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## Information and Notices

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## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case COMP/M.6236 — Dana/Bosch Rexroth/Dana Rexroth Transmission Services JV)****(Text with EEA relevance)**

(2011/C 203/01)

On 27 June 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6236. EUR-Lex is the on-line access to the European law.

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**Non-opposition to a notified concentration****(Case COMP/M.6271 — RWE Deutschland/Aesop/Vitronet Holding)****(Text with EEA relevance)**

(2011/C 203/02)

On 30 June 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6271. EUR-Lex is the on-line access to the European law.
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**Non-opposition to a notified concentration**  
**(Case COMP/M.6226 — Media-Saturn/Redcoon)**

(Text with EEA relevance)

(2011/C 203/03)

On 23 June 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6226. EUR-Lex is the on-line access to the European law.
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## III

*(Preparatory acts)*

## EUROPEAN CENTRAL BANK

## EUROPEAN CENTRAL BANK

## OPINION OF THE EUROPEAN CENTRAL BANK

of 19 May 2011

**on the proposal for a regulation of the European Parliament and of the Council on the European system of national and regional accounts in the European Union**

**(CON/2011/44)**

(2011/C 203/04)

**Introduction and legal basis**

On 3 February 2011, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a regulation of the European Parliament and of the Council on the European system of national and regional accounts in the European Union <sup>(1)</sup> (hereinafter the 'proposed regulation').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union, since the proposed regulation lies within the ECB's fields of competence. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

**General observations**

1. As a producer and user of European statistics, the ECB welcomes the proposed regulation as an important step towards further improving the quality of European statistics, in particular national accounts, by bringing them into line with the changes in the economic and financial environment and methodological progress. The European system of national and regional accounts forms the core of macroeconomic European statistics and is therefore vital for monetary policy purposes.
2. The ECB also welcomes the intended consistency of the statistical concepts and definitions described within the proposed regulation, among others, with the System of National Accounts (SNA 2008) adopted by the United Nations Statistical Commission, the sixth edition of the International Monetary Fund's Balance of Payments and International Investment Position Manual (BPM6), the fourth edition of the Organisation for Economic Co-operation and Development Benchmark Definition of Foreign Direct Investment and with the European industrial activity classification (NACE Rev.2). The proposed regulation has also benefited from the abovementioned instruments in terms of consistency and harmonised methodologies.

<sup>(1)</sup> COM(2010) 774 final.

### Specific observations

3. Both the European System of Central Banks (ESCB) and the European Statistical System (ESS) have been assigned the task by the Treaty of developing, producing and disseminating European statistics, but under separate legal frameworks to reflect their respective governance structures. The proposed regulation impacts the statistics produced by these two systems. Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank <sup>(1)</sup> entitles the ECB, assisted by the national central banks, to collect statistical information within the limits of the reference reporting population and of what is necessary to carry out the tasks of the ESCB. More specifically, the reference reporting population comprises legal and natural persons residing in a Member State and falling within the sector 'financial corporations' as defined in Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community <sup>(2)</sup> as well as legal and natural persons residing in a Member State, to the extent that they hold cross-border positions or have carried out cross-border transactions.
4. Ensuring close cooperation and appropriate coordination between the ESCB and the ESS minimises the reporting burden and guarantees the coherence necessary to produce European statistics. This need for close cooperation is also reflected in the Memorandum of Understanding on Economic and Financial Statistics of 10 March 2003 between the Directorate General Statistics of the European Central Bank (DG Statistics) and the Statistical Office of the European Communities (Eurostat) <sup>(3)</sup>.
5. Given the close relationship in preparing the methodological framework of the proposed regulation, the ECB has agreed at Eurostat's request to draft various chapters of Annex A closely related to the ESCB statistical framework. In particular, the ECB has provided substantial input on the definition of the sector 'financial corporations' in terms of institutional units and subsectors as part of Chapter 2 and the description of financial assets and liabilities and their presentation in the sequence of accounts (Chapter 5 and parts of Chapters 6 and 7). Drafts were also provided on Chapter 17 (social insurance including pensions) and on parts of Chapter 21 (government accounts) and of Chapter 19 (European accounts).
6. Regarding the definition of the institutional sector 'financial corporations' and its subsectors (Annex A to the proposed regulation, Chapter 2), the ECB welcomes that the definition of the subsector monetary financial institutions follows the ECB definition in paragraph 2.67 of Annex A. The definitions of subsectors of 'other financial corporations' are consistent, to a large extent, with the approach used in ECB legal acts. To minimise the reporting burden and to guarantee the coherence necessary to produce European statistics, the ECB proposes further aligning the proposed definition of financial vehicle corporations engaged in securitisation transactions with Regulation ECB/2008/30 of 19 December 2008 concerning statistics on the assets and liabilities of financial vehicle corporations engaged in securitisation transactions <sup>(4)</sup>.
7. Based on the above and given the interdependencies of the ESCB statistical framework and the ESS, the proposed regulation is highly relevant to ECB statistical reporting requirements, among others, in the fields of monetary, financial institutions and markets statistics, balance of payments and international investment position statistics, quarterly financial accounts and government finance statistics. In line with current practice and the need for close cooperation and appropriate coordination between the ESCB and the ESS, in amending the proposed regulation by means of delegated powers, the Commission should ensure the ECB's due involvement by preparing draft delegated acts in accordance with the proposed regulation.

