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## I

*(Information)*

## COUNCIL

## COUNCIL DECISION

of 15 February 1993

**appointing a full member and an alternate member of the Advisory Committee on Pharmaceutical Training**

(93/C 52/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to Council Decision 85/434/EEC of 16 September 1985, setting up an Advisory Committee on Pharmaceutical Training <sup>(1)</sup>, and in particular Articles 3 and 4 thereof;

Whereas by Decision of 9 November 1992 <sup>(2)</sup> the Council appointed Mr M. SEGHIN a full member and Mr D. BROECKX an alternate member for the period ending on 29 June 1995;

Whereas the Belgian Government has nominated Mr M.-H. CORNELY to replace Mr SEGHIN and Mr M. SEGHIN to replace Mr D. BROECKX,

*Article 1*

Mr M.-H. CORNELY is hereby appointed a full member of the Advisory Committee on Pharmaceutical Training in place of Mr M. SEGHIN for the remainder of the latter's term of office, which expires on 29 June 1995.

*Article 2*

Mr M. SEGHIN is hereby appointed an alternate member of the Advisory Committee on Pharmaceutical Training in place of Mr D. BROECKX for the remainder of the latter's term of office, which expires on 29 June 1995.

Done at Brussels, 15 February 1993.

*For the Council*  
*The President*  
M. JELVED

<sup>(1)</sup> OJ No L 253, 24. 9. 1985, p. 43.

<sup>(2)</sup> OJ No C 300, 17. 11. 1992, p. 3.

## COUNCIL DECISION

of 15 February 1993

**appointing a full member and an alternate member of the Advisory Committee on Education and Training in the field of Architecture**

(93/C 52/02)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to Council Decision 85/385/EEC of 10 June 1985, setting up an Advisory Committee on Education and Training in the field of Architecture <sup>(1)</sup>, and in particular Articles 3 and 4 thereof,

Whereas, by its Decision of 20 June 1991 <sup>(2)</sup>, the Council appointed Professor Denys HINTON a full member and Mr Jaime REYNOLDS an alternate member of the said Committee for the period ending 19 June 1994;

Whereas the United Kingdom Government has nominated Mr Jaime REYNOLDS to replace Professor Denys HINTON and Mr David SMART to replace Mr Jaime REYNOLDS,

*Article 1*

Mr Jaime REYNOLDS is hereby appointed a full member of the Advisory Committee on Education and Training in the field of Architecture in place of Professor Denys HINTON for the remainder of the latter's term of office, which ends on 19 June 1994.

*Article 2*

Mr David SMART is hereby appointed an alternate member of the Advisory Committee on Education and Training in the field of Architecture in place of Mr Jaime REYNOLDS for the remainder of the latter's term of office, which ends on 19 June 1994.

Done at Brussels, 15 February 1993.

*For the Council*  
*The President*  
M. JELVED

<sup>(1)</sup> OJ No L 223, 21. 8. 1985, p. 26.

<sup>(2)</sup> OJ No C 182, 13. 7. 1991, p. 1.

**COUNCIL DECISION**

**of 15 February 1993**

**appointing a full member and an alternate member of the Advisory Committee on Education and Training in the field of Architecture**

(93/C 52/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to Council Decision 85/385/EEC of 10 June 1985 setting up an Advisory Committee on Education and Training in the field of Architecture <sup>(1)</sup>, and in particular Articles 3 and 4 thereof,

Whereas by its Decision of 20 June 1991 <sup>(2)</sup> the Council appointed Mr Kevin FOX a full member and Mr John E. O'REILLY an alternate member for the period ending on 19 June 1994;

Whereas the Irish Government has designated Mr John E. O'REILLY to replace Mr Kevin FOX and Mr E. O. COFAIGH to replace Mr. John E. O'REILLY,

*Article 1*

Mr John E. O'REILLY is hereby appointed a full member of the Advisory Committee on Education and Training in the field of Architecture in place of Mr Kevin FOX for the remainder of the latter's term of office, which ends on 19 June 1994.

