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## Information and Notices

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## I

*(Information)*

## COMMISSION

Ecu <sup>(1)</sup>

19 October 1989

(89/C 268/01)

Currency amount for one ecu:

Belgian and Luxembourg franc con.	43,1513	Spanish peseta	130,975
Belgian and Luxembourg franc fin.	43,3407	Portuguese escudo	175,808
German mark	2,05343	United States dollar	1,11430
Dutch guilder	2,31852	Swiss franc	1,79737
Pound sterling	0,696220	Swedish krona	7,14155
Danish krone	8,00346	Norwegian krone	7,67976
French franc	6,97218	Canadian dollar	1,30752
Italian lira	1512,11	Austrian schilling	14,4569
Irish pound	0,771356	Finnish markka	4,72798
Greek drachma	183,681	Japanese yen	157,506
		Australian dollar	1,43318
		New Zealand dollar	1,87751

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

<sup>(1)</sup> Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

## STATE AID

(Federal Republic of Germany)

*(Articles 92 to 94 of the Treaty establishing the European Economic Community)*

(89/C 268/02)

Notice pursuant to Article 93 (2) of the EEC Treaty to parties concerned other than Member States regarding the German R&D scheme in the traffic and transport sector ('Verkehrsforschungskonzept').

On 4 October 1988 the German Federal Government notified to the Commission the aid scheme 'Verkehrsforschungskonzept 1988 to 1989'. The scheme, which carries a five year budget of ECU 408,34 million, aims at supporting R&D efforts in the following main areas:

- high-speed railway systems (ECU 248,66 million),
- public urban and suburban transport systems (ECU 76,44 million),
- motor vehicles and road traffic (ECU 50,71 million),
- goods traffic and 'transport chains' (ECU 32,53 million).

The aid intensity rates vary in general between 30 % for applied industrial research and 50 % for basic research. Under special circumstances, e.g. if the undertaking has its place of business in Berlin, if the risk of a R&D project is extremely high or if small and medium-sized firms are concerned, claimants may apply for a supplementary support of 10 %.

In the field of high-speed railway systems, the magnetic train project 'Transrapid' will be supported at intensity rates between 50 % and 75 % for R&D activities which have to be qualified as applied research.

In respect of the R&D project 'Transrapid', the Commission takes the view that according to point 5.4 of the Community framework a subsidy up to 75 % for applied R&D is so high that the contribution of the recipient firm from its own resources is so reduced as to diminish that firm's commitment to the project in question. A maximal intensity rate of 50 % applies normally only to basic research where the distance to the market place is great. It is therefore not admissible, under the terms of Article 92 (3) (c) of the EEC Treaty, that applied R&D projects which are by nature much closer to the market place could be subsidized up to 75 %, since such an aid would as a result affect trading conditions to an extent contrary to the common interest.

Furthermore, in the field of conventional high-speed railway systems (ICE) it is probable that the project is at the end of the R&D process. The German industry has presented the first experimental train in September 1985 and has made contracts with the 'Deutsche Bundesbahn' about the delivery of 40 complete trains in 1991. The ICE-consortium has also recently taken part in international tenders for high-speed trains in Spain and Australia, which leads to the conclusion that this high-speed train has reached the same commercial stage as other high-speed trains in the EEC.

It is therefore necessary to investigate precisely the stage at which the ICE presently stands in order to appreciate whether the intensity of aid which is forecast can be deemed compatible with the common market.

The Commission has therefore decided to initiate with regard to the abovementioned aspects the procedure laid down in Article 93 (2) of the EEC Treaty.

In view of all other R&D projects, the Commission has decided that the present scheme may be considered to benefit from the derogation under Article 92 (3) (c) of the EEC Treaty.

The Commission draws attention to the communication it published in *Official Journal of the European Communities* No C 318 of 24 November 1983, page 3, and reminds those concerned that the initiation of the procedure has suspensory effect, so that the plan may not be implemented unless and until the Commission approves it. The Commission points out that any aid granted before the procedure had resulted in a final decision is unlawful, and may have to be repaid.

The Commission hereby gives parties concerned other than Member States notice to submit their comments on the proposed assistance within one month of the date of publication of this notice to:

Commission of the European Communities,  
200 rue de la Loi,  
B-1049 Brussels.

