

English edition

Information and Notices

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I

(Information)

COMMISSION

Ecu ⁽¹⁾

6 March 1991

(91/C 58/01)

Currency amount for one ecu:

Belgian and Luxembourg franc	42,2314	Portuguese escudo	178,486
German mark	2,05016	United States dollar	1,32782
Dutch guilder	2,31068	Swiss franc	1,78526
Pound sterling	0,703408	Swedish krona	7,60046
Danish krone	7,87997	Norwegian krone	8,01209
French franc	6,98435	Canadian dollar	1,53802
Italian lira	1531,64	Austrian schilling	14,4228
Irish pound	0,769530	Finnish markka	4,94481
Greek drachma	220,963	Japanese yen	181,115
Spanish peseta	127,596	Australian dollar	1,72288
		New Zealand dollar	2,23728

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.

⁽¹⁾ 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).

Average prices and representative prices for table wines at the various marketing centres (*)

(91/C 58/02)

(Established on 5 March 1991 for the application of Article 30(1) of Regulation (EEC) No 822/87)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Heraklion	No quotation	Athens	No quotation
Patras	No quotation	Heraklion	No quotation
Requena	2,101	Patras	No quotation (†)
Reus	No quotation	Alcázar de San Juan	No quotation
Villafranca del Bierzo	No quotation (†)	Almendralejo	No quotation
Bastia	No quotation	Medina del Campo	No quotation (†)
Béziers	3,119	Ribadavia	No quotation
Montpellier	3,097	Villafranca del Penedés	No quotation
Narbonne	No quotation	Villar del Arzobispo	No quotation (†)
Nîmes	3,135	Villarrobledo	No quotation (†)
Perpignan	3,151	Bordeaux	No quotation
Asti	No quotation	Nantes	No quotation
Florence	2,242	Bari	2,725
Lecce	No quotation	Cagliari	No quotation
Pescara	No quotation	Chieti	No quotation
Reggio Emilia	3,350	Ravenna (Lugo, Faenza)	3,151
Treviso	3,037	Trapani (Alcamo)	2,271
Verona (for local wines)	No quotation	Treviso	3,264
Representative price	3,060	Representative price	2,845
R II			ECU/hl
Heraklion	No quotation	A II	
Patras	No quotation	Rheinfalz (Oberhaardt)	57,425
Calatayud	No quotation	Rheinhessen (Hügelland)	No quotation
Falset	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation (†)
Jumilla	No quotation	Representative price	57,425
Navalcarnero	No quotation (†)		
Requena	2,326	A III	
Toro	No quotation	Mosel-Rheingau	No quotation (†)
Villena	No quotation (†)	The wine-growing region of the Luxembourg Moselle	No quotation (†)
Bastia	No quotation	Representative price	No quotation
Brignoles	No quotation		
Bari	2,668		
Barletta	No quotation		
Cagliari	No quotation		
Lecce	3,066		
Taranto	No quotation		
Representative price	2,450		
	ECU/hl		
R III			
Rheinfalz-Rheinhessen (Hügelland)	59,469		

(*) Since 1 September 1990, the Spanish prices published are to be multiplied by a factor of 1,14 for the ratio between the Community and Spanish guide prices, in accordance with Regulation (EEC) No 481/86 of 25 February 1986.

(†) Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

STATE AID

C 7/89 (Ex NN 129/87)

Greece

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

(91/C 58/03)

Commission notice pursuant to Article 93 (2) of the EEC Treaty to other Member States and interested parties concerning aid which Greece decided to grant to Fimisco

In the letter reproduced below, the Commission informed the Greek Government of its decision to terminate the procedure initiated on 8 March 1989⁽¹⁾.

By letter dated 14 March 1989 (SG(89)D/3363), the Commission informed the Greek Government of its decision to initiate the procedure provided for in Article 93 (2) of the EEC Treaty in respect of aids totalling Dr 20 420 million granted to Fimisco, and gave it notice to submit its comments.

By letters dated 8 January, 14 May and 20 November 1990, the Greek Government informed the Commission that, owing to the unusually harsh winter of 1987, the firm had suffered considerable damage and incurred heavy losses, and that, in order to restore its viability and offset the steady losses of 1987, 1988 and 1989, it had adopted additional measures.

Essentially, the additional measures involve:

(a) with regard to magnesite:

- closure of the former ore concentrator at Paraskevoremmatos,
- temporary shutdown of the fourth phases of the ore concentrators at Cacavos and Paraskevoremmatos,
- definitive closure of open-cast mining operations,
- redundancy of 1 100 workers in September 1990 (37 % of the workforce),
- development of underground mining at Cacavos and Lerommatos in order to cut production costs and obtain better quality magnesite,

- expansion of ore concentrator at Ormilias (Central Macedonia) to reduce the cost of the raw material required for the production of magflot,

- increase in the high value-added production of magflot and firebricks,

- urgent investment programme of Dr 300 million.

(b) with regard to chromite:

- replacing of the ore concentrator at Eretias with the Domokos plant so as to eliminate transport between Domokos and Eretias (some 80 km).

The Greek Government also informed the Commission that it had started the process of privatizing Fimisco in September 1990. To that end, an international firm had already completed a valuation of Fimisco. A public invitation to tender would then be made and the best bid chosen. The procedure should take some eight months. Should it fail, however, the Greek Government would endeavour to sell the company in segments. Should this also fail, Fimisco would be put into liquidation.

The Commission considers that the subscription by the Business Reconstruction Organization (BRO) of a Dr 20 420 million capital increase in 1986 was carried out in a way that would not be acceptable to a private investor operating under the normal conditions of a market economy, the enterprise having previously incurred losses amounting to 65 %, 81 % and 70 % to turnover in 1984, 1985 and 1986 respectively. The enterprise also exports 77 % of its production, of which 33 % is to Community countries. Whilst the Community is undoubtedly short of magnesite and chromite, the Commission notes that magnesite is also produced in Spain. It therefore considers that the injection of State funds is liable, even if only to a very limited extent, to have an adverse effect on Community trade; consequently, the subscription of Dr 20 420 million is a State aid within the meaning of Article 92 (1) of the EEC Treaty.

⁽¹⁾ OJ No C 162, 29. 6. 1989.

The Commission would also stress that various other conditions were attached to the Decision in question, including the obligation on the Greek Government to take all the restructuring measures necessary to ensure the viability of the enterprises in question.

The Commission considers in this respect that, whilst the restructuring measures adopted up to the end of 1989 were clearly not sufficient to revitalize the enterprise, your Government did take action as soon as their inadequacy became apparent by adopting the additional measures described above.

