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### Information and Notices

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

## I

*(Resolutions, recommendations and opinions)*

## RECOMMENDATIONS

## EUROPEAN CENTRAL BANK

## RECOMMENDATION OF THE EUROPEAN CENTRAL BANK

**of 5 June 2009****to the Council of the European Union on the external auditors of Banka Slovenije****(ECB/2009/12)**

(2009/C 132/01)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 27.1 thereof,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and national central banks are audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) The mandate of Banka Slovenije's current external auditors will end after the audit for the financial year 2008. It is therefore necessary to appoint external auditors from the financial year 2009.
- (3) Banka Slovenije has selected Deloitte revizija d.o.o. as its external auditors for the financial years 2009 to 2011,

HAS ADOPTED THIS RECOMMENDATION:

It is recommended that Deloitte revizija d.o.o. should be appointed as the external auditors of Banka Slovenije for the financial years 2009 to 2011.

Done at Frankfurt am Main, 5 June 2009.

*The President of the ECB*

Jean-Claude TRICHET

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## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COUNCIL

## COUNCIL DECISION

of 4 June 2009

appointing one Dutch member of the Committee of the Regions

(2009/C 132/02)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

*Article 1*

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

The following is hereby appointed to the Committee of the Regions as a member for the remainder of the current term of office, which runs until 25 January 2010:

Having regard to the proposal of the Dutch Government,

Mr Ahmed ABOUTALEB, Burgemeester van Rotterdam (mayor of Rotterdam).

Whereas:

*Article 2*

This Decision shall take effect on the day of its adoption.

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

Done at Luxembourg, 4 June 2009.

(2) A member's seat on the Committee of the Regions has become vacant following the resignation of Mr Ivo OPSTELTEN,

*For the Council*  
*The President*  
Martin PECINA

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<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

**COUNCIL DECISION**  
**of 4 June 2009**  
**appointing one UK alternate member of the Committee of the Regions**  
(2009/C 132/03)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal of the Government of the United Kingdom,

Whereas:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

(2) An alternate member's seat on the Committee of the Regions has become vacant following the appointment of Mr Robert BRIGHT as a member of the Committee of the Regions,

*Article 1*

The following is hereby appointed to the Committee of the Regions as an alternate member for the remainder of the current term of office, which runs until 25 January 2010:

Mr Chris HOLLEY, Councillor for City and Council of Swansea, Wales.

*Article 2*

This Decision shall take effect on the day of its adoption.

Done at Luxembourg, 4 June 2009.

*For the Council*  
*The President*  
Martin PECINA

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<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

**COUNCIL DECISION**  
**of 4 June 2009**  
**appointing one UK member of the Committee of the Regions**  
(2009/C 132/04)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal of the Government of the United Kingdom,

Whereas:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

(2) A member's seat on the Committee of the Regions has become vacant following the end of mandate of Mr Andrew CAMPBELL as a member of the Committee of the Regions,

*Article 1*

The following is hereby appointed to the Committee of the Regions as a member for the remainder of the current term of office, which runs until 25 January 2010:

Ms Sue RAMSEY, Member of the Legislative Assembly, Northern Ireland.

*Article 2*

This Decision shall take effect on the day of its adoption.

Done at Luxembourg, 4 June 2009.

*For the Council*  
*The President*  
Martin PECINA

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<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

## COMMISSION

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

10 June 2009

(2009/C 132/05)

## 1 euro =

Currency			Exchange rate		
Currency			Exchange rate		
USD	US dollar	1,4102	AUD	Australian dollar	1,7387
JPY	Japanese yen	138,03	CAD	Canadian dollar	1,5500
DKK	Danish krone	7,4462	HKD	Hong Kong dollar	10,9307
GBP	Pound sterling	0,85830	NZD	New Zealand dollar	2,2257
SEK	Swedish krona	10,7296	SGD	Singapore dollar	2,0431
CHF	Swiss franc	1,5158	KRW	South Korean won	1 771,60
ISK	Iceland króna		ZAR	South African rand	11,3326
NOK	Norwegian krone	8,8430	CNY	Chinese yuan renminbi	9,6365
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,2639
CZK	Czech koruna	26,748	IDR	Indonesian rupiah	14 109,80
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,9294
HUF	Hungarian forint	278,17	PHP	Philippine peso	66,846
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	43,6320
LVL	Latvian lats	0,6995	THB	Thai baht	48,010
PLN	Polish zloty	4,4645	BRL	Brazilian real	2,7136
RON	Romanian leu	4,1970	MXN	Mexican peso	19,1153
TRY	Turkish lira	2,1698	INR	Indian rupee	66,7450

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

## **Communication from the Commission providing guidance on State aid to shipmanagement companies**

**(Text with EEA relevance)**

(2009/C 132/06)

### **1. SCOPE**

This Communication deals with the eligibility of crew and technical managers of ships for the reduction of corporate tax or the application of the tonnage tax under Section 3.1 of Commission Communication C(2004) 43 — Community guidelines on State aid to maritime transport <sup>(1)</sup> ('the Guidelines'). It does not deal with State aid to commercial managers of ships. This Communication applies to crew and technical management irrespectively of whether they are individually provided or jointly provided to the same ship.

