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I

*(Information)***COUNCIL****RESOLUTION OF THE COUNCIL AND THE MINISTERS FOR CULTURE MEETING
WITHIN THE COUNCIL****of 7 June 1991****on the training of arts administrators****(91/C 188/01)**

THE COUNCIL AND THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL,

Having regard to their resolution of 27 May 1988 which singled out training in the arts field as one of four priority sectors,

Having regard to the plan of action proposed by the Commission in its communication on vocational training in the arts field, as well as their conclusions of 19 November 1990 on that subject,

Whereas the extension of the sphere of cultural activity, the closer relationship brought about with the economic aspects of development and the diverse levels at which it must be carried out and sustained (regional, inter-regional, transfrontier, as well as national and international), generate a need for improved training for all those involved in the promotion of the arts,

Convinced that, in addition to institutions and organizations, those involved in the promotion of the arts, especially in arts administration and management, will have an important part to play, following the impetus provided by political leaders, in European cultural cooperation in the years to come and that for this reason special attention must be paid to their training,

Recognizing the efforts already made in this area both by national authorities and international organizations such as the Council of Europe and Unesco,

Aware of the need to develop active cooperation in this area with third countries, including those of Central and Eastern Europe, as envisaged in the draft Association Agreements with those countries and in the Phare programme,

Wishing to see further development of the part already taken by the training of arts administrators in Community programmes such as Erasmus,

EMPHASIZE the importance which they attach to the training of arts administrators,

AGREE to give active encouragement under existing programmes to initiatives in this area at European level, involving:

— the exchange and circulation of information about such training,

- the mobility of arts administrators,
- networks of training centres for arts administrators,

CALL UPON the Commission to cooperate more closely with the Council of Europe and Unesco so as to develop concrete measures to strengthen the European dimension of such training.

RESOLUTION OF THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL

of 7 June 1991

on the temporary access of artists of European Community origin to the territory of the United States of America

(91/C 188/02)

THE MINISTERS FOR CULTURE, MEETING WITHIN THE COUNCIL,

Considering that the freedom of movement of performing artists both within and without the frontiers of the Community is an essential condition for the development of their careers,

Bearing in mind the reform of temporary immigration procedures adopted by the United States Congress on 27 October 1990 which deals in particular with the granting of entry visas to performing artists,

Concerned that in establishing measures for implementing this law, the American Administration should take account of the wish expressed by many artists, organizers of events and others in the entertainment industry for greater flexibility, simplification and speeding-up of the procedures for granting visas,

Recalling that the Member States of the Community have always accorded favourable treatment for access to their territory to nationals of the United States, and in particular to their artists,

ACKNOWLEDGE the intention of the Government of the United States to clarify and relax the conditions for granting temporary visas to performing artists,

REQUEST that from the outset of the preparatory stage for implementing the new law of 27 October 1990, the Government of the United States show due consideration for the proposals and wishes expressed by the sector concerned in the European Community,

HOPE that by this means the Government of the United States will play its role in the development of a genuine world market for the live performing arts, distinguished by the requisite spirit of reciprocity, in particular between the United States and the European Community,

INVITE the Commission to take account of this common concern and of any approaches made by Member States to the Government of the United States.

RESOLUTION OF THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL

of 7 June 1991

on the development of the theatre in Europe

(91/C 188/03)

THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL,

Recognizing that the performing arts, including the theatre, are one of the most important expressions of the cultural life and democratic development of our societies and illustrate the fact that culture is a permanent exchange between those who create, and therefore their works, and men and women who feel the need for cultural experience transcending the logic of daily life,

Aware that the economic base of most theatres in the European Community is precarious but that a dynamic theatrical scene, while an end in itself, is also a source of valuable material for the cinema and television,

Conscious of the fact that in the Solemn Declaration on European Union (Stuttgart, June 1983) the Heads of State or Government advocated joint activities in the dissemination of culture and more extensive contacts between writers and artists of the Member States, and wider dissemination of their works,

Aware that the theatre is closely bound up with the life of local, regional and national communities and that the European Community can take a hand only in accordance with the principle of subsidiarity and of respect for the different cultural identities,

EXPRESS THEIR DETERMINATION to encourage the theatre in Europe and to enhance its European dimension by examining jointly in the context of new priorities for action in the cultural sphere as a whole the scope for promoting actions relating to:

- (a) greater mobility for professional theatrical performers and productions;
- (b) communication and artistic development between the various European theatres and between those working in them, in the first place through intergovernmental cooperation;
- (c) translation of dramatic works, involving two types of measure to help make production more accessible: written summaries, simultaneous interpretation, sub-titling or over-titling on the one hand and the translation of quality dramatic works on the other.

The pilot project for financial aid for the translation of contemporary literary works, launched by the Commission in 1989, could cater to a greater degree for the translation of dramatic works of high quality;

- (d) training at European level, by means of exchanges, workshops, traineeships and/or other initiatives;
- (e) information and communication, which are the linchpins of the theatrical professions; a number of bodies already play a vital role in exchanges and understanding within the theatre community. Encouragement should be given to these initiatives and a study made of ways of stepping up exchanges of information, both national and Community, in the professional arts sector;

- (f) other initiatives, such as writing for and working in the theatre, experimental theatre, theatre for and by children and theatre for and by young people, video-making around theatre performances and widening of the audience,

CALL ON the Commission, taking into account other programmes established by the Community and working in cooperation with the Council of Europe and European organizations of theatre professionals, to support preparatory work in this area and, in cooperation with the Committee on Cultural Affairs, report to the Ministers on possible actions.