<sup>(1)</sup> OJ L 318, 27.11.1998, p. 8.

<sup>(2)</sup> OJ L 310, 30.11.1996, p. 1.

<sup>(3)</sup> Available on the ECB's website at <http://www.ecb.europa.eu>

<sup>(4)</sup> OJ L 15, 20.1.2009, p. 1.

8. Furthermore, having regard to the importance of delegated acts adopted under Article 290 of the Treaty, the ECB makes the following observations with regard to the exercise of its own advisory role under Articles 127(4) and 282(5) of the Treaty.

First, Commission draft delegated acts qualify as 'proposed Union acts' within the meaning of the first indent of Articles 127(4) and 282(5) of the Treaty <sup>(1)</sup>. Delegated acts constitute legal acts of the Union <sup>(2)</sup>. Significantly, the majority of the language versions of Article 282(5) of the Treaty refers to 'draft' Union legal acts on which the ECB is required to be consulted <sup>(3)</sup>. Therefore, the scope of the duty to consult the ECB cannot be confined only to those draft acts based on a Commission proposal.

Second, in the OLAF judgment <sup>(4)</sup>, the Court of Justice clarified that the obligation to consult the ECB is intended 'essentially to ensure that the legislature adopts the act only when the body has been heard, which, by virtue of the specific functions that it exercises in the Community framework in the area concerned and by virtue of the high degree of expertise that it enjoys, is particularly well placed to play a useful role in the legislative process envisaged'.

Against this backdrop, in order to deploy the full benefits of the exercise by the ECB of its advisory role, the ECB should be consulted in due time on any draft Union acts, including draft delegated acts, falling within its fields of competence. The ECB will exercise its advisory role taking into utmost account the timelines for adopting these acts.

9. Due to its monetary policy related tasks, the ECB's statistical focus is on European aggregates. The ECB attaches importance to the quarterly integrated euro area accounts by institutional sector. For that purpose, sufficient data coverage in terms of the provision of national contributions is required in time for monetary policy decisions.
10. The collection of data for individual Member States has gained further importance in view of the new statistical demands for financial stability and macro-prudential purposes, particularly in connection with the recent establishment of the European Systemic Risk Board and its responsibility for the macro-prudential oversight of the financial system within the Union. Timely and reliable national accounts statistics for individual Member States are also needed to support the goals promoted by the Euro Plus Pact and for the purposes of the European Stability Mechanism.
11. From a monetary policy and financial stability perspective, the ECB attaches high priority to timely quarterly data of sufficient reliability which takes precedence over detailed annual or lower frequency data. Moreover, the compilation of a full set of tables for recent years should have priority over long series of detailed backdata.

<sup>(1)</sup> The first indent of Article 127(4) of the Treaty provides that the ECB shall be consulted 'on any proposed Union act in its fields of competence'. Article 282(5) of the Treaty provides that: 'Within the areas falling within its responsibilities, the European Central Bank shall be consulted on all proposed Union acts'.

<sup>(2)</sup> Article 290 of the Treaty belongs to Part Six, Chapter 2, Section 1 entitled 'The legal acts of the Union'.

<sup>(3)</sup> Article 282(5) of the Treaty refers to draft Union acts in the following language versions: Bulgarian ('проект на акт на Съюза'); Spanish ('proyecto de acto de la Unión'); Danish ('udkast'); German ('Entwürfen für Rechtsakte der Union'); Estonian ('ettepanekute'); Greek ('προτεινόμενες πράξεις της Ένωσης'); French ('projet d'acte de l'Union'); Italian ('progetto di atto dell'Unione'); Latvian ('projektiem'); Lithuanian ('Sąjungos aktų projektų'); Dutch ('ontwerp van een handeling van de Unie'); Portuguese ('projectos de acto da União'); Romanian ('proiect de act al Uniunii'); Slovak ('navrhovaných aktov Unie'); Slovenian ('osnutki aktov Unije'); Finnish ('esityksistä'); Swedish ('utkast'). The Irish version reads 'gníomh Aontais arna bheartu', which corresponds to the concept of 'planned' Union acts.

<sup>(4)</sup> Case C-11/00 *Commission of the European Communities v European Central Bank* [2003] ECR I-7147, in particular paragraphs 110 and 111.