### **2. INTRODUCTION**

#### **2.1. General context**

The Guidelines provide for the possibility that ship management companies qualify for the tonnage tax or other tax arrangements for shipping companies (Section 3.1). However, eligibility is limited to the joint provision of both technical and crew management for a same vessel ('full management'), while those activities are not eligible to the tonnage tax or other tax arrangements when provided individually.

The Guidelines stipulate that the Commission will examine the effects of the Guidelines on ship management after three years <sup>(2)</sup>. This Communication sets out the results of that fresh assessment and draws conclusions on the eligibility of ship management companies for State aid.

#### **2.2. Ship management**

Ship management companies are entities providing different services to shipowners, such as technical survey, crew recruiting and training, crew management and vessel operation. There are three main categories of ship management services: crew management, technical management and commercial management.

Crew management consists, in particular, in dealing with all the matters relating to crew, such as selecting and engaging suitably qualified seafarers, issuing payrolls, ensuring the appropriateness of the manning level of ships, checking the certifications of seafarers, providing for seafarers' accident and disability insurance coverage, taking care of travel and visa arrangements, handling medical claims, assessing the performance of the seafarers and, in some cases, training them. Crew management represents by far the largest part of the ship management industry worldwide.

Technical management consists in ensuring the seaworthiness of the vessel and its full compliance with technical, safety and security requirements. In particular, the technical manager is responsible for making decisions on the repair and maintenance of a ship. Technical management represents a significant part of the ship management industry, although much smaller than crew management.

Commercial management consists in promoting and ensuring the sale of ships' capacity, by means of chartering the ships, taking bookings for cargo or passengers, ensuring marketing and appointing agents. Commercial management represents a very small part of the ship management industry. To date the Commission does not have complete information about commercial management at its disposal. Commercial management is therefore not addressed by this Communication.

Like any maritime activity, ship management is a global business by nature. In the absence of international law regulating third party ship management, the standards in this field have been settled within the framework of private law agreements <sup>(3)</sup>.

<sup>(1)</sup> OJ C 13, 17.1.2004, p. 3.

<sup>(2)</sup> See footnote 3 on page 7 of OJ C 13, 17.1.2004.

<sup>(3)</sup> An example is the 'BIMCO's Standard Ship Management Agreement SHIPMAN 98' which is frequently used in relations between ship management companies and shipowners.



In the Community, ship management is mainly carried out in Cyprus. There are, however, ship management companies in the United Kingdom, Germany, Denmark, Belgium and the Netherlands. Outside the Community, ship management companies are mainly established in Hong Kong, Singapore, India, United Arab Emirates and the USA.

### **2.3. Review of the eligibility conditions for ship management companies**

Since the publication of the Guidelines in January 2004, several maritime countries have entered the Community, amongst them Cyprus, which features the largest ship management industry in the world.

The accession of Cyprus and its preliminary work for complying with the Guidelines, as well as a study realised by a consortium for the administration of that Member State<sup>(1)</sup>, allowed for a more complete understanding of this activity and of its evolution. More awareness has been acquired in particular in respect of the link between technical and crew management on the one hand, and shipping on the other, as well as the possibility that crew and/or technical managers can help achieving the objectives of the Guidelines.

### **3. ASSESSMENT OF ELIGIBILITY OF SHIP MANAGEMENT COMPANIES**

Unlike other maritime-related services, ship management is a standard core-activity of maritime carriers, normally provided in-house. Ship management is one of the most characteristic activities of ship operators. Nowadays, however, it is outsourced to third-party ship management companies in some cases. It is because of this link between ship management and shipping that third-party ship management companies are professional operators with the same background as shipowners, although segmented according to their specialisation, operating in their same business environment. Shipowners are the only customers of ship management companies.

Against this background the Commission considers that outsourcing of ship management should not be fiscally penalised with respect to in-house ship management, provided that the ship management companies meet the same requirements as are applicable to shipowners and that the provision of the aid to the former contributes to the achievement of the objectives of the Guidelines in the same way as the provision of aid to shipowners.

In particular the Commission considers that, precisely because of their specialisation and the nature of their core-business, ship management companies may substantially contribute to the achievement of the objectives of the Guidelines, in particular the achievement of an 'efficient, secure and environment friendly maritime transport' and of the 'consolidation of the maritime cluster established in the Member States'<sup>(2)</sup>.

### **4. EXTENSION TO SHIP MANAGEMENT COMPANIES OF ELIGIBILITY TO STATE AID**

On the basis of what has been explained in Section 3 above, the Commission will authorise under Article 87(3)(c) of the Treaty establishing the European Community, tax relief for ship management companies, as referred to in Section 3.1 of the Guidelines, with respect to joint or separate crew and technical management of ships, provided that the conditions set out in Sections 5 and 6 of this Communication are fulfilled.

