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([1]) Text with EEA relevance

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates [1]

29 January 2013

(2013/C 28/01)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,3433	AUD	Australian dollar	1,2860
JPY	Japanese yen	121,52	CAD	Canadian dollar	1,3510
DKK	Danish krone	7,4595	HKD	Hong Kong dollar	10,4223
GBP	Pound sterling	0,85360	NZD	New Zealand dollar	1,6072
SEK	Swedish krona	8,6110	SGD	Singapore dollar	1,6629
CHF	Swiss franc	1,2416	KRW	South Korean won	1 458,03
ISK	Iceland króna		ZAR	South African rand	12,1785
NOK	Norwegian krone	7,4110	CNY	Chinese yuan renminbi	8,3659
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,5870
CZK	Czech koruna	25,659	IDR	Indonesian rupiah	13 003,25
HUF	Hungarian forint	297,40	MYR	Malaysian ringgit	4,1421
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	54,836
LVL	Latvian lats	0,6991	RUB	Russian rouble	40,4900
PLN	Polish zloty	4,2090	THB	Thai baht	40,098
RON	Romanian leu	4,3835	BRL	Brazilian real	2,6773
TRY	Turkish lira	2,3805	MXN	Mexican peso	17,1112
			INR	Indian rupee	72,1960

[1] *Source*: reference exchange rate published by the ECB.

COURT OF AUDITORS

Special Report No 20/2012 'Is structural measures funding for municipal waste management infrastructure projects effective in helping Member States achieve EU waste policy objectives?'

(2013/C 28/02)

The European Court of Auditors hereby informs you that Special Report No 20/2012 'Is structural measures funding for municipal waste management infrastructure projects effective in helping Member States achieve EU waste policy objectives?' has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors' website: http://eca.europa.eu

A hard copy version of the report may be obtained free of charge on request to the Court of Auditors:

European Court of Auditors
Unit 'Audit: Production of Reports'
12, rue Alcide de Gasperi
1615 Luxembourg
LUXEMBOURG

Tel. +352 4398-1
E-mail: eca-info@eca.europa.eu

or by filling in an electronic order form on EU-Bookshop.

EUROPEAN DATA PROTECTION SUPERVISOR

Executive summary of the Opinion of the European Data Protection Supervisor on the amended proposal for a regulation of the European Parliament and of the Council on the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of Regulation (EU) No […/…] (recast)

(The full text of this Opinion can be found in English, French and German on the EDPS website: http://www.edps.europa.eu)

(2013/C 28/03)

1. Introduction

1.1. *Consultation of the EDPS*

1. On 30 May 2012, the Commission adopted a proposal concerning a recast for a Regulation of the European Parliament and of the Council on the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of Regulation (EU) No […/…] (establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person) and to request comparisons with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the Area of Freedom, Security and Justice (hereinafter: 'the Proposal') ([1]).

2. The Proposal was sent by the Commission to the EDPS for consultation on 5 June 2012, pursuant to Article 28(2) of Regulation (EC) No 45/2001. The EDPS recommends that reference to the present consultation be made in the preamble of the Proposal.

3. The EDPS regrets that the Commission services did not ask the EDPS to provide informal comments to the Commission before the adoption of the Proposal, according to the agreed procedure in relation to Commission documents relating to the processing of personal data ([2]).

4. The Proposal was presented to the Home Affairs Ministers at the Justice and Home Affairs Council on 7-8 June 2012 and is currently under discussion within Council and the European Parliament with a view to adopt a regulation under the ordinary legislative procedure by the end of 2012. The present opinion of the EDPS intends to give input to this procedure.

7. Conclusions

87. The EDPS notes that over recent years the need of accessing EURODAC data for law enforcement purposes was extensively debated within the Commission, the Council and the European Parliament. He also understands that the availability of a data base with fingerprints can be a useful additional instrument in the combat of crime. However, the EDPS also recalls that this access to EURODAC has a serious impact on the protection of personal data of the persons whose data are stored in the EURODAC system. To be valid, the necessity of such access must be supported by clear and undeniable elements, and the proportionality of the processing must be demonstrated. This is all the more required in case of an intrusion in the rights of individuals constituting a vulnerable group in need of protection, as foreseen in the proposal.