The Commission also considers that the measures in question do not entail an increase in the enterprise's production capacity.

It therefore concludes that the Greek Government has now taken the necessary restructuring measures provided for in Article 1 (2) (b) of Decision 88/167/EEC (OJ No L 76, 22. 3. 1988) concerning Greek Law 1386/1983.

In view of the low level of Community competition in the production of magnesite and the very great shortage of that product within the Community, the Commission considers that the aid in question qualifies for exemption under Article 92 (3) (c) since it does not affect Community trade to an extent contrary to the common interest.

The Commission would inform the Greek Government that it has therefore decided to terminate the procedure under Article 93 (2) of the EEC Treaty initiated in respect of the aid referred to above. In view however of the difficulties currently experienced by the enterprise, the Commission would ask the Greek Government to ensure that Fimisco is kept viable and that if necessary it adopt additional measures should further losses be incurred. To that end, the Greek Government is requested on the one hand to inform the Commission of any such measures as soon as possible and, on the other, to send the annual reports relating to Fimisco's performance in the preceding year, until such time as privatization takes place.

The Commission also regrets that the Greek Government failed to fulfil its obligation to notify it in advance of any assistance granted to Fimisco under the abovementioned Greek Law.'

STATE AID

C 10/89 (Ex NN 21/89)

Greece

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

(91/C 58/04)

Commission notice pursuant to Article 93 (2) of the EEC Treaty to other Member States and other parties concerned regarding Greek Law 1262/82 and its amendments which apply to shipbuilding

By means of the letter reproduced below, the Commission informed the Greek Government of its decision to terminate the procedure initiated on 13 April 1989 (1).

'By letter dated 20 April 1989, reference SG(89)D/5201, the Commission informed the Greek Government that it

had initiated the procedure provided for in Article 93 (2) of the EEC Treaty with respect to the application of Law 1262/1982 and its amendments to shipbuilding in Greece.

The Greek authorities submitted incomplete replies by letters from their Permanent Representation dated 22 May 1989 and 5 June 1989.

(1) OJ No C 311, 12. 12. 1989, p. 2.

By letters dated 5 December 1989, 10 May 1990 and 12 July 1990 the Commission requested complementary information from the Greek Government.

The information provided orally by the Greek Government's representatives in a bilateral meeting that took place in Athens on 15 November 1990 was confirmed subsequently by fax received by the Commission on 17 December 1990.

According to this information, during the period from 1987 to 1989, Law 1262/1982 was applied in 23 cases of new building and transformation. The grants provided to the 1987 contracts represented between 19 and 25 % of the contract value before aid; for the 1988 contracts the grants represented between 19 and 27 %; and for the 1989 contracts the grants represented between 20 and 26 % of the contract value before aid. As for the aid provided to shipowners under the law for loans associated with the same contracts, they did not exceed the aid allowed under the OECD Understanding.

Furthermore, it is stated that no aid was provided to ship repair, as the word "repair" in Law 1262/1982 was immediately changed to "conversion"; that Law 1262/1982 was replaced in 1990 by Law 1892/1990 which does not provide for aid to shipbuilding and which abolishes the provisions of Law 1262/82 allowing for operating aid to new building only if the vessels are under 100 % Greek ownership.

Finally, concerning aid for the construction of fishing vessels, it was always provided in accordance with Regulation (EEC) No 4028/86.

The Commission has examined the Greek Government's reply in the light of Articles 3 and 4 of the Sixth Council Directive on Aid to Shipbuilding, and Regulation (EEC) No 4028/86.

The Commission, taking into account that:

- no operating aid for new building and conversion when expressed as a percentage of the contract value before aid was provided over and above the maximum ceiling set by the Commission for each of the years 1987, 1988 and 1989 (maximum ceilings: 1987: 28 %; 1988: 28 %; 1989: 26 %);
- no operating aid was granted to ship repair in the period from 1987 to 1989;
- the provision of Law 1262/82 on nationality that violated Article 7 of the EEC Treaty has been abolished by Law 1892/1990,
- all aid to fishing vessels granted in the period from 1987 to 1989 was in conformity with Regulation (EEC) No 4028/86 and that no aid for fishing vessels can be granted under Law 1892/90,

concluded that all the requirements of the Sixth Directive and Regulation (EEC) No 4028/86 are fulfilled.

Therefore the Commission would inform the Greek Government that it has decided to approve the application of Law 1262/82 to shipbuilding for the years 1987 to 1989 as presented by the Greek Government for a budget of Dr 16 billion and to close the procedure under Article 93 (2) of the EEC Treaty.

The Commission regrets that the Greek Government granted these aids before the Commission's prior authorization.

The Commission would also like to remind the Greek Government of its reporting obligations under Article 11 of the Sixth Directive. The 23 contracts for which aid is authorized by the present letter have not yet been reported to the Commission pursuant to Article 11 of the said Directive.

STATE AID

C 28/90 (Ex NN 17/89)

Spain

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

(91/C 58/05)

Notification by the Commission in accordance with Article 93 (2) of the EEC Treaty, sent to the other Member States and interested parties concerning aid granted to certain firms in the vegetable oil sector

In the following letter the Commission informed the Spanish Government of its decision to close the proceedings.

1. Following the receipt of certain information the Commission sent a letter on 6 February 1989 (VI D 02281) requesting particulars about the granting of aid to certain undertakings in the vegetable oil sector.

2. According to the original information received by the Commission, the aid took the form of capital injections or increases in mixed or public companies, or low-interest loans. The firms which had received this aid were:

— Mercorsa (Mercados en Origen de Productos Agrarios, SA): increase in share capital voted on 30 June 1986,

— Olcesa (Oleaginosas del Centro SA): increase in share capital voted on 29 June 1987,

— Uteco-Jaen/Merco-Jaen which are reported to have received low interest loans in 1986, 1987 and 1988.

The Commission had found that:

— the measures were to be regarded as State aid (case-law of the Court of Justice of the European Communities — Kingdom of Belgium v. Commission of the European Communities, Case 234/84),

— the aid was provided to offset the losses accumulated by the undertakings in question and was therefore operating aid which could have no lasting effect on the development of the sector in

question and which could therefore not qualify for exemption under Article 92 (3) of the EEC Treaty,

— as the Spanish Government had not replied to requests for information, the Commission was obliged to initiate the proceedings provided for in Article 93 (2) of the EEC Treaty in order to obtain all the comments needed and overcome all the problems involved in appraising the compatibility of the measures with the common market (case-law of the Court of Justice of the European Communities — Federal Republic of Germany v. Commission of the European Communities, Case 84/82).