*Article 2*

Mr E.O. COFAIGH is hereby appointed an alternate member of the Advisory Committee on Education and Training in the field of Architecture in place of Mr John E. O'REILLY for the remainder of the latter's term of office, which ends on 19 June 1994.

Done at Brussels, 15 February 1993.

*For the Council*  
*The President*  
M. JELVED

<sup>(1)</sup> OJ No L 223, 21. 8. 1985, p. 26.

<sup>(2)</sup> OJ No C 182, 13. 7. 1991, p. 1.

**COUNCIL DECISION**

**of 15 February 1993**

**appointing a member of the Advisory Committee on Education and Training in the field of Architecture**

(93/C 52/04)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas the Spanish Government has nominated Mr Florentino RODRIGUEZ to replace Mr Joaquín CORES URÍA,

Having regard to Council Decision 85/385/EEC of 10 June 1985 setting up an Advisory Committee on Education and Training in the field of Architecture <sup>(1)</sup>, and in particular Articles 3 and 4 thereof,

Whereas by its Decision of 20 June 1991 <sup>(2)</sup>, the Council appointed Mr Joaquín CORES URÍA a member for the period ending on 19 June 1994;

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Florentino RODRIGUEZ is hereby appointed a member of the Advisory Committee on Education and Training in the field of Architecture in place of Mr Joaquín CORES URÍA for the remainder of the latter's term of office, which ends on 19 June 1994.

Done at Brussels, 15 February 1993.

*For the Council*  
*The President*  
M. JELVED

<sup>(1)</sup> OJ No L 223, 21. 8. 1985, p. 26.

<sup>(2)</sup> OJ No C 182, 13. 7. 1991, p. 1.

## COMMISSION

Ecu <sup>(1)</sup>

22 February 1993

(93/C 52/05)

Currency amount for one unit:

Belgian and Luxembourg franc	39,9256	United States dollar	1,19057
Danish krone	7,43389	Canadian dollar	1,50249
German mark	1,93741	Japanese yen	138,963
Greek drachma	260,603	Swiss franc	1,77489
Spanish peseta	140,522	Norwegian krone	8,25836
French franc	6,56954	Swedish krona	9,02806
Irish pound	0,794929	Finnish markka	6,99457
Italian lira	1868,14	Austrian schilling	13,6344
Dutch guilder	2,18100	Icelandic krona	76,8867
Portuguese escudo	177,930	Australian dollar	1,72922
Pound sterling	0,817864	New Zealand dollar	2,29839

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).

**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL  
DURING THE PERIOD 8 TO 12. 2. 1993**

(93/C 52/06)

*These documents may be obtained from the Sales Offices, the addresses of which are given on the  
back cover*

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(92) 560	CB-CO-92-626-EN-C	Proposal for a Council Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents <sup>(1)</sup> <sup>(2)</sup>	23. 12. 1992	8. 2. 1993	120
COM(93) 34	CB-CO-93-037-EN-C	Report from the Commission concerning the Report on developments on the market in milk products and competing products	5. 2. 1993	8. 2. 1993	12
COM(93) 36 (I)	CB-CO-93-052-EN-C	Commission proposals on the prices for agricultural products and on related measures (1993/94) — Volume I — Explanatory memoranda	3. 2. 1993	8. 2. 1993	40
COM(93) 36 (II)	CB-CO-93-053-EN-C	Commission proposals on the prices for agricultural products and on related measures (1993/94) — Volume II — Financial Implications	3. 2. 1993	8. 2. 1993	18
COM(93) 12	CB-CO-93-016-EN-C	Proposal for a Council Regulation (EEC) on the conclusion of the Agreement on relations in the sea fisheries sector between the European Economic Community and the Argentine Republic <sup>(2)</sup>	4. 2. 1993	9. 2. 1993	32
COM(93) 18	CB-CO-93-036-EN-C	Proposal for a Council Decision introducing a Community system of information on home and leisure accidents <sup>(2)</sup>	26. 1. 1993	9. 2. 1993	31
COM(93) 23	CB-CO-93-026-EN-C	Amended proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft <sup>(2)</sup>	9. 2. 1993	9. 2. 1993	4
COM(93) 36 (III)	CB-CO-93-069-EN-C	Commission proposals on the prices for agricultural products and on related measures (1993/94) — Volume III — Legal instruments <sup>(2)</sup>	9. 2. 1993	9. 2. 1993	97
COM(93) 38	CB-CO-93-040-EN-C	Proposal for a Council Regulation (EEC) suspending wholly or in part the Common Customs Tariff duties on certain agricultural products originating in Turkey (1993)	8. 2. 1993	9. 2. 1993	7
COM(93) 19	CB-CO-93-023-EN-C	Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1883/78 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section <sup>(2)</sup>	9. 2. 1993	10. 2. 1993	7
COM(93) 37	CB-CO-93-039-EN-C	Proposal for a Council Directive amending Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) <sup>(1)</sup> <sup>(2)</sup>	9. 2. 1993	10. 2. 1993	25