88. Evidence provided until now — also taking into account the specific context described above — is according to the EDPS not sufficient and up to date to demonstrate the necessity and proportionality of granting access to EURODAC for law enforcement purposes. There are already a number of legal

([1]) COM(2012) 254 final.

([2]) The last time, the EDPS was informally consulted by the Commission on an amendment of the EURODAC Regulation was in 2008.

instruments which permit that one Member State consults fingerprints and other law enforcement data held by another Member State. A much better justification, as a precondition for law enforcement access is necessary.

89. In this context the EDPS recommends that the Commission provides a new impact assessment in which all relevant policy options are considered, in which solid evidence and reliable statistics are provided and which includes an assessment in a fundamental rights perspective.

90. The EDPS has identified several additional issues which are:

Applicable data protection law

91. The EDPS stresses the need for clarity on how the provisions of the Proposal specifying certain data protection rights and obligations relate to Council Framework Decision 2008/977/JHA as well as Council Decision 2009/371/JHA (see section 4).

Conditions for law enforcement access

As stated above, it should first be demonstrated that law enforcement access to EURODAC as such is necessary and proportionate. The comments made below should then be taken into account.

92. The EDPS recommends:

— clarifying that the transfer of EURODAC data to third countries is prohibited also in case of use of EURODAC data for law enforcement purposes (see points 43-44),

— adding the law enforcement purposes to the information communicated to the data subject (see point 45),

— ensuring unequivocally that access by designated authorities to EURODAC data is limited to law enforcement purposes (see point 49),

— submitting the access to EURODAC data for law enforcement purposes to a prior judicial authorisation or as a minimum providing that the verifying authority shall perform its duties and tasks independently and shall not receive instructions as regards the exercise of the verification (see points 50-51),

— adding the criterion of the 'need to prevent an imminent danger associated with serious criminal or terrorist offences' as exceptional case justifying the consultation of EURODAC data without prior verification by the verifying authority and introducing a concrete time limit for the ex-post verification (see points 53-54),

— as regards the conditions of access, adding the conditions of (i) a prior consultation of the Visa Information System, (ii) a 'substantiated suspicion that the perpetrator of a terrorist or other serious criminal offences has applied for asylum' and (iii) the 'substantial' contribution for law enforcement purposes and clarifying what is understood by 'reasonable grounds' (see points 56-57),

— describing in a recital the kind of situations justifying a *direct* access by Europol to the EURODAC Central Unit and providing that the strict conditions of access applying to national designated authorities also apply to Europol (see points 58-59),

— ensuring that comparison of fingerprints for law enforcement purposes shall in any case be subject to at least the same safeguards foreseen for Dublin Regulation purposes (see point 62),

— specifying more clearly the rules on retention or deletion of data (see point 64),

— clarifying which additional information to the 'hit' will be communicated to EUROPOL if applicable (see points 65-66),

— specifying the precise purpose(s) of the request by the Agency's Management Board of the comparisons with EURODAC data by Member State's law enforcement authorities as well as the anonymisation by law enforcement authorities of the data prior to their transmission to the Management Board and restoring the rules on professional secrecies (see points 67-68),

— providing an access for the EDPS and Europol's supervisory authority to the records kept by the Agency and Europol respectively as well as the obligation to store records also for conducting regular self-auditing of EURODAC (see points 79 and 85),

— clarifying the supervision of Europol's data processing activities (see point 81).

Other provisions

93. The EDPS recommends:

— replacing the Business Continuity System by the need for a Business Continuity Plan and providing a legal basis for implementing measures containing the modalities of such plan (see point 72),

— ensuring that temporary or permanent impossibility to provide usable fingerprints shall not adversely affect the legal situation of the individual and shall in any case represent sufficient grounds to refuse to examine or to reject an asylum application (see point 73),

— ensure consistency between the obligations of the Agency, the Member States and Europol to keep records and documentation of data processing activities (see point 77),

— improving provisions on data security (see point 82),

— including the EDPS for the submission of the Agency's annual report (see point 83),

— adding in Article 43 an obligation on Member States and Europol to constantly update the information they have provided to the Commission and requiring that the Commission makes this information available to Member States, Europol and to the public 'via a constantly updated electronic publication' (see point 86).

