

English edition

## Information and Notices

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## I

*(Information)*

## COMMISSION

Ecu <sup>(1)</sup>

10 September 1992

(92/C 233/01)

Currency amount for one unit:

Belgian and Luxembourg franc	41,8105	United States dollar	1,43187
Danish krone	7,84233	Canadian dollar	1,74759
German mark	2,02652	Japanese yen	176,263
Greek drachma	252,266	Swiss franc	1,79842
Spanish peseta	131,713	Norwegian krone	8,02919
French franc	6,90875	Swedish krona	7,41420
Irish pound	0,764314	Finnish markka	6,51499
Italian lira	1551,07	Austrian schilling	14,2642
Dutch guilder	2,28454	Icelandic krona	75,9891
Portuguese escudo	177,594	Australian dollar	1,98457
Pound sterling	0,726946	New Zealand dollar	2,63453

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

Users of the service should do as follows:

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

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

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

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

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

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

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

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

**Notice pursuant to Article 19 (3) of Council Regulation No 17<sup>(1)</sup> concerning case No IV/34276 — Encompass Europe (GLV/ELTS BV)**

(92/C 233/02)

**FACTS**

**Notification**

1. On 6 April 1992, pursuant to Article 4 of Regulation No 17, Encompass<sup>(2)</sup> of North Carolina, USA and ELTS BV of The Hague, Netherlands, notified to the Commission a number of agreements concluded between them dated 29 January 1992.

2. The Parties have applied for negative clearance, or failing that, exemption pursuant to Article 85 (3) of the Treaty.

**The parties**

3. Encompass is a 50 : 50 partnership established in December 1989 between two United States companies, AMRS, Inc. and CSXS, Inc. The ultimate parent companies of AMRS and CSXS are AMR Corporation and CSX Corporation whose principal activities are in the transport industry.

4. ELTS BV is a wholly owned subsidiary of PTT Telecom BV, the Dutch Telecom operator which is engaged in the telecommunications and value added network services business in the Netherlands.

5. Initially Encompass will effectively hold 65 % of the joint venture known as Encompass Europe; initially ELTS will effectively hold the remaining 35 %. Participation of Encompass and ELTS is not direct.

**The product and the market**

6. The agreements set out the conditions for the setting up and operation of the joint venture which is the European arm of an integrated, multi-modal, global cargo logistics information system. The system will provide information relating to the transportation of cargo to shippers, freight forwarders, agents, receivers, customs brokers, carriers and trading partners of all transportation modes. A number of other regional entities are planned to be established around the world outside of these agreements.

7. Historically the provision of cargo information and booking services depended on a complicated exchange of paper between undertakings in the cargo transport industry. In recent years a number of computer-based systems for tracking cargo movements have been developed. Some of these systems are owned by individual operators who possess internal information systems for tracking the movement of freight across several modes. Other open systems are limited to either one mode of transport, e.g. air, rail or road, or limited to a particular geographic area such as the port of Rotterdam in Holland. There is no single industry-wide system that provides comprehensive information on the movements of cargo across transport modes.

8. The Parties submit that the system proposed by Encompass will be non-biased and open to all users and suppliers of transport related activities on a world-wide basis. The system will offer information, analysis and other services for all entities engaged in cargo logistics activities. This will eventually include the movement of goods together with the planning, ordering, distribution, transportation, tracking, inventory management, warehousing, invoicing and payment.

9. Shippers will be able to consult the Encompass system through their own local computer network linked to the central computer of Encompass by data transmission facility. The heart of the system is the software developed by Encompass that controls the flow of information between the various participants, together with the computer hardware on which the system will run.

10. The market in this case is that of computer-based cargo logistics information systems rather than that of the more specific multi-modal, multi-carrier computer-based cargo logistics information systems. The definition of the market chosen is considered more appropriate since on the one hand, many cargo shipments are mono-modal anyway and thus users will

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

<sup>(2)</sup> The agreements were notified in the name of GLV. On 28 April 1992 the Commission was informed that GLV had changed its name to Encompass TM ('Encompass').

have the choice between both types of system and, on the other, the extension of mono-modal systems to multi-modal ones presents few fundamental technical difficulties.

### The agreements

11. The notification relates to the following agreements:

(a) *Participation agreements between Encompass and ELTS BV*

The agreements dated 29 January 1992 establish the joint venture to market the Encompass products and services that may be developed by Encompass. The contribution of Encompass to the capital of the joint venture will be in the form of certain rights and licences to the Encompass products and services. The ELTS contribution to the capital of the joint venture will be financial.

