

Uradni list

Evropske unije

C 314

Zvezek 51

Slovenska izdaja

Informacije in objave

9. december 2008

<u>Obvestilo št.</u>	Vsebina	Stran
	I <i>Resolucije, priporočila in mnenja</i>	
	MNENJA	
	Evropska centralna banka	
2008/C 314/01	Mnenje Evropske centralne banke z dne 18. novembra 2008 na zahtevo Sveta Evropske unije o predlogu direktive Evropskega parlamenta in Sveta o spremembi Direktive 94/19/ES o sistemih zjamčenih vlog glede stopnje kritja in zamude pri izplačilu (CON/2008/70)	1
	II <i>Sporočila</i>	
	SPOROČILA INSTITUCIJ IN ORGANOV EVROPSKE UNIJE	
	Komisija	
	Eurojust	
2008/C 314/02	Informacije v zvezi s „Praktičnim dogovorom o načinu sodelovanja med Eurojust-om in OLAF-om“	3



IV *Informacije*

INFORMACIJE INSTITUCIJ IN ORGANOV EVROPSKE UNIJE

Komisija

2008/C 314/03	Menjalni tečaji eura	8
---------------	----------------------------	---

INFORMACIJE DRŽAV ČLANIC

2008/C 314/04	Podatki, ki so jih predložile države članice o državni pomoči, dodeljeni na podlagi Uredbe Komisije (ES) št. 1628/2006 o uporabi členov 87 in 88 Pogodbe ES pri državni regionalni pomoči za naložbe ⁽¹⁾	9
---------------	---	---

V *Objave*

UPRAVNI POSTOPKI

Komisija

2008/C 314/05	Razpis za zbiranje predlogov v okviru delovnega programa „Zmogljivosti“ sedmega okvirnega programa ES za raziskave, tehnološki razvoj in predstavitvene dejavnosti	11
---------------	--	----

POSTOPKI V ZVEZI Z IZVAJANJEM SKUPNE TRGOVINSKE POLITIKE

Komisija

2008/C 314/06	Predlog zaključka pritožbe 2007/2001	12
---------------	--	----

POSTOPKI V ZVEZI Z IZVAJANJEM KONKURENČNE POLITIKE

Komisija

2008/C 314/07	Predhodna priglasitev koncentracije (Zadeva št. COMP/M.5358 – Arizona/Abieta) ⁽¹⁾	14
---------------	--	----

Opomba bralcu (glej notranjo stran zadnje strani ovitka)



⁽¹⁾ Besedilo velja za EGP

I

(Resolucije, priporočila in mnenja)

MNENJA

EVROPSKA CENTRALNA BANKA

MNENJE EVROPSKE CENTRALNE BANKE

z dne 18. novembra 2008

na zahtevo Sveta Evropske unije o predlogu direktive Evropskega parlamenta in Sveta o spremembi Direktive 94/19/ES o sistemih zajamčenih vlog glede stopnje kritja in zamude pri izplačilu

(CON/2008/70)

(2008/C 314/01)

Uvod in pravna podlaga

Evropska centralna banka (ECB) je dne 24. oktobra 2008 prejela zahtevo Sveta Evropske unije za mnenje o predlogu direktive Evropskega parlamenta in Sveta o spremembi Direktive 94/19/ES o sistemih zajamčenih vlog glede stopnje kritja in zamude pri izplačilu ⁽¹⁾ (v nadaljevanju „predlagana direktiva“).

Pristojnost ECB, da poda mnenje o predlagani direktivi, temelji na členu 105(4) Pogodbe o Evropski skupnosti. V skladu s prvim stavkom člena 17.5 Poslovnika Evropske centralne banke je to mnenje sprejel Svet ECB.

1. Splošne pripombe

1.1 ECB ugotavlja, da je trenutna kriza na finančnih trgih potrdila, da so sistemi zajamčenih vlog bistvenega pomena za ohranjanje zaupanja vlagateljev in torej varovanje finančne stabilnosti. ECB podpira osnovni cilj krepitve zaupanja vlagateljev in razume, da se predlagana direktiva iz razlogov nujnosti osredotoča na zvišanje stopnje kritja v nacionalnih sistemih zajamčenih vlog (v nadaljevanju: nacionalni sistemi) v skladu s sklepi Ekonomsko-finančnega sveta z dne 7. oktobra 2008 ⁽²⁾, na zmanjšanje zamude pri izplačilu in na odpravo trenutne opcije za sozavarovanje.

