

**Information procedure — technical regulations**

(1999/C 73/03)

- Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 109, 26.4.1983, p. 8).
- Directive 88/182/EEC of 22 March 1988 amending Directive 83/189/EEC (OJ L 81, 26.3.1988, p. 75).
- Directive 94/10/EC of the European Parliament and the Council of 23 March 1994 materially amending for the second time Directive 83/189/EEC (OJ L 100, 19.4.1994, p. 30).

Notifications of draft national technical regulations received by the Commission.

| Reference <sup>(1)</sup>    | Title  | Echeance <sup>(2)</sup> |
|-----------------------------|--|-------------------------|
| 1999/89/UK-<br>1999/6003/UK | The draft producer responsibility obligations (packaging waste) (amendment) regulations 1999   | 20.5.1999               |
| 1999/91/D                   | Technical regulations pertaining to the pressure vessels order (German designation: TRB 512) 'Expert testing — Initial testing, design testing and pressure testing'   | 27.5.1999               |
| 1999/90/DK                  | Technical Regulation A concerning measures for the prevention of the risk of contracting cancer arising from the use of and exposure to substances materials during transportation by ship (Regulation on carcinogens) | 25.5.1999               |
| 1999/99/S                   | Regulations by the Post and Telecommunications Board pursuant to the equipment of teleterminals as well as to the inspection and labelling of such equipment   | 27.5.1999               |
| 1999/92/D                   | Technical regulations pertaining to the pressure vessels order (German designation: TRB 522) — "Testing by the manufacturer — pressure testing"  | 27.5.1999               |
| 1999/93/A                   | Order of the Municipal Council of the City of Vienna on the temporary approval of BRC fabric M 550, made by Feroslav Praha s.r.o.  | 3.6.1999                |
| 1999/94/A                   | Draft of legislation amending the Viennese Act on natural health-promoting substances and spas   | 2.6.1999                |
| 1999/95/NL                  | Ordinance of the identification and registration of walkers (cursorial birds)  | 26.5.1999               |
| 1999/96/NL                  | Planned drawing up of a ministerial regulation amending the APK approval regulation and the regulation on APK approval methods   | 27.5.1999               |
| 1999/97/NL                  | Planned drawing up of a ministerial regulation amending the regulation on registration plate approval requirements   | 27.5.1999               |
| 1999/98/NL                  | Planned drawing up of a ministerial regulation amending the regulation and registration numbers and registration plates  | 2.6.1999                |

<sup>(1)</sup> Year — registration number — Member State of origin.

<sup>(2)</sup> Period during which the draft may not be adopted.

<sup>(3)</sup> No standstill period since the Commission accepts the grounds of urgent adoption invoked by the notifying Member State.

<sup>(4)</sup> No standstill period since the measure concerns technical specifications or other requirements linked to fiscal or financial measures, pursuant to the third indent of the second paragraph of Article 1(9) of Directive 93/189/EEC.

<sup>(5)</sup> Information procedure closed.

The Commission draws attention to the judgment given on 30 April 1996 in the 'CIA Security' case (C-194/94), in which the Court of Justice ruled that Articles 8 and 9 of Directive 83/189/EEC are to be interpreted as meaning that individuals may rely on them before the national court which must decline to apply a national technical regulation which has not been notified in accordance with the Directive.

This judgment confirms the Commission's communication of 1 October 1986 (OJ C 245, 1.10.1986, p. 4).

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable, so that they are unenforceable against individuals.

Information on these notifications can be obtained from the national administrations, a list of which was published in *Official Journal of the European Communities* C 324 of 30 October 1996.

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**Prior notification of a concentration**  
**(Case No IV/M.1432 — Agfa-Gevaert/Sterling)**  
(1999/C 73/04)  
(Text with EEA relevance)

1. On 10 March 1999, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the Belgium-based undertaking, Agfa-Gevaert NV (Agfa-Gevaert), the parent company of the Agfa-Gevaert group, which is ultimately controlled by Bayer AG, acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the US-based SDI Holding Corp., and its subsidiaries (collectively referred to hereafter as Sterling) by way of purchase of shares.

2. The business activities of both the undertakings concerned are the supply of medical imaging products and services.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. 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.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1432 — Agfa-Gevaert/Sterling, to:

European Commission,  
Directorate-General for Competition (DG IV),  
Directorate B — Merger Task Force,  
Avenue de Cortenberg/Kortenberglaan 150,  
B-1040 Brussels.

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

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