3. In two letters dated 25 July and 19 October 1989, the Spanish Government replied to the Commission's letter of 11 July 1989 giving notice to submit comments. The following conclusions have been drawn in respect of each of the undertakings concerned in the light of information submitted by the Spanish authorities.

On 26 February 1990 the Spanish authorities asked to have a meeting with the Commission in order to clarify and expand on the information which had already been sent. This meeting was held on 6 March 1990. Further documents and information were submitted by the Spanish authorities with a covering letter dated 5 July 1990.

A. Mercorsa (Merco):

Increase in share capital voted by the EGM of Mercorsa on 30 June 1986 and approved by the Council of Ministers on 11 July 1986.

The Spanish Government has provided documentary evidence that the capital increase of Pta 1 592 million in 1986 is an integral part of a transaction which was resolved upon and approved prior to 1 January 1986, i.e. prior to Spain's accession to the European Communities.

This measure is merely the second instalment of an overall increase of Pta 2 592 million, negotiated and enacted by the Spanish Government with a Decision of the Government Committee with responsibility for Economic Affairs dated 20 May 1985, as part of a restructuring programme.

The payment of the balance was deferred to 1986 solely because of the Spanish Government's budgetary constraints.

As the Commission has already found in previous cases (see for instance Commission Decision of 3 May 1989 concerning the granting of aid to the company Enasa (point VIII of the Decision) ⁽¹⁾), these capital injections cannot be considered to fall within the scope of Articles 92 to 94 of the Treaty, as the measures were decided before Spain's accession to the Community.

B. Olcesa:

Increase in share capital voted on 30 June 1987 by the EGM.

Olcesa was acquired by Merco after Merco undertook liability for long-term loans totalling Pta 1 293,4 million contracted by Olcesa.

Merco effected this transaction solely with its own funds and had also previously obtained a substantial remission of the debt to former public- and private-sector creditors of Olcesa (Pta 891,1 million) without obtaining any low-interest loans from the Government for the purpose.

By virtue of this transaction Merco is reported not only to have purchased the company at an advantageous price, but also — as was disclosed by an external audit — by complementing the activities of the Merco group with Olcesa's business, it is reported to have made a profit (the first since Olcesa had been set up) and become profitable for the Spanish Government which owned it.

The increase in the share capital of Olcesa voted on 30 June 1987 therefore forms part of the overall purchase transaction and financial recovery achieved by Merco, which under the conditions described by the Spanish Government could not be viewed as an aid measure within the meaning of Article 92 of the Treaty, since it was an ordinary market transaction.

C. Uteco-Jaen/Merco-Jaen:

(a) *Loan of Pta 2 340 million in 1987:*

It should first of all be stressed that Law No 12/1984 ruled that liabilities up to a total of Pta 15 410 million (Article 1) arising from the financial recovery of Uteco-Jaen were to be covered by the Government.

The Law therefore set a ceiling for the loans which could be granted and also ruled that the Government was required to intervene to offset borrowings and also to carry out the restructuring of Uteco-Jaen and to implement its recovery programme.

As the actual outlay exceeded the estimates of the public controllers at the time when the Law was published, internal transfers had to be made between the various budgetary items (Article 4 of the Law). As a result two resolutions were adopted by the Ministerio de Economía y Hacienda (MEH) to cover the urgent requirements exceeding the sums originally provided for ⁽²⁾.

Thus, Pta 2 000 million to be used for the restructuring programme was advanced under the resolution of the MEH of 12 May 1984.

However, the Government was still legally obliged to complete the restructuring programme originally undertaken in 1984 by Merco. However, as Law No 12/1984 had set a ceiling for the overall budget for aid, it could not be used as a legal basis for the granting of additional loans.

Eventually, following an Agreement of the Council of Ministers on 24 July 1987, the Government made the requisite financial provision to reimburse to Merco the original Pta 2 000 million which it had advanced. The difference of Pta 340 million (extraordinary loan totalling Pta 2 340 million) comprised financing charges. It should accordingly be concluded that, although the said extraordinary loan was granted in 1987, it cannot be considered to fall within the scope of Articles 92 to 94 of the Treaty, because:

— there is documentary evidence of the link between the aforementioned loan in 1987 (Pta 2 340 million) and the expenditure incurred since 1984 by Merco for the restructuring of Uteco-Jaen,

⁽¹⁾ OJ No L 367, 16. 12. 1989.

⁽²⁾ Resolutions of the MEH of 12 May 1984 and 28 December 1984.

- the Government intervention (through the agency of Merco) was a legal obligation imposed by Law No 12/1984 (decision taken prior to Spain's accession to the European Communities),
- Merco had advanced and deployed the funds needed for the restructuring since 1984 (Pta 2 000 million). (The impact of these measures on competition was therefore felt primarily before Spain's accession to the European Communities.)

(b) *Loan of Pta 2 500 million in 1986:*

This was a transfer of public funds to Uteco-Jaen to cover borrowings obtained on the international market for the export and storage of olive oil, following protracted litigation. Between March 1986 and December 1988 Uteco had gradually wound up its oil marketing activities. The company is now to be put into compulsory liquidation, and the Spanish Government has confirmed that it will disappear completely from the market.

It should be noted that Uteco-Jaen was administered and controlled by the Spanish Government (public controllers appointed by the Government following its intervention under the terms of the Ministerial Resolution of 11 February 1983). There is accordingly documentary evidence that the central government made an undertaking prior to Spain's accession to the European Communities to repay the borrowings.

If the authorities had not made such an undertaking, the final agreement on the transaction of 21 March 1986 would not have been made.

Furthermore, the borrowings could have been repaid well before accession (1983/84/85); however, the Spanish authorities opted for lengthy negotiations with the creditors with a view to reducing the final balance of the borrowings, with the result that the date ultimately set in the aforementioned agreement for the repayment of these borrowings was 20 September 1986, i.e. after Spain's accession.

It is therefore to be concluded that when the undertaking was made to provide assistance for this company, the provisions of Articles 92 and 93 of the EEC Treaty did not yet apply in Spain, and therefore these provisions do not apply in respect of this measure which is merely the implementation of this undertaking.

(c) *Loan of Pta 2 200 million in 1988:*

No evidence of the granting of this loan was produced in the course of the proceedings and the Spanish Government also categorically denied its existence.