1.2 ECB istočasno podpira namero Komisije, da nadaljuje z delom glede konvergence nacionalnih sistemov, s posebnim poudarkom na harmonizaciji mehanizmov financiranja le-teh, in da Evropskemu parlamentu in Svetu predloži poročilo o zadevi do 31. decembra 2009 ⁽³⁾. Glede na pomembnost ureditve financiranja nacionalnih sistemov za učinkovitost finančne varnostne mreže in varovanje finančne stabilnosti bo ECB z veseljem prispevala k delu Komisije na tem področju v prihodnosti, spodbuja pa

⁽¹⁾ COM(2008) 661 konč.

⁽²⁾ Glej sporočilo za javnost o 2894. seji Sveta (13784/08), dostopno na spletni strani Sveta na naslovu www.consilium.europa.eu, kakor je omenjeno v šestem odstavku oddelka 1 obrazložitvenega memoranduma k predlagani direktivi.

⁽³⁾ Člen 12 Direktive 94/19/ES, kakor se spreminja s členom 1(6) predlagane direktive; glej uvodni izjavi 1 in 7 predlagane direktive.

tudi pravočasno pripravo poročila Komisije. ECB v tem kontekstu poudarja, da mora biti ureditev financiranja nacionalnih sistemov med drugim skladna s prepovedjo denarnega financiranja, določeno v Pogodbi, in zlasti s prepovedjo, da bi nacionalne centralne banke nudile možnost prekoračitve pozitivnega stanja na računu ali druge oblike kreditov v smislu člena 101 Pogodbe ⁽¹⁾, kar je bolj podrobno obravnavano v preteklih mnenjih ECB o osnutkih nacionalnih predpisov ⁽²⁾ in v konvergenčnih poročilih ECB ⁽³⁾.

2. Posamezne pripombe

2.1 Stopnja kritja z jamstvom

ECB pozdravlja zvišanje najnižjega zneska zajamčenih vlog na 50 000 EUR do konca leta 2008 in nadaljnje zvišanje na 100 000 EUR ⁽⁴⁾, kakor je omenjeno v sklepih Sveta z dne 7. oktobra 2008 ⁽⁵⁾. ECB istočasno poudarja, da bi moralo biti kakršno koli zvišanje kritja, ki bi presegló drugega od zgoraj navedenih zneskov, predhodno natančno usklajeno na ravni EU, saj bi bistvene razlike med nacionalnimi ukrepi lahko imele kontraproduktiven učinek in povzročile izkrivljanje enotnega trga.

2.2 Zmanjšanje zamud pri izplačilu

ECB pozdravlja namero, da se bistveno zmanjšajo zamude pri izplačilu zajamčenih vlog in s tem okrepi zaupanje vlagateljev ⁽⁶⁾. ECB bi v tem kontekstu poudarila, da je nedavna analiza na mednarodni ravni opozorila, da je takojšnje poplačilo terjatev vlagateljev ključnega pomena za učinkovito varstvo vlog. Istočasno bi bilo treba pragmatično pristopiti k uvajanju potrebnega zmanjšanja zamude pri izplačilu, s čimer bi ohranili verodostojnost sistemov zajamčenih vlog. To vključuje vzpostavitev učinkovitih operativnih postopkov za preverjanje terjatev in plačila vlagateljem, kot tudi za zagotavljanje, da so na voljo zadostna sredstva za financiranje. Zlasti je treba vzpostaviti postopke, da vlagatelji tudi v primeru propada banke, ki posluje preko meja, prejmejo izplačila tako učinkovito, kot če bi propadla banka poslovala v eni državi članici. ECB dodatno predlaga, da bi bilo treba načrt Komisije za ocenitev, ali bi bilo mogoče nadalje harmonizirati ureditve financiranja, ki jih uporabljajo nacionalni sistemi, pospremiti s pregledom učinkovitosti postopkov izplačevanja. Končno ECB predlaga, da bi javno zaupanje v sisteme zajamčenih vlog, poleg s skrajšanjem obdobja izplačevanja, lahko okrepili z izboljšanjem ozaveščenosti vlagateljev o pogojih zaščite vlog, med drugim tudi preko primernega razkritja pogojev na strani kreditnih institucij.