CONCLUSIONS OF THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL

of 7 June 1991

on copyright and neighbouring rights

(91/C 188/04)

THE MINISTERS FOR CULTURE MEETING WITHIN THE COUNCIL,

Referring to the 'Green Paper on copyright and the technological challenge' published by the Commission in 1988 for discussion by the Member States and the professional circles concerned,

Bearing in mind their wish expressed both at the informal meeting of Culture Ministers on 2 November 1989 at Blois and in the Council on 19 November 1990, that the Commission should propose a comprehensive discussion of questions concerning the rights of authors, artists and producers in the Community, taking into account the completion of the single market on 1 January 1993,

Recalling their opinion that the matter of cultural goods and services cannot be addressed in the Community without taking into account their specific nature,

Consequently voicing their concern that the completion of the single market should not constitute a threat to cultural identities and to the rich diversity of Europe and that, taking into account the cultural dimension of copyright, internal harmonization at Community level in this area should be implemented only in areas affecting the establishment or functioning of the common market,

Considering that the Commission, when approving on 5 December 1990 its work programme in the matter of copyright and neighbouring rights in the form of a communication entitled 'Follow-up to the Green Paper', opens up real opportunities in this field for the completion of the single market,

Having taken note of the first three documents put forward by the Commission:

- the proposal for a Council Decision concerning the accession of the Member States to the Berne Convention (Paris Act of 24 July 1971) and the Rome International Convention of 26 October 1961,
- the proposal for a Directive on rental right, lending right and on certain related rights,

— the consultative document entitled 'Broadcasting and copyright in the internal market', on cable and satellite broadcasting,

WELCOME the overall approach to the harmonization of copyright and neighbouring rights adopted by the Commission in its work programme,

EXPRESS their satisfaction that the Commission has clearly demonstrated its will to seek, with a view to the single market, a high level of protection for authors, artists and producers in the whole Community,

POINT OUT that concern with the cultural industries should not cause to be relegated to a secondary level the giving of priority attention to the specific problems encountered by the professionals,

POINT OUT further that the free movement of goods should at no time detract from moral rights and rights to beneficial economic use associated with the different forms of presentation of works to the public,

REQUEST that in connection with the harmonization of copyright and neighbouring rights and while respecting the provisions of the Treaty of Rome, the capacity of Member States to preserve the balance of creative and artistic activity, particularly in limited geographical or linguistic distribution areas, should not be jeopardized,

REQUEST that allowance should be made for the consequences which the adoption of normative measures would have on the conditions of the exercise of the rights granted for the holders of these rights,

INVITE the Commission to make as quickly as possible a study of the conditions of the administration of these rights,

REQUEST that in negotiations with third parties (in particular the European economic area and countries of Central and Eastern Europe, without neglecting the other regions of the world), the cultural content of copyright and neighbouring rights should be taken into account,

INVITE the Commission to seek reinforced cooperation with the Council of Europe in this field.

COMMISSION

Ecu ⁽¹⁾

18 July 1991

(91/C 188/05)

Currency amount for one ecu:

Belgian and Luxembourg franc	42,3014	Portuguese escudo	176,095
German mark	2,05502	United States dollar	1,15926
Dutch guilder	2,31527	Swiss franc	1,77946
Pound sterling	0,695208	Swedish krona	7,43665
Danish krone	7,94788	Norwegian krone	8,00816
French franc	6,97584	Canadian dollar	1,33593
Italian lira	1531,38	Austrian schilling	14,4641
Irish pound	0,768281	Finnish markka	4,94134
Greek drachma	224,630	Japanese yen	158,471
Spanish peseta	128,748	Australian dollar	1,49872
		New Zealand dollar	2,05179

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).

**Notice pursuant to Article 19 (3) of Council Regulation No 17 (1) concerning Case IV/33.100
— Assurpol**

(91/C 188/06)

The notification

1. On 17 February 1989 a co-reinsurance agreement for the covering of certain environmental damage risks was notified to the Commission by the Economic Interest Grouping (EIG) Assurpol with a view to obtaining exemption under Article 85 (3) of the EEC Treaty. The EIG's statutes and the agreement's procedural provisions supplement the co-reinsurance pool's rules of procedure.

The grouping's objectives

2. Assurpol was formed in October 1988 for a period of 20 years for the purpose of administering the co-reinsurance and retrocession for common account of the risks of damage to the environment, both accidental and non-accidental, originating in certain industrial and commercial installations. To that end it carries out and coordinates all studies or surveys and the gathering of statistics aimed at developing and improving the standards of insurance of such risks, helps examine co-reinsured risks, keeps accounts in respect of those risks, and holds and administers the sums representing the co-reinsurance liabilities towards all the ceding companies.
3. The territorial scope of the agreement administered by the EIG includes France, the French overseas departments and territories and the Principality of Monaco. Nevertheless, risks situated elsewhere may also qualify for Assurpol cover, subject to the agreement of one of the grouping's decision-making bodies (the Technical Committee).
4. Assurpol replaces Garpol, a co-reinsurance pool set up in 1977 by more or less the same companies with a total capacity four times less than that of Assurpol.

Conditions of membership

5. Membership of the Assurpol co-reinsurance pool is open to any French or foreign insurance or reinsurance enterprise authorized to operate in France, including, therefore, enterprises which, though not established in France, are authorized to operate there under conditions of freedom to provide services.

Members are free to withdraw from the grouping and the agreement at the end of a given financial year, subject to their notifying their intention at least three months before the end of the financial year.

