-depożitanti hija ta' importanza kbira għall-protezzjoni effettiva tad-depożiti. Fl-istess hin, għandu jiġi segwit metodu Prattiku biex jiġi introdott it-tnaqqis meħtieġ fid-dewmien tal-hlas, b'hekk tiġi ppreservata l-kredibbiltà ta' l-iskemi ta' garanzija ta' depożitu. Dan jimplika t-twaqqif ta' proċessi operattivi effiċjenti biex jivverifikaw il-klejms u l-hlas lid-depożitanti, kif ukoll biex jiżguraw li jkun hemm iffianzjar biżżejjed. B'mod partikolari, il-proċeduri għandhom jitqieghdu fis-seħh halli jekk bank li jopera fuq il-livell internazzjonali jfalli, id-depożitanti jirċievu l-hlasijiet bl-istess mod effiċjenti daqs li kieku jsir kieku l-bank li jkun falla kien qed jopera fi Stat Membru wiehed. Barra minn dan, il-BĊE jissuġġerixxi li l-pjan tal-Kummissjoni biex tivvaluta jekk ikunx possibbli tarmonizza aktar l-arrangamenti ta' l-iffinanzjar użati mill-iskemi nazzjonali, għandu jkun akkompanjat b'reviżjoni ta' l-effettività tal-proċeduri tal-hlas. Finalment, minbarra li jitqas il-perijodu tal-hlas, il-BĊE jissuġġerixxi li l-kunfidenza tal-pubbliku fl-iskemi ta' garanzija ta' depożitu tista' tittejjeb billi jittejjeb l-għarfien tad-depożitanti dwar it-termini u l-kundizzjonijiet tal-protezzjoni ta' depożitu, *inter alia* permezz tal-pubblikazzjoni xierqa tat-termini u kundizzjonijiet mill-istitutazzjonijiet ta' kreditu.

Magħmula fi Frankfurt am Main, fit-18 ta' Novembru 2008.

*Il-President tal-BĊE*

Jean-Claude TRICHET

<sup>(1)</sup> Interpretat skond ir-Regolament tal-Kunsill (KE) Nru 3603/93 tat-13 ta' Diċembru 1993 li jispeċifika d-definizzjonijiet għall-applikazzjoni tal-projbizzjonijiet imsemmija fl-Artikoli 104 u 104b(1) tat-Trattat (ĠU L 332, 31.12.1993, p. 1).

<sup>(2)</sup> Ara l-paragrafi 11-14 ta' l-Opinjoni tal-BĊE CON/2001/32 tal-11 ta' Ottubru 2001 fuq it-talba tal-Ministeru tal-Finanzi Portugiż dwar abbozz ta' digriet li jemenda l-qafas legali ta' l-istitutazzjonijiet ta' kreditu u kumpaniji finanzjarji; il-paragrafi 11-13 ta' l-Opinjoni tal-BĊE CON/2005/50 ta' l-1 ta' Diċembru 2005 fuq it-talba tan-Národná banka Slovenska dwar abbozz ta' liġi li jemenda l-Att Nru 118/1996 Coll. dwar il-protezzjoni tad-depożiti fil-banek u dwar l-emendi ta' ċerti liġijiet, kif l-aħħar emendati; il-paragrafi 2.1-2.3 ta' l-Opinjoni tal-BĊE CON/2007/26 tas-27 ta' Awwissu 2007 fuq it-talba tal-Ministeru tal-Finanzi Pollakk dwar abbozz ta' liġi li jemenda l-Liġi dwar il-Fond ta' Garanzija tal-Banek; u l-paragrafi 2.2-2.8 ta' l-Opinjoni tal-BĊE CON/2008/5 tas-17 ta' Jannar 2008 fuq it-talba tal-Ministeru tal-Finanzi Pollakk dwar abbozz ta' liġi li jemenda l-Liġi dwar il-Fond ta' Garanzija tal-Banek.

<sup>(3)</sup> Ara, e.ż., ir-Rapport ta' Konverġenza tal-BĊE 2006, p. 30.