V Frankfurtu na Majni, 18. novembra 2008

Predsednik ECB
Jean-Claude TRICHET

⁽¹⁾ Interpretirano v skladu z Uredbo Sveta (ES) št. 3603/93 z dne 13. decembra 1993 o opredelitvi pojmov za uporabo prepovedi, navedenih v členih 104 in 104b(1) Pogodbe (UL L 332, 31.12.1993, str. 1).

⁽²⁾ Glej odstavke 11-14 Mnenja ECB CON/2001/32 z dne 11. oktobra 2001 na zahtevo portugalskega Ministrstva za finance o predlogu uredbe z zakonsko močjo o spremembah pravnega okvira za kreditne institucije in finančne družbe; odstavke 11-13 Mnenja ECB CON/2005/50 z dne 1. decembra 2005 na zahtevo centralne banke Národná banka Slovenska o predlogu zakona o spremembah Zakona št. 118/1996 Coll. o varstvu bančnih vlog in o spremembah nekaterih zakonov, kakor so bili nazadnje spremenjeni; odstavke 2.1-2.3 Mnenja ECB CON/2007/26 z dne 27. avgusta 2007 na zahtevo poljskega ministra za finance o predlogu zakona o spremembah Zakona o bančnem jamstvenem skladu; in odstavke 2.2-2.8 Mnenja ECB CON/2008/5 z dne 17. januarja 2008 na zahtevo poljskega ministra za finance o predlogu zakona o spremembah Zakona o bančnem jamstvenem skladu.

⁽³⁾ Glej npr. konvergenčno poročilo ECB iz decembra 2006, str. 30.

⁽⁴⁾ Člen 7(1) Direktive 94/19/EC, kot se spremeni s členom 1(3)(a) predlagane direktive in kot se dopolni s prvim in drugim pododstavkom člena 2(1) predlagane direktive, ki določa, da se zvišana stopnja kritja uporablja retroaktivno od 15. oktobra 2008; glej uvodno izjavo 3 predlagane direktive in oddelek 5.3 obrazložitvenega memoranduma k predlagani direktivi.

⁽⁵⁾ Svet se je sporazumel, da „bodo vse države članice zagotovile varstvo zajamčenih vlog za posameznike v znesku najmanj 50 000 EUR za začetno obdobje najmanj enega leta, zavedajoč se, da se mnoge države članice odločajo za zvišanje minimalnega zajamčenega zneska na 100 000 EUR“.

⁽⁶⁾ Člen 1(3) Direktive 94/19/ES, kakor se spreminja s členom 1(1) predlagane direktive, in člen 10(1) in (2) Direktive 94/19/ES, kakor se spreminja s členom 1(5) predlagane direktive; glej uvodno izjavo 5 k predlagani direktivi in oddelek 5.1 obrazložitvenega memoranduma k predlagani direktivi.

II

(Sporočila)

SPOROČILA INSTITUCIJ IN ORGANOV EVROPSKE UNIJE

KOMISIJA

EUROJUST

Informacije v zvezi s „Praktičnim dogovorom o načinu sodelovanja med Eurojust-om in OLAF-om“*(2008/C 314/02)*

Eurojust, organ Evropske unije za pravosodno sodelovanje, in Evropski urad za boj proti goljufijam (OLAF) sta 24. septembra 2008 podpisala praktični dogovor o okrepitvi usklajevanja in sodelovanja pri boju proti finančnim goljufijam, korupciji in drugim kaznivim dejanjem, ki vplivajo na finančne interese Evropske skupnosti. Praktični dogovor ureja načine tesnega in okrepljenega sodelovanja ter vsebuje določbe o izmenjavi splošnih in osebnih podatkov. Dogovor je 25. julija 2008 potrdil Svet.

—

PRILOGA

Practical Agreement on arrangements of cooperation between Eurojust and OLAF

EUROJUST AND OLAF,

Hereinafter referred to as „the Parties“,

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

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

After consulting the European Data Protection Supervisor;

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

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

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

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

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

HAVE AGREED:

CHAPTER 1

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

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

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

⁽¹⁾ OJ L 63, 6.3.2002, p. 1.

⁽²⁾ OJ C 286, 22.11.2002, p. 1.

⁽³⁾ OJ L 136, 31.5.1999, p. 20.

⁽⁴⁾ OJ L 136, 31.5.1999, p. 1.

⁽⁵⁾ OJ L 136, 31.5.1999, p. 8.

⁽⁶⁾ OJ C 68, 19.3.2005, p. 1.