Members

6. There are two categories of member:
 - (a) insurer-members, i.e. French or foreign insurance enterprises which cede to the pool 90 % of their liabilities in respect of the risks covered; and
 - (b) participant-members, i.e. French or foreign reinsurance enterprises which take part in the co-reinsurance of all the risks ceded by the insurer-members and which account for 54,5 % of total pool capacity.
7. The membership is made up of 50 French and foreign insurance enterprises and 14 French and foreign reinsurance enterprises, of which two insurance enterprises and one reinsurance enterprise are branches in France of enterprises whose head offices are in a Member State. In addition, four of the 14 reinsurance enterprises participate in the pool directly through their head offices in Germany.

All the insurer-members transact, among other classes, general liability insurance. In 1987, the amount of gross premiums written by way of direct business by insurance enterprises belonging to the grouping (all classes combined) came to some FF 90 000 million (2).

The decision-making bodies and their functions

8. Pursuant to the statutes of the grouping and the co-reinsurance agreement, the decision-making bodies are:
 - (a) the General Meeting;
 - (b) the Management Board;
 - (c) the Technical Committee;
 - (d) the Claims Settlement Committee.

(1) OJ No 13, 21. 2. 1962, p. 204/62.

(2) Report from the Minister of State for Economic, Financial and Budgetary Affairs to the President of the Republic on insurance and capitalization enterprises for the 1987 financial year.

9. Resolutions of a General Meeting are decided by a majority of the votes cast by the members present or represented and are binding on members.

Each member has one vote plus as many votes as his capacity committed (per claim and per contract/year) is times 0,4 % of the total capacity of all the members.

10. The Management Board consists of between 12 and 15 members, three of whom are participant-members. It is responsible among other things for organizing and coordinating the studying of risks and for determining the procedure whereby co-reinsurance operating costs are added to pure premiums.

11. The Technical Committee, which consists of 13 insurer-members and three participant-members, is appointed by the Management Board and is responsible for:

- defining the characteristics of risks for which a premium rate may be quoted directly by reference to the tariff and those of risks for which the premium has to be assessed on a case-by-case basis,
- deciding on extensions to the territorial limits within which risks giving rise to a co-reinsurance cession may be situated,
- establishing the rules applicable in the event of a claim where the loss is put at less than FF 200 000,
- determining the conditions of application of the common retrocession agreements and the common acceptance agreements decided by the Management Board.

12. The Claims Settlement Committee consists of four members: a chairman (representing the insurer- or participant-members of the Technical Committee), a representative of the insurer-members and another of the participant-member not on the Technical Committee, and a representative of the policy-issuing company concerned by the claim.

The composition of the Claims Settlement Committee is renewed whenever a new claims dossier comes up for examination.

Other provisions of the agreement

13. Each insurer- and participant-member is responsible for reinsuring the risks ceded to the pool to the

amount of his share calculated on the basis of his capacity committed in relation to the total capacity of the pool (currently FF 126 million per claim and per contract/year). Each year members may increase or reduce their committed capacity. Insurer-members retain for their own account a proportion (10 % of liabilities ceded, subject to a limit of FF 200 000 per contract/year) which cannot be reinsured. These standard amounts are fixed by the General Meeting.

Neither insurer-members nor participant-members may retrocede individually their share in the co-reinsured risks.

14. Placing reinsurance outside the pool is not prohibited. Nevertheless, insurer-members undertake to propose for co-reinsurance all risks falling within the scope of the agreement the covering of which is requested of them specifically or as an extension of an existing contract. If they do not agree with the terms set by the Technical Committee, they are free to grant cover on other terms by taking out reinsurance elsewhere.
15. Retrocession agreements for common account may be concluded with French or foreign reinsurers where the pool accepts, in respect of the same risk, a liability the limit to which is higher than its overall capacity.
16. The agreement's procedural provisions prescribe the general characteristics of the risks which may be co-reinsured, the standard questionnaires which must be used for analysing risks, the risk prevention measures which must be taken into consideration, the tariff and its application, and the claims settlement procedures.
17. An insurer-member may himself analyse the risk and rate it by reference to the tariff where the insured's turnover does not exceed FF 1 000 million and the amount of cover requested (per claim and per contract/year) does not exceed FF 10 million, including FF 2 million by way of cover for clean-up costs.

In the event of higher cover, the covering of clean-up costs in excess of 20 % of the liability cover or risks involving activities in the waste sector or plant falling within the scope of the 'Seveso' Directive (irrespective of the amount of cover), the rating is effected on a case-by-case basis by the Technical Committee.

18. The claims settlement procedures require any claim to be handled by the insurer-member who is the leading underwriter. He himself will choose the assessors and settle the claim. Nevertheless, claims involving damage in excess of FF 200 000 are handled by the Settlement Committee, which decides the measure of indemnity.
19. The tariff and the case-by-case ratings are expressed in terms of premiums ceded by way of co-reinsurance, that is to say pure premiums based on the potential claims cost of risks plus the co-reinsurance operating costs. Premiums ceded by way of co-reinsurance may under no circumstances include either the administration costs of the insurer-member or the commissions paid to intermediaries.

The Assurpol insurance product

20. The Assurpol insurance product is a contract specifically aimed at covering the risks of liability for damage to the environment of an accidental or non-accidental (gradual) nature originating in industrial and commercial installations classified in accordance with Law No 76-663 of 19 July 1976 ⁽¹⁾.