### **5. CONDITIONS FOR ELIGIBILITY APPLICABLE TO BOTH TECHNICAL AND CREW MANAGERS**

In order to qualify for aid ship management companies should present a clear link with the Community and its economy, in line with Section 3.1 of the Guidelines. Moreover, they should contribute to the objectives of the Guidelines, such as those laid down in Section 2.2 of the Guidelines. Technical and crew managers are eligible to State aid, provided that the ships they manage comply with all the requirements set out in Sections 5.1 to 5.4 of this Communication. Eligible activities must be entirely carried out from the territory of the Community.

<sup>(1)</sup> *Study on Ship Management in Cyprus and in the European Union* of 31 May 2008, carried out for the Cypriot government by a consortium under the direction of the Vienna University of Economics and Business Administration.

<sup>(2)</sup> Section 2.2 of the Guidelines.

### 5.1. Contribution to the economy and employment within the Community

The economic link with the Community is proven by the fact that ship management is carried out in the territory of one or more Member States and that mainly Community nationals are employed in land-based activities or on ships.

### 5.2. Economic link between the managed ships and the Community

Ship management companies may benefit from State aid with respect to ships entirely managed from the territory of the Community, irrespective of whether management is provided in-house or whether it is partially or totally outsourced to one or more ship management companies.

However, since ship management companies do not have full control of their customers, the above requirement is deemed to be fulfilled if at least two thirds of the tonnage of the managed ships is managed from the territory of the Community. Tonnage in excess of that percentage which is not entirely managed from the Community is not eligible <sup>(1)</sup>.

### 5.3. Compliance with international and Community standards

Ship management companies are eligible if all the ships and crews they manage comply with international standards and Community law requirements are fulfilled, in particular those relating to security, safety, training and certification of seafarers, environmental performance and on-board working conditions.

### 5.4. Flag-share requirement (flag link)

The flag-share requirement, as laid down in the eighth paragraph of Section 3.1 of the Guidelines applies to ship management companies. The share of Community flags to be considered as the benchmark is that of the day on which this Communication is published in the *Official Journal of the European Union*. For new companies the benchmark is to be calculated one year after the date on which they started activity.

## 6. ADDITIONAL REQUIREMENTS FOR CREW MANAGERS

### 6.1. Training of seafarers

Crew managers are eligible for State aid as long as all seafarers working onboard managed ships are educated, trained and hold a certificate of competency in accordance with the Convention of the International Maritime Organisation on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW), and have successfully completed training for personal safety on board ship. Moreover, crew managers are eligible if they fulfil the STCW and Community law requirements regarding responsibilities of companies.

### 6.2. Social conditions

In order to be eligible for State aid, crew managers must ensure that on all managed ships the provisions of the Maritime Labour Convention, 2006, of the International Labour Organisation ('MLC') <sup>(2)</sup>, are fully implemented by the seafarer's employer, be it the shipowner or the ship management companies. The ship management companies must ensure, in particular, that the provisions of the MLC concerning the seafarer's employment agreement <sup>(3)</sup>, ship's loss or foundering <sup>(4)</sup> medical care <sup>(5)</sup>, shipowner's liability including payment of wages in case of accident or sickness <sup>(6)</sup>, and repatriation <sup>(7)</sup> are properly applied.

<sup>(1)</sup> While the fact of not complying with the 2/3 rule does not affect the eligibility of the ship management company as such.

<sup>(2)</sup> It should be recalled that the European social partners adopted an agreement taking up the relevant part of the Maritime Labour Convention 2006 which has been integrated into Community law by Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (OJ L 124, 20.5.2009, p. 30).

<sup>(3)</sup> Regulation 2.1 and Standard A2.1 (Seafarers' employment agreement) of Title 2 of MLC.

<sup>(4)</sup> Ibid. Regulation 2.6 and Standard A2.6 (Seafarer compensation for the ship's loss or foundering) of Title 2.

<sup>(5)</sup> Ibid. Regulation 4.1 and Standard A4.1 (Medical care on board ship and ashore Shipowners' liability); Regulation 4.3 and A4.3 (Health and safety protection and accident prevention); Regulation 4.4 (Access to shore-based welfare facilities) of Title 4.

<sup>(6)</sup> Ibid. Regulation 4.2 and Standard A4.2 (Shipowners' liability) of Title 4.

<sup>(7)</sup> Ibid. Regulation 2.5 and Standard A2.5 (Repatriation) of Title 2.

Crew managers must also ensure that the international standards regarding hours of work and hours of rest provided for by the MLC are fully complied with.

Finally, in order to be eligible, crew managers must also provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard.

#### **7. CALCULATION OF TAX**

Also in the case of ship management companies the Commission will apply the principle contained in the Guidelines, according to which, in order to avoid distortion, it will only authorise schemes giving rise to a homogeneous tax-load across the Member States for the same activity or the same tonnage. This means that total exemption or equivalent schemes will not be authorised <sup>(1)</sup>.

The tax base to be used for ship management companies can obviously not be the same as that applied to shipowners since, with respect to a given ship, the turnover of the ship management companies is much lower than that of the shipowner. According to the study mentioned in Section 2.3, as well as to notifications received in the past, the tax-base to be applied to ship management companies should be approximately 25 % (in terms of tonnage or notional profit) of that which would apply to the shipowner for the same ship or tonnage. The Commission, therefore, requires that a percentage of no less than 25 % is applied under ship management tonnage tax schemes <sup>(2)</sup>.