The agreements grant the joint venture certain rights to sell, market, install and service the Encompass products and services in the EC, EFTA and certain other European territories. It is also granted the right to provide end-user customer services, including customization of the Encompass products and services to the end user's needs, and to serve as the principal contact for maintenance and support of Encompass technology.

(b) *PTT Telecom agreement between PTT Telecom and Encompass*

In Article 6 (1) of the agreement, both Encompass and PTT Telecom covenant not to engage in similar business activities within Europe. However, the existing 'grandfathered' activities of PTT Telecom, relating to Transponet, Intis, Teleo and Sagitta, are not covered by this covenant.

(c) *Encompass trademark, service mark and logo licence agreement*

The agreement dated 29 January 1992 defines the conditions for the granting of licences referred to in (a) above. It also provides for the granting of sub-licences subject to GLV prior approval.

12. There are a number of other agreements relating to the shareholdings and the financial contribution of Encompass, PTT Telecom and ELTS to the various undertakings.

### Submission of the Parties

13. The Parties maintain that the cooperation between them does not restrict competition since, through substantial investment and technical development, they are introducing a new advanced product to the market and thus the competitiveness of existing users of logistics information systems can be improved. The agreements contribute substantially to technical progress and also serve the interests of the consumer.

14. In particular, access to a single facility giving access to all relevant information regarding shipping requirements would represent a considerable improvement in the ability of a shipper to ensure more efficient execution of its logistical requirements. Additionally, it is envisaged that the features offered by the new system will encourage carriers to offer an increasingly inter-modal service and thus bring about a greater integration of transport services generally. The system will contribute to technical and economic progress.

15. The service provided should result in a reduction in costs and an improvement in services. The investment of shippers and carriers in information infrastructures will be reduced. Similarly, small- and medium-sized carriers will be provided with access to a system incorporating technologies that will enable them to be more competitive with larger carriers. It is anticipated that the Encompass system may result in an improvement in price and other competition for the services of carriers operating on a given route.

16. The participation of ELTS is required in order to share the substantial risk associated with an investment of this scale and, at the same time, it brings the expertise in the European market of PTT Telecom to the joint venture.

### Duration of the agreement

17. The Parties have asked for an exemption to be granted for the period expiring 31 December 2002.

### INTENTIONS OF THE COMMISSION

18. The Commission intends to take a favourable decision on the agreements summarized above on condition that the Parties give certain undertakings in

respect of the operation of the Encompass system. In particular, the Parties would respect the principles contained in the block exemption for air transport CRSs (Commission Regulation EEC No 83/91, <sup>(1)</sup>). These principles include the requirement that the participation of all carriers in and the access of all subscribers to the Encompass system shall be equal and non-discriminatory, that the fees and other charges should be non-discriminatory and commercially reasonable, that the information displayed or available should be comprehensive, accurate and unbiased and that the participating carriers and subscribers should not be impeded from participating in or using other systems.

19. Before taking a decision, the Commission invites interested third parties to send their comments within one month from the date of publication of this notice, quoting the reference number IV/34276, to the address below:

Commission of the European Communities,  
Directorate-General for Competition,  
Directorate D3,  
200, rue de la Loi,  
B-1049 Brussels.

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<sup>(1)</sup> OJ No L 10, 15. 1. 1991, p. 9.

## II

*(Preparatory Acts)*

## COMMISSION

**Amendment to the proposal for a Council Directive on the appointment and vocational qualification of an officer for the prevention of the risks inherent in the carriage of dangerous goods in undertakings which transport such goods**

(92/C 233/03)

*COM(92) 327 final*

*(Submitted by the Commission pursuant to Article 149 (3) of the EEC-Treaty on 14 August 1992)*

The proposal from the Commission forming the subject of document COM(91) 4 final <sup>(1)</sup> is hereby amended as follows:

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<sup>(1)</sup> OJ No C 185, 17. 7. 1991, p. 5.

ORIGINAL TEXT

AMENDED TEXT

## Amendment No 1

## Fourth recital

Whereas undertakings which carry dangerous goods on own account or for hire and reward are not required by any specific, national, Community or international provision satisfactorily to fulfil the appropriate vocational training conditions in order to ensure that such goods are carried safely.

## Fourth recital

Whereas undertakings which carry dangerous goods on own account or for hire and reward are not required by any specific, national (with the exception of Germany) Community or international provision satisfactorily to fulfil the appropriate vocational training conditions in order to ensure that such goods are carried safely;

## Amendment No 2

*Article 1*

The Member States shall take the necessary measures in accordance with the requirements laid down in this Directive to ensure that from 1 January 1994 undertakings whose activities include the carriage of dangerous goods appoint one or more officers for the prevention of the risks adherent in the transport of such goods, in order to safeguard public safety, goods and the environment.