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(93) 48	CB-CO-93-051-EN-C	Report from the Commission on the implementation of the Petra programme (1988 to 1991)	11. 2. 1993	12. 2. 1993	47
COM(93) 52	CB-CO-93-031-EN-C	Proposal for a Council Decision concerning the conclusion of a framework Cooperation Agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama (*)	12. 2. 1993	12. 2. 1993	29
COM(93) 54	CB-CO-93-075-EN-C	Communication from the Commission on the implementation of the Community measures of the growth initiative (*)	10. 2. 1993	12. 2. 1993	4

(\*) This document contains an SME impact statement.

(\*) This document will be published in the Official Journal.

*NB:* COM documents are available by subscription, either for all editions or for specific subject areas, and by single copy, in which case the price is based pro rata on the number of pages.

#### Prior notification of a concentration

(Case No IV/M.272 — Matra/Cap Gemini Sogeti)

(93/C 52/07)

1. On 16 February 1993, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 (\*) by which the undertaking Matra Défense Espace, controlled by the Lagardère Group, and Cap Gemini Sogeti acquire within the meaning of Article 3 (1) (b) of Regulation (EEC) No 4064/89 joint control of the undertaking Matra Cap Systèmes, a company newly created from the resources of Matra Défense Espace and Cap Gemini Systèmes.

2. The business activities of the undertakings concerned are:

- for Matra Défense Espace: a holding company with interests in the defence and space sectors,
- for Cap Gemini Sogeti: a holding company with interests in the service sector, particularly data processing and data handling,
- for Matra Cap Systèmes: data processing in the defence sector, and imaging in the space sector.

3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax No (322) 296 43 01) or by post, under reference number IV/M.272 — Matra/Cap Gemini Sogeti, to the following address:

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

(\*) OJ No L 395, 30. 12. 1989; Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.



# COURT OF JUSTICE

## COURT OF JUSTICE

### Action brought on 11 January 1993 by Ferchimex SA against the Council of the European Communities

(Case C-8/93)

(93/C 52/08)

An action against the Council of the European Communities was brought before the Court of Justice of the European Communities on 11 January 1993 by Ferchimex SA, represented by Mr Alastair Sutton of the Bar of England and Wales, and by Mr Aristotelis N. Kaplanidis of the Bar of Thessaloniki, with an address for service in Luxembourg at the Chambers of Marc Loesch, 8, rue Zithe.

The applicant requests the Court to:

1. declare void the Council Regulation (EEC) No 3068/92<sup>(1)</sup> imposing a definitive anti-dumping duty on imports of potassium chloride originating in Russia, Belarus and Ukraine;
2. take such further action as the Court may in its wisdom deem appropriate; and
3. order the Council to pay the costs incurred by the applicant in the present proceedings.

#### *Pleas in law and main arguments adduced in support:*

- (a) Illegal reliance on a single company (Potacan) related to the complainants, in the reference market.