## STATE AID

## No 281/88 (Italy)

(Articles 92 to 94 of the Treaty establishing the European Economic Community)

(89/C 268/03)

Commission communication pursuant to Article 93 (2) of the EEC Treaty to other Member States and interested parties regarding aid which the Italian government has decided to grant in the areas of cooperation, trade, crafts and fisheries

By letter No 4735 of 11 July 1988 from the Italian Permanent Representation, supplement by letter No 6592 dated 3 October 1988 from the same office, your Government notified the Commission, pursuant to Article 93 (3) of the EEC Treaty, of draft Law No 497 of the Sicilian Regional Assembly concerning aid measures in the sectors of cooperation, trade, crafts and fisheries.

By letter dated 27 June 1989, the Italian authorities sent the additional information which the Commission requested by telex dated 10 November 1988.

The Commission would draw the attention of the Italian authorities to its letter No SG(87) D/13790 dated 13 November 1987 which it notified its decision to close the procedure provided for in Article 93 (3) of the EEC Treaty in respect of, in particular, the aid referred to in Articles 3, 4 and 21 of Regional Law No 26 of 27 May 1987.

The amendments to existing schemes contained in Title IV of the abovementioned draft Regional Law have been examined in the light of the competition rules and in particular the guidelines for the examination of State aids in the fisheries sector (OJ No C 313, 8. 12. 1988, p. 21).

I. The Commission, having examined the draft Law in the light of Articles 92 *et seq.* of the EEC Treaty, has decided not to object to the implementation of its Titles I, II, III, although it makes the following comments:

The Commission would remind the Italian Government that it should send an annual report on the implementation of the aid schemes provided for in Articles 3, 4 and 21 of Regional Law No 26 referred to above, which should comprise a list of all individual projects and a description of each one. It reserves the right to review this decision should it subsequently identify elements of incompatibility with Community law, notably as regards compliance with the objectives of existing or future multiannual programmes adopted under the relevant Community rules.

Furthermore, as regards the scheme established by Article 56 of Regional Law No 127 of 9 December 1980 concerning the award of premiums to undertakings exporting valuable stone from Sicily, the Commission would inform the Italian Government that when the scheme ends on 31 December 1989 as provided for by the said Law, it may not be proposed again, prolonged or refinanced.

The Commission would remind the Italian Government that it should ensure that any cumulation of aid does not exceed the ceilings laid down in the Community Regulations on the Mezzogiorno.

The Commission would also like to be informed of any changes to the Titles in the notified draft Law.

II.1. The Commission has, however, decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the aid granted under Article 31 of the draft Law referred to above. The Article provides for the award of aid to non-boat owning fishermen for the purchase of a used vessel. The aid falls into the category of aid for the purchase of used vessels (point II.B.3 (iii) of the guidelines). Such aid may be considered compatible with the common market provided that certain requirements are met.

The Commission does not have sufficient information to allow it to ascertain whether certain conditions have been met, such as the rate of aid, and whether aid granted previously for the construction or modernization of the vessel has been reimbursed.

The Commission hereby gives the Italian authorities notice, as part of the procedure, to submit their comments within one month from the date of this letter.

II.2. The Commission would further inform the Italian authorities that it is publishing a notice in the *Official Journal of the European Communities* inviting other Member States and interested parties to submit their comments.

The Commission would remind the Italian Government that Article 93 (3) of the EEC Treaty prevents the proposed measures being put into effect until the article 93 (2) procedure has resulted in a final decision.

The Commission would draw the attention of the Italian authorities to the letter it sent all Member States on 3 November 1983 on the subject of their obligations pursuant to Article 93 (3) of the EEC Treaty and the communication it published in the *Official Journal of the European Communities* No C 318, 24 November 1983, page 3, in which it reminded Member States that where they grant aid unlawfully, i.e., before the Article 93 (2)

procedure has resulted in a final decision, the Commission may require them to recover it.

The Commission hereby gives the other Member States and interested parties notice to submit their comments on the measures in question within one month from the date of publication of this notice to:

Commission of the European Communities,  
200 rue de la Loi,  
B-1049 Brussels.