*Article 1*

The Member States shall take the necessary measures in accordance with the requirements laid down in this Directive to ensure that from 1 January 1994, taking into account the magnitude of the risks and/or their size, undertakings whose activities include the carriage, loading, unloading, storage, or disposal of dangerous goods appoint one or more officers for the prevention of the risks adherent in the transport of such goods, in order to safeguard public health, goods and the environment.

## ORIGINAL TEXT

## AMENDED TEXT

## Amendment No 3

*Article 2 (1)*

1. undertaking concerned means any natural person, any legal person, whether profit-making or not, any association or group of persons with or without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality, which transports dangerous goods on own account or for hire and reward;

*Article 2 (1)*

1. undertaking concerned means any natural person, any legal person, whether profit-making or not, any association or group of persons with or without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality, which transports, loads, unloads, stores, packs, or disposes of dangerous goods on own account or for hire and reward;

## Amendment No 4

*Article 4*

1. The main task of the risk prevention officer shall be to seek all appropriate means and promote all appropriate action to ensure that dangerous goods are transported in the safest possible way. In particular he shall perform the duties listed in Annex I.

2. The head of an undertaking may also be its risk-prevention officer.

3. No person may be appointed risk-prevention officer in more than one undertaking.

4. Each of the undertakings concerned shall send the name of its risk prevention officer to the competent authority or the body designated by the Member State.

*Article 4*

1. The main task of the risk prevention officer shall be to seek all appropriate means and promote all appropriate action to ensure that dangerous goods are transported in the safest possible way. As a rule he shall perform the duties listed in Annex I; if he is unable to carry out his duties, he may delegate them to another representative who holds the training certificate referred to in Article 5.

2. The risk-prevention officer may also be the head of an undertaking, an officer with other duties in the undertaking or a risk-prevention officer who does not belong to the undertaking, provided that they hold the training certificate referred to in Article 5.

Deleted

4. Each of the undertakings concerned shall, on request, send the name of its risk prevention officer to the competent authority or the body designated by the Member State.

- 4a. Companies which, owing to their size or complex organizational structure require the services of more than one risk prevention officer may set up an 'office' to coordinate the work of the risk prevention officers.

ORIGINAL TEXT

AMENDED TEXT

## Amendment No 5

*Article 5 (1a)*  
(new)

1a. Certificates obtained in accordance with the relevant national provisions shall remain valid until their expiry or for a maximum period of five years from the date of entry into force of the Directive. They shall be recognized by all the Member States.

## Amendment No 6

*Article 7*

## First paragraph

Whenever an accident affects public safety or results in damage to goods or the environment during carriage, loading or unloading carried out by the undertaking concerned, the risk prevention officer must, after collecting all appropriate information, draft an accident report conforming to the model in Annex III.

*Article 7*

## First paragraph

Whenever an accident affects public safety or results in damage to goods or the environment during carriage, loading, unloading, packing, storage or disposal carried out by the undertaking concerned, the risk prevention officer must, after collecting all appropriate information, draft an accident report conforming to the model in Annex III.

## Amendment No 7

*Article 7*

## Second paragraph

The said accident report must be sent to the authority or body designated by the Member State within three months of the date of the accident.

*Article 7*

## Second paragraph

The said accident report must be sent to the authority or body designated by the Member State within two months of the date of the accident.

## Amendment No 8

*Article 10 (1)*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1992. They shall forthwith inform the Commission thereof.

*Article 10 (1)*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1993. They shall forthwith inform the Commission thereof.

Remainder unchanged

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## III

*(Notices)*

## EUROPEAN PARLIAMENT

## L-Luxembourg: Pilot study

**Notice of invitation to tender for a pilot study on the typology of agricultural producers and workers in France and Greece based upon the socio-economic structures of the agricultural holdings and the social welfare systems applied in agriculture — Examination of the impact of the reform of the common agricultural policy; consequences and perspectives**

(92/C 233/04)

**1. Name and address of contracting services**

European Parliament, Directorate-General for Research (DG IV), Plateau de Kirchberg, L-2929 Luxembourg.

the different social welfare systems applied in agriculture in France and Greece concluding with a possible typology, which will be used as a model to evaluate the impact of the reform of the common agricultural policy on them.

**2. Procedure**

Open tender

The consultant will approach national administrations, non-governmental organizations, groups, associations and cooperatives of farmers and agricultural workers, research institutions, consultants, experts, international organizations, etc. The Commission and other Community institutions must be contacted and every attempt should be made to obtain comprehensive and reliable data. Previously published empirical evidence and all other sources of direct/indirect information on the subject should all be extensively reviewed.