In relying exclusively on information provided by the Potash Company of Canada Limited ('Potacan') a wholly-owned subsidiary of the principal complainants, in order to establish normal value, the Commission acted unreasonably and inappropriately in breach of Article 2 (5) of Regulation (EEC) No 2423/88<sup>(2)</sup> and contrary to principles of natural justice, which require that data essential for establishing normal value in the exporting or reference country should be neutral and should not be supplied by complainant companies or their subsidiaries, which have every interest in assisting the Commission to find dumping and which therefore would have an interest in demonstrating as high a price as possible.

- (b) Unrepresentative nature of Potacan.

Irrespective of the corporate relationship between Potacan and the complainants SCPA and Kali, the Commission acted in breach of Article 2 (5) of Regulation (EEC) No 2423/88 in limiting its fact-finding to one Canadian potash producer, which was in any event unrepresentative of the Canadian market, being located in the smaller of two distinct markets for potash in Canada and which, in any event, was — during the investigation period — in economic difficulty and selling on the Canadian market below its cost of production.

- (c) Failure to justify price calculations on reference market.

More generally and in addition to the applicant's submissions at (a) and (b) above, the Commission and the Council have failed in recitals 7 and 8 of Regulation (EEC) No 3068/92, contrary to Article 190 of the EEC Treaty, to provide adequate reasoning to support their conclusions on Canadian and United States market prices used for calculations of normal value.

- (d) Illegal calculation of normal value.

In calculating normal value for standard grade potash, the Commission failed to exclude non-representative prices of like products on the Canadian market, contrary to Article 2 (5) of Regulation (EEC) No 2423/88.

- (e) Illegal injury assessment through failure to take account of the complainants' role as importers.

- (i) In their analysis of alleged injury to the European industry, in particular in recitals 24 to 33 of Regulation (EEC) No 1031/92<sup>(1)</sup> and recital 16 of Regulation (EEC) No 3068/92, the Council and the Commission failed to give effect to the provisions of Article 4 (5) of Regulation (EEC) No 2423/88 by taking into account the fact that imports from non-EC countries were substantially made, as a matter of normal business practice, through the sales network of the EC producers and principal complainants SCPA and Kali.

<sup>(1)</sup> OJ No L 308, 24. 10. 1992, p. 41.

<sup>(2)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(1)</sup> OJ No L 110, 28. 4. 1992, p. 5.

- (ii) Further, and more, generally, the Commission and Council failed in their assessment of injury, to take into account the extent to which European complainants — in particular SCPA and Kali — contributed to their own injury ('self-inflicted injury'), through their own extensive imports from CIS States and other sources.
- (iii) The Commission failed to quantify — though it had, in cooperation with the complainants, the means to do so — the volume and effect of imports made through channels controlled by the European complainants and 'free' imports, particularly imports of 'perestroika potash' during the reference period.
- (iv) The Commission and Council failed to update their injury information throughout the period covered by the investigation.
- (f) Illegal injury assessment through failure to consider effect of imports other than those from Russia, Belarus and Ukraine.

The Commission failed to demonstrate that the alleged injury was solely attributable to imports of potash from the three CIS States and to substantiate its assertion that it distinguished between the potential effects of imports from other sources and the imports under investigation.

- (g) Failure to respect time limits for investigation.

The Commission failed to respect the time limit of one year provided in Article 7 (9) (a) of Regulation (EEC) No 2423/88 for concluding investigations and failed, contrary to Article 190 of the EEC Treaty, to provide adequate reasons for the fact that the investigation exceeded one year.

- (h) Illegal use of out-of-date information to determine remedy resulting in disruption of the applicant's trade.

The Commission, contrary to principles of good administration and its own previous practice, failed to update information on which the dumping calculation was based, thereby leading to a situation where the remedy applied in the form of minimum import price was unreasonably restrictive, contrary to the provisions of Articles 13 (3) of Regulation (EEC) No 2423/88 and recital 46 of Regulation (EEC) No 1031/92 which provides that 'the imposition of anti-dumping measures should not remove products originating in the countries concerned from the Community market or even, as the producers seem to fear, deprive them of a valuable source of the foreign exchange so desperately needed by the economies of the countries once part of the Soviet Union ...'.