Done at Brussels, 5 September 2012.

Peter HUSTINX

European Data Protection Supervisor

Executive summary of the Opinion of the European Data Protection Supervisor on the Commission proposal for a regulation of the European Parliament and of the Council on trust and confidence in electronic transactions in the internal market (Electronic Trust Services Regulation)

(The full text of this Opinion can be found in English, French and German on the EDPS website: http://www.edps.europa.eu)

(2013/C 28/04)

I. Introduction

I.1. *The proposal*

1. On 4 June 2012, the Commission adopted a proposal for a regulation of the European Parliament and of the Council amending Directive 1999/93/EC of the European Parliament and of the Council as regards electronic identification and trust services for electronic transactions in the internal market ('the proposal') ([1]).

2. The proposal is part of the measures put forward by the Commission to strengthen the deployment of electronic transactions in the European Union. It follows up on the actions foreseen in the Digital Agenda for Europe ([2]) relating to improving the legislation on e-signatures (Key Action 3) and providing a coherent framework for the mutual recognition of e-identification and authentication (Key Action 16).

3. The proposal is expected to enhance trust in pan-European electronic transactions and to ensure cross-border legal recognition of electronic identification, authentication, signature and related trust services in the internal market while guaranteeing a high level of data protection and user empowerment.

4. A high level of data protection is essential for the use of electronic identification schemes and trust services. The development and use of such electronic means must rely upon the adequate processing of personal data by trust service providers and electronic identity issuers. This is all the more important as such processing will be relied upon, amongst other things, for identifying and authenticating natural (or legal) persons in the most reliable manner.

I.2. *Consultation of the EDPS*

5. Before the adoption of the proposal, the EDPS was given the possibility to provide informal comments. Many of these comments have been taken into account in the proposal. As a result, the data protections safeguards in the proposal have been strengthened.

6. The EDPS welcomes the fact that he is also formally consulted by the Commission in accordance with Article 28(2) of Regulation (EC) No 45/2001.

I.3. *Background of the proposal*

7. The proposal is based on Article 114 of the Treaty on the Functioning of the European Union and sets forth the conditions and mechanisms for mutual recognition and acceptance of electronic identification and trust services among Member States. In particular, it lays down the principles relating to the provision of identification and trusted electronic services, including the rules applicable to recognition and acceptance. It also provides the requirements for the creation, verification, validation, handling and preservation of electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic delivery services, website authentication and electronic certificates.

8. In addition, the proposed regulation lays down the rules for the supervision of the provision of trust services and obliges Member States to establish supervisory bodies for this purpose. These bodies will, amongst other tasks, assess the compliance of the technical and organisational measures implemented by the providers of electronic trust services.

([1]) COM(2012) 238 final.
([2]) COM(2010) 245 of 19.5.2010.

9. Chapter II deals with electronic identification services while Chapter III is dedicated to other electronic trust services such as electronic signatures, seals, time stamps, documents, delivery services, certificates and website authentication. Electronic identification services are related to national identification cards and can be used in the access to digital services and in particular to e-government services; this means that an entity issuing electronic identification is acting on behalf of a Member State and that Member State is responsible for correctly establishing the correlation between a concrete individual and his/her electronic identification means. With regard to other electronic trust services, the provider/issuer is a natural or legal person which is responsible for the correct and safe provision of these services.

I.4. *Data protection issues raised by the proposal*

10. The processing of personal data is inherent in the use of identification schemes and to some degree also in the provision of other trust services (for instance in case of electronic signatures). Processing of personal data will be required in order to establish a trustable link between the electronic identification and authentication means used by a natural (or legal) person and that person, in order to certify that the person behind the electronic certificate is truly who he/she claims to be. For instance, electronic identifications or electronic certificates refer to natural persons and will include a set of data unambiguously representing those individuals. In other words, the creation, verification, validation and handling of the electronic means referred to in Article 3(12) of the proposal will, in many cases, involve the processing of personal data and therefore data protection becomes relevant.