12. The ECB generally agrees with the transmission programme (Annex B to the proposed regulation). However, the transmission programme should take account of the collection of statistics by the ECB, assisted by national central banks, and should reflect priorities developed between users and data compilers.
13. The ECB welcomes the improvement in the timeliness of the quarterly items 1-12, 27 and 28 in Table 1 on Main aggregates — quarterly and annual exercise to  $t + 2$  months. However, the ECB objects to the proposed differentiated reporting between larger and smaller Member States referred to in footnotes 4 and 7 of the 'Overview of the tables' and footnote 10 in 'Table 1', and the related deterioration in timeliness for smaller Member States to  $t + 80$  days for the main aggregates. At present, 17 Member States would be covered by the differentiated reporting, and as a result of the enlargement of the Union an increasing number of Member States will fall below the proposed differentiated reporting threshold. As a consequence, the quality of both the European aggregates and statistical information for smaller Member States will deteriorate.
14. The ECOFIN Council endorsed in September 2000 the EMU Action Plan on Statistical Requirements and set the target time for quarterly integrated euro area accounts by institutional sector at  $t + 90$  days after the reference quarter to meet the ECB's monetary policy needs. This implied that Eurostat and the ECB would have to collect the respective national data at  $t + 82$  days. Due to the envisaged schedule of the ECB Governing Council meetings in 2015 and 2016, a reduction in the time lag to  $t + 85$  would suffice for 2015 to 2016. Accordingly, the ECB supports advancing the reporting deadlines for the quarterly sector accounts under the ESA transmission programme to  $t + 85$  days by 2014, aiming at  $t + 82$  days by 2017 to support the compilation of full quarterly integrated euro area accounts at  $t + 90$  days. This is also in line with the G-20 data gaps initiative which identifies sector accounts as one of the priorities in closing data gaps as a follow-up to the financial crisis. In the ESA 2010 transmission programme, this affects Table 801.
15. Furthermore, the ECB favours a consistent transmission deadline for all quarterly and annual national data regarding general government, implying a synchronisation of quarterly data on general government to the timeliness targets set for Table 801, affecting also Tables 27 and 28, and, similarly, the reporting deadlines for Table 2 and the excessive deficit procedure (EDP) data. Therefore, the ECB supports advancing the reporting deadlines for the quarterly government accounts under the ESA transmission programme and the EDP data to  $t + 85$  by 2014 and aiming at  $t + 82$  by 2017 to support the compilation of full quarterly integrated euro area accounts at  $t + 90$ .
16. In Opinion CON/2010/28 of 31 March 2010 on a proposal for a Council Regulation amending Regulation (EC) No 479/2009 as regards the quality of statistical data in the context of the excessive deficit procedure<sup>(1)</sup>, the ECB also supported improving the transparency of the reporting process by using the national accounts deficit (B.9) for the EDP. By excluding settlements under swaps arrangements and forward rate agreements from the deficit used for the EDP, the deficit figures become less susceptible to manipulations by complex financial transactions. In this context, the ECB welcomes that Annex A to the proposed regulation would no longer define EDP\_B.9 and EDP\_D.41. This however also implies that all references to these two variables should be eliminated from Table 2 in Annex B. As a consequence, Regulation (EC) No 479/2009 will have to be amended to reflect the fact that the national accounts deficit (B.9) will have to be used for the EDP and to reflect the definition of nominal value in the proposed regulation.
17. In order to meet the public and policy needs for the measurement of compensation per employee and per hour in the general government sector, focusing on a better understanding of wage dynamics and potential spillover effects between the public and private sectors, the ECB suggests including in Table

<sup>(1)</sup> OJ C 103, 22.4.2010, p. 1.



801 for the general government sector quarterly data on the number of employees and hours worked, with the compensation of employees in the general government sector already included in the transmission programme.

Where the ECB recommends that the proposed regulation is amended, a specific drafting proposal is set out in the Annex accompanied by explanatory text to this effect.

Done at Frankfurt am Main, 19 May 2011.

*The President of the ECB*

Jean-Claude TRICHET

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## ANNEX

## Drafting proposals

Text proposed by the Commission	Amendments proposed by the ECB <sup>(1)</sup>
<b>Amendment 1</b>	
Article 2(2)	
'2. The Commission may adopt, by means of delegated acts in accordance with Articles 7, 8 and 9, amendments to the ESA 2010 methodology which are intended to specify and improve its content provided that they do not change its underlying concepts, do not require additional resources for their implementation and do not cause an increase in own resources.'	'2. The Commission may adopt, by means of delegated acts in accordance with Articles 7, 8 and 9, amendments to the ESA 2010 methodology which are intended to specify and improve its content provided that they do not change its underlying concepts, do not require additional resources for their implementation and do not cause an increase in own resources. <b>The Commission shall prepare draft delegated acts in close cooperation with the European Central Bank.</b> '

## Explanation

The legal basis for the adoption of the proposed regulation is Article 338(1) of the Treaty, which expressly clarifies that the adoption of measures under Article 338(1) is 'without prejudice to Article 5 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank' (hereinafter the 'Statute of the ESCB'). In turn, Article 5.3 of the Statute of the ESCB provides that the ECB 'shall contribute to the harmonisation, where necessary, of the rules and practices governing the collection, compilation and distribution of statistics in the areas within its fields of competence'. Against the background of these specific Treaty provisions, the Commission, when exercising its delegated powers under the proposed regulation, should prepare the draft delegated acts in close cooperation with the ECB so as to ensure, inter alia, the consistency and quality of the data and minimising the reporting burden.