The amount of cover is limited to FF 126 million per claim and per contract/year (amount of damages in respect of all claims notified to the insurer in the course of the same insurance year and ascribable to the same event). Within these limits, and as a rule subject to a limit of 20 %, cover is provided for clean-up costs and business interruption losses.

The contract is concluded for one year and is renewable from year to year.

The insurance market

21. The risks of damage to the environment of accidental origin are covered in France, as in most other Member States, by a variety of policies falling within the general liability insurance class.

The insurance of risks of non-accidental origin (gradual pollution) is not very widespread at world level.

At the present time the geographical market is France and the product market consists of Assurpol policies and all policies covering environmental

⁽¹⁾ i.e. fixed land installations posing a particular threat to health and to the natural environment which must as a result meet certain safety standards.

damage risks in France, even if the cover concerns only risks of an accidental nature and if other risks are covered at the same time.

The EIG Assurpol estimates that in 1988 premiums written in France in respect of contracts containing *inter alia* environmental damage liability cover (professional liability class) amounted to FF 6 300 million, of which only some 3 % related to environmental damage liability cover.

The insurer-members as a whole accounted for approximately 70 % of this volume of premiums in 1988.

The supply side consists of the 127 insurance enterprises operating in the general liability class in France. In 1987 the amount of gross premiums written in this class came to approximately FF 7 600 million ⁽²⁾, or some 6 % of non-life insurance.

France accounts for approximately 21 % of all non-life insurance in the Community, ranking second there ⁽³⁾.

The demand side consists of industrial enterprises operating plant capable of causing accidents resulting in environmental damage.

In the current context of worsening ecological problems in the world in general and in the Community in particular, a growth in demand is to be expected.

The reinsurance market

22. The reinsurance market is a world-wide one with a turnover in the region of US\$ 50 000 million ⁽⁴⁾.

The demand side consists of insurance enterprises which find in reinsurers the financial and technical support they need if they are to cover risks which are difficult to identify and where claims are large and scarcely predictable.

The supply side is characterized by diversity. Several hundred enterprises are present in the market. They are either professional reinsurers or direct insurers operating through their specialized arms. Competition in the market is intense.

⁽²⁾ Report from the Minister of State for Economic, Financial and Budgetary Affairs to the President of the Republic on insurance and capitalization enterprises for the 1987 financial year.

⁽³⁾ Eurostat Dafsa, Insurance Companies in Europe, vol. I., collection 'Sector Analyses', 4th quarter 1988, p. 18.

⁽⁴⁾ *Idem* ⁽¹⁾, p. 96.

Assurpol's position in the markets

23. Despite the fact that the insurer-members together account for more than 70 % of premiums collected in the general liability class, no more than 200 Assurpol contracts were concluded in 1989. These contracts represented a premium income of FF 6,5 million (0,1 % of premiums collected in the general liability class). Garpol likewise collected no more than FF 4,4 million in premiums.

Nevertheless, the EIG Assurpol would be potentially capable of accepting by way of co-reinsurance more than 70 % of the insurances which might be placed in France for environment risks, bearing in mind that the insurer-members as a whole cover, in respect of other risks and under employers' and public authorities' liability policies, between 70 % and 80 % of potential consumers and that the environmental damage risks covered by existing policies may be detached from them and form the subject-matter of an Assurpol policy.

24. At the present time the EIG Assurpol is only a very minor player in the reinsurance market given the international dimension of that market.

The Commission's intention

The Commission proposes to adopt an exemption decision under Article 85 (3) of the Treaty in respect of the agreement outlined above.

First, it invites interested third parties to send their observations within one month of the publication of this notice to the following address, quoting the reference 'IV/33.100 — Assurpol':

Commission of the European Communities,
Directorate-General for Competition,
Directorate for restrictive practices, abuse of dominant positions and other distortions of competition I,
200, rue de la Loi,
B-1049 Brussels.

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Decision adopting a specific research and technological development programme in the field of human capital and mobility (1991 to 1994)

(91/C 188/07)

COM(91) 234 final — SYN 270

(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 24 June 1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130q (2) 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 ⁽¹⁾,

Whereas, by its Decision 90/221/Euratom, EEC ⁽²⁾, the Council adopted a third framework programme for Community activities in the field of research and technological development (1990 to 1994), specifying *inter alia* the activities to be pursued for the management of intellectual resources (human capital and mobility); whereas this Decision should be taken in the light of the grounds set out in the preamble to that Decision;

Whereas Article 130k of the Treaty stipulates that the framework programme is to be implemented through specific programmes developed within each activity;

Whereas the Joint Research Centre shall contribute through its own programme to the implementation of the aforesaid activities;

Whereas, pursuant to Article 4 and Annex I of Decision 90/221/Euratom, EEC, the amount deemed necessary for the whole framework programme includes an amount of ECU 57 million for the centralized dissemination and exploitation of results, to be divided up in proportion to the amount envisaged for each of the actions;

Whereas in the context of this programme an assessment should be made of the economic and social impact as well as any eventual technological risks;

Whereas the training of young European scientists is one of the priorities of the third framework programme as is the mobility of research staff and the creation of scientific and technological cooperation networks;

Whereas any action designed to exploit the potential of the Community's intellectual resources must essentially be of benefit to the scientists and researchers themselves;

Whereas a further objective of this programme should be the creation of a 'researchers' Europe', through the internationalization of their advanced training, enabling it to take place outside their Member State of origin;

Whereas a suitable application of the subsidiarity principle in this field implies the extending of training received by young researchers in their own country by enabling them, through traineeships made available by the Community to develop a research activity in a team or laboratory of excellence situated in another Member State;

Whereas in order to increase and improve the supply of host opportunities, it would appear useful also to provide for networks of associated teams or laboratories of excellence and for possibilities for access to major installations;

Whereas the Joint Research Council with its laboratories and installations can effectively be included among those organizations capable of playing an important role in the training of young researchers;

Whereas it is appropriate to adopt decentralized methods of selecting candidates thereby closely associating teams or laboratories of excellence with the implementation of this action;

⁽¹⁾ OJ No C 332, 31. 12. 1990, p. 45.