- (i) Arbitrary and unjustified selection of reference period.

The Commission acted arbitrarily, discriminatorily and contrary to Article 7 (1) (c) in artificially selecting a reference period ending well before the opening of the investigation, thereby focusing on a period when trade patterns were abnormally disrupted as a result of political and economic disturbance in the USSR and failing to take account of a quantitative restriction on imports of potash from the USSR adopted under Community law immediately before the opening of the investigation, but after the selected reference period.

- (j) Failure to consider the applicant's submissions of fact and law.

By failing to take into consideration the applicant's submission of 21 September 1992, the Commission did not provide the applicant with a fair hearing and, more specifically, failed to take into account the applicant's submissions on dumping, injury, the appropriateness of the proposed remedy and issues relevant to the Community interest.

- (k) Failure to inform representatives of exporting countries.

The Commission, contrary to the provisions of Article 7 (1) (b) and (4) (a), failed to advise the representatives of Russia, Belarus and Ukraine of the existence of this proceeding, thereby depriving them of an opportunity to 'inspect all information made available to the Commission' by the parties concerned by these proceedings and to make any representations or observations which they felt appropriate.

**Reference for a preliminary ruling by the Tribunale di Genova (District Court, Genova) by order of that court of 14 December 1992 in the case of Corsica Ferries Srl against Corpo dei Piloti del Porto di Genova**

(Case C-18/93)

(93/C 52/09)

Reference has been made to the Court of Justice of the European Communities by order of the Tribunale di Genova of 14 December 1992, which was received at the Court Registry on 19 January 1993, for a preliminary ruling in the case of Corsica Ferries Srl against Corpo dei Piloti del Porto di Genova on the following questions:

- (1) Are Articles 5 and 7 of the EEC Treaty compatible with the provisions of national legislation which lay down, in respect of vessels providing a regular

scheduled service between ports of two Member States, by way of charges for the mandatory piloting service for navigational safety, reduced tariffs which are applicable only to vessels authorized to provide coastal services between domestic ports, where, in the present state of Community law, the provision of coastal services between domestic ports is reserved solely to vessels flying the Italian flag?

- (2) Is Article 30 of the EEC Treaty compatible with the provisions or practices of national legislation which require compulsory recourse to the *Impresa di Pilotaggio* (Piloting Service), even where the same operations can, without endangering navigational safety, be carried out in whole or in part, at a lower cost, with the men, equipment and technologies with which the vessel is provided?
- (3) Is Article 59 of the EEC Treaty compatible, in the case of vessels providing a regular scheduled service between two Member States, with the provisions of national law which authorize reductions on the compulsory tariffs applied to the piloting service in domestic harbours to be made exclusively in respect of vessels flying the national flag?
- (4) Does the approval on the part of the public authorities of a compulsory tariff, as a result of an agreement or consultation, or both, between the trade associations of the sector concerned, constitute 'endorsement' of an agreement prohibited by Article 85 (1) of the EEC Treaty, and, if so, can such endorsement be compatible with the provisions of Article 90 (1) in conjunction with Articles 5 and 85 of the EEC Treaty?
- (5) Is Article 90 (1) in conjunction with Article 86 of the EEC Treaty compatible with national provisions which authorize a dominant undertaking which has been granted exclusive rights over a substantial part of the common market:
- (a) to charge in respect of vessels providing a regular scheduled service between two Member States different rates for equivalent services, where the tariff system in force provides, with parity of service, for tariff reductions applicable in practice only to vessels flying the national flag;
- (b) to apply to vessels flying foreign flags, in the light of the foregoing, tariffs which provide for charges of an amount 'three times' higher than those laid down for domestic vessels;
- (c) not to reduce the costs of a compulsory service, such as that under consideration, where — whilst complying with the requirements of navigational safety at all times and in every respect — the vessels are capable of operating autonomously, at least in part?