11. It is, therefore, essential that the processing of data in the context of the provision of electronic identification schemes or electronic trust services is done in accordance with the EU data protection framework, in particular with national provisions implementing Directive 95/46/EC.

12. In this Opinion, the EDPS will focus his analysis on three main issues:

(a) how data protection is addressed in the proposal;

(b) data protection aspects of electronic identification schemes to be recognised and accepted across borders; and

(c) data protection aspects of electronic trust services to be recognised and accepted across borders.

III. **Conclusions**

50. The EDPS welcomes the proposal as it can contribute to mutual recognition (and acceptance) of electronic trust services and identification schemes at European level. He also welcomes the establishment of a common set of requirements that must be fulfilled by the issuers of electronic identification means and by trust service providers. Notwithstanding his general support for the proposal, the EDPS wishes to provide the following general recommendations:

— data protection provisions included in the proposal should not be restricted to trust service providers and should also be applicable to the processing of personal data in the electronic identification schemes described in Chapter II of the proposal,

— the proposed regulation should set a common set of security requirements for trust service providers and electronic identification issuers. Alternatively, it could allow the Commission to define where needed, through a selective use of delegated acts or implementing measures, the criteria, conditions and requirements for security in electronic trust services and identification schemes,

— electronic trust service providers and electronic identification issuers should be required to provide the users of their services with: (i) appropriate information on the collection, communication, and retention of their data, as well as (ii) a means to control their personal data and exercise their data protection rights,

— the EDPS recommends a more selective inclusion in the proposal of the provisions empowering the Commission to specify or detail concrete provisions after the adoption of the proposed regulation by delegated or implementing acts.

51. Some specific provisions concerning the mutual recognition of electronic identification schemes should also be improved:

— the proposed regulation should specify which data or categories of data will be processed for cross-border identification of individuals. This specification should contain at least the same level of detail as provided in annexes for other trust services and should take into account the respect of the principle of proportionality,

— the safeguards required for the provision of identification schemes should at least be compliant with the requirements set forth for the providers of qualified trust services,

— the proposal should establish appropriate mechanisms to set a framework for the interoperability of national identification schemes.

52. Finally, the EDPS also makes the following recommendations in relation to the requirements for the provision and recognition of electronic trust services:

— it should be specified with regard to all electronic services if personal data will be processed and, in the cases where personal data will be processed, the data or categories of data to be processed,

— the regulation should take appropriate safeguards to avoid any overlap between the competences of the supervisory bodies for electronic trust services and those of data protection authorities,

— the obligations imposed on electronic trust service providers concerning data breaches and security incidents should be consistent with the requirements established in the revised e-privacy Directive and in the proposed data protection regulation,

— more clarity should be provided to the definition of private or public entities that can act as third parties entitled to carry out audits under Articles 16 and 17 or that can verify electronic signature creation devices under Article 23, as well as on the criteria under which the independence of these bodies will be assessed,

— the regulation should be more precise in setting a time limit for the retention of the data referred to in Article 19(2) and (4) ([1]).

Done at Brussels, 27 September 2012.

Giovanni BUTTARELLI

Assistant European Data Protection Supervisor

([1]) Under Article 19(2)(g), qualified trust service providers must record for an appropriate period of time all relevant information concerning data issued and received by them. Under Article 19(4), qualified trust service providers should provide any party relying on the certificates with information on the validity or revocation status of qualified certificates issued by them.

Executive summary of the Opinion of the European Data Protection Supervisor on the Commission proposal for a Council regulation amending Regulation (EEC, Euratom) No 354/83, as regards the deposit of the historical archives of the institutions at the European University Institute in Florence

(The full text of this Opinion can be found in English, French and German on the EDPS website: http://www.edps.europa.eu)

(2013/C 28/05)

1. Introduction

1.1. *Consultation of the EDPS*

1. On 16 August 2012, the Commission adopted a proposal for a Council regulation amending Regulation (EEC, Euratom) No 354/83, as regards the deposit of the historical archives of the institutions at the European University Institute in Florence ('the proposal') [1]. The proposal was sent to the EDPS for consultation on the same day.