<sup>(4)</sup> L-Artikolu 7(1) tad-Direttiva 94/19/KE, kif emendat bl-Artikolu 1(3)(a) tad-direttiva proposta, u kif ikkumplementat bl-ewwel u t-tieni subparagrafi ta' l-Artikolu 2(1) tad-direttiva proposta, li ttiprovdi għall-applikazzjoni retroattiva tal-livell miżjuda ta' kopertura mill-15 ta' Ottubru 2008; cf. *recital* 3 tad-direttiva proposta u sezzjoni 5.3 tal-memorandum spjegattiv mad-direttiva proposta.

<sup>(5)</sup> Il-Kunsill qabel li "l-Istati Membri kollha, għal perijodu inizjali ta' lanqas sena, jipprovdu protezzjoni ta' garanzija ta' depożitu għal individwi għal ammont ta' mhux anqas minn EUR 50 000, jirrikonoxxi li hafna Stati Membri jaħsbu biex iżidu l-ammont minimu protett għal EUR 100 000".

<sup>(6)</sup> L-Artikolu 1(3) tad-Direttiva 94/19/KE, kif emendat bl-Artikolu 1(1) tad-direttiva proposta, u l-Artikolu 10(1) u (2) tad-Direttiva 94/19/KE, kif emendat bl-Artikolu 1(5) tad-direttiva proposta; cf. *recital* 5 tad-direttiva proposta u sezzjoni 5.1 tal-memorandum spjegattiv mad-direttiva proposta.

## II

(Komunikazzjonijiet)

KOMUNIKAZZJONIJIET MINN ISTITUZZJONIJIET U KORPI TA' L-UNJONI  
EWROPEA

KUMMISSJONI  
EUROJUST

**Informazzjoni rigward "Ftehim Prattiku dwar arranġamenti ta' kooperazzjoni bejn Eurojust u Olaf"**

(2008/C 314/02)

Fl-24 ta' Settembru 2008 Eurojust, il-Korp ta' l-Unjoni Ewropea għall-kooperazzjoni ġudizzjarja, u l-Uffiċju Ewropew Kontra l-Frodi (OLAF) iffirmaw Ftehim Prattiku dwar aktar koordinazzjoni u kooperazzjoni mtejba fil-ġlieda kontra frodi finanzjarja, korruzzjoni jew kwalunkwe offiza kriminali ohra li teffettwa l-interessi finanzjarji tal-Komunità Ewropea. Il-Ftehim Prattiku jirregola modalitajiet għal kooperazzjoni mill-qrib u akbar u dispożizzjonijiet għall-iskambju ta' dejta ġenerali u personali. Il-Ftehim ġie approvat mill-Kunsill fil-25 ta' Lulju 2008.

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## ANNEX

**Practical Agreement on arrangements of cooperation between Eurojust and OLAF**

EUROJUST AND OLAF,

Hereinafter referred to as "the Parties",

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

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

After consulting the European Data Protection Supervisor;

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

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

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

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

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

HAVE AGREED:

## CHAPTER 1

**DEFINITIONS AND PURPOSE OF THE PRACTICAL AGREEMENT ON ARRANGEMENTS OF COOPERATION**

## Point 1

**Definitions**

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

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

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

<sup>(2)</sup> OJ C 286, 22.11.2002, p. 1.

<sup>(3)</sup> OJ L 136, 31.5.1999, p. 20.

<sup>(4)</sup> OJ L 136, 31.5.1999, p. 1.

<sup>(5)</sup> OJ L 136, 31.5.1999, p. 8.

<sup>(6)</sup> OJ C 68, 19.3.2005, p. 1.

<sup>(7)</sup> OJ L 8, 12.1.2001, p. 1.

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

## Point 2

**Purpose of the Practical Agreement on arrangements of cooperation**

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

## CHAPTER 2

**CO-OPERATION**

## Point 3

**Regular contacts and co-operation**

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

<sup>(1)</sup> OJ C 197, 12.7.2000, p. 3.

<sup>(2)</sup> OJ L 162, 20.6.2002, p. 1.

(d) to identify individual or joint activities, if any, that need to be taken thereafter with a view to a more efficient and better use of the resources of the Parties;

(e) to help in coordinating the Parties' support and assistance of the national judicial authorities and of the authorities in charge of investigations and prosecutions.