**Amendment 2**

## Paragraph 2.21. of Annex A

'2.21. A holding company that simply owns the assets of subsidiaries is one example of a captive financial institution. Other units that are also treated as captive financial institutions are units with the characteristics of SPEs as described above including investment and pension funds and units used for holding and managing wealth for individuals or families, holding assets for securitisation, issuing debt securities on behalf of related companies (such a company may be called a conduit), securitisation vehicles and to carry out other financial functions.'	'2.21. A holding company that simply owns the assets of subsidiaries is one example of a captive financial institution. Other units that are also treated as captive financial institutions are units with the characteristics of SPEs as described above including investment and pension funds and units used for holding and managing wealth for individuals or families, <del>holding assets for securitisation</del> , issuing debt securities on behalf of related companies (such a company may be called a conduit), <del>securitisation vehicles</del> and to carry out other financial functions.'
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## Explanation

Financial vehicle corporations engaged in securitisation transactions in any form cannot be treated as akin to captive financial institutions — in particular, they are not consolidated with the originator, irrespective of 'independence' criteria. They are classified as other financial intermediaries (S.125). See Article 1 of Regulation ECB/2008/30 of 19 December 2008 concerning the assets and liabilities of financial vehicle corporations engaged in securitisation transactions <sup>(2)</sup>.

**Amendment 3**

## Paragraph 2.75. of Annex A

'2.75. Definition: The subsector deposit-taking corporations except the central bank (S.122) includes all financial corporations and quasi-corporations, except those classified in the central bank and in the MMF subsectors, which are principally engaged in financial intermediation and whose business is to receive deposits from institutional units, and, for their own account, to grant loans and/or to make investments in securities.'	'2.75. Definition: The subsector deposit-taking corporations except the central bank (S.122) includes all financial corporations and quasi-corporations, except those classified in the central bank and in the MMF subsectors, which are principally engaged in financial intermediation and whose business is to receive deposits <b>and/or close substitutes for deposits</b> from institutional units <b>other than MFIs</b> , and, for their own account, to grant loans and/or to make investments in securities.'
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Text proposed by the Commission	Amendments proposed by the ECB <sup>(1)</sup>
<p align="center"><i>Explanation</i></p> <p><i>The text needs to be aligned with the definition of 'other MFI's' in Article 1 of Regulation ECB/2008/32 of 19 December 2008 concerning the balance sheet of the monetary financial institutions sector (Recast) <sup>(3)</sup>. Similar wording is also included in the SNA 2008.</i></p>	
<p align="center"><b>Amendment 4</b></p> <p align="center">Paragraph 2.90. of Annex A</p>	
<p>'2.90. Definition: Financial vehicle corporations engaged in securitisation transactions (FVC) are undertakings carrying out securitisation transactions. FVC that satisfy the criteria of an institutional unit are classified in S.125, otherwise they are treated as an integral part of the parent.'</p>	<p>'2.90. Definition: Financial vehicle corporations engaged in securitisation transactions (FVC) are undertakings carrying out securitisation transactions. <del>FVC that satisfy the criteria of an institutional unit are classified in S.125, otherwise they are treated as an integral part of the parent.</del></p>
<p align="center"><i>Explanation</i></p> <p><i>FVCs should be treated as separate institutional units independently of criteria such as 'degree of independence from its parent' (see paragraph 2.22). See Article 1 of Regulation ECB/2008/30.</i></p>	
<p align="center"><b>Amendment 5</b></p> <p align="center">Paragraph 5.108. of Annex A</p>	
<p>'5.108. It is essential to establish ... classified as captive financial institutions.'</p>	<p><del>'5.108. It is essential to establish ... classified as captive financial institutions.'</del></p>
<p align="center"><i>Explanation</i></p> <p><i>This paragraph should be deleted since it is not consistent with the definitions and criteria applicable to securitisation vehicles. Its application could result in a consolidation of resident vehicles with resident 'parent' units, given that securitisation vehicles typically do not meet the proposed criteria of bearing market and credit risk (see also amendment 4).</i></p>	
<p align="center"><b>Amendment 6</b></p> <p align="center">Paragraph 5.111. of Annex A</p>	
<p>'5.111. Covered bonds are debt securities issued by a financial corporation, or fully guaranteed by a financial corporation. In case of default of the issuing or guarantor financial corporation, bond holders have a priority claim on the cover pool, in addition to their ordinary claim on the financial corporation.'</p>	<p>'5.111. Covered bonds are debt securities issued by a financial corporation, or fully guaranteed by a financial corporation. In case of default of the issuing or guarantor financial corporation, bond holders have a priority claim on the cover pool, in addition to their ordinary claim on the financial corporation. <b>Covered bonds are different from asset-backed securities issued in a securitisation in that the issuer/owner of the assets assumes an unconditional obligation to repay principal and interest irrespective of the performance of the assets. The assets function simply as collateral pledged for the benefit of the bondholders in case those obligations are not fulfilled.</b></p>
<p align="center"><i>Explanation</i></p> <p><i>Without explaining the difference between covered bonds and asset-backed securities, it is unclear why the securitisation section refers to covered bonds. Alternatively, any reference to covered bonds could be deleted, since covered bonds are not linked to securitisation.</i></p>	
<p align="center"><b>Amendment 7</b></p> <p align="center">Transmission Programme of National Accounts Data</p> <p align="center">Overview of the tables (Annex B)</p> <p align="center">Third column 'Deadline t + months (days where specified)' of Tables 2, 801, 27, 28 and new footnote</p>	
<p>2/Main aggregates general government — annual/3/9</p>	<p>2/Main aggregates general government — annual/<del>3/9</del> <b>85 days (*)</b>/85 days in the third quarter</p>