2. Before the adoption of the proposal, the EDPS was given the possibility to provide informal comments. Many of these comments have been taken into account in the proposal. As a result, the data protections safeguards in the proposal have been strengthened. The EDPS welcomes the fact that the Commission also consulted him formally after the proposal was adopted and that this Opinion is referred to in the preamble of the proposal.

1.2. *Objectives and background of the proposal*

3. Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community [2] ('the Archives Regulation') requires EU institutions and bodies to establish historical archives and to open them to the public once they are 30 years old. The Archives Regulation allows each institution and body to hold its historical archives in whatever place it considers most appropriate.

4. The objective of the proposal is to amend the Archives Regulation and to make the deposit of paper archives at the European University Institute in Florence ('EUI') mandatory for all EU institutions and bodies (with the exception of the Court of Justice and the European Central Bank). In fact, the European Commission, the Council of the European Union and the European Parliament are already depositing their paper archives at the EUI on the basis of contractual arrangements. Thus, as the explanatory memorandum explains, the proposal does not change the status quo but rather 'aims to confirm the role of the EUI in managing the historical archives of the institutions. It will create a sound legal and financial basis for the partnership between the EU and the EUI.'

5. The proposal will also not change the existing rules and procedures by which the EU institutions and bodies open their historical archives to the public after 30 years. The proposal will furthermore not change the ownership of the historical archives, which will remain with the depositing institutions/bodies. In short: the proposal contains limited and targeted amendments to the Archives Regulation, rather than proposing a comprehensive modernisation and overhaul.

1.3. *Relevance to data protection; objectives of the EDPS Opinion*

6. In order to carry out their tasks, the European institutions and bodies process vast amounts of data, including personal data. Some of the personal data processed may be particularly sensitive from a data protection point of view [3] and/or may have been given to the institutions or bodies concerned in confidence, without the expectation that they will one day become publicly available: for example, personal data contained in medical or personnel files of staff members, or personal data processed in connection with disciplinary and harassment procedures, internal audits, various types of complaints or petitions, and trade, competition, anti-fraud, or other investigations.

[1] COM(2012) 456 final.
[2] Council Regulation (EEC, Euratom) No 354/83 (OJ L 43, 15.2.1983, p. 1).
[3] Such as 'special categories of data' in the meaning of Article 10 of Regulation (EC) No 45/2001.

7. Some of these personal data, including some of those posing *prima facie* the greatest risks to the individuals concerned, are destroyed after a specified period of time, once they are no longer in use for the initial purposes for which they were collected (or for other compatible 'administrative' purposes).

8. However, a significant portion of the documents held by the European institutions and bodies, including, possibly, the personal data in them, will not be destroyed but rather will ultimately be transferred to the historical archives of the European Union, and will be made publicly available for historical, statistical and scientific purposes ([1]).

9. It is important that European institutions and bodies have clear policies of what personal data should or should not go to the historical archives, and how to safeguard those personal data that will be preserved and made publicly available via the historical archives. These policies need to ensure protection of privacy and the personal data of the individuals concerned, and to balance the protection of these fundamental rights with the right of access to documents and the legitimate interests in historical research.

10. For the moment, although document management, data retention and archiving policies exist at many European institutions and bodies (see, for example, the Common Conservation List ('CCL'), an internal administrative document issued by the Commission ([2])), these policies provide only limited guidance on data protection. The CCL and similar documents should be further developed or complemented with more specific and more nuanced guidance on data protection.

11. In addition, it is to be noted that the existing policies are formulated in internal documents, rather than in a legislative instrument adopted by Council and Parliament. Indeed, beyond a brief reference in its Article 2(1) to 'documents covered by the exception relating to privacy and integrity of the individual, as defined in Article 4(1)(b) of Regulation (EC) No 1049/2001' ([3]), the current text of the Archives Regulation does not specify what personal data may be transferred to the historical archives, and thus, ultimately disclosed publicly.