5. If necessary to improve co-operation, the teams may invite other Eurojust National Member(s), their Assistants and/or Eurojust and OLAF Staff to take part in a meeting.
6. The designation of teams does not have any effect on direct contacts of OLAF Staff responsible for a specific case with one or more of the Eurojust National Members concerned and *vice versa*.

## Point 4

**General rules on operational co-operation**

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

To this end, the Parties will promptly inform each other after having taken up collaboration of the competent person(s) or, as the case may be, the College in charge of the case and his/her/their contact details.

4. The Parties will inform each other of any action taken, responses received or other relevant developments or encountered difficulties in cases where they collaborate. This includes information on the decision to close or not to pursue a specific case.

## Point 5

**Exchange of Case Summaries**

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

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

2. As soon as the requested Party has decided that a specific case, for which a Case Summary was transmitted, requires co-operation:
  - in respect of Eurojust, the College and/or the National Member(s) concerned,
  - in respect of OLAF, the Competent OLAF unit and/or the Director of OLAF and/or the OLAF Staff member responsible for the case
 will inform the other Party of this decision without undue delay.
 

Information will also be provided when the requested Party decides that a case is not appropriate for co-operation.
3. Nothing prevents one Party from directly requesting the other Party to collaborate in a specific case without exchanging Case Summaries beforehand.

*Point 6*

**Exchange of case-related information**

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

*Point 7*

**Exchange of strategic information**

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

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

*Point 8*

**Operational and strategic meetings**

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

2. OLAF may also participate in strategic meetings, organised by Eurojust, dealing with the protection of the European Communities' financial interests, at the invitation of the President of the College and with the approval of the Eurojust National Members concerned.
3. OLAF may also be invited by the President of the College to participate in operational and strategic meetings on its own request provided that the competent national authorities concerned do not oppose such participation.
4. Eurojust National Members and their Assistants, the Administrative Director, Eurojust Staff and, where appropriate, Liaison Magistrates and Liaison Prosecutors at Eurojust may also attend meetings organised by OLAF at the invitation of OLAF.

*Point 9*

**Joint Investigation Teams**

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

*Point 10*

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

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

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

CHAPTER 3

**PROTECTION OF PERSONAL DATA**

*Point 11*

**General principles**

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



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

*Point 12*

**Documentation**

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

*Point 13*

**Data security**

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

*Point 14*

**Rights of data subjects**

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

*Point 15*

**Correction and deletion of information**

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

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

*For Eurojust*  
José Luís LOPES DA MOTA  
*President*

*For OLAF*  
Franz-Hermann BRÜNER  
*Director*

*Point 16*

**Time limits for the storage of Personal Data**

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

CHAPTER 4

**FINAL PROVISIONS**

*Point 17*

**Evaluation of co-operation**

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

*Point 18*

**Amendments**

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

*Point 19*

**Relation to other instruments**

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

*Point 20*

**Entry into force**

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

## IV

(Informazzjoni)

INFORMAZZJONI MINN ISTITUZZJONIJIET U KORPI TA'  
L-UNJONI EWROPEA

## KUMMISSJONI

**Rata tal-kambju ta' l-euro <sup>(1)</sup>****It-8 ta' Diċembru 2008**

(2008/C 314/03)

**1 euro =**

Munita	Rata tal-kambju	Munita	Rata tal-kambju		
USD	Dollaru Amerikan	1,2854	TRY	Lira Turka	2,0341
JPY	Yen Ġappuniż	120,10	AUD	Dollaru Awstraljan	1,9377
DKK	Krona Daniża	7,4497	CAD	Dollaru Kanadiż	1,6067
GBP	Lira Sterlina	0,86510	HKD	Dollaru ta' Hong Kong	9,9633
SEK	Krona Żvediza	10,4150	NZD	Dollaru tan-New Zealand	2,3690
CHF	Frank Żvizzeru	1,5590	SGD	Dollaru tas-Singapor	1,9400
ISK	Krona İzlandiża	290,00	KRW	Won tal-Korea t'Isfel	1 865,53
NOK	Krona Norveġiża	9,1270	ZAR	Rand ta' l-Afrika t'Isfel	13,1246
BGN	Lev Bulgaru	1,9558	CNY	Yuan ren-min-bi Ċiniż	8,8436
CZK	Krona Ċeka	25,712	HRK	Kuna Kroata	7,1948
EEK	Krona Estona	15,6466	IDR	Rupiah Indoneżjan	14 974,91
HUF	Forint Ungeriz	264,45	MYR	Ringgit Malażjan	4,6756
LTL	Litas Litwan	3,4528	PHP	Peso Filippin	62,470
LVL	Lats Latvjan	0,7093	RUB	Rouble Russu	36,0075
PLN	Zloty Pollakk	3,8875	THB	Baht Tajlandiż	45,702
RON	Leu Rumen	3,8795	BRL	Real Braziljan	3,1580
SKK	Krona Slovakka	30,195	MXN	Peso Messikan	17,3209