Text proposed by the Commission	Amendments proposed by the ECB <sup>(1)</sup>
801/Non-financial accounts by sector — quarterly/85 days	801/Non-financial accounts by sector — quarterly/85 days (*)
27/Financial accounts for general government — quarterly/85 days	27/Financial accounts for general government — quarterly/85 days (*)
28/Government debt — quarterly/3	28/Government debt — quarterly/ <del>3</del> <b>85 days</b> (*)
	(*) 82 days from 2017.

## Explanation

The ECOFIN Council endorsed in September 2000 the EMU Action Plan on Statistical Requirements and set the target time for quarterly integrated euro area accounts by institutional sector at t+90 days following the reference quarter to meet the ECB's monetary policy needs. This implied that Eurostat and the ECB would have to collect the respective national data at t+82 days. Due to the envisaged schedule for ECB Governing Council meetings in 2015 and 2016, a reduction in the time lag to t+85 would suffice for 2015 to 2016. Accordingly, the ECB supports advancing the reporting deadlines for the quarterly sector accounts under the ESA transmission programme to t+85 days by 2014, aiming at t+82 days by 2017 to support the compilation of full quarterly integrated euro area accounts at t+90 days.

Furthermore, the ECB favours a consistent transmission deadline for all quarterly and annual national data regarding general government, implying a synchronisation of quarterly data on general government to the timeliness targets set for Table 801, affecting also Tables 27 and 28, and, similarly, the reporting deadlines for Table 2 and the excessive deficit procedure (EDP) data. Therefore, the ECB supports advancing the reporting deadlines for the quarterly government accounts under the ESA transmission programme and the EDP data to t+85 by 2014 and aiming at t+82 by 2017 to support the compilation of full quarterly integrated euro area accounts at t+90.

## Amendment 8

End of Table 2 of Annex B — Main aggregates of general government

EDP_D.41	Interest including flows on swaps and FRAs <sup>(1)</sup> <sup>(4)</sup>	S.13, S.1311, S.1312, S.1313, S.1314	<del>EDP_D.41</del>	<del>Interest including flows on swaps and FRAs <sup>(1)</sup> <sup>(4)</sup></del>	<del>S.13, S.1311, S.1312, S.1313, S.1314</del>
EDP_B.9	Net lending (+)/Net borrowing (–) under the Excessive Deficit Procedure (EDP) <sup>(4)</sup>	S.13, S.1311, S.1312, S.1313, S.1314	<del>EDP_B.9</del>	<del>Net lending (+)/Net borrowing (–) under the Excessive Deficit Procedure (EDP) <sup>(4)</sup></del>	<del>S.13, S.1311, S.1312, S.1313, S.1314</del>

## Explanation

Annex A of the proposed regulation no longer defines EDP\_D.41 and EDP\_B.9. This implies that all references to these two variables should be eliminated from Table 2 in Annex B. This also refers to footnote 4 of Table 2.

## Amendment 9

End of Column S.13 in Table 801 — Non-financial accounts by sector — quarterly

OTE Total general government expenditure/x OTR Total general government revenue/x	OTE Total general government expenditure/x OTR Total general government revenue/x <b>EMH Hours worked/x</b> <b>EMP Persons employed/x</b>
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## Explanation

To meet the public and policy needs for the measurement of compensation per employee and per hour in the general government sector, the transmission programme (Table 801) should be supplemented with data on the number of employees and hours worked for the general government sector quarterly.

<sup>(1)</sup> Bold in the body of the text indicates where the ECB proposes inserting new text. Strikethrough in the body of the text indicates where the ECB proposes deleting text.

<sup>(2)</sup> OJ L 15, 20.1.2009, p. 1.

<sup>(3)</sup> OJ L 15, 20.1.2009, p. 14.