If ship management companies engage in activities which are not eligible for State aid under the present Communication, they must keep separate accounts for those activities.

In case ship management companies subcontract part of their activity to third parties, the latter are not eligible to State aid.

#### **8. APPLICATION AND REVIEW**

The Commission will apply the guidance provided for in this Communication from the day following that of its publication in the *Official Journal of the European Union*.

State aid to ship management companies will be included in the general revision of the Guidelines such as foreseen in Section 13 of the latter.

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<sup>(1)</sup> The Commission takes this opportunity within the present Communication to emphasise that the mechanism used to calculate the tax to be paid by both ship management companies and ship owners is irrelevant as such; in particular, it is irrelevant whether or not a system based on notional profit is applied.

<sup>(2)</sup> The shipowner, if eligible, remains liable for the whole tonnage tax.

## V

(Announcements)

## ADMINISTRATIVE PROCEDURES

## COMMISSION

**Call for proposals for indirect actions under the multi-annual Community Programme on protecting children using the Internet and other communication technologies (*Safer Internet*)**

(Text with EEA relevance)

(2009/C 132/07)

1. In accordance with Decision No 1351 of 16 December 2008 of the European Parliament and of the Council adopting a multi-annual Community Programme on protecting children using the Internet and other communication technologies <sup>(1)</sup> (*Safer Internet*), the European Commission hereby invites proposals for actions to be financed under the programme.

Safer Internet is based on four actions:

- (a) ensuring public awareness;
- (b) fighting against illegal content and tackling harmful conduct online;
- (c) promoting a safer online environment;
- (d) establishing a knowledge base.

The programme is a successor of the Safer Internet plus programme (2005-2008).

2. In conformity with Article 3 of the European Parliament and Council Decision, a Work Programme <sup>(2)</sup> was drawn up by the European Commission to serve as the basis for implementing the programme in 2009. The Work Programme contains further information about the objectives, priorities, indicative budget and types of actions referred to in this call notice and the eligibility rules for taking part.
3. Information on how to prepare and submit proposals and on the evaluation process is given in the Guide for Proposers <sup>(3)</sup>.

This documentation can be obtained, along with the Work Programme and any other information relating to this call, from the European Commission using the following address:

European Commission  
Information Society and Media Directorate General  
Safer Internet  
EUFO 1195  
Rue Alcide de Gasperi  
2920 Luxembourg  
LUXEMBOURG  
E-mail: [saferinternet@ec.europa.eu](mailto:saferinternet@ec.europa.eu)  
Fax +352 4301-34079  
Web: <http://ec.europa.eu/saferinternet>

<sup>(1)</sup> OJ L 348, 24.12.2008, p. 118.

<sup>(2)</sup> Commission Decision C(2009) 4023 of 28.5.2009, <http://ec.europa.eu/saferinternet>

<sup>(3)</sup> <http://ec.europa.eu/saferinternet>

4. Proposals may be made for the call parts identified below. Applicants wishing to make proposals for more than one call part should make separate proposals for each part.
5. The indicative total budget available for this call under the 2009 budget is 9 333 MEUR of Community contribution. In order to ensure the objective of full coverage of the integrated European network of Safer Internet centres, the budget of the 2009 call for proposals may be reinforced by appropriations from the 2010 budget, subject to the adoption of the 2010 budget by the Budgetary Authority and to the availability of appropriations. Should such reinforcement be decided, it will occur before the deadline of this call.

Grants to proposals submitted in response to this call will be awarded through grant agreements.

The evaluation of proposals will give rise to a list of proposals to be funded. This list may be complemented by a reserve list of proposals of sufficient quality, to be funded in case of budget availability.

6. The call for proposals under this Work Programme is open to all legal entities established in the Member States. It is also open to participation of legal entities established in EFTA States which are contracting parties to the EEA Agreement (Norway, Iceland and Liechtenstein).

It is further open to participation of legal entities established in other countries under the conditions set out in Article 2 of the Programme Decision <sup>(1)</sup>, provided that a bilateral agreement is signed. If proposals submitted by legal entities from these countries are selected for funding, a grant agreement will only be signed once the necessary steps have been taken for the country concerned to join the Programme through signature of a bilateral agreement. Up to date information on which countries are part of the Programme is available on the programme web site at: <http://ec.europa.eu/saferinternet>

Legal entities established in non-EU countries other than those referred to above and international organisations may take part in all projects at their own expense.

Legal entities established in Russia may take part in Action 1.1 (Safer Internet Centres) of this call for proposals under the conditions specified in the Work Programme.

#### *Part 1: Call parts*

#### **Action 1 and action 2: ENSURING PUBLIC AWARENESS AND FIGHTING AGAINST ILLEGAL CONTENT AND HARMFUL CONDUCT ONLINE**

7. Identifier: 1.1. INTEGRATED NETWORK: SAFER INTERNET CENTRES

The Programme promotes the set up of **Safer Internet Centres all across Europe** to co-ordinate activities and bring together a variety of stakeholders to ensure action and facilitate transfer of knowledge.