⁽²⁾ OJ No L 117, 8. 5. 1990, p. 28.

Whereas the setting up of the network infrastructure is of crucial importance for the achievement of the objectives of the Community's R&TD policy, since it will consolidate and supplement the structuring effects of the thematic programmes;

Whereas the Scientific and Technical Research Committee (Crest) has been consulted,

HAS ADOPTED THIS DECISION:

Article 1

A specific research and technological development programme for the European Economic Community in the field of human capital and mobility, as defined in Annex I, is hereby adopted for a period commencing on ... (date of adoption by Council) and ending on 31 December 1994.

Article 2

1. The funds estimated as necessary for the execution of the programme amount to ECU 488,07 million. This includes funds for personnel and administration, of an amount of ECU 15 million.
2. An indicative allocation of funds is set out in Annex II.
3. If the Council takes a decision in application of Article 1 (4) of Decision 90/221/Euratom, EEC, this Decision shall be adapted to take into account the aforementioned decision.

Article 3

1. Rules for the implementation of the programme are set out in Annex III.
2. The rate of the Community financial contribution shall be laid down in accordance with Annex IV to Decision 90/221/Euratom, EEC.

Article 4

1. During the second year, the Commission shall review the programme and address a report to the Council and the European Parliament on the results of the review together with a proposal for any necessary changes.
2. At the end of the programme the Commission, by means of a group of independent experts, shall assess the results. The report of the group, together with the obser-

vations of the Commission, shall be presented to the Council and the European Parliament.

3. The reports mentioned in points 1 and 2 shall be drawn up having regard to the objectives set out in Annex I to this Decision and in accordance with Article 2 (4) of Decision 90/221/Euratom, EEC.

Article 5

1. The Commission shall assure the implementation of the programme.
2. Contracts concluded by the Commission shall govern the rights and obligations of each party, in particular the arrangements for the dissemination, protection and exploitation of research results, in accordance with the provisions adopted pursuant to the second subparagraph of Article 130k of the Treaty.
3. A work programme shall be drawn up in accordance with the aims set out in Annex I and updated where necessary. It shall set out the detailed objectives and types of projects to be undertaken, and the financial arrangements to be made for them. The Commission shall make calls for proposals for projects on the basis of the work programme.

Article 6

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority provided for in Article 148 (2) of the Treaty as regards adoption of decisions which the Council is required to adopt on a proposal from the Commission. When the committee votes, the votes of the representatives of the Member States shall be weighed as laid down in the abovementioned Article. The chairman shall not vote.
2. The Commission shall adopt the proposed measures when they are in accordance with the Committee's opinion.
3. When the proposed measures are not in accordance with the Committee's opinion, or where no opinion is delivered, the Commission shall submit to the Council without delay a proposal concerning the measures to be taken. The Council shall act by a qualified majority.

4. If, on the expiry of a period of three months from referral of the matter to the Council, the latter has not

acted, the proposed measures shall be adopted by the Commission.

Article 7

1. The procedure laid down in Article 6 shall apply:
 - to the preparation and updating of the work programme referred to in Article 5 (3),
 - to the contents of the calls for proposals,
 - to the assessment of the projects provided for in Annex III and the estimated amount of the Community's contribution to them where this amount exceeds ECU 0,3 million,
 - to departures from the general rules set out in Annex III,
 - to the participation in any project by non-Community organizations and enterprises referred to in Article 8 (1) and (2),
 - to any adaptation of the indicative allocation of the amount set out in Annex II,
 - to the measures to be undertaken to evaluate the programme,
 - to arrangements for the dissemination, protection and exploitation of the results of research carried out under the programme.
2. Where, pursuant to the third indent of paragraph 1, the amount of the Community contribution deemed necessary is less than or equal to ECU 0,3 million, the

Commission shall inform the committee of the projects and of the outcome of their assessment.

The Commission shall also inform the committee of the implementation of the accompanying measures and concerted action referred to in Annex III.

3. The Commission may, and at the request of the representatives of four Member States, must consult the committee on any matter falling within the scope of this Decision.

Article 8

1. The Commission is authorized to negotiate, in accordance with Article 130n of the Treaty, international agreements with third countries belonging to COST, in particular the member countries of EFTA and the countries of Central and Eastern Europe, with a view to associating them with all or part of the programme.

2. Organizations and enterprises established in third European countries may, on the principle of mutual benefit, be admitted to an action undertaken within the arrangements of this programme.

No contracting organization established outside the Community and participating in an action undertaken within the arrangements of the programme shall benefit from the financing granted to the programme by the Community. The organization in question shall contribute to the general administrative costs.

Article 9

This Decision is addressed to the Member States.

ANNEX I

SCIENTIFIC AND TECHNICAL OBJECTIVES AND CONTENT

This specific programme fully reflects the approach embodied in the third framework programme in terms of the scientific and technical goals and the underlying aims which it pursues.

Paragraph 6 of Annex II of the framework programme forms an integral part of the present specific programme.