## IV

(Notices)

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

## EUROPEAN COMMISSION

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

8 July 2011

(2011/C 203/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,4242	AUD Australian dollar	1,3231
JPY Japanese yen	115,98	CAD Canadian dollar	1,3645
DKK Danish krone	7,4587	HKD Hong Kong dollar	11,0824
GBP Pound sterling	0,89320	NZD New Zealand dollar	1,7111
SEK Swedish krona	9,0838	SGD Singapore dollar	1,7364
CHF Swiss franc	1,2102	KRW South Korean won	1 505,56
ISK Iceland króna		ZAR South African rand	9,5102
NOK Norwegian krone	7,7450	CNY Chinese yuan renminbi	9,2072
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,3910
CZK Czech koruna	24,224	IDR Indonesian rupiah	12 133,26
HUF Hungarian forint	263,08	MYR Malaysian ringgit	4,2565
LTL Lithuanian litas	3,4528	PHP Philippine peso	60,892
LVL Latvian lats	0,7091	RUB Russian rouble	39,8226
PLN Polish zloty	3,9401	THB Thai baht	43,025
RON Romanian leu	4,2010	BRL Brazilian real	2,2214
TRY Turkish lira	2,3124	MXN Mexican peso	16,4491
		INR Indian rupee	63,2270

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

## NOTICES FROM MEMBER STATES

**Publication pursuant to Article 6 of Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding-up of credit institutions**

(2011/C 203/06)

**REQUIREMENT ORDERS IN RELATION TO ANGLO IRISH BANK CORPORATION LIMITED AND IRISH NATIONWIDE BUILDING SOCIETY PURSUANT TO SECTION 50 OF THE CREDIT INSTITUTIONS (STABILISATION) ACT 2010**

On 7 April 2011, the Minister for Finance of Ireland (the 'Minister') made requirement orders (the 'Requirement Orders') in relation to both Anglo Irish Bank Corporation Limited ('Anglo') and Irish Nationwide Building Society ('INBS') pursuant to Section 50 of the Credit Institutions (Stabilisation) Act 2010 (the 'Act'):

## 1. requiring Anglo to:

- 1.1. implement in all material respects the high level steps plan for the closure of certain of Anglo's offices in the United Kingdom of Great Britain and Northern Ireland and Anglo's branches in Vienna, Dusseldorf and Jersey;
- 1.2. implement in all material respects the high level steps plan for the disposal of Anglo's Wealth Management business;
- 1.3. implement in all material respects the high level steps plan for the acquisition of and/or merger with INBS; and
- 1.4. draw up in conjunction with INBS and the NTMA and, subject to the prior approval of the NTMA, implement in all material respects a high level restructuring and workout steps plan for Anglo and INBS based on the Joint EC Restructuring and Work Out Plan for Anglo and INBS submitted to the European Commission on 31 January 2011 (subject to any variations to such plan as directed and approved by the European Commission); and

## 2. requiring INBS to:

- 2.1. implement in all material respects the high level steps plan for the acquisition of INBS by Anglo and/or merger with Anglo; and
- 2.2. draw up in conjunction with Anglo and the NTMA and, subject to the prior approval of the NTMA, implement in all material respects a high level steps plan based on the Joint EC Restructuring and Work Out Plan for Anglo and INBS submitted to the European Commission on 31 January 2011 (subject to any variations to such plan as directed and approved by the European Commission),

(together, the 'Requirements');

3. declaring that the imposition of the Requirements is a reorganisation measure for the purposes of Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 (the 'CIWUD Directive') and the European Communities (Reorganisation and Winding-Up of Credit Institutions) Regulations 2011 (the '2011 Regulations') and, accordingly, that the Requirements should have full effect in accordance with the CIWUD Directive, the 2011 Regulations and the Act, including, in particular but not limited to, Section 61 of the Act; and

4. declaring that the Requirements shall take effect immediately.

Pursuant to Section 63 of the Act, persons affected by the Requirement Orders may apply to the High Court of Ireland, at the Four Courts, Inns Quay, Dublin 7, Ireland, for leave to seek judicial review of a decision under the Act relating to the Requirement Orders, within 14 days after the decision is notified to the person concerned, or that person becomes otherwise aware of the decision.

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**Update of the list of border crossing points referred to in Article 2(8) of Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ C 316, 28.12.2007, p. 1; OJ C 134, 31.5.2008, p. 16; OJ C 177, 12.7.2008, p. 9; OJ C 200, 6.8.2008, p. 10; OJ C 331, 31.12.2008, p. 13; OJ C 3, 8.1.2009, p. 10; OJ C 37, 14.2.2009, p. 10; OJ C 64, 19.3.2009, p. 20; OJ C 99, 30.4.2009, p. 7; OJ C 229, 23.9.2009, p. 28; OJ C 263, 5.11.2009, p. 22; OJ C 298, 8.12.2009, p. 17; OJ C 74, 24.3.2010, p. 13; OJ C 326, 3.12.2010, p. 17; OJ C 355, 29.12.2010, p. 34; OJ C 22, 22.1.2011, p. 22; OJ C 37, 5.2.2011, p. 12; OJ C 149, 20.5.2011, p. 8; OJ C 190, 30.6.2011, p. 17)**

(2011/C 203/07)

The publication of the list of border crossing points referred to in Article 2(8) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) is based on the information communicated by the Member States to the Commission in conformity with Article 34 of the Schengen Borders Code.

In addition to the publication in the Official Journal, a regular update is available on the website of the Directorate-General for Home Affairs.