*The comments will be communicated to Italy.*

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#### Commission communications pursuant to Article 115 of the EEC Treaty

(89/C 268/04)

By Decision C(89) 1790 dated 16 October 1989 the Commission has authorized the French Republic not to apply Community treatment to reception apparatus for radio, CN codes 8527, 21 10, 21 90 and 29 00 originating in China, Japan, Taiwan and South Korea and in free circulation in the other Member States.

The said Decision is applicable until 31 December 1989.

The text of the Decision may be obtained from the Commission, Brussels: tel. 02/235 23 64, telefax: (02) 235 01 20 or 235 01 21.

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By Decision C(89) 1791 dated 17 October 1989 the Commission has authorized the French Republic not to apply Community treatment to woven fabrics of cotton of category 2 originating in Peru and in free circulation in the other Member States.

The said Decision is applicable after the date of the present Decision until 31 December 1989.

The text of the Decision may be obtained from the Commission, Brussels: tel. 02/235 23 64, telefax: (02) 235 01 20 or 235 01 21.

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## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 797/85 as regards the rates of reimbursement for the set-aside of arable land***COM(89) 353 final**(Submitted by the Commission to the Council on 14 July 1989)**(89/C 268/05)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,  
Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas provision should be made to give adequate publicity of the opportunities afforded by the aid scheme;

Whereas it is necessary to ensure that the set-aside scheme is implemented effectively and in a balanced manner in the Member States;

Whereas one of the appropriate ways of achieving this is to adjust the rates of reimbursement for set-aside laid down by Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures <sup>(1)</sup>, as last amended by Regulation (EEC) No 160/89 <sup>(2)</sup>, as regards expenditure for land set aside during the period from 1 July 1989; whereas for undertakings in 1988/89, these rates should be applied only for expenditure incurred from the second year of application,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 797/85 is hereby amended as follows:

1. The following new paragraph is added at the end of Article 1 (a):

'8. Member States shall take the necessary measures to ensure that adequate publicity is given to inform potential beneficiaries of the opportunities afforded by the aid scheme.'

2. In Article 26 the following subparagraph is added at the end of paragraph 2:

'However, as regards expenditure for land set aside during the period from 1 July 1989, including land for which aid was granted during the previous season, the following rates shall apply:

— 50 % for that portion of the aid which does not exceed ECU 300 per hectare per annum,

— 30 % for that portion of the aid between ECU 300 and ECU 600 per hectare per annum,

and in the case of authorization as provided for in the third subparagraph of Article 1a (3):

— 50 % for that portion of the aid which does not exceed ECU 150 per hectare, per annum,

— 30 % for that portion of the aid between ECU 150 and ECU 300 per hectare per annum.'

*Article 2*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

<sup>(1)</sup> OJ No L 93, 30. 3. 1985, p. 1.

<sup>(2)</sup> OJ No L 165, 15. 6. 1989, p. 1.

## III

(Notices)

## COMMISSION

**Notice of invitation to tender for the refund for the export of milled medium-grain and long-grain A rice to certain third countries**

(89/C 268/06)

**I. Subject**

1. Tenders are invited for the refund for the export to the Zones I to VI and VIII, excluding Guyana, Madagascar and Surinam, defined in Annex I to Regulation (EEC) No 1124/77 of milled medium-grain and long-grain A rice falling within CN codes 1006 30 63, 1006 30 65, 1006 30 94 and 1006 30 96.
2. The total quantity in respect of which there may be fixed a maximum export refund as provided in Article 1 (2), of Commission Regulation (EEC) No 584/75 (<sup>(1)</sup>), as amended by Regulation (EEC) No 379/89 (<sup>(2)</sup>), is approximately 20 000 tonnes.
3. The invitation to tender will be conducted in accordance with the provisions of Commission Regulation (EEC) No 3126/89 of 18 October 1989 (<sup>(3)</sup>).

**II. Time limits**

1. The period for the receipt of tenders for the first of the weekly awards will begin on 3 November 1989 and will expire at 10 a.m. on 9 November 1989.
2. For the subsequent weekly awards, the period for the receipt of tenders will expire at 10 a.m. on the Thursday of each week. The last period for the receipt of tenders will begin on 15 June 1990 and will expire at 10 a.m. on 21 June 1990.