I. OBJECTIVES

The central objective of the programme is to help to increase the human resources available for research and technological development which will be needed by the Member States in the coming years, thus assisting the creation of a European scientific and technical Community.

Such action should generate added value for the Community which will benefit all the Member States.

As a contribution towards strengthening human resources in Central and Eastern European countries, the programme shall be open to participation by these countries. The expenditure arising from the participation of scientists from those countries in this programme shall be covered from the funds allocated for cooperation projects with the countries of Central and Eastern Europe.

The action should be organized in a transversal manner in accordance with 'bottom-up' management, focused on two main aims: the training and mobility of staff and the formation of networks.

In the pursuit of these objectives account will be taken of the experience acquired in the current Science, SPES and large-scale scientific facilities programmes. The activities carried out as part of these programmes will be redirected and developed in accordance with the spirit of this programme and taking into account its central objective.

The activities will therefore be adapted so that they may play a more important role in the training and specialization of young European scientists attached to university laboratories and public or private research institutes.

The present specific programme will be developed by means of the following activities:

- the development of a Community system of research fellowships,
- the creation and development of scientific and technical cooperation networks,
- measures to promote the access of researchers to large-scale scientific and technical facilities,
- the launching of a Community system of 'R&D Euroconferences'.

The various activities will be carried out with a view to increasing the mobility of Community scientists, in particular young researchers at post-doctoral level. Scientists shall be considered as being at post-doctoral level if they have had at least six years' higher education and hold a doctorate or equivalent degree, or, if not, have had two years' research experience following a post-graduate course.

Young researchers at doctoral level may also benefit from the Community action carried out under this programme in the case of recently developed scientific disciplines in which there is a shortage of scientists at post-doctoral level.

Support under this programme may also be given to established researchers who need specific training in a field other than their own in the context of the retraining requirements demanded by the rapid pace of scientific and technological change, or in order to apply their scientific knowledge in new areas where their participation is required.

The building-up of the infrastructure of networks envisaged under this programme is of crucial importance of the achievement of the objectives of Community R&TD policy, since it will consolidate and add to the structuring effects of the thematic programmes.

Together, these networks must extend across all the regions of the Community countries, with particular reference to the special needs of the peripheral areas and the at present least-favoured regions. This will facilitate the establishment in those regions of a highly qualified scientific and technological potential. To this end, encouragement shall be given to the setting up in such regions of new research teams centred on young scientists trained abroad.

The human capital activities are to complement rather than replace the training carried out under the specific programmes and other Community training activities such as Comett, Eurotecnet, etc.

Most of the financial resources available will be devoted to the development of human resources. In accordance with this aim the researchers themselves will be the main beneficiaries of Community aid. Specific aid shall be granted to facilitate the execution of R&D projects carried out by researchers receiving Community aid in the organizations receiving them, the training or scientific and technological cooperation networks or in a large-scale facility.

II. COMMUNITY ACTIVITIES AND THEIR FUNDING

1. The development of a Community system of research fellowships:

R&TD teams, laboratories or centres of recognized quality for the training or specialization of researchers, may receive separately or jointly (in the case of a network), young scientists in accordance with the procedures described in Annex III.

To this end the Community shall grant financial aid to specific R&TD teams or laboratories or training networks consisting of a number of R&TD teams and laboratories covering a number of Community countries, to allow them to award research fellowships to researchers who are to undergo training or specialization there by participating in R&D work. In general these fellowships, to be known by the name of a man or a woman who has made an important contribution to the development of European culture, will be awarded for a period of two years for researchers at a doctoral or post-doctoral level.

In certain cases and with a view to ensuring a balanced geographical spread of human resources, the two-year fellowships may be extended for a further year in order to enable researchers from less-favoured regions to return to those regions and to consolidate the knowledge acquired.

The fellowships for established researchers shall last a number of months (less than one year).

The training of researchers shall consist in their participation in practical research projects carried out in teams or research laboratories.

In order to prevent a 'brain drain' from the disadvantaged regions of the Community and to increase the effectiveness of training, Community financial support may also be granted to an experienced researcher (whether a university researcher or not) to enable him to carry out R&D projects in a centre located in one of the said regions so as to train a number of young scientists locally.

This experienced researcher ('visiting professor' charged with the research) shall be from a Community country other than that of the region concerned.

The purpose of this Community system of research fellowships is to complete and enhance the training activities carried out under other specific programmes, thus laying the foundation of the European scientific and technical community.

The purpose of the grant is to enable the researcher concerned to cover subsistence and mobility related expenses. Special expenditure incurred by the researcher concerned in the course of publishing the findings of the research may be reimbursed. The grant also includes a contribution to the research expenses in the receiving laboratory and the expenses incurred by the laboratory in administering the grant. If the researcher receiving the grant is a scientist from an industrial firm seconded to a public research laboratory in another Community country, the amount of the grant shall be limited to covering the incidental expenses arising from his secondment and a contribution to research expenditure in the host laboratory.

2. Assistance for the creation and development of scientific and technical cooperation networks

The scientific and technical cooperation networks shall consist in general of at least five research laboratories or teams in at least three Community countries working jointly on one or more R&D projects.

The networks shall consist of either public or private research laboratories and teams in the Member States, to enable the best of them to exert as much influence as possible for the benefit of all the others. In particular, they shall encourage the interaction of different disciplines, the combining of various technologies and the application of techniques from one field in other fields.

If the innovative or complex nature of a scientific area so requires, encouragement shall be given to the setting-up of new networks consisting of research teams or laboratories with additional capacity.