⁽⁷⁾ OJ L 8, 12.1.2001, p. 1.

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

Point 2

Purpose of the Practical Agreement on arrangements of cooperation

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

CHAPTER 2

CO-OPERATION

Point 3

Regular contacts and co-operation

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

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

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

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

Point 4

General rules on operational co-operation

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

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

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

Point 5

Exchange of Case Summaries

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

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

⁽¹⁾ OJ C 197, 12.7.2000, p. 3.

⁽²⁾ OJ L 162, 20.6.2002, p. 1.

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

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

Point 6

Exchange of case-related information

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

Point 7

Exchange of strategic information

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

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

Point 8

Operational and strategic meetings

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

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

Point 9

Joint Investigation Teams

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

Point 10

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

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

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

CHAPTER 3

PROTECTION OF PERSONAL DATA

Point 11

General principles

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

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

Point 12

Documentation

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

Point 13

Data security

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

Point 14

Rights of data subjects

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

Point 15

Correction and deletion of information

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

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

For Eurojust
José Luís LOPES DA MOTA
President

For OLAF
Franz-Hermann BRÜNER
Director

Point 16

Time limits for the storage of Personal Data

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

CHAPTER 4

FINAL PROVISIONS

Point 17

Evaluation of co-operation

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

Point 18

Amendments

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

Point 19

Relation to other instruments

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

Point 20

Entry into force

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

IV

(Informacije)

INFORMACIJE INSTITUCIJ IN ORGANOV EVROPSKE UNIJE

KOMISIJA

Menjalni tečaji eura ⁽¹⁾

8. decembra 2008

(2008/C 314/03)

1 euro =

Valuta	Menjalni tečaj	Valuta	Menjalni tečaj
USD ameriški dolar	1,2854	TRY turška lira	2,0341
JPY japonski jen	120,10	AUD avstralski dolar	1,9377
DKK danska krona	7,4497	CAD kanadski dolar	1,6067
GBP funt šterling	0,86510	HKD hongkonški dolar	9,9633
SEK švedska krona	10,4150	NZD novozelandski dolar	2,3690
CHF švicarski frank	1,5590	SGD singapurski dolar	1,9400
ISK islandska krona	290,00	KRW južnokorejski won	1 865,53
NOK norveška krona	9,1270	ZAR južnoafriški rand	13,1246
BGN lev	1,9558	CNY kitajski juan	8,8436
CZK češka krona	25,712	HRK hrvaška kuna	7,1948
EEK estonska krona	15,6466	IDR indonezijska rupija	14 974,91
HUF madžarski forint	264,45	MYR malezijski ringit	4,6756
LTL litovski litas	3,4528	PHP filipinski peso	62,470
LVL latvijski lats	0,7093	RUB ruski rubelj	36,0075
PLN poljski zlot	3,8875	THB tajski bat	45,702
RON romunski leu	3,8795	BRL brazilski real	3,1580
SKK slovaška krona	30,195	MXN mehiški peso	17,3209

⁽¹⁾ Vir: referenčni menjalni tečaj, ki ga objavlja ECB.

INFORMACIJE DRŽAV ČLANIC

Podatki, ki so jih predložile države članice o državni pomoči, dodeljeni na podlagi Uredbe Komisije (ES) št. 1628/2006 o uporabi členov 87 in 88 Pogodbe ES pri državni regionalni pomoči za naložbe

(Besedilo velja za EGP)

(2008/C 314/04)

Št. pomoči	XR 16/08
Država članica	Poljska
Regija	Lubuskie
Naziv sheme pomoči ali ime podjetja, ki prejme <i>ad hoc</i> pomoč kot dodatek	Program pomoči regionalne 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.
Pravna podlaga	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.
Vrsta ukrepa	Shema pomoči
Načrtovani letni izdatki	1 mio PLN
Največja intenzivnost pomoči	50 % V skladu s členom 4 Uredbe
Datum začetka izvajanja	9.6.2007
Trajanje	31.12.2013
Gospodarski sektorji	Vsi sektorji, upravičeni do regionalne pomoči za naložbe
Naziv in naslov organa, ki dodeli pomoč	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
Spletna stran objave sheme pomoči	http://www.wojewodalubuski.pl/download.php?what=../dzienniki/2007/duwl52.pdf
Drugi podatki	—