SPAIN

*Amendment of the information published in OJ C 316, 28.12.2007*

Section 'Air borders' is replaced by the following:

1. Albacete
2. Alicante
3. Almería
4. Asturias
5. Barcelona
6. Bilbao
7. Castellón
8. Ciudad Real
9. Fuerteventura
10. Gerona
11. Gran Canaria
12. Granada
13. Huesca-Pirineos
14. Ibiza
15. Jerez de la Frontera



16. La Coruña
  17. La Palma
  18. Lanzarote
  19. León
  20. Madrid-Barajas
  21. Málaga
  22. Matacán (Salamanca)
  23. Menorca
  24. Murcia
  25. Palma de Mallorca
  26. Pamplona
  27. Reus
  28. Santander
  29. Santiago
  30. Sevilla
  31. Tenerife North
  32. Tenerife South
  33. Valencia
  34. Valladolid
  35. Vigo
  36. Vitoria
  37. Zaragoza
-

## NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

## EUROPEAN COMMISSION

**Update of reference amounts for the crossing of the external borders, as referred to in Article 5(3) of Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ C 247, 13.10.2006, p. 19; OJ C 153, 6.7.2007, p. 22; OJ C 182, 4.8.2007, p. 18; OJ C 57, 1.3.2008, p. 38; OJ C 134, 31.5.2008, p. 19; OJ C 37, 14.2.2009, p. 8; OJ C 35, 12.2.2010, p. 7; OJ C 304, 10.11.2010, p. 5; OJ C 24, 26.1.2011, p. 6; OJ C 157, 27.5.2011, p. 8)**

(2011/C 203/08)

The publication of reference amounts for the crossing of the external borders, as referred to in Article 5(3) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), is based on the information communicated by the Member States to the Commission in accordance with Article 34 of the Schengen Borders Code.

In addition to the publication in the Official Journal, a monthly update is available on the website of the Directorate-General for Home Affairs.

## NORWAY

*Replacement of the information published in OJ C 247, 13.10.2006*

According to Section 17(f) in the Norwegian Immigration Act, any foreign national who cannot show evidence of having or being ensured sufficient means for his or her stay in the realm or in another Schengen country and for the return journey, may be rejected entry at the border.

The amounts deemed necessary are fixed individually and decisions are taken on a case-by-case basis. Account is taken of the length of stay, whether the foreign national will be staying with family or friends, whether he or she has a ticket for the return journey and whether a guarantee has been given for the stay (as an indication, an amount of NOK 500 per day is deemed to be adequate for visitors who are not staying with relations or friends).

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## V

*(Announcements)*

## ADMINISTRATIVE PROCEDURES

## COUNCIL

## OPEN CALL

**European Cooperation in Science and Technology (COST)**

(2011/C 203/09)

COST brings together researchers and experts in different countries working on specific topics. COST does NOT fund research itself, but supports networking activities such as meetings, conferences, short-term scientific exchanges and outreach activities. Currently more than 250 scientific networks (Actions) are supported.

COST invites proposals for Actions contributing to the scientific, technological, economic, cultural or societal development of Europe. Proposals playing a precursor role for other European programmes and/or initiated by early-stage researchers are especially welcome.

Developing stronger links amongst European researchers is crucial to building the European Research Area (ERA). COST stimulates new, innovative, interdisciplinary and broad research networks in Europe. COST activities are carried out by research teams to strengthen the foundations for building scientific excellence in Europe.

COST is organised in nine broad Domains (Biomedicine and Molecular Biosciences; Chemistry and Molecular Sciences and Technologies; Earth System Science and Environmental Management; Food and Agriculture; Forests, their Products and Services; Individuals, Societies, Cultures and Health; Information and Communication Technologies; Materials, Physics and Nanosciences; Transport and Urban Development). The intended coverage of each Domain is explained at <http://www.cost.eu>

Applicants are invited to locate their topic within one Domain. However, interdisciplinary proposals not fitting readily into a single Domain are particularly welcome and will be assessed separately.

Proposals should include researchers from a minimum of five COST countries. Financial support in the range of EUR 100 000 p.a. for normally four years can be expected, subject to available budget.

Proposals will be assessed in two stages. Preliminary proposals (maximum 1 500 words/3 pages), submitted using the online template at <http://www.cost.eu/opencall> should provide a brief overview of the proposal and its intended impact. Proposals not conforming to the eligibility criteria of COST (e.g. requesting research funding) will be excluded. Eligible proposals will be assessed by the relevant Domain Committees in accordance with the published criteria at <http://www.cost.eu>. Applicants of selected preliminary proposals will be invited to submit a full proposal. Full proposals will be peer reviewed according to the assessment criteria at <http://www.cost.eu/opencall>. The decision will normally be taken within six months of the collection date and the Actions should expect to start within three months thereafter.

The collection date for preliminary proposals is 30 September 2011, 17.00 Brussels time. Up to 80 full proposals will be invited for final selection of up to 30 new Actions, subject to available budget. full proposals will be invited by 25 November 2011 for submission by 27 January 2012, with decisions expected in June 2012. The next collection date is envisaged for 30 March 2012.

Applicants may wish to contact their national COST Coordinator (CNC) for information and guidance — see <http://www.cost.eu/cnc>

Proposals must be submitted online to the COST Office website.