All Safer Internet Centres will perform awareness-raising activities among parents, carers, teachers and children in close co-operation with all relevant actors at European, regional and local levels, addressing issues related to content considered unsuitable for children. For instance racism and xenophobia, bullying and harassment, use of peer-to-peer services, broadband video, instant messaging, chat-rooms, social networking sites and access to content and interactive information and communication brought about by the rapid take-up of Internet, mobiles and game consoles by children. The actions take into account related issues of consumer protection, data protection, information, network security issues (viruses/spam).

<sup>(1)</sup> Decision No 1351/2008/EC of 16 December 2008 of the European Parliament and of the Council published in OJ L 348 of 24.12.2008 p. 118.

In addition, the Safer Internet Centres should also include (a) hotlines where the public can report illegal content and (b) helplines where parents and children can obtain advice on how to deal with harmful contact (grooming), harmful conduct (cyberbullying), harmful content and uncomfortable or scary experiences related to their use of online technologies.

The tasks of the Safer Internet Centres are set out in further detail in the Work Programme.

Funding at 50 % of eligible costs (which may be increased to 75 % for public bodies, SMEs and non-profit organisations).

8. Identifier: 1.2. INTEGRATED NETWORK: EUROPEAN CO-ORDINATION OF SAFER INTERNET CENTRES

To ensure maximum co-operation and effectiveness of awareness-raising, hotlines and helplines actions across Europe, the 2009 call is also open for a **network co-ordinator** to provide logistical and infrastructural support for the Safer Internet Centres, ensuring European-level visibility, good communication and exchange of experience so that lessons learnt can be applied on an ongoing basis.

The tasks of the network co-ordinator are set out in further detail in the Work Programme. In view of the different nature of the tasks of awareness activities, hotlines and helplines, specific tasks of each component are foreseen in the Work Programme.

In addition to the specific tasks of co-ordination of each component, the network co-ordinator will:

- provide a single, comprehensive web portal to provide visibility for awareness activities, helplines and hotlines with a collection of relevant information and resources with content such as news services, articles, monthly newsletter,
- disseminate statistics and information about the awareness, helplines and hotlines activities and the results of the network throughout Europe,
- develop a governance structure for the network,
- provide European coordination of Safer Internet Centres' youth panels and organise a pan-European meeting of members of the Safer Internet Centres' panels,
- coordinate the organisation of regional meetings by Safer Internet Centres.

Overall co-ordination and the specific tasks of co-ordination will be part of a single grant agreement.

A joint proposal may be made by not more than three different organisations.

Funding at 100 % of direct eligible costs (as defined in the model grant agreement), but without indirect costs (overheads).

**Action 3: PROMOTING A SAFER ONLINE ENVIRONMENT**

9. Identifier: 3.1. THEMATIC NETWORK: NGO NETWORK FOR CHILD PROTECTION ON THE INTERNET

The Programme invites proposals to set up a **thematic network** of European non-government organisations representing children's rights and welfare to develop a concerted approach by sharing experience and best practices, and by developing joint strategies, in order to ensure that the needs of children are taken into account in discussions about the Internet and new media in Europe, as well as in the relevant international fora.

Funding at 100 % of a reduced set of eligible costs (direct costs of co-ordinating and implementing the network) for thematic networks.

**Action 4:** ESTABLISHING A KNOWLEDGE BASE**10. Identifier:** 4.1. KNOWLEDGE ENHANCEMENT PROJECT: ONLINE VICTIMISATION OF CHILDREN

Proposals are invited for a **knowledge enhancement project** that aims to enhance the knowledge of online-related sexual abuse of children, in particular online grooming (the process by which a person befriends a child with the intention of committing sexual abuse). The expected outcome of this project is increased knowledge of the process which would feed into policy-making, child welfare work, and awareness-raising as well as providing topics for further actions and studies. It would strengthen the protection of children and formulate more effective preventive strategies.

The project could be aimed at victimisation of children in the online environment: identification of the most vulnerable groups of children targeted for online abuse, the psycho-social impact on children of online victimisation, ranging from accessing potentially harmful material (e.g. sexual and/or violent material) online to being abused.

The project should identify behavioural differences in use between age groups and gender; the relationship between young people's sexuality and online grooming; the profiling of online risk-taking behaviour by different groups of children.

The methodology of the project should involve a qualitative approach involving children who have experienced online abuse.

Knowledge enhancement projects will be funded at 100 % of direct eligible costs (as defined in the model grant agreement), but without indirect costs (overheads).

*Part 2: Evaluation criteria*

The evaluation of proposals will be based on the principles of transparency and equality of treatment. It will be carried out by the Commission with the assistance of independent experts. Each submission will be assessed on the basis of the evaluation criteria, which are divided in three categories: eligibility criteria, award criteria, selection criteria. Only proposals meeting the requirements of the eligibility criteria shall be evaluated further. The description of these criteria is presented below.

**11. Eligibility criteria**

On receipt, all proposals and applications will be subject to an eligibility check, to ensure that they conform to the requirements of the call, and to the submission procedure.