4. The Commission hereby notifies the Spanish Government that it has accordingly decided to close the proceedings under Article 93 (2) of the EEC Treaty initiated in respect of the aforementioned measures.'

Communication on intra-Community surveillance

(91/C 58/06)

By Decision C(91) 403 of 1 March 1991, the Commission has authorized the Kingdom of Spain to introduce intra-Community surveillance on imports of textile products falling within category 117 originating in the Soviet Union and in free circulation in the Community.

The said Decision is applicable until 31 December 1991.

The full text of the Decision will be published in a subsequent issue.

Standing invitation to tender pursuant to Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs

(91/C 58/07)

(See Official Journal of the European Communities No L 55 of 1 March 1988, page 31)

Tender No: 63

Date of Commission Decision: 1 March 1991

(ECU/100 kg)

Formula			A/C—D		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
	Butter < 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security			—		—	
Maximum aid amount	Butter ≥ 82 %		153	150	132	130
	Butter < 82 %		149	146	129	—
	Concentrated butter		200	195	174	171
Processing security	Butter		184	—	158	—
	Concentrated butter		240	—	209	—

Communication of Decisions under sundry tendering procedures in agriculture (milk and milk products)

(91/C 58/08)

(See notice in Official Journal of the European Communities No L 360 of 21 December 1982, page 43)

(ECU/100 kg)

Standing invitation to tender	Tender No	Date of Commission Decision	Use to which the butter is to be put	Maximum buying-in price	Maximum aid level	Processing security
Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies (OJ No L 146, 6. 6. 1987, p. 27)	84	4. 3. 1991	Butter with a fat content of less than 82 %:			
			— Spain	—		
			— Ireland	—		
			— Belgium, Denmark, Germany, Greece, France, Italy, Luxembourg, Netherlands, United Kingdom	—		
			Butter with a fat content of 82 % or more:			
			— Spain	284,90		
			— Ireland, Northern Ireland	275,19		
			— Belgium, Denmark, Germany, Greece, France, Italy, Luxembourg, Netherlands, Great Britain	270,69		

(ECU/100 kg)

Standing invitation to tender	Tender No	Date of Commission Decision	Maximum aid	End-use security
Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community	23	4. 3. 1991	210	252

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the application of open network provision to leased lines

COM(91) 30 final — SYN 328

(Submitted by the Commission on 21 February 1991)

(91/C 58/09)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

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

Whereas Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision⁽¹⁾ provides that the Council shall adopt specific open network provision conditions for leased lines;

Whereas, in accordance with Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services⁽²⁾, Member States which maintain special or exclusive rights for the provision and operation of public telecommunications networks shall take the necessary measures to make the conditions governing access to and use of the network objective and non-discriminatory and to publish them. It is necessary to harmonize which specifications should be published and under which form, in order to facilitate the provision of competitive services using leased lines, within Member States and between Member States, and in particular the provision of services by companies, firms or natural persons established in a Member State other than that of the company, firm or natural person for whom the services are intended;

Whereas, in application of the principle of non-discrimination, leased lines shall be offered and provided on request without discrimination to all users. Therefore, the terms and conditions which apply to telecommunications organizations when using leased lines or equivalent transmission capacity for the provision of competitive services must be equivalent to the terms and conditions which apply to other users;

Whereas the principle of non-discrimination as laid down in the EEC Treaty applies *inter alia*, to availability of technical access, tariffs, quality of service, provision time (delivery period), fair distribution of capacity in case of scarcity, repair time, availability of network information and customer proprietary information, subject to Council Directive 91/.../EEC of ... [concerning the protection of personal data and privacy in the context of public digital telecommunications networks, in particular the Integrated Services Digital Network (ISDN) and public digital mobile networks];

Whereas a number of technical restrictions have been applied, in particular for the interconnection of leased lines among each other or for the interconnection of leased lines and public telecommunications networks. Such restrictions, which hinder the use of leased lines for the provision of competitive services, are not justified as they can be replaced by less restrictive regulatory measures;

Whereas, in accordance with Directive 90/387/EEC, the conditions of open network provision may not restrict access to and use of leased lines except in application of essential requirements as defined in the said Directive. Those restrictions must be objectively justified, must follow the principle of proportionality and must not be excessive in relation to the aim pursued. It is necessary to specify these essential requirements in respect of leased lines;

Whereas, in accordance with Directive 90/388/EEC, Member States shall withdraw all special or exclusive rights for the supply of telecommunications services

⁽¹⁾ OJ No L 192, 24. 7. 1990, p. 1.

⁽²⁾ OJ No L 192, 24. 7. 1990, p. 10.

other than the commercial provision for the public of the direct transport and switching of speech in real time between public switched network termination points, enabling any user to use equipment connected to such a network termination point in order to communicate with another termination point;

Whereas, in accordance with Directive 90/388/EEC, Member States may, until 31 December 1992, prohibit, as regards packet- or circuit-switched data services, economic operators from offering leased lines capacity for simple resale to the public, which means the commercial provision on leased lines for the public of data transmission as a separate service, including only such switching, processing, data storage or protocol conversion as is necessary for transmission in real time to and from the public switched network. There should be no other restriction on the use of leased lines, in particular in respect of the transmission of signals which are not originated by the user who subscribed to the leased line offering, the transmission of signals which are not finally destined for the user who subscribed to the leased line offering, or the transmission of signals which are neither originated by nor finally destined for the user who subscribed to the leased line offering;

Whereas, in accordance with Directive 90/387/EEC, the Community-wide definition of harmonized technical interfaces and access conditions must be based on the definition of common technical specifications based on international standards and specifications;

Whereas, in accordance with Directive 90/388/EEC, Member States which maintain special or exclusive rights for the provision and operation of public telecommunications networks shall ensure that users who so request can obtain leased lines within a reasonable period. It is necessary to determine which type of leased lines should be implemented and within which time limit if they are not yet available. It results from the application of Community law that the provision of a service may not be tied in with the provision of another service; the provision of leased lines may therefore not include additional service features unless they can be contracted separately and carry a separate tariff;

Whereas, in order to make leased lines available to a sufficient extent to users for their own use, for shared use or for the provision of services to third parties, it is necessary that Member States ensure that a harmonized set of leased lines services with defined network termination points is made available in all Member States both for communications within a Member State and between

Member States. Given the dynamic technological development in this sector, it is necessary to establish a procedure for adjusting or enlarging such a set;

Whereas other leased lines, in addition to the harmonized minimum set, will also be provided subject to market demand, and the other provisions of this Directive apply to these leased lines. However it should be ensured that the provision of these other leased lines shall not impede the provision of the minimum set of leased lines;