**References for a preliminary ruling by the Tribunal de Commerce de Bruxelles by judgments of that court of 11 January 1993 in the cases of *Deutscher Kraftverkehr (DKV) v. SA Générale de Banque and Deutscher Kraftverkehr and BV Mobil Oil v. SA AG DE 1824, formerly AG DE 1830, and SA Générale de Banque* — also attending: the Belgian State, represented by the Minister of Communications (C-21/93)**

(Cases C-20/93 and C-21/93)

(93/C 52/10)

Two references have been made to the Court of Justice of the European Communities by judgments of the Tribunal de Commerce de Bruxelles (Commercial Court, Brussels) of 11 January 1993, which were received at the Court Registry on 21 January 1993, for a preliminary ruling in the cases of *Deutscher Kraftverkehr (DKV) v. SA Générale de Banque* (C-20/93) and *Deutscher Kraftverkehr and BV Mobil Oil v. SA AG DE 1824, formerly AG DE 1830, and SA Générale de Banque* — also attending: the Belgian State, represented by the Minister of Communications (C-21/93) on the following question:

Where a Member State, in applying Article 3 (3) of Council Directive 74/561/EEC of 12 November 1974 on admission to the occupation of road haulage operator in national and international transport operations<sup>(1)</sup>, and in order to fulfil the requirement of financial standing, imposes upon carriers an obligation to provide a guarantee (in Belgium, a joint and several guarantees), is the security furnished to be regarded as ensuring for the benefit solely of creditors who have entered into a contract of carriage with the carrier on whose behalf the guarantee is given, or does the requisite guarantee cover all indebtedness arising from the exercise of his occupational activities by the carrier on whose behalf the security is provided?

<sup>(1)</sup> OJ No L 308, 19. 11. 1974, p. 18.

**Action brought on 29 January 1993 by *Compagnie Fruitière Import* against the Commission of the European Communities**

(Case C-25/93)

(93/C 52/11)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 29 January 1993 by *Compagnie Fruitière Import*, represented by Dominique Larcena, of the Paris Bar, with an address for service in Luxembourg at the Chambers of Fernand Entringer, 34 A, rue Philippe II.

The applicant claims that the Court should:

- annul all the provisions of the decision of 2 December 1992 of the Commission of the European Communities authorizing the French Republic to apply safeguard measures to imports of bananas originating in Cameroon and the Ivory Coast,

— order the defendant to pay all the costs.

*Pleas in law and main arguments adduced in support:*

The pleas in law and main arguments are identical to those in Case C-429/92 (<sup>1</sup>).

(<sup>1</sup>) OJ No C 22, 26. 1. 1993, p. 9.

#### COURT OF FIRST INSTANCE

**Action brought on 13 January 1993 by Fernando Pérez Jiménez against the Commission of the European Communities**

(Case T-6/93)

(93/C 52/12)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 13 January 1993 by Fernando Pérez Jiménez, represented by Pedro N. Menchén Herreros, Abogado, of Madrid, with an address for service in Luxembourg at the Chambers of Alain Lorang, 51, rue Albert I, L-1117 Luxembourg.

The applicant claims that the Court should:

annul the decision of the Selection Board in Open Competition COM/A/720 to extend the list of candidates admitted to tests (d) and (e), together with all the steps in that competition procedure taken thereafter, so that those steps may be repeated with the sole participation of the candidates who passed the eliminatory tests referred to in point V (a), (b) and (c) of the notice of competition.

*Pleas in law and main arguments adduced in support:*

The applicant seeks the annulment of the decision of the Directorate-General for Personnel and Administration of the Commission of the European Communities of 16 October 1992 rejecting the complaint lodged against the decision of the Selection Board in Open Competition COM/A/720 to extend the list of candidates admitted to tests (d) and (e) to include candidates who did not pass the eliminatory tests referred to in the notice of competition.

The applicant claims that the admission to tests (d) and (e) of some 4 200 candidates who had not passed the eliminatory tests seriously prejudiced his chances of passing tests (d) and (e), since it is reasonable to assume

that those tests were marked more strictly as a result of the considerable number of extra candidates who were wrongly admitted.