12. The referred Article 4(1)(b) of Regulation (EC) No 1049/2001, in turn, must be interpreted in accordance with applicable data protection laws, including Regulation (EC) No 45/2001, and in accordance with the jurisprudence of the Court of Justice of the European Union. To decide what personal data should be placed in the historical archives, thus, requires a complex case-by-case analysis.

13. The revisions of Directive 95/46/EC ([4]) and Regulation (EC) No 1049/2001 are currently both underway, and the revision of Regulation (EC) No 45/2001 should also follow in due course. While it is hoped that these legislative changes will contribute to clarity, due to their general nature, it is unlikely that they will provide sufficiently specific guidance to European institutions and bodies with regard to their archiving practices. As for the Archives Regulation itself, the Commission has proposed limited amendments only, not affecting Article 2(1) and other substantive provisions.

14. The EDPS, in this Opinion, will suggest a few targeted changes that can be included on the occasion of the current, more limited review of the Archives Regulation. Additionally, he will highlight the need for adoption of specific measures, including adequate implementing rules, to ensure that data protection concerns are effectively addressed in the context of legitimate record keeping for historical purposes.

([1]) Article 1(2) of the Archives Regulation provides a definition for both 'archives' and 'historical archives' (of EU institutions and bodies). Archives are defined as 'all those documents of whatever type and in whatever medium which have originated in or been received by one of the institutions or by their representatives or servants in the performance of their duties, which relate to the activities of the (EU)'. Historical archives, in turn, are defined as 'that part of the archives (of the institutions) which has been selected … for permanent preservation' … 'no later than 15 years after their date of creation', via 'an initial sorting process with the purpose of separating documents that are to be preserved from those that have no administrative or historical value'.

([2]) SEC(2007) 970, adopted on 4 July 2007, currently under revision. See also the 7 May 2007 EDPS Comments on the draft CCL of 2007 at: http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Adminmeasures/2007/07-05-07_commentaires_liste_conservation_EN.pdf

([3]) OJ L 145, 31.5.2001, p. 43.

([4]) See the Commission proposal for a regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (COM(2012) 11 final). See also the 7 March 2012 EDPS Opinion on the data protection reform package, available at: http://www.edps.europa.eu/EDPSWEB/edps/Consultation/Reform_package;jsessionid=46ACCFDB9005EB950DF9C7D58BDE5377

15. To provide context, Section 2 will briefly discuss some general data protection issues and current trends related to the opening up and digitalisation of EU historical archives, anonymisation and de-anonymisation, as well as the Commission's open data initiatives.

10. **Conclusions**

65. The EDPS welcomes that the proposal addresses data protection concerns, involving in particular:

— the provisions on applicable law,

— the determination of the supervisory authority,

— the specification of the EUI's role as a processor, and

— the requirement to adopt implementing rules to address data protection issues at the practical level.

66. To address remaining data protection concerns, the EDPS recommends that the proposed amendment to the Archives Regulation:

— specify the key objectives and minimum content of the implementing rules as well as the procedure for their adoption, including a governance structure to ensure a harmonised and coordinated approach, a clear time-frame for adoption, and consultation of the EDPS,

— clarify the rules applicable to security of personal data held in the historical archives,

— provide safeguards with regard to the private archives held by the EUI, and

— provide at least some minimum clarifications with regard to the privacy exception in Article 2 of the Archives Regulation.

Done at Brussels, 10 October 2012.

Peter HUSTINX

European Data Protection Supervisor

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice the impending expiry of certain countervailing measures

(2013/C 28/06)

1. As provided for in Article 18(4) of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community [1], the European Commission gives notice that, unless a review is initiated in accordance with the following procedure, the countervailing measures mentioned below will expire on the date mentioned in the table below.