Whereas, in conformity with the principle of separation of regulatory and operational functions and in application of the principle of subsidiarity, the national regulatory authority of each Member State shall play an important role in the implementation of this Directive. In particular, it is necessary to provide for adequate safeguards to be implemented by national regulatory authorities in order to ensure that telecommunications organizations cannot discriminate against service providers with whom they are in competition;

Whereas common ordering procedures, as well as one-stop ordering and one-stop billing, are essential in order to promote the use of leased lines throughout the Community; any cooperation of the telecommunications organizations in that respect is subject to compliance with Community competition law. In particular, such procedures should respect the principle of cost orientation and should not result in any price fixing or market sharing;

Whereas, in accordance with Directive 90/387/EEC, tariffs for leased lines must be based on the following principles: they must be based on objective criteria and must be in principle cost-oriented, they must be transparent and properly published, they must be sufficiently unbundled in accordance with the competition rules of the EEC Treaty and they must be non-discriminatory and guarantee equality of treatment. Tariffs for leased lines provided by either one or by more than one telecommunications organization shall be based on the same principles. A favourable prejudice is given to a tariff based on a flat-rate periodic rental, except where other types of tariffs are justified by cost;

Whereas any charge for access to and use of network resources or services must comply with the principles set out above and with the competition rules of the EEC Treaty and must also take into account the principle of fair sharing in the global cost of the resources used and the need for a reasonable level of return on investment which is required for the further development of the telecommunications infrastructure;

Whereas, in order to enable the Commission to examine the application of the tariff principles set out in the two preceding recitals, telecommunications organizations shall use an appropriate transparent cost-accounting system ensuring the production of recorded figures which could be verified by accounting experts. Such

requirement can be fulfilled in particular by the implementation of the principle of fully distributed costing;

Whereas to enable the Commission to monitor effectively the application of this Directive it is necessary that Member States notify to the Commission which national regulatory authority will be responsible for its implementation and provide the relevant information requested by the Commission;

Whereas Directive 90/387/EEC provides that the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission. It is appropriate that in case of non-compliance by Member States with this Directive the Commission consult this committee before taking adequate measures. This does not prejudice the normal application of the proceedings of Articles 169 and 170 and the competition rules of the EEC Treaty;

Whereas a specific procedure must be established in order to examine whether, in justified cases, the time limit set out in this Directive for the provision of a minimum set of leased lines and for the implementation of an appropriate cost-accounting system may be extended;

Whereas this Directive does not apply to leased lines of which one network termination point is located outside the Community. These will be dealt with a later stage,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Scope

This Directive concerns the harmonization of conditions for open and efficient access to and use of the leased lines provided to users on public telecommunications networks, and the availability throughout the Community of a set of leased lines with harmonized technical characteristics.

Article 2

Definitions

1. The definitions given in Directive 90/387/EEC shall apply, where relevant, to this Directive.

2. In addition, for the purposes of this Directive:

— 'leased lines' means the telecommunications facilities provided in the context of the establishment, development and operation of the public telecommuni-

cations network, which provide for transmission capacity between network termination points and which do not include on-demand switching (switching functions which the user can control as part of the leased line provision),

— 'equivalent transmission capacity' means transmission capacity equivalent to leased lines which a telecommunications organization uses for the provision of competitive services, and which is not provided to other users,

— 'competitive services' means services for which no special or exclusive rights have been or may be granted in accordance with Community law,

— 'ONP Committee' means the committee referred to in Articles 9 and 10 of Directive 90/387/EEC,

— 'users' means end users and service providers, including telecommunications organizations where these organizations are engaged in providing competitive services,

— 'national regulatory authority' means the body or bodies in each Member State, statutorily distinct and functionally independent of the telecommunications organizations, entrusted by that Member State *inter alia* with the regulatory functions addressed in this Directive,

— 'simple resale of capacity' means the commercial provision on leased lines for the public of data transmission as a separate service, including only such switching, processing, data storage or protocol conversion as is necessary for transmission in real time to and from the public switched network,

— 'common ordering procedure' means an ordering procedure for the procurement of intra-community leased lines which ensures that there is commonality across the telecommunications organizations in the information that has to be supplied by the user and the telecommunications organizations, and in the format in which the information is presented,

— 'one-stop-ordering' is a system whereby all transactions involving a user, required for the procurement of intra-community leased lines, can be completed between the user and a single telecommunications organization,

— 'one-stop-billing' is a system whereby the billing and payment transaction for intra-community leased lines

supplied by more than one telecommunications organization to a single user can be completed at one location between the user and a single telecommunications organization.

Article 3

Disclosure of information

1. Member States shall ensure that information in respect of leased lines on technical characteristics, tariffs, general supply conditions, licensing requirements and the conditions for the attachment of terminal equipment is published in accordance with the format given in Annex 1.

2. The information referred to in paragraph 1 shall be published in an appropriate manner so as to provide easy access for users to that information. Reference to the publication shall be made in the national Official Journal of the Member State.

Member States shall notify to the Commission by 1 January 1992 — and thereafter in case of any change — in which manner the information is made available; the Commission will publish a corresponding reference.

3. Member States shall ensure that information concerning new types of leased line offerings will be published as soon as possible, and no later than two months before the implementation of the offering.

4. Member States shall ensure that they have access to the information referred to in paragraph 1 and Annex 1 concerning equivalent transmission capacity which the telecommunications organizations use for the provision of their competitive services. Member States shall make such information available to the Commission on request.

Article 4

Supply conditions

1. The general supply conditions to be published under Article 3 shall include at least:

- the typical delivery period, which is the period, counted from the date of concluding a contract, in which 80 % of all leased lines of the same type have been put through to the customers.

This period will be established on the basis of the actual delivery periods of leased lines during a recent time interval of reasonable duration. The calculation must not include cases where late delivery periods

were requested by users. For new types of leased lines a target delivery period shall be published instead of the typical delivery period,

- the contractual period, which includes the period which is in general foreseen for the contract and the minimum contractual period which the user is obliged to accept,

- the typical repair time, which is the period counted from the time when a failure message has been given to the responsible unit within the telecommunications organization up to the moment in which 80 % of all leased lines of the same type have been repaired and notified back in operation to the user. For new types of leased lines a target repair time period shall be published instead of the typical repair time. Where different classes of quality of repair are offered for the same type of leased lines, the different typical repair times shall be published,

- the refund policy.

2. When there is a change in the general supply conditions, the national regulatory authority and users will be informed at least two months in advance.