<sup>(1)</sup> Sors: rata tal-kambju ta' referenza ppubblikata mill-Bank Ċentrali Ewropew.

## INFORMAZZJONI MILL-ISTATI MEMBRI

**Informazzjoni kkomunikata mill-Istati Membri fir-rigward ta' għajnuna mill-Istat mogħtija taħt ir-Regolament tal-Kummissjoni (KE) Nru 1628/2006 dwar l-applikazzjoni ta' l-Artikoli 87 u 88 tat-Trattat tal-KE dwar għajnuna ta' investiment nazzjonali reġjonali**

(Test b'rilevanza għaż-ŻEE)

(2008/C 314/04)

Għajnuna Nru	XR 16/08
Stat Membru	Il-Polonja
Reġjun	Lubuskie
It-titolu ta' l-iskema ta' għajnuna jew l-isem ta' l-intrapriża li tkun qed tircievi għajnuna <i>ad hoc</i>	Program pomocy regionalnej na wspieranie nowych inwestycji i na tworzenie nowych miejsc pracy związanych z nową inwestycją, przeznaczonych dla przedsiębiorców prowadzących działalność gospodarczą na terenie miasta Gorzowa Wlkp. oraz na terenie specjalnych stref ekonomicznych usytuowanych w obrębie miasta Gorzowa Wlkp.
Bażi legali	Ustawa z dnia 12 stycznia 1991 roku o podatkach i opłatach lokalnych (tekst jedn. z 2006 r. Dz.U. nr 121, poz. 844 ze zm.).  Uchwała nr XI/158/2007 Rady Miasta Gorzowa Wlkp. z dnia 23 maja 2007 r. w sprawie programu pomocy regionalnej na wspieranie nowych inwestycji i na tworzenie nowych miejsc pracy związanych z nową inwestycją, przeznaczonych dla przedsiębiorców prowadzących działalność gospodarczą na terenie miasta Gorzowa Wlkp. oraz na terenie specjalnych stref ekonomicznych usytuowanych w obrębie miasta Gorzowa Wlkp.
Tip ta' miżura	Skema ta' għajnuna
Baġit annwali	PLN 1 miljun
Intensità massima ta' l-għajnuna	50 %  Skond l-Artikolu 4 tar-Regolament
Data ta' l-implimentazzjoni	9.6.2007
Kemm se ddum l-iskema jew l-għotja ta' għajnuna individwali	31.12.2013
Setturi ekonomiċi kkonċernati	Is-setturi kollha eliġibbli għal għajnuna ta' investiment reġjonali
Isem u indirizz ta' l-awtorità li tagħti l-għajnuna	Prezydent Miasta Gorzowa Wlkp. ul. Sikorskiego 3-4 PL-66-400 Gorzów Wlkp tel. (48-95) 721 95 27 e-mail: wojnicka@um.gorzow.pl
l-indirizz fuq l-internet tal-publikazzjoni ta' l-iskema ta' l-għajnuna	<a href="http://www.wojewodalubuski.pl/download.php?what=../dzienniki/2007/duw152.pdf">http://www.wojewodalubuski.pl/download.php?what=../dzienniki/2007/duw152.pdf</a>
Tagħrif ieħor	—