For the second and subsequent weekly awards, the period for the receipt of tenders will begin on the first working day following the expiry of the preceding period.

However for the periods 22 December 1989 to 5 January 1990 and 30 March to 5 April 1990 the invitation to tender is suspended.

3. This notice is published only for the purposes of the present invitation to tender. Until such time as it is amended or replaced, its terms will apply to each weekly award held during the period of validity of this invitation.

**III. Tenders**

1. Tenders must be submitted in writing and may be delivered personally against a receipt or sent by registered post or by telex or telegram, but must in any event arrive not later than the time and date indicated in heading II above at one of the following addresses:

— Bundesanstalt für landwirtschaftliche Marktordnung (BALM), D-6000 Frankfurt am Main, Adickesallee 40 (telex 4-11475, 4-16044),

— Office national interprofessionnel des cereales, 21 avenue Bosquet, F-75326 Paris, Cedex 07 (telex Ofible A 270807),

— Ministero per il commercio con l'estero, direzione generale import-export, divisione II, viale Shakespeare, I-00100 Roma (telex Mincomes 610 083),

— Hoofdproduktschap voor Akkerbouwprodukten, Stadhoudersplantsoen 12, NL-Den Haag (telex Hovakker 32 579),

— Office belge de l'économie et de l'agriculture (OBEA), rue des Trèves 82, B-1040 Bruxelles (telex Obea 24 076),

— Intervention Board for Agricultural Produce, Fountain House, 2 Queens Walk, UK-Reading RG1 7QW, Berks (telex 848 302),

— The Department of Agriculture and Fisheries, Cereals Division, Agriculture House, Kildare Street, IRL-Dublin 2 (telex Agri EI 93 607),

— Direktoratet for Markedsordningerne Frederiksborggade 18, DK-1360 København K (telex 15 137 DK),

— Service d'économie rurale, office du blé, 113-115, rue de Hollerich, L-1741 Luxembourg (telex Agrim Lux 2537),

— Ministry of Agriculture, 2 Acharnon Street, GR-Athens (telex 216 185 and 216 186/yg gr).

— Servicio Nacional de Productos Agrarios (SENPA) c/Beneficencia 8, Madrid 28004 (telex 23427 SENPA E).

(<sup>(1)</sup>) OJ No L 61, 7. 3. 1975, p. 25.

(<sup>(2)</sup>) OJ No L 44, 16. 2. 1989, p. 22.

(<sup>(3)</sup>) OJ No L 301, 19. 10. 1989, p. 14.

Tenders not submitted by telex or telegram must be enclosed in a sealed envelope marked: 'Tender under invitation to tender for the refund for the export of rice to certain third countries as provided for in Regulation (EEC) No 3126/89 — Confidential', itself enclosed in a further sealed envelope addressed as above.

Once submitted, no tender may be withdrawn before the Member State concerned has informed the tenderer of the result of the tender.

2. Every tender and the accompanying proof mentioned in Article 2 of Regulation (EEC) No 584/75 must be in the official language, or in one of the official languages, of the Member State of the competent authority to which it is submitted.

#### IV. Security for tender

The security for tender must be made out in favour of the competent authority concerned.

#### V. Award of contracts

The award will give the party concerned the right to be issued, in the Member State in which the tender was submitted, with an export licence for the quantity in question indicating the export refund specified in the tender for export as provided for in Regulation (EEC) No 3126/89.

#### VI. General provisions

The rates to be used for the conversion to ecu of tenders made in national currencies are those which apply for the purposes of the common agricultural policy.

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### Notice concerning the 1989 quota for broken rice from ACP States

(89/C 268/07)

Following the cancellation of a number of licences, 7 400 tonnes of broken rice is available within the 1989 quota provided for in Commission Regulation (EEC) No 486/85.

Applications for licences may, from 25 October 1989 be submitted in accordance with Commission Regulation (EEC) No 551/85 with a view to importing that quantity.

Each request may not exceed the quantity mentioned above.

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COMMISSION OF THE EUROPEAN COMMUNITIES

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