2. **Procedure**

Union producers may lodge a written request for a review. This request must contain sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of subsidisation and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Union producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. **Time limit**

Union producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Unit H-1), N-105 8/20, 1049 Brussels, Belgium [2] at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 18(4) of Regulation (EC) No 597/2009.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry [1]
Sulphanilic acid	India	Countervailing duty	Council Regulation (EC) No 1010/2008 (OJ L 276, 17.10.2008, p. 3)	18.10.2013
		Undertaking	Commission Decision 2006/37/EC (OJ L 22, 26.1.2006, p. 52)	

[1] The measure expires at midnight of the day mentioned in this column.

[1] OJ L 188, 18.7.2009, p. 93.
[2] Tel. +32 22956505.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.6812 — SFPI/Dexia)

(Text with EEA relevance)

(2013/C 28/07)

1. On 18 January 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]) by which the Belgian state investment fund Société Fédérale de Participations et d'Investissement/Federale Participatie- en Investeringsmaatschappij ('SFPI', Belgium) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the undertaking Dexia SA/NV ('Dexia', Belgium) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— SFPI: investments in public and private companies of strategic interest, on its own behalf and on behalf of the Belgian state,

— Dexia: financial services, in particular public finance, including project finance, and asset management in several countries, mainly in France, through a number of subsidiaries.

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.6812 — SFPI/Dexia, to the following address:

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

([1]) OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

CORRIGENDA

Corrigendum to the Report on the annual accounts of the European Police Office for the financial year 2011, together with the Office's replies

(Official Journal of the European Union C 388 of 15 December 2012)

(2013/C 28/08)

On page 195, the text of the replies is replaced by the following:

'EUROPOL'S REPLIES

12. An amount of 22,6 million euro was carried forward from 2010 to 2011. Europol considers it to be a considerable improvement that carry-forwards were decreased to 15,0 million euro across the budget.

Special circumstances during 2011 held up budget implementation, such as the delayed move (3 months) to the new building. 2011 being the second year for Europol to operate financially as an EU agency, dedicated additional actions were taken to further align activities with the principle of budget annuality. An audit by the Internal Audit Service (IAS) of the European Commission, performed in 2011 on planning and budgeting process, confirmed positive developments in this regard.

13. Reference is made to Europol's response under item 12.

14. Exceptions in the area of recruitment, procurement activities and all financial transactions are recorded. Europol has developed an own Process Framework (PF) which is based on and recognises applicable standards and norms. Nonetheless, Europol acknowledges the ECA's comment and will further streamline the management and recording of exceptions to (financial) processes to fully comply with the observations made by the ECA.

15. Key processes feeding into the accounting system of Europol were validated, including budget commitment as well as payment processes covering also salary expenditure. However, Europol acknowledges the comment of the ECA and will expand its validation activities in this regard.

16. Considerable efforts were undertaken to confirm the physical location of the concerned assets for the final accounts.

As soon as the final asset value transferred by the Host State was known, concerned insurance policies were updated.

Having now concluded the transfer process of assets from the Host State, Europol will conduct another full physical verification of assets and will act upon the results as a matter of priority.

17. Europol acknowledges the need for improving the preparation and execution of procurement procedures, including the underlying documentation. Next to process refinements, supporting organisational changes are considered for implementation by the end of 2012.

18. Europol will prepare and adopt implementing rules to the Financial Regulation (FR) applicable to Europol, following the adoption of the new Framework Financial Regulation at EU level. The current implementing provisions of the EU Framework Financial Regulation are applied by analogy within Europol.

19. Dilapidation costs for the new building of Europol and the external disaster recovery site were reflected as contingent liabilities in the final annual accounts 2011. Europol will seek independent reassurance concerning the estimated costs, taking into account the costs such a review will imply.

20. Europol considers the confidentiality of selection texts to be of great importance. Access to test material is restricted.

Thresholds for admission to tests and interviews were introduced as from July 2012 onwards.

Europol holds the view that all key findings of selection committees which are of relevance to appointments are properly documented. Nonetheless, Europol will take further action to identify additional refinements as highlighted by the ECA.

21. Europol addresses the comment of the ECA in the context of human resources related performance monitoring.'

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