The following checks will be carried out:

- Receipt of proposal by the Commission on or before the deadline date and time established in the call.
- Proposal completeness. Proposals which are substantially incomplete — that is to say that the forms do not include sufficient information to identify the partners, their legal status and to evaluate the scope of the proposed project — will be excluded.

In addition, proposers must certify that they are not in one of the situations listed in the Work Programme which would exclude them from participation.

**12. Award criteria**

In order to evaluate the relative merit of proposals received, each means to implement the programme (integrated networks, targeted projects and thematic networks) will have its specific set of award criteria, with specific weightings. The description of these award criteria is presented in the Safer Internet 2009 Work Programme.



### 13. Selection criteria

Selection criteria will ensure that the applicants possess the resources to co-finance the project and the professional competencies and qualifications required to complete the work successfully.

Selection criteria are applied on the basis of the information supplied in the proposal. If this identifies cases of weak financial capacity or professional competence it may necessitate compensating actions such as financial guarantees or other actions. Successful proposals called to negotiations will be the subject of a formal legal and financial validation as a requirement to the issuing of a grant agreement.

The description of the selection criteria is presented in the Safer Internet 2009 Work Programme.

#### *Part 3: Administrative details and deadline*

14. Proposals must be prepared using the forms in the Guide for proposers, and sent on paper in one (1) original and five (5) copies, accompanied by an electronic copy on CD-Rom, to the Commission at the following address:

European Commission  
Directorate General Information Society & Media  
Safer Internet  
Office EUFO 1194  
Rue Alcide de Gasperi  
2920 Luxembourg  
LUXEMBOURG

15. Deadline for receipt of all proposals: **19 November 2009 at 17h00 (Luxembourg local time)**.

Proposals arriving later than the deadline, or sent by fax or e-mail will be excluded.

16. Indicative evaluation and selection timetable: the evaluation will take place within two months from the closing date of this call. Applicants will be informed on the results of their application after the evaluation has taken place. The timing of some new projects will take account of existing contracts which, in the case of some Safer Internet Centres, run until end 2010, so as to ensure the most efficient use of funding.
17. In all correspondence relating to this call (e.g. when requesting information or submitting a proposal) please make sure to cite the applicable call part identifier.

In submitting a proposal, applicants accept the procedures and conditions as described in this call and in the documents to which it refers.

All proposals received by the European Commission will be treated in strict confidence.

The European Community pursues an equal opportunities policy and, in this context, women are particularly encouraged to either submit proposals or to be involved in their submission.

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## PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

### COMMISSION

#### **Prior notification of a concentration**

**(Case COMP/M.5476 — PFIZER/WYETH)**

**(Text with EEA relevance)**

(2009/C 132/08)

1. On 29 May 2009 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Pfizer Inc. ('Pfizer'), a corporation incorporated under the laws of the State of Delaware, U.S.A., proposes to acquire sole control within the meaning of Article 3(1)(b) of the Council Regulation of Wyeth, a corporation incorporated under the laws of the State of Delaware, U.S.A. ('Wyeth'), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Pfizer is a global research based biomedical and pharmaceutical company active in discovering, developing, manufacturing, marketing, and selling innovative medicines for humans and animals,
- Wyeth is a pharmaceutical and healthcare company active in the discovery, development, manufacturing and marketing of pharmaceuticals, vaccines, biotechnology products, nutritionals and non-prescription medicines worldwide. The company's major divisions include Wyeth Pharmaceuticals, Wyeth Consumer Healthcare and Fort Dodge Animal Health.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 2 2964301 or 2967244) or by post, under reference number COMP/M.5476 — PFIZER/WYETH, 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.

**Prior notification of a concentration**  
**(Case COMP/M.5553 — Perdigão/Sadia)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
**(2009/C 132/09)**

1. On 2 June 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Perdigão S.A. ('Perdigão', Brazil) enters into a full merger within the meaning of Article 3(1)(a) of the Council Regulation with the undertaking Sadia S.A. ('Sadia', Brazil).

2. The business activities of the undertakings concerned are:

- for Perdigão: processing and supply of food products,
- for Sadia: processing and supply of food products.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 2 2964301 or 2967244) or by post, under reference number COMP/M.5553 — Perdigão/Sadia, 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.

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

**Prior notification of a concentration**  
**(Case COMP/M.5548 — Barclays/RBS/Hillary)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2009/C 132/10)

1. On 4 June 2009 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Barclays Bank PLC ('Barclays', United Kingdom) and the undertaking The Royal Bank of Scotland Group plc ('RBS', United Kingdom) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Hillary S.à.r.l. ('Hillary', Luxembourg), which is the indirect owner of USP Hospitales S.L.U. ('USP', Spain), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Barclays: provision of global financial services,
- for RBS: provision of banking and other financial services,
- for Hillary: provision of medical assistance services,
- for USP: provision of medical assistance services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 2 2964301 or 2967244) or by post, under reference number COMP/M.5548 — Barclays/RBS/Hillary, 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.