Member States shall ensure that existing offerings continue for a reasonable period of time, and termination of an offering can be done only after consultation with users which are affected. Without prejudice to other rights of appeal provided for by national laws, Member States shall ensure that users can bring the case before the national regulatory authority in cases where the users do not agree with the termination date as envisaged by the telecommunications organization.

3. In the framework of the general supply conditions, specific supply conditions shall be laid down as part of the contract for a leased line, if required.

4. The specific supply conditions shall remain unchanged until the end of the specific contract period unless otherwise agreed by the subscriber of the service and the telecommunications organization.

Article 5

Usage conditions and essential requirements

1. Member States shall ensure that the usage conditions for leased lines derived from essential requirements, compatible with Community law, are imposed through regulatory means and not through technical restrictions.

No technical restrictions shall be introduced or maintained for the interconnection of leased lines among each other nor for the interconnection of leased lines and public telecommunications networks.

2. Where access to and use of leased lines is restricted on the basis of essential requirements, Member States shall ensure that reference is made to the provisions of this Article.

3. For the purposes of this Directive, the notion of essential requirements shall be limited to the following elements.

(a) *Security of network operations*

In an emergency situation the telecommunications organization shall make every endeavour to ensure that service is maintained to all users. However, it may take the following measures in order to safeguard the security of network operations during the period when the emergency situation prevails:

- the interruption of the service,
- the limitation of service features,
- or
- the denial of access to the service.

An emergency situation in this context means the exceptional case of *force majeure*, such as extreme weather, flood, lightning or fire, industrial action or lockouts, war, military operations, or civil disorder.

The Member States shall ensure that the telecommunications organization immediately notifies the users and to the national regulatory authority the beginning and the end of the emergency as well as the nature and extent of temporary service restrictions.

For terminal equipment which complies with the approval conditions set out for its use with the leased line it is assumed that the security of the network operator's staff is guaranteed.

(b) *Maintenance of network integrity*

In the case where a user's terminal equipment, which does not or does no longer comply with the approval conditions with the approval conditions set out for its use with the leased line, adversely affects operation of the public telecommunications network, the service may be interrupted until the terminal is disconnected from the network termination point.

Member States shall ensure that the telecommunications organization immediately informs the user about the interruption, giving the reasons for the interruption. As soon as the user has informed the telecommunications organization that the terminal equipment is disconnected from the network termination point, the provision of the service will be continued.

The maintenance of network integrity shall not be invoked to restrict access to or use of leased lines when the user's terminal equipment complies with the approval conditions set out for its use with leased lines. In particular, there shall be no restrictions on the use of the capacity or the bandwidth of the service on these grounds and the user should be provided with a fully transparent service which he can use in an unstructured manner as he wants, e.g. where no channel allocations are forbidden or prescribed.

(c) *Interoperability of services*

Without prejudice to the application of Article 5 (3) of Directive 90/387/EEC, the access to and the use of a leased line shall not be restricted on the grounds of the interoperability of services, if the terminal equipment used complies with the approval conditions set out for the leased line concerned.

(d) *Protection of data*

In respect of data protection, Member States may restrict the access to and the use of leased lines only to the extent necessary to ensure compliance with regulations on the protection of data including protection of personal data, the confidentiality of information transmitted or stored, as well as the protection of privacy compatible with Community law and in particular with Directive 91/.../EEC concerning the protection of personal data and privacy in the context of public digital telecommunications networks, in particular the Integrated Services Digital Network (ISDN) and public digital mobile networks.

Article 6

Provision of a minimum set of leased lines in accordance with harmonized technical characteristics

1. Member States shall ensure that the respective telecommunications organizations separately or jointly provide a minimum set of leased lines in accordance with Annex 2, in order to guarantee a minimum offering throughout the Community.

2. Where leased lines which implement the standards listed in Annex 2 are not yet available, Member States shall ensure that these leased lines will be implemented by the dates which are given in the timetable in Annex 2.

3. The modifications necessary to adapt Annex 2 to new technical developments and to changes in market demand shall be determined by the Commission in accordance with Article 9 of Directive 90/387/EEC.

4. The provision of other leased lines beyond the minimum set of leased lines referred to in paragraph 1 shall not impede the provision of this minimum set of leased lines.

Article 7

Control by national regulatory authority

1. Member States shall ensure that the national regulatory authority lays down its procedures in order to decide, on a case-by-case basis and in the shortest time period, to allow or not telecommunications organizations to take measures such as the interruption of the provision of leased lines or the reduction of the availability of leased line features for reasons of alleged infringements of the usage conditions by users of leased lines. These procedures may also foresee the possibility for the national regulatory authority to authorize *a priori* specified measures in the case of defined infringements of usage conditions such as the non-payment of subscription fees despite a warning.

Member States shall ensure that these procedures provide for a transparent decision-making process in which due respect is given to the rights of the defendants. The decision shall be taken after having given the opportunity to both parties to state their case. The decision shall be duly motivated and notified to the parties within one week after its adoption; it shall not be enforced before its notification.

2. Member States shall ensure that in cases where telecommunications organizations use equivalent transmission capacity for providing competitive services and such equivalent transmission capacity is not made available to other users on request in the form of a leased line offering, their national regulatory authority:

- (a) is fully informed on those cases;
- (b) examines the justification of those cases;

and

(c) ensures that relevant leased lines are made available to users under equivalent conditions within a reasonable period of time, if it finds that such cases are not compatible with Community law.

Article 8

Common ordering and billing procedures

1. Member States shall promote the establishment, before 31 December 1992, in conformity with the procedural and substantive rules of competition of the Treaty and in consultation with users, of:

- a common ordering procedure for leased lines throughout the Community,
- a one-stop-ordering procedure for leased lines, to be applied where requested by the user,
- a one-stop-billing procedure for leased lines, to be applied where requested by the user. The procedure shall foresee that all price elements resulting from the national leased lines and the respective parts of international leased lines provided by the telecommunications organizations involved are identified separately in the bill for the user.

2. Member States shall report to the Commission by 1 April 1993 the measures taken and the results achieved with respect to paragraph 1.

Article 9

Tariffing principles and cost accounting

1. Member States shall ensure that tariffs for leased lines follow the basic principles of cost orientation and transparency and comply with the provisions of this paragraph.

- (a) Tariffs for leased lines shall be independent of the type of service applications which the users of the leased lines implement.
- (b) Tariffs for leased lines shall normally contain the following elements:

- an initial connection charge, based on the average cost in making the leased line connection,

- a periodic rental charge, i.e. a flat-rate element;

when other tariff elements are applied, these must be transparent and based on objective criteria.