COST receives financial support for its coordinating activities from the EU RTD framework programme. The COST Office, set up by the European Science Foundation (ESF), acting as the implementing agent for COST, provides and manages the administrative, scientific and technical secretariat for COST, its Domain Committees and its Actions.

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## PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

### EUROPEAN COMMISSION

#### **Communication from the Ministry of the Environment of the Czech Republic pursuant to Article 3(2) of Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons**

(2011/C 203/10)

The Ministry of the Environment of the Czech Republic wishes to announce that it has received an application for the establishment of an area for the prospection and exploration of hydrocarbons in the south-eastern part of the Czech Republic (Trutnovsko), as demarcated on the map which is attached as Annex 1.

With reference to the Directive mentioned in the title and to Article 11 of Act No 44/1988 on the protection and exploitation of mineral resources (Mining Act), as amended, and to Article 4d of Czech National Council Act No 62/1988 on geological works, as amended, the Ministry of the Environment invites natural or legal persons holding an authorisation to carry out mining activities (awarding entities) to submit a competing application to establish an area for the prospection and exploration of hydrocarbons in the south-eastern part of the Czech Republic (Trutnovsko).

The authority competent to take the decision is the Ministry of the Environment of the Czech Republic. The criteria, conditions and requirements in Article 5(1) and (2) and Article 6(2) of the above Directive are set out in full in Czech legislation in Czech National Council Act No 62/1988 on geological works, as amended.

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

Martin Holý  
Director of the Department for Protection of the Mineral and Soil Environment  
Ministry of the Environment of the Czech Republic  
Vršovická 65  
100 10 Praha 10  
ČESKÁ REPUBLIKA

Applications received after the expiry of this period will not be considered. A decision on the applications will be taken not later than 12 months after this period has expired.

Further information is available on request from Jaroslav Česnek (Tel. +420 267122652).

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**Prior notification of a concentration****(Case COMP/M.6232 — Allianz/Banco Popular/Popular Gestión)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2011/C 203/11)

1. On 1 July 2011, 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 Allianz SE ('Allianz', Germany) and Banco Popular Español SA ('BPE', Spain) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Popular Gestión, SGIC, SA ('PG', Spain) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Allianz: international insurance and financial services provider,
- for BPE: commercial banking, factoring, asset management, pension funds management, securities and exchange management, leasing, and insurance sectors,
- for PG: asset management services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6232 — Allianz/Banco Popular/Popular Gestión, to the following address:

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

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

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

**Prior notification of a concentration****(Case COMP/M.6240 — Temasek/E. OPPENHEIMER/Tana JV)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2011/C 203/12)

1. On 29 June 2011, 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 Temasek Holdings (Private) Limited ('Temasek', Singapore) and E. OPPENHEIMER & Son International Ltd ('E. OPPENHEIMER', British Virgin Islands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a Joint Venture comprised of two companies, Tana Africa Capital Limited and Tana Africa Investment Managers Limited (collectively referred to as Tana) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Temasek: an investment holding company. Its portfolio covers a broad spectrum of industries: financial services; telecommunications, media and technology; transportation & industrials; life sciences, consumer & real estate; energy & resources,
- for E. OPPENHEIMER: family investment vehicle whose primary asset is a substantial equity stake in De Beers, alongside other interests held on an investment basis,
- for Tana: new joint venture that will invest in private and public companies in the fast moving consumer goods sector in Africa. Tana has no current business or activities.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6240 — Temasek/E. OPPENHEIMER/Tana JV, to the following address:

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

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

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

**Prior notification of a concentration**  
**(Case COMP/M.6316 — Aurubis/Luvata Rolled Products)**  
**(Text with EEA relevance)**  
(2011/C 203/13)

1. On 1 July 2011, 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 Aurubis AG (Aurubis, 'Germany') acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the certain legal entities and assets which are currently owned by the subsidiaries of Luvata Oy (Luvata, 'Finland') and which constitute Luvata's 'Rolled Products Division' ('LRP') by way of purchase of shares and assets.

2. The business activities of the undertakings concerned are:

- for Aurubis: one of the main copper producers in Europe. Its core business is the production of marketable copper cathodes from copper concentrates, copper scrap and recycled raw materials. These are processed into wire rod, shapes as well as rolled products,
- for Luvata: supplies metals and offers solutions, services, components and materials for manufacturing and construction. The target of the proposed transaction, LRP, is one of the four divisions of Luvata,
- for LRP: manufacturer of thin copper and copper alloy rolled products for industrial use.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. However, the final decision on this point is reserved.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6316 — Aurubis/Luvata Rolled Products, to the following address:

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

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



**CORRIGENDA****Corrigendum to authorisation for State aid pursuant to Articles 107 and 108 of the TFEU — Cases where the Commission raises no objections**

*(Official Journal of the European Union C 187 of 28 June 2011)*

(2011/C 203/14)

On page 6:

for: 'Overall budget: EUR 10 625 700 million',

read: 'Overall budget: EUR 10 625 700'.

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V *Announcements*

## ADMINISTRATIVE PROCEDURES

**Council**

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## PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

**European Commission**

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

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