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

**Prior notification of a concentration**  
**(Case COMP/M.5505 — Celesio/pharmexx)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2009/C 132/11)

1. On 3 June 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Celesio AG ('Celesio', Germany), controlled by Franz Haniel & Cie. GmbH ('Haniel', Germany), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking pharmexx GmbH ('pharmexx', Germany) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Haniel: pharmaceutical wholesale and pharmacies, trading and recycling of stainless steel scrap, office, sales of plant and warehouse equipment, supply of washroom hygiene, textile services and mats, retail,
- Celesio: pharmaceutical wholesale and retail, logistic, distribution and other services provider to pharmaceutical companies,
- pharmexx: provider of temporary employment services, project based marketing and sales services and corresponding software solutions to pharmaceutical companies.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 2 2964301 or 2967244) or by post, under reference number COMP/M.5505 — Celesio/pharmexx, 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.

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

## OTHER ACTS

## COMMISSION

**Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2010 and undertakings intending to request for 2010 a quota for these substances intended for laboratory and analytical uses**

(2009/C 132/12)

The Commission herewith also gives advanced notice that the Regulation is currently being revised and that a new regulation is expected to be applicable as of 1 January 2010. Therefore, the present Notice is based on the provisions of the new Regulation. Further information on changes to the licensing regime for ozone depleting substances will be made available on: <http://ec.europa.eu/environment/ozone/ods.htm>

- I. This Notice is addressed to undertakings that will be covered by the Regulation recasting Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer <sup>(1)</sup> (the Regulation) and that intend to **import** or **export** to or from the European Community any of the following substances covered by the Regulation during the period 1 January 2010 to 31 December 2010:

Group I:	CFC 11, 12, 113, 114 or 115
Group II:	other fully halogenated CFCs
Group III:	halon 1211, 1301 or 2402
Group IV:	carbon tetrachloride
Group V:	1,1,1 trichloroethane
Group VI:	methyl bromide
Group VII:	hydrobromofluorocarbons
Group VIII:	hydrochlorofluorocarbons
Group IX:	bromochloromethane

Dibromodifluoromethane (halon-1202).

- II. As a general rule, the import and export of substances referred to under point I. is prohibited, except for specific cases foreseen by the Regulation.
- III. Any import or export of substances exempted from the general import or export ban requires a licence by the Commission, except in cases of transit, temporary storage, customs-warehousing or free zone procedure as referred to in Regulation (EC) No 450/2008, lasting not longer than 45 days. Also the import or export of Dibromodifluoromethane is exempted from the licensing requirement.
- IV. Any undertaking that wishes to import or export controlled substances in 2010 and that has not requested an import licence or export authorisation in the previous years, needs to notify the Commission by submitting no later than **1 July 2009** the registration form available online at: <http://ec.europa.eu/environment/ozone/ods.htm> Following the registration, undertakings need to follow the procedure described in paragraph V.

<sup>(1)</sup> Formal adoption foreseen by mid 2009.

- V. Undertakings that requested an import licence or an export authorisation in previous years should complete and submit the relevant declaration form available online via the ODS-database (<http://ec.europa.eu/environment/ozone/ods.htm>).

In the case of import declarations, a duly signed copy of the final declaration needs to be sent to the Commission after completion of the online declaration process:

European Commission  
Directorate-General Environment  
Unit ENV.C.4 — Industrial emissions and protection of the ozone layer  
BU-1 2/147  
B-1049 Brussels  
Fax +32 2 2920692  
E-mail: [env-ods@ec.europa.eu](mailto:env-ods@ec.europa.eu)

The Commission encourages the submission of duly signed copies by e-mail. A copy of the declaration should also be sent to the competent authority of the Member State (a list of contact points in all Member States is available online at [http://ec.europa.eu/environment/ozone/ods\\_export.htm](http://ec.europa.eu/environment/ozone/ods_export.htm)).

- VI. The declaration forms in the ODS-database will be available as of 1 June 2009.
- VII. Only duly completed declaration forms (in case of import declarations: the signed copies) that are free of errors received by **31 July 2009** will be considered as valid by the Commission.

Undertakings are encouraged to submit their declaration as soon as possible and sufficiently ahead of the deadline to allow for corrections within the declaration period.

- VIII. The submission of a declaration by itself does not give any right to perform imports or exports.
- IX. Before an import or export, subject to licensing (see point III.), takes place in 2010, undertakings must have submitted a corresponding declaration and must apply for a licence by the Commission using the online application form available in the online ODS database.
- X. To verify the nature of the substance and the purpose of the import or export as described by the undertaking in the licence request, the Commission may ask the applicant to submit additional information.
- XI. A licence will be issued if the Commission is satisfied that the request is in accordance with the declaration and in conformity with the legal requirements. The applicant will be informed by e-mail about the acceptance of the licence request. The Commission reserves the right to withhold an export licence when the substance to be exported is not as described or may not be used for the purposes requested or cannot be exported in compliance with the Regulation.

The Commission may reject a request for a licence, when the competent authorities of the importing country have informed the Commission that the import of the controlled substance would adversely impact on the implementation of control measures of the importing country in place to comply with its obligations under the Protocol or would lead to an excess of the quantitative limits under the Protocol for that country.