In his opinion the decision is in breach of point VI (2), last paragraph, of the competition notice, according to which only candidates who had obtained the minimum pass marks in tests (a), (b) and (c) were to be admitted to tests (d) and (e).

Apart from that breach there was also a breach, as regards the entry qualifications for test (d), of point 3.5.1 of the Guide for Members of Competition Juries, inasmuch as no third assessor was appointed despite the fact that there was a considerable and fundamental difference between the assessments of the tests made by the two original assessors, a difference sufficient to vary a pass to a fail.

Similarly, in so far as the applicant did not know what marks were obtained in the tests by the candidates who did not pass the eliminatory tests but were admitted to the subsequent tests, there was a breach of the principle of equal treatment inasmuch as during the tests the candidates must know the position of the other candidates and the general circumstances in which the competition is conducted.

#### Removal from the Register of Case T-67/92 (<sup>1</sup>)

(93/C 52/13)

By order of 26 January 1993 the President of the Fourth Chamber of the Court of First Instance of the European Communities ordered the removal from the Register of Case T-67/92: Piera Scaramuzza v. Commission of the European Communities.

(<sup>1</sup>) OJ No C 290, 6. 11. 1992.

## III

(Notices)

## COMMISSION

## Outcome of the invitations to tender (Community food aid)

(93/C 52/14)

as provided for in Article 9 (5) of Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid

(Official Journal of the European Communities No L 204 of 25 July 1987, page 1)

16 February 1993

Regulation (EEC) No	Lot	Action No	Recipient	Product	Quantity (tonnes)	Delivery stage	Number of tenderers	Successful tenderer	Awarded price (ECU/tonne)
Decision of 9. 2. 1993	A	1450 + 1451/92	WFP/Mozambique	CBM/CBR	2 880	EMB	5	Eurico — Vercelli (I)	249,80

BLT: Common wheat  
 FBLT: Common wheat flour  
 CBL: Long grain milled rice  
 CBM: Medium grain milled rice  
 CBR: Round grain milled rice  
 BRI: Broken rice  
 FHAF: Rolled oats  
 FROf: Processed cheese  
 SUB: Sugar  
 ORG: Barley  
 SOR: Sorghum  
 DUR: Durum wheat  
 GDUR: Durum wheat groats

MAI: Maize  
 FMAI: Maize flour  
 GMAI: Maize groats  
 SMAI: Maize meal  
 LEP: Whole milk powder  
 LEPv: Skimmed-milk powder  
 LEPv: Vitaminized skimmed-milk powder  
 CT: Tomato concentrate  
 B: Butter  
 BO: Butteroil  
 HOLI: Olive oil  
 HCOLZ: Refined rape or colza oil  
 HPALM: Semi-refined palm oil

HTOUR: Refined sunflower oil  
 CB: Corned beef  
 RsC: Currants  
 BABYF: Babyfood  
 PAL: Pasta  
 FEQ: Horse beans (*Vicia faba equina*)  
 FMA: Broad beans (*Vicia faba major*)  
 SAR: Sardines  
 DEB: Free at port of landing — landed  
 DEN: Free at port of landing — ex ship  
 EMB: Free at port of shipment  
 DEST: Free at destination

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**CORRIGENDA**

**Corrigendum to Commission communication concerning Council Regulations (EEC) No 1551/91, (EEC) No 1910/91, (EEC) No 3034/91, (EEC) No 3910/91, (EEC) No 3912/91, (EEC) No 3913/91, (EEC) No 3163/91 and (EEC) No 190/92, as a result of the adoption of Council Regulation (EEC) No 1764/92 of 29 June 1992 amending the arrangements for the import into the Community of certain agricultural products originating in Algeria, Cyprus, Egypt, Jordan, Lebanon, Israel, Malta, Morocco, Syria or Tunisia**

*(Official Journal of the European Communities No C 266 of 15 October 1992)*

(93/C 52/15)

On page 4 in the table against Regulation (EEC) No 3034/91 in the column headed 'Quota volume since adoption of Regulation (EEC) No 1764/92':

*for:* '5 250 hl',

*read:* '5 000 hl'.

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