In order to assist the consolidation and development of scientific and technical cooperation networks, Community funding shall cover expenses incurred in engaging researchers outside the network needed to complete the research project, incidental costs resulting from international cooperation (travel, accommodation and joint meetings), a contribution to research expenditure (experimental products, special purchases and the use of large-scale facilities if required) and administrative costs.

If a researcher trained under this programme sets up a new research team in a disadvantaged region of the Community, Community aid may include funds to equip the team if it joins a scientific and technical cooperation network supported by the Community.

This specific programme will pursue and further develop the activities already being carried out under the Science and SPES programmes, including them in a broader activity and giving them a new direction in order to take into account the principal objective of this specific programme. The follow-up of SPES action will be expanded to include the human and social sciences.

3. Establishment of access to large-scale scientific and technical facilities

The purpose of this activity is to promote access for Community researchers to large-scale scientific and/or technical facilities of great importance already existing in the Community. In particular, it will be geared to increasing the training opportunities offered to European researchers by enabling them to become familiar with the use of such facilities in the execution of research projects.

A 'large-scale facility' is understood as being an establishment which requires substantial initial investment or a group of smaller establishments which have complementary capacities.

The Community financial aid granted to selected facilities will be designed to cover the costs arising from giving new scientists access to them (travel, subsistence expenses and user fees).

The aid will not be granted to purchase durable equipment or construct infrastructure.

4. Euroconferences

The aim of this activity is to enable young scientists to take part in especially important high-level conferences — meetings of scientists on subjects at the cutting edge of scientific or technical knowledge, at which specialists present and discuss their work and ideas.

Participation in such conferences will enable promising young scientists to keep up to date with the advance of knowledge in a particular field.

The Community's financial support will cover the participation expenses (registration, travel and subsistence) of young scientists attending the conferences, with priority being given to those from less-favoured regions.

III. SCIENTIFIC AND TECHNOLOGICAL SECTORS

By virtue of its horizontal nature, the present programme will cover all scientific and technological sectors. Thus it may in particular deal with strategic projects and projects drawn up in connection with the research sectors referred to in the first five activities mentioned in Article 1 of the third framework programme which are specified in Annex II thereto.

Nevertheless, the training measures carried out under this programme shall not be directly determined by the objectives of other specific programmes. This means that, in the sectors covered by the other specific programmes, measures may be carried out under this programme, but such measures must be in addition to the specific training carried out under the specific programmes themselves and any duplication of effort must be avoided.

In accordance with the open nature of the programme, the subjects to be included in basic research in the exact and natural sciences, including mathematics, will not be defined *a priori*.

With regard to the social and human sciences, the programme shall essentially deal with training in projects likely to improve or enhance European competitiveness and bring about sustainable economic development,

in fields such as the economic and management sciences, including environmental economics, as well as the interfaces between science, technology and society. Attention shall also be given to problems connected with the general public's understanding and acceptance of science and technology.

ANNEX II

Indicative allocation of expenditure, specifying, where relevant, the percentage to be allocated to expenditure related to the researchers themselves

	Percentage of total	(%) expenditure related to the researchers
1. Training	58	90
2. Networks	30	
2.1. Development of networks	24	75
2.2. Teams of young researchers	6	—
3. Access for researchers to large-scale facilities	10	
4. Euroconferences	2	

NB: Personnel expenses come to ECU 9,5 million and the expenses of administration to ECU 5,5 million. An additional sum of ECU 25 million will be destined for Joint Research Centre activities in the field of human capital and mobility, including a sum of ECU 0,25 million representing the contribution of the Joint Research Centre to centralized action for dissemination under this specific programme. A sum of ECU 4,93 million, not included in the ECU 488,07 million for the programme, will be reserved as a specific contribution to the human capital and mobility programme, for centralized action for the dissemination and valorization of the results.

ANNEX III

RULES FOR IMPLEMENTING THE PROGRAMME

1. The Commission shall implement the programme on the basis of the content described in Annex I.
2. The rules for implementing the programme, referred to in Article 3, comprise training actions and accompanying measures.

I. DEVELOPMENT OF A COMMUNITY SYSTEM OF RESEARCH FELLOWSHIPS

Participants in this action will comprise two categories:

- (i) individual recipients of training fellowships;
- (ii) laboratories or research teams receiving fellowship recipients.

The individual fellowship recipients defined in (i) must be natural persons established in the Community. The laboratories or research teams defined in (ii) must be themselves based within the framework of legal entities established in the Community⁽¹⁾, such as research centres, academic institutions, scientific foundations having their own research activities or industrial firms.

⁽¹⁾ For the purposes of this programme, the European Organization for Nuclear Research (CERN), based in Geneva but with the major part of its installations on Community territory, may be a participant in the contracts.

The participants in the training actions shall be chosen on the basis of an annual procedure aimed at matching host organizations with applicant researchers.

The procedure shall comprise two successive calls for proposals which will be published in the *Official Journal of the European Communities*.

The first call for proposals shall be made in accordance with the work programme cited in Article 5 (3). It shall outline the scientific domains considered as having priority. It shall refer to three categories of organizations which may receive fellowship recipients:

- (i) individual research teams or laboratories;
- (ii) research teams or laboratories as outlined in (i) grouped to form intra-European networks linked for the purposes of a scientific and technical theme or a scientific and technical project; such a network shall in general involve at least five teams or research laboratories in at least three Member States of the Community;
- (iii) institutions offering large-scale, unique research facilities.

The proposals received from organizations which may receive fellowship recipients shall be selected by the Commission in respect of the arrangements of Articles 6 and 7 and published in the *Official Journal of the European Communities*.