Għajjnuna Nru	XR 41/08
Stat Membru	Il-Belġju
Reġjun	Brabant wallon (Tubize); Namur (Dinant, Houyet, Rochefort, Sambreville et Somme-Leuze); Liège (Awans, Dison, Engis, Flémalle, Grâce-Hollogne, Herstal, Liège, Oupeye, Saint-Nicolas, Seraing, Verviers et Visé); Luxembourg (Bastogne, Bertogne, La roche-en Ardenne, Libin, Libramont-Chevigny, Marche-en-Famenne, Neufchâteau, Tellin et Vielsalm).
It-titolu ta' l-iskema ta' għajjnuna jew l-isem ta' l-intrapriża li tkun qed tircievi għajjnuna <i>ad hoc</i>	Incitants en faveur des entreprises (grandes entreprises et PME) objectif convergence
Bażi legali	Arrêté du GW du 6 mai 2006 portant exécution du décret du 11 mars 2004 relatif aux incitants régionaux en faveur des grandes entreprises modifié par l'arrêté du Gouvernement wallon du 17 janvier 2008; Arrêté du GW du 6 mai 2006 portant exécution du décret du 11 mars 2004 relatif aux incitants régionaux en faveur des PME modifié par l'arrêté du Gouvernement wallon du 17 janvier 2008; Arrêté du GW du 6 décembre 2006 déterminant les zones de développement pour la période 2007-2013
Tip ta' miżura	Skema ta' għajjnuna
Baġit annwali	EUR 18,7 miljun
Intensità massima ta' l-għajjnuna	15 % Skond l-Artikolu 4 tar-Regolament
Data ta' l-implimentazzjoni	8.2.2008
Kemm se ddum l-iskema jew l-għotja ta' għajjnuna individwali	31.12.2013
Setturi ekonomiċi kkoncernati	Is-setturi kollha eliġibbli għal għajjnuna ta' investiment reġjonali
Isem u indirizz ta' l-awtorità li tagħti l-għajjnuna	Direction générale de l'Économie et de l'Emploi Direction de la Politique économique Place de la Wallonie, 1, bât. 1 B-5100 Jambes
l-indirizz fuq l-internet tal-publikazzjoni ta' l-iskema ta' l-għajjnuna	<a href="http://wallex.wallonie.be">http://wallex.wallonie.be</a>
Tagħrif ieħor	—

## V

(Avviżi)

## PROCEDURI AMMINISTRATIVI

## KUMMISSJONI

**Sejha għal proposti skond il-programm ta' hidma "Kapaċitajiet" tas-7 Programm Kwadru tal-KE għar-Riċerka, l-Iżvilupp Teknoloġiku u l-Attivitajiet ta' Dimostrazzjoni**

(2008/C 314/05)

B'dan qed tinghata notifika tat-tnejja tas-sejhiet għal proposti skond il-programm ta' hidma tas-Seba' Programm Kwadru tal-Komunità Ewropea għar-Riċerka, l-Iżvilupp Teknoloġiku u l-Attivitajiet ta' Dimostrazzjoni (mill-2007 sa l-2013).

Jintlaqgħu proposti għas-sejha li ġejja.

**Il-Programm Speċifiku "Kapaċitajiet":**

Parti: Infrastrutturi ta' Riċerka  
Identifikazzjoni tas-Sejha: FP7-INFRASTRUCTURES-2009-1

**Din is-sejha għal proposti hija konnessa mal-programm ta' hidma adottat bid-Deciżjoni tal-Kummissjoni C(2008) 4566 tas-26 ta' Awwissu 2008.**

L-informazzjoni dwar is-sejha tal-baġit, it-terminu ta' żmien u l-modalitajiet, il-programm ta' hidma u l-gwida għall-applikanti dwar kif għandhom jissottomettu l-proposti hija disponibbli fuq il-websajt tal-Cordis: <http://cordis.europa.eu/fp7/calls/>

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## PROCEDURI GHALL-IMPLIMENTAZZJONI TAL-POLITIKA KUMMERĊJALI KOMUNI

### KUMMISSJONI

#### Gheluq ippjanat tal-ilment 2007/2001

(2008/C 314/06)

Il-Kummissjoni Ewropea rċeviet bosta lmenti dwar taxa diskriminatorja imposta fir-Rumanija meta ssir l-ewwel reġistrazzjoni ta' vettura fit-territorju tagħha. F'dan ir-rigward, is-Segretarjat Ġenerali tal-Kummissjoni Ewropea rreġistra għadd kbir ta' lmenti u ittri. L-ilmenti rreġistrati taht in-numri ta' referenza 2007/4078, 2007/4079, 2007/4151 u l-korrispondenza l-oħra minn ċittadini kkonċernati tal-UE ġew indirizzati taht il-fajl ewlieni bin-numru ta' referenza 2007/2001.