Št. pomoči	XR 41/08
Država članica	Belgija
Regija	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).
Naziv sheme pomoči ali ime podjetja, ki prejme <i>ad hoc</i> pomoč kot dodatek	Incitants en faveur des entreprises (grandes entreprises et PME) objectif convergence
Pravna podlaga	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
Vrsta ukrepa	Shema pomoči
Načrtovani letni izdatki	18,7 mio EUR
Največja intenzivnost pomoči	15 % V skladu s členom 4 Uredbe
Datum začetka izvajanja	8.2.2008
Trajanje	31.12.2013
Gospodarski sektorji	Vsi sektorji, upravičeni do regionalne pomoči za naložbe
Naziv in naslov organa, ki dodeli pomoč	Direction générale de l'Économie et de l'Emploi Direction de la Politique économique Place de la Wallonie, 1, bât. 1 B-5100 Jambes
Spletna stran objave sheme pomoči	http://wallex.wallonie.be
Drugi podatki	—

V

(Objave)

UPRAVNI POSTOPKI

KOMISIJA

Razpis za zbiranje predlogov v okviru delovnega programa „Zmogljivosti“ sedmega okvirnega programa ES za raziskave, tehnološki razvoj in predstavitvene dejavnosti*(2008/C 314/05)*

Objavi se razpis za zbiranje predlogov v okviru delovnega programa „Zmogljivosti“ sedmega okvirnega programa Evropske skupnosti za raziskave, tehnološki razvoj in predstavitvene dejavnosti (2007–2013).

Poziva se k predložitvi predlogov za naslednji razpis.

Posebni program „Zmogljivosti“:

Del: Raziskovalne infrastrukture
Identifikacijska oznaka razpisa: FP7-INFRASTRUCTURES-2009-1

Ta razpis za zbiranje predlogov se nanaša na delovni program, sprejet s Sklepom Komisije C(2008) 4566 z dne 26. avgusta 2008.

Podrobnejše informacije o razpisnih sredstvih in roku, delovnem programu ter navodila vlagateljem glede oddaje predlogov so na voljo na spletni strani CORDIS: <http://cordis.europa.eu/fp7/calls/>

POSTOPKI V ZVEZI Z IZVAJANJEM SKUPNE TRGOVINSKE POLITIKE

KOMISIJA

Predlog zaključka pritožbe 2007/2001

(2008/C 314/06)

Evropska komisija je prejela številne pritožbe zaradi diskriminatornega davka v Romuniji na prvo registracijo motornega vozila znotraj države. V zvezi s tem je Generalni sekretariat Evropske komisije evidentiral veliko število pritožb in pisem. Pritožbe, evidentirane pod referenčnimi številkami 2007/4078, 2007/4079, 2007/4151 in druga pisna sporočila zaskrbljenih državljanov EU so se obravnavala pod skupno referenčno številko 2007/2001.

Pristojni oddelek Komisije je zaključil preiskavo zgoraj omenjene zadeve. Z namenom primerno obvestiti ne samo pritožnike, temveč tudi vse druge zadevne osebe, se je Komisija odločila objaviti to obvestilo, da naznani skorajšnji zaključek tega primera.

Čeprav je jasno, da ne obstaja nikakršno poenotenje davkov v zvezi z osebnimi vozili na ravni Skupnosti in torej države članice lahko uvedejo takšne davke in po lastni presoji določijo njihovo raven in način obračunavanja, je ta prosta presoja vendarle omejena z določbami Pogodbe o ustanovitvi Evropske skupnosti (ES), posebno s členom 90, ki preprečuje diskriminatorno obdavčitev izdelkov, ki prihajajo iz držav članic.

Romunske določbe v zvezi z registracijo avtomobilov niso bile videti skladne s členom 90 Pogodbe ES. Posledično je Komisija 23. marca 2007 začela postopek za ugotavljanje kršitev proti Romuniji in ji izdala uradni opomin (IP/07/372). Komisija se je pri tem sklicevala na ustaljeno sodno prakso Sodišča Evropskih skupnosti, ki določa, da kadar so vozila obdavčena le enkrat, davke na rabljena motorna vozila, ki prihajajo iz druge države članice, ne sme biti nikoli višji od davka, vključenega v tržno vrednost podobnega rabljenega vozila, ki je bilo v tej državi registrirano že, ko je bilo novo. V takem primeru morajo države članice namreč upoštevati amortizacijo uvoženega rabljenega motornega vozila.