**3. Introduction**

DG IV is interested in a pilot study concerning the typology of agricultural producers and workers and the different social welfare systems in agriculture, in France and Greece. This study aims to collect and elaborate comprehensive data relative to the existing and future socio-structural situation of farms in these two Member States, providing a representative socio-economic framework against which the impact on them of the reform of the common agricultural policy (CAP) would be evaluated.

The consultant should take care to outline the main types of agricultural production systems on the basis of socio-economic criteria — already used and/or new — as well as the main components of the social welfare systems applied in relation to agricultural producers and workers, male and female, emphasizing the differences/similarities between France and Greece. He should analyse the existing situation and future trends and conclude with a possible typology of agricultural producers and workers combining these criteria. The consultant should undertake the research on the typology in the light of the reform of the common agricultural policy, assessing the implications of the reform for agricultural producers and workers in these two Member States against the framework of the typology and making proposals for a possible extension of the findings of the pilot project to the 12 Member States. Finally, this research must take into consideration the viewpoint of the European Parliament as expressed during the debates on the reform of the CAP, namely

**4. Title of the research**

The typology of agricultural producers and workers in France and Greece based upon the socio-economic structures of agricultural holdings and the social welfare systems applied in agriculture — examination of the impact of the reform of the CAP; consequences and perspectives.

**5. Objectives of the study**

The aim of the study is to analyse the situation of agricultural producers and workers, male and female, and

the need to defend the small family farm which is the base model of the European rural society.

#### 6. Contents of the study

The study will essentially consist of three main sections, all to be completed within the deadline stipulated in paragraph 8. The sections will be as follows:

- Section I: Typology of agricultural producers and workers in France and Greece on the basis of structural, economic and social welfare criteria.
- Section II: Impact of the reform of the CAP, consequences and perspectives.
- Section III: Synthesis of the findings — conclusions — possibilities for extending the pilot project to the 12 Member States.

#### 7. Budget

The study will be funded under the annual budget of DG IV for external research projects (budget heading 2 600/3). The cost of the project should not exceed ECU 140 000.

#### 8. Deadline for completion of the study

- (a) Interim report: five months after signing the contract.
- (b) Final report: nine months after signing the contract.

#### 9. Deadline for submission of tenders

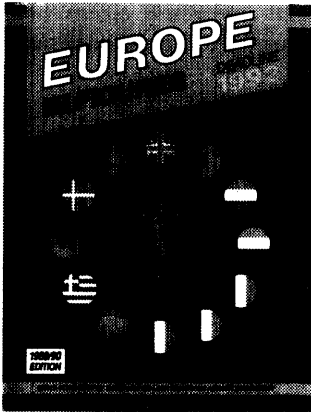
30 September 1992.

*For the details of the contents of the study and the conditions of submissions of tenders all interested parties should address written requests to:*

European Parliament, Directorate-General for Research, Division of Agriculture, Fisheries, Forestry and Rural Development, for the attention of Mr Topping, Schuman Building, 6/26, L-2929 Luxembourg.



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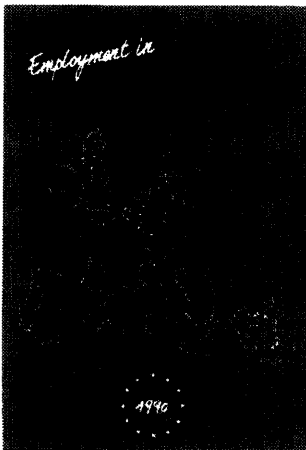
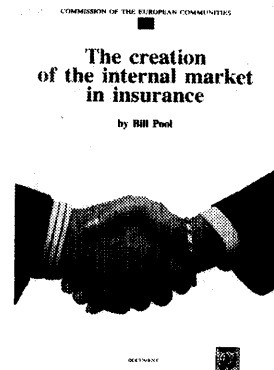
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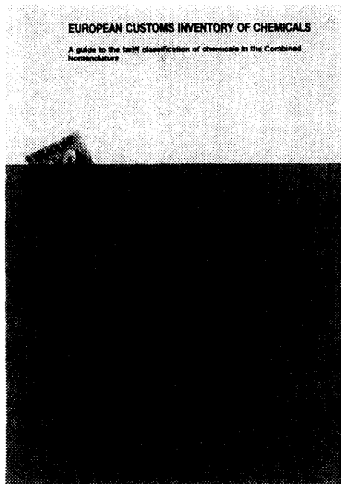


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