- (c) Tariffs for leased lines apply to the facilities provided between network termination points at which the user has access to the leased lines.

For leased lines provided by more than one telecommunications organization, half-circuit tariffs, i.e. from one network termination point to a hypothetical mid-circuit point, can be applied.

2. Member States shall ensure that their telecommunications organizations formulate and put in practice, by 31 December 1992, a cost-accounting system suitable for the enforcement of paragraph 1.

Such a system shall normally include the following elements:

- (a) the tariffs for leased lines shall in particular include the direct costs incurred by the telecommunications organizations for setting up, operating, and maintaining leased lines and for marketing and billing of leased lines.
- (b) common costs which cannot be directly assigned to leased lines are allocated in accordance with the following hierarchy which represents the principle of fully distributed costs:
- (i) whenever possible, common cost categories shall be allocated based upon direct analysis of the origin of the costs themselves;
 - (ii) when direct analysis is not possible, common cost categories shall be allocated based upon an indirect linkage to another cost category or group of cost categories for which a direct assignment or allocation is possible. The indirect linkage shall be based on comparable underlying cost structures;
 - (iii) when neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated based upon a general allocator computed by using the ratio of all expenses directly assigned or allocated to competitive services and to services which are provided under special or exclusive rights.

3. After 31 December 1992, other cost-accounting systems may be applied only if they are suitable for the enforcement of paragraph 1 and have as such been

approved by the national regulatory authority for application by the telecommunications organization, subject to approval by the Commission prior to their application.

Once such systems have been approved, other systems may be used only after the Commission has given a further approval.

Article 10

Notification

1. Member States shall notify before 1 January 1992 to the Commission their national regulatory authority as defined in Article 2.

2. The national regulatory authority shall make available statistical reports showing the performance in relation to the general supply conditions published under Article 3 at least for each calendar year. The reports shall be sent to the Commission no later than three months after the end of the annual reporting period.

3. The national regulatory authority shall make available at least for each calendar year a summary report on the cases and the measures undertaken, including their motivation, where the access to or use of leased lines has been restricted, in particular because of alleged infringements of special or exclusive rights or the prohibition of simple resale of capacity. The summary reports shall be sent to the Commission within three months after the end of the annual reporting period. Full reports shall be made available for the Commission on request.

Article 11

Recourse

1. Any user complaining that he has been or may be injured by the infringement of the provisions of this Directive may invoke the procedure provided for in this Article, by way of a written notification to its national regulatory authority or to the Commission.

2. Where the national regulatory authority or the Commission finds that there has been an infringement of the provisions of this Directive, following a notification based on paragraph 1, it can refer it to the ONP Committee.

3. The chairman of the ONP Committee convenes as soon as possible a working group including at least two members of the Committee and himself or another official of the Commission appointed by him. The

working group normally meets within 10 days. The chairman may decide, upon proposal of any of the members of the working group, to invite a maximum of two other persons as experts to advise it.

4. The working group gives the user invoking this procedure, the Member States, the regulatory authorities of the Member States, and the telecommunications organizations involved the opportunity to present their opinions in oral or written form.

5. The working group shall endeavour to reach agreement between the user, the telecommunications organizations and the Member States involved.

6. The persons invoking the procedure referred to in this Article shall bear their own costs of participating therein.

7. Action taken pursuant to this Article shall be without prejudice to:

- (a) any action that the Commission or any Member State might take pursuant to the Treaty, and in particular Articles 169 or 170 thereof;
- (b) the rights of the person invoking the procedure, of the telecommunications organizations concerned or any other person under applicable national law except in so far as they enter into an agreement for the resolution of issues between them.

Article 12

Deferment of certain obligations

1. When a Member State is not able to or can already foresee that it will not be able to fulfil the requirements of Articles 6, 9 (2) or (3), it shall notify the Commission of the reasons.

2. Deferment of the obligations under Article 6 can only be accepted in cases where the Member State concerned can prove that the actual state of development of its public telecommunications network and the conditions of demand are such that the obligations under

Article 6 would impose an excessive burden on that Member State.

3. Deferment of the obligations under Article 9 (2) or (3) can only be accepted in cases where the Member State concerned can prove that the fulfilment of the requirement before the date given in Article 9 (2) or (3) would impose an excessive burden.

4. The Member State shall inform the Commission of the date by which the requirements can be met and of the measures envisaged in order to meet this deadline.

5. When the Commission receives a notification in accordance with paragraph 1, it decides whether the particular situation of the Member State concerned justifies on the basis of criteria in paragraph 2 or 3 a deferment for this Member State of the application of Articles 6, 9 (2) or (3) and until which date.

6. No deferment can be granted in application of paragraph 2 where the non-compliance with Article 6 results from activities of telecommunications organizations of the Member State concerned in the field of terminal equipment and competitive services.

Article 13

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1992. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 14

This Directive is addressed to the Member States.

*ANNEX 1***PUBLICATION FORMAT FOR THE INFORMATION TO BE PROVIDED IN RESPECT OF
LEASED LINES IN ACCORDANCE WITH ARTICLE 3**

The information referred to in Article 3 shall follow the format given below.

A. Technical characteristics

The technical characteristics include the physical and electrical characteristics as well as the detailed technical and performance specifications which apply at the network termination point, without prejudice to Council 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⁽¹⁾. Clear reference shall be made to the standards implemented.

B. Tariffs

The tariffs include the initial connection charges, the periodic rental charges, other charges, e.g. charges related to quality of service, or bulk provision.

C. General supply conditions

The general supply conditions include at least the elements defined in Article 4 (1).

D. Licensing requirements

The information on licensing requirements, licensing procedures and/or licensing conditions provides a complete overview of all factors which have an impact on the usage conditions set out for leased lines. It shall include the following information, where applicable:

1. a clear description of the service categories for which the licensing procedures have to be followed and for which the licensing conditions have to be met by the user of the leased line or by his customers;
2. information on the character of the licensing conditions, in particular whether such licence is of a general nature which does not require individual registration and/or authorization, or whether the licensing conditions require registration and/or authorization on an individual basis;
3. a clear indication of the validity in time of the license, including a review date, where applicable;
4. the conditions resulting from the application of the essential requirements in conformity with Article 5;
5. other obligations which the Member States may impose on the users of leased lines in accordance with Directive 90/388/EEC as regards packet- or circuit-switched data services, requiring the adherence to conditions of permanence, availability or quality of service;
6. a clear reference to conditions aiming at the enforcement of the prohibition to provide services for which exclusive and/or special rights have been maintained by the Member State concerned in conformity with Community law;
7. a list referring to all documents containing licensing conditions which the Member State imposes on the users of leased lines when these are using leased lines for the provision of services to others.