The second call for proposals shall be primarily addressed to young researchers at a post-doctoral level to fill positions made available following the first call outlined above.

Criteria for the selection of proposals shall include: the curriculum vitae of the researcher candidate; the scientific or technological quality of the intended project with respect to the EC research policy; the impact on cohesion and the suitability and quality of the hosting research team. The selection shall be decentralized and carried out by the teams or laboratories concerned. The Commission shall monitor the Community selection criteria in particular as regards Community cohesion.

The terms given to the recipients of Community training fellowships shall be equal for all (allowances, mobility expenses, social insurance), irrespective of the category of host organization, and taking into account the cost of living in the host countries.

II. SCIENTIFIC AND TECHNICAL COOPERATION NETWORKS

The participants in scientific and technical development actions are networks of research laboratories undertaking joint research and development work. The number of Member States taking part in each network should be as high as possible. In no case shall a network have fewer than five public or private laboratories from a minimum of three member States. The association of recognized high-quality laboratories and promising laboratories situated in the less-favoured regions of the Community shall be particularly sought. It will allow researchers working in isolation in an advanced area to unite their efforts.

The selection of proposals shall be made by the Commission in respect of the arrangements of Articles 6 and 7 from a call for proposals which shall be open continuously.

III. ACCESS TO LARGE-SCALE FACILITIES

The participants in the actions planned to favour access for researchers to large-scale facilities in the Community are those organizations having such facilities at their disposal or a group of smaller facilities which together have the capacity of a large-scale facility.

The beneficiaries of Community support shall be of two types:

- scientists wishing to have access to the facilities for whom travel, subsistence and cost of using the equipment will be covered,
- organizations having such facilities at their disposal.

The selection procedure for choosing beneficiary organizations shall comprise two successive calls for proposals which shall be published in the *Official Journal of the European Communities*.

The first call for proposals shall be addressed to centres having large-scale scientific and technical facilities at their disposal. The proposals received in response shall be accompanied by expression of interest from potential users.

The selection of proposals shall be made by the Commission in respect of the arrangements of Articles 6 and 7.

The second call for proposals shall be published with the list of organizations pre-selected according to the previous procedure; it will aim to obtain joint equipment-user proposals.

The final selection shall be made by the Commission in respect of the arrangements of Articles 6 and 7.

The extent of Community support shall be based on the quality and unique features of the facility; interest shown by potential users; cost/benefit ratio of Community support; value for the Community in terms of importance of the facility in respect of the Community's overall scientific and technical potential.

IV. EUROCONFERENCES

The participants in the action for the development of Euroconferences shall be organizations, scientific associations or learned societies organizing a series of high-level meetings for debating the latest work undertaken in advanced scientific or technical areas. Specific training of promising young researchers allowing them to become familiar with the latest developments in the sector shall also be carried out.

The procedure shall comprise a call for proposals defining the priority scientific areas selected for the work programme as cited in Article 5 (3).

The selection of proposals shall be made by the Commission in respect of the arrangements of Articles 6 and 7.

V. DISSEMINATION OF THE RESULTS

The dissemination of the results of the training actions shall be carried out within the specific programme as well as through the centralized action of dissemination and exploitation, pursuant to the Decision referred to in Article 4 (3) of Decision 90/221/Euratom, 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 188/08)

- | | |
|---|--|
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- (*) OJ No L 199, 31. 7. 1985, p. 1.

Non-opposition to a notified concentration

(Case No IV/M.076 — Lyonnaise des eaux Dumez SA/Hans Brochier GmbH & Co KG)

(91/C 188/09)

On 11 July 1991, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This Decision is based on Article 6 (1) (b) of Council Regulation (EEC) No 4064/89 (*). Third parties showing a sufficient interest can obtain a copy of the Decision by making a written request to:

Commission of the European Communities,
Directorate-General for Competition (DG IV),
Merger Task Force,
avenue de Cortenberg, 150,
B-1049 Brussels.

(*) OJ No L 257, 21. 9. 1990, p. 13 (corrigendum).

What is the Taric?

- The combined nomenclature (CN), which forms the basis for the Taric, is the result of a merger between the annual Regulations modifying the Common Customs Tariff (CCT) (Regulation (EEC) No 950/68), and the nomenclature of goods for the external trade statistics of the Community and statistics of trade between Member States (Nimexa) (Regulation (EEC) No 1445/72).
- The Taric contains further subdivisions, caused for the most part by:
 - quotas and tariff suspensions,
 - preferences,
 - anti-dumping and countervailing duties,
 - variable changes,
 - monetary and accession compensatory amounts,
 - wine reference prices,
 - surveillance measures, restrictions and quantitative limits.
- The Taric will also serve as the basis for:
 - all the Community import measures, and
 - the working tariffs and data files in the Member States.
- Indeed, the only way of securing a uniform presentation and application of the Community law is for the Commission to undertake the work of integrating and coding the above measures. This will also make it possible to collect Community-wide statistics for the measures concerned, thus doing away with many of the current separate statistical reporting requirements.
- The Taric has been created to perform the functions of integration and coding mentioned above. The day-to-day changes in Community legislation are recorded in a data base which is continually updated. The Taric will be published by the Office for Official Publications of the European Communities. Member States are given prompt notification of amendments and can amend their own working tariffs and data files accordingly. Taric itself, like the national working tariffs, does not have the status of a legal instrument, but its codes must be used for customs declarations and statistical returns (see Article 5 of Regulation (EEC) No 2658/87).

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