Id-dipartiment responsabbli tal-Kummissjoni temm l-investigazzjoni tiegħu tal-każ hawn fuq imsemmi. Sabiex jiġu nfurmati mhux biss dawk li pprezentaw l-ilmenti iżda wkoll il-persuni l-oħra kollha kkonċernati l-Kummissjoni ddecidiet li tippubblika dan l-avviz li jesprimi l-intenzjoni li tagħlaq il-fajl.

Filwaqt li huwa evidenti li mhemm l-ebda armonizzazzjoni tat-taxxi relatati mal-vetturi għall-passiġġiera fil-livell Komunitarju u għalhekk l-Istati Membri jistgħu jimponu dan it-tip ta' taxxi u jiddecidu l-livelli u l-metodi ta' applikazzjoni, din id-diskrezzjoni hija ristretta bid-dispożizzjonijiet tat-Trattat li jstabilixxi l-Komunità Ewropea (KE), b'mod partikolari l-Artikolu 90, li jeskludi kwalunkwe tassazzjoni diskriminatorja tal-prodotti provenjenti minn Stati Membri oħra.

Id-dispożizzjonijiet Rumani relatati mat-taxxa tar-reġistrazzjoni tal-karozzi ma tidhirx konformi mal-Artikolu 90 tal-KE. Għalhekk, fit-23 ta' Marzu 2007 l-Kummissjoni bdiet procedura ta' ksur permezz ta' ittra ta' notifiċa formali (IP/07/372) lir-Rumanija. Il-Kummissjoni għamlet referenza għall-każistika tal-Qorti Ewropea tal-Ġustizzja li b'mod konsistenti d-deċiżjonijiet tagħha kienu li meta t-taxxa tiġi imposta darba biss fuq il-vetturi godda u użati, l-ammont ta' taxa dovuta fuq vettura użata provenjenti minn Stat Membru iehor qatt m'għandha tkun iktar mit-taxxa residwali inkluża fil-valur fis-suq ta' karozza simili użata diġà rreġistrata f'dak l-Istat Membru meta kienet ġdida. Għal dan il-ghan l-Istati Membri għandhom jikkunsidraw id-deprezzament ta' vetturi użati importati.

Ir-Rumanija rrikonoxxiet l-ittra ta' notifiċa formali u żviluppat linji ġenerali, li skonhom ġew imfassla l-emendi meħtieġa, flimkien mal-formola għall-kalkolu tal-ammont tat-taxxa ta' reġistrazzjoni tal-vettura u l-valuri li għandhom jintużaw għal dan l-iskop, inkluża skeda stabbilita gad-deprezzament. Madankollu, l-emendi meħtieġa ma ġewx adottati fi żmien xieraq.

Fit-28 ta' Novembru 2007, il-Kummissjoni indirizzat opinjoni motivata lir-Rumanija li fiha titlob li tikkonforma mal-liġi Komunitarja kif interpretata mill-Qorti (IP/07/1799). Din giet segwita minn għadd ta' laqgħat tekniki u diskussjonijiet dwar verżjonijiet ta' abbozz ta' leġislazzjoni li rriżulta fl-adozzjoni fil-21 ta' April 2008 ta' Ordinanza ta' Emergenza Nru 50/2008 (ippubblikata fil-Ġurnal Uffiċjali tar-Rumanija tal-25 ta' April 2008) li temenda l-leġiżazzjoni kkontestata. Il-Gvern Rumani approva wkoll in-normi ta' metodoloġija għall-applikazzjoni tal-Ordinanza ta' Emergenza Nru 50/2008 bl-integrazzjoni tat-Titolu V *Determinazzjoni tad-deprezzament ta' vettura użata* fl-applikazzjoni tal-iskeda ta' deprezzament stabbilita mtejjba li tinsab fl-Anness 4 tal-Ordinanza ta' Emergenza. Dan jiżgura li d-deprezzament reali tal-vetturi użati jiġi kkunsidrat meta tiġi kkalkolata t-taxxa dovuta għar-reġistrazzjoni tal-karozza.