- XII. Imports for free circulation in the Community are subject to quantitative limits, determined by the Commission on the basis of the import declarations for controlled substances for the following uses:
- (a) laboratory and analytical uses (subject to a production/import quota and quantitative limitation; see point XV. below),
  - (b) critical uses (halons),
  - (c) feedstock uses,
  - (d) process agent uses.

XIII. Export requirements will be subject to changes as of 1.1.2010, including in the following areas:

- (a) exports for basic domestic needs will no longer be possible as this regime ends under the Montreal Protocol,
- (b) exports of controlled substances (except those in group VIII) for laboratory uses to countries operating under Article 5 of the Montreal Protocol, currently fall under the basic domestic need regime of the Montreal Protocol, ending 31 December 2009. Pending a decision by the Parties at their forthcoming Meetings, those exports should - at present - be declared as 'laboratory or analytical use'. Due to possibly necessary adaptations of the licensing system, the issuing those export licences might be delayed in early 2010.
- (c) all export licences will become subject to licensing per shipment.

XIV. Requests for 2010 quota for substances referred to under point I for laboratory and analytical uses.

The conditions for production, import and placing on the market of ODS for laboratory and analytical uses will change under the new Regulation and will now also apply to **hydrochlorofluorocarbons** intended for those uses. The quota allocated to producers and importers, or to suppliers of those substances purchasing from and producers and importers, will be subject to quantitative limits.

It is expected that the declaration procedure will not substantially change compared to previous years.

The final declaration and allocation procedure, however, is currently being established. Undertakings are therefore requested to check regularly for updated information on: <http://ec.europa.eu/environment/ozone/ods.htm>

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**CORRIGENDA****Corrigendum to Declaration of the European Parliament, the Council and the Commission on the financing of projects in the field of energy and broadband Internet as well as the CAP Health Check in the framework of the European Economic Recovery Plan**

*(This text annuls and replaces that published in Official Journal of the European Union C 108 of 12 May 2009)*

(2009/C 132/13)

**'INTERINSTITUTIONAL AGREEMENT OF 17 MAY 2006 BETWEEN THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION ON BUDGETARY DISCIPLINE AND SOUND FINANCIAL MANAGEMENT****Declaration of the European Parliament, the Council and the Commission on the financing of projects in the field of energy and broadband Internet as well as the CAP Health Check in the framework of the European Economic Recovery Plan**

The European Parliament, the Council and the Commission have agreed on the financing, in the framework of the European Economic Recovery Plan for modernisation of infrastructures and energy solidarity, of projects in the field of energy and broadband Internet, as well as the CAP Health Check. The projects eligible for Community support are identified in the legislative acts concerned.

The package, which aims at providing additional stimulus to the economy and improving energy security, amounts to EUR 5 000 million in current prices:

- EUR 3 980 million will be made available for the financing of energy projects under heading 1a of the financial framework: EUR 2 000 million in 2009 and EUR 1 980 million in 2010.
- In addition, EUR 1 020 million will be made available within heading 2 for developing broadband Internet in rural areas and strengthening operations related to the “new challenges” defined in the context of the Health Check.

The financing of the total amount of EUR 5 000 million will be secured as soon as possible:

- The 2009 ceiling of heading 1a will be increased by an amount of EUR 2 000 million, which will be offset by a decrease of the 2009 ceiling of heading 2 by the same amount in accordance with Points 21-23 of the Interinstitutional Agreement (IIA) of 17 May 2006. In addition, EUR 600 million will be added to rural development in the 2009 budget for financing broadband Internet and strengthening operations related to the “new challenges”. The multiannual financial framework will be revised and at the same time the 2009 budget amended accordingly on the basis of an amended Commission proposal and a preliminary draft amending budget No 4 to the 2009 budget.
- The financing of the remaining amount (EUR 2 400 million) will be secured through a compensation mechanism at the conciliation of the 2010 budgetary procedure by using all budgetary means foreseen in its legal framework, to be completed, if needed, at the latest at the conciliation of the 2011 budgetary procedure:
  - The European Parliament, the Council and the Commission will examine all available sources that could provide for the compensation of funds.
  - Before the use of the available amount within heading 2 is considered, EUR 420 million will be committed for financing broadband Internet and strengthening operations related to the “new challenges” defined in the context of the Health Check in 2010.
  - In order to compensate for the amount of EUR 1 980 million, the remaining margins under the 2009 ceilings and the 2010 available margins (with due respect to Point 13 of the IIA) and, if necessary, all other financial availabilities will be used, including 2011 available margins. The compensation mechanism will be without prejudice to the financial envelopes of the co-decided programmes and the annual budgetary procedure.

The overall ceiling of the 2007-2013 financial framework will not be exceeded.'

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## OTHER ACTS

**Commission**

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**Corrigenda**

2009/C 132/13	Corrigendum to Declaration of the European Parliament, the Council and the Commission on the financing of projects in the field of energy and broadband Internet as well as the CAP Health Check in the framework of the European Economic Recovery Plan ( <i>This text annuls and replaces that published in OJ C 108 of 12 May 2009</i> ) .....	22
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