E. Conditions for the attachment of terminal equipment

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

ANNEX 2

DEFINITION OF A MINIMUM SET OF LEASED LINES WITH COMMON TECHNICAL CHARACTERISTICS IN ACCORDANCE WITH ARTICLE 6 AND TIMETABLE FOR THEIR AVAILABILITY

ONP leased line type	Technical characteristics		Timetable
	Interface specifications	Performance specifications	
Ordinary quality voice bandwidth	2- or 4-wire analogue	M.1040 (analogue) G.712 or G.713 (digital), modified by local line characteristics	1 January 1992
Special quality voice	2- or 4-wire analogue	M.1020/M.1025	1 January 1992
64 kbit/s digital	G.703 (*)	Relevant G.800 series recommendations	1 January 1992
2 Mbit/s digital	G.703 (*)	Relevant G.800 series recommendations	1 July 1992

(*) The majority of applications are converging towards the G.703 specifications. For an interim period, leased lines may be provided using other interfaces, based on X.21 or X.21 (bis), instead of G.703.

For the four types of leased lines listed above, the specifications referred to also define the network termination points (NTPs), in accordance with the definition given in Article 2 of Directive 90/387/EEC.

III

(Notices)

COMMISSION

EUROPEAN ECONOMIC INTEREST GROUPING

Notices published pursuant to Council Regulation (EEC) No 2137/85 of 25 July 1985 (*) —
Formation

(91/C 58/10)

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|---|---|
| 1. Name of grouping: European Tyre Coordination Committee. | 4. Registration number of grouping: C 377 542 899. |
| 2. Date of registration of grouping: 2 October 1989. | 5. Publication:
Full title of publication: <i>Bulletin officiel des annonces civiles et commerciales</i> , 27A. |
| 3. Place of registration of grouping: RCS Pontoise, 90 C 20.
Member State: France.
Place: Pontoise. | Name and address of publisher: <i>Bulletin officiel des annonces civiles et commerciales</i> .
Date of publication: 7 February 1991. |
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|--|---|
| 1. Name of grouping: European Human Resource Consultant (EHRC). | 4. Registration number of grouping: C 380 129 486. |
| 2. Date of registration of grouping: 4 December 1990. | 5. Publication:
Full title of publication: <i>Bulletin officiel des annonces civiles et commerciales</i> , No 24A. |
| 3. Place of registration of grouping: RCS Paris.
Member State: France.
Place: Paris. | Name and address of publisher: <i>Bulletin officiel des annonces civiles et commerciales</i> .
Date of publication: 3 February 1991. |
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- | | |
|--|---|
| 1. Name of grouping: Common Market Advocates (CMA). | 4. Registration number of grouping: C 379 872 211. |
| 2. Date of registration of grouping: 7 January 1991. | 5. Publication:
Full title of publication: <i>Bulletin officiel des annonces civiles et commerciales</i> , No 24A. |
| 3. Place of registration of grouping: RCS Paris.
Member State: France.
Place: Paris. | Name and address of publisher: <i>Bulletin officiel des annonces civiles et commerciales</i> .
Date of publication: 3 February 1991. |
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(*) OJ No L 199, 31. 7. 1985, p. 1.

CORRIGENDA

Corrigendum to Ecu of 5 February 1991

(Official Journal of the European Communities No C 30 of 6 February 1991)

(91/C 58/11)

Page 1 should read as follows:

'Ecu (¹)

5 February 1991

(91/C 30/01)

Currency amount for one ecu:

Belgian and Luxembourg franc	42,1454	Portuguese escudo	180,796
German mark	2,04707	United States dollar	1,39913
Dutch guilder	2,30773	Swiss franc	1,74822
Pound sterling	0,705386	Swedish krona	7,67425
Danish krone	7,88482	Norwegian krone	8,01704
French franc	6,96489	Canadian dollar	1,62342
Italian lira	1538,21	Austrian schilling	14,3971
Irish pound	0,770745	Finnish markka	4,97812
Greek drachma	219,034	Japanese yen	182,167
Spanish peseta	128,622	Australian dollar	1,79837
		New Zealand dollar	2,32801

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.

(¹) 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).

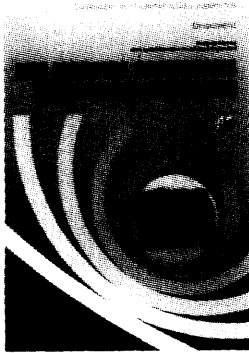
Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

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



**OFFICE DES PUBLICATIONS OFFICIELLES
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Luxembourg



DES NORMES COMMUNES POUR LES ENTREPRISES

par Florence Nicolas avec la collaboration de Jacques Repussard

L'objet de cet ouvrage est d'abord d'exposer le fonctionnement du système européen de normalisation, les moyens dont il dispose, son insertion dans les institutions de la Communauté, ses interfaces avec les mécanismes nationaux et mondiaux. Il s'agit aussi de fournir, à travers des exemples concrets, un mode d'emploi de la normalisation européenne.

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TÉLÉCOMMUNICATIONS EN EUROPE

par Herbert Ungerer avec la collaboration de Nicholas Costello

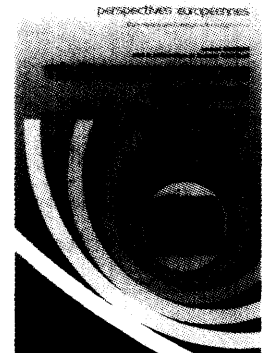
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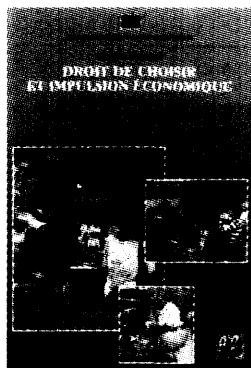
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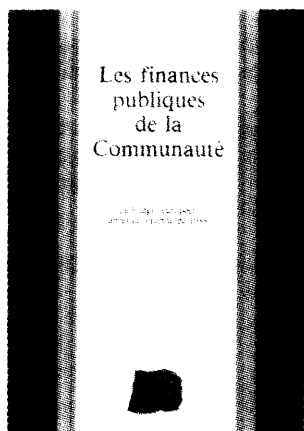
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