B'zieda ma' dan, il-legiżlazzjoni Rumena msemmija hawn fuq nehhiet koeffiċjent tal-korrelazzjoni diskriminatorja, stabbiliet definizzjoni xierqa ta' "vettura ġdida", u pprovdiet lil dawk li jhallsu t-taxxa bid-dritt li jkollhom ispezzjoni individwali tal-vettura tagħhom sabiex jiġi stabbilit id-deprezzament reali tagħha. Fl-ahharnett, il-legiżlazzjoni adottata wriet lill-pubbliku l-kriterji li fuqhom huma bbażati u stabbiliti d-deprezzament tal-vetturi użati

Fid-dawl ta' din l-informazzjoni, id-dipartiment responsabbli tal-Kummissjoni jqis li l-awtoritajiet Rumeni hadu l-passi xierqa biex jiżguraw konformità mal-liġi Komunitarja u fil-preżent jidher li l-legiżlazzjoni Rumena dwar it-taxxi tar-registrazzjoni tal-vetturi issa saret konformi mal-Artikolu 90 tat-Trattat tal-KE.

Għalhekk, id-dipartiment responsabbli se jipproponi lill-Kummissjoni li l-każ jingħalaq.

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PROCĊEDURI GĦALL-IMPLIMENTAZZJONI TAL-POLITIKA TAL-  
KOMPETIZZJONI

KUMMISSJONI

**Notifika minn qabel ta' konċentrazzjoni**

**(Każ COMP/M.5358 — Arizona/Abieta)**

**(Test b'rilevanza għaż-ŻEE)**

(2008/C 314/07)

1. Fit-2 ta' Diċembru 2008, il-Kummissjoni rċeviet notifika ta' konċentrazzjoni proposta skont l-Artikolu 4 u wara referenza skont l-Artikolu 4(5) tar-Regolament tal-Kunsill (KE) Nru 139/2004 <sup>(1)</sup> li permezz tagħha l-impriża Arizona Chemical GmbH ("Arizona", il-Ġermanja), proprjetà tal-grupp Arizona Chemical, takkwista fit-tifsira tal-Artikolu 3(1)(b) tar-Regolament tal-Kunsill il-kontroll shiħ tal-impriża Abieta Chemie GmbH ("Abieta", il-Ġermanja) permezz ta' xiri ta' ishma.

2. L-attivitajiet kummerċjali tal-impriži kkonċernati huma:

— għal Arizona: l-irfinar, l-ipproċessar u l-bejgħ ta' oleokemikali,

— għal Abieta: il-produzzjoni u l-bejgħ ta' *rosin soaps*, użati bhala emulsifikant.

3. Wara eżami preliminari, il-Kummissjoni ssib li l-operazzjoni notifikata tista' taqa' fl-ambitu tar-Regolament (KE) Nru 139/2004. Madankollu, id-deċiżjoni finali dwar dan il-punt hija rrizervata.

4. Il-Kummissjoni tistieden lill-partijiet terzi interessati sabiex iressqu l-kummenti li jista' jkollhom dwar l-operazzjoni proposta lill-Kummissjoni.

Il-kummenti jridu jaslu għand il-Kummissjoni mhux aktar tard minn għaxart ijiem wara d-data ta' din il-pubblikazzjoni. Il-kummenti jistgħu jintbagħtu lill-Kummissjoni bil-faks (faks nru (32-2) 296 43 01 jew 296 72 44) jew bil-posta, taħt in-numru ta' referenza COMP/M.5358 — Arizona/Abieta, fl-indirizz li ġej:

Il-Kummissjoni Ewropea  
Direttorat Ġenerali għall-Kompetizzjoni  
Registru tal-Amalgamazzjonijiet  
J-70  
B-1049 Bruxelles/Brussell

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



**NOTA LILL-QARREJ**

L-istituzzjonijiet iddeċidew li ma jikkwotawx aktar fit-testi tagħhom l-aħhar emenda ta' l-atti kkwotati. Sakemm mhux indikat mod iehor, l-atti mmsemija fit-testi ppubblikati hawn jirreferu għall-atti li bhalissa huma fis-seħh.