Romunija je uradni opomin upoštevala in oblikovala splošne smernice, na podlagi katerih je pripravila potrebne spremembe, vključno s formulo za izračun višine davka na registracijo avtomobilov in vrednostmi, ki jih je pri takem izračunu treba upoštevati, kot npr. točno določena lestvica za oceno amortizacije. Vendar potrebne spremembe niso bile pravočasno sprejete.

28. novembra 2007 je Komisija na Romunijo naslovila utemeljeno mnenje, s katerim je od nje zahtevala, naj ravna skladno z zakonodajo Skupnosti, kakor jo razlaga Sodišče (IP/07/1799). Temu so sledili številni strokovni sestanki in razprave o različnih osnutkih zakonodaje, na podlagi katerih je Romunija 21. aprila 2008 sprejela Izredni odlok št. 50/2008 (objavljen v Uradnem listu Romunije dne 25. aprila 2008), ki je vnesel spremembe v sporno zakonodajo. Romunska vlada je potrdila tudi metodološke normative za uporabo Izrednega odloka št. 50/2008 s tem, ko je dodala poglavje V – *Določitev realne amortizacije rabljenega motornega vozila* – k določilom za uporabo lestvice za oceno amortizacije v prilogi 4 Izrednega odloka. S tem so romunski organi zagotovili, da se dejanska amortizacija rabljenih motornih vozil upošteva pri izračunu višine davka na registracijo avtomobila.

Poleg tega je zgoraj omenjena romunska zakonodaja odpravila diskriminatorni korelacijski koeficient, jasno opredelila „novo motorno vozilo“ in davkoplačevalcem dodelila pravico do pregleda vsakega motornega vozila posebej, preden se določi amortizacija vozila. Sprejeta zakonodaja javnosti razkriva tudi merila, na podlagi katerih se določa amortizacija rabljenih motornih vozil.

Ob upoštevanju vsega navedenega pristojni oddelek Komisije ocenjuje, da so romunske oblasti sprejele potrebne ukrepe za zagotovitev skladnosti z zakonodajo Skupnosti in tako se zdi, da je zdajšnja romunska zakonodaja o davkih na registracijo avtomobilov skladna s členom 90 Pogodbe ES.

Zato bo pristojni oddelek Komisiji predlagal, da zaključi zadevno pritožbo.

POSTOPKI V ZVEZI Z IZVAJANJEM KONKURENČNE POLITIKE

KOMISIJA

Predhodna priglasitev koncentracije
(Zadeva št. COMP/M.5358 – Arizona/Abieta)**(Besedilo velja za EGP)**

(2008/C 314/07)

1. Komisija je 2. decembra 2008 prejela priglasitev predlagane koncentracije v skladu s členom 4 in po predložitvi v skladu s členom 4(5) Uredbe Sveta (ES) št. 139/2004 ⁽¹⁾, s katero podjetje Arizona Chemical GmbH („Arizona“, Nemčija) z nakupom delnic pridobi nadzor nad celotnim podjetjem Abieta Chemie GmbH („Abieta“, Nemčija) v smislu člena 3(1)(b) Uredbe Sveta.
2. Poslovne dejavnosti zadevnih podjetij so:
 - za podjetje Arizona: rafiniranje, predelava in prodaja oleokemikalij,
 - za podjetje Abieta: proizvodnja in prodaja mila iz smole, ki se ga uporablja kot emulgator.
3. Po predhodnem pregledu Komisija ugotavlja, da bi priglašena transakcija lahko spadala v področje uporabe Uredbe (ES) št. 139/2004. Vendar končna odločitev o tej točki še ni sprejeta.
4. Komisija zainteresirane tretje osebe poziva, naj ji predložijo svoje morebitne pripombe glede predlagane transakcije.

Komisija mora prejeti pripombe najpozneje v 10 dneh po datumu te objave. Pripombe lahko pošljete Komisiji po telefaksu (št. telefaksa: (32-2) 296 43 01 ali 296 72 44) ali po pošti z navedbo sklicne številke COMP/M.5358 – Arizona/Abieta na naslov:

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

⁽¹⁾ UL L 24, 29.1.2004, str. 1.

OPOMBA BRALCU

Institucije so se odločile, da v svojih besedilih ne bodo več navajale zadnje spremembe navedenih besedil.

Če ni navedeno drugače, se akti iz objavljenih besedil sklicujejo na akte v trenutno veljavni različici.