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Information and Notices

<u>Notice No</u>	Contents	Page
	<i>I Information</i>	
	Commission	
93/C 78/01	Ecu	1
93/C 78/02	Communication from the Commission as part of the implementation of Council Directive 90/396/EEC of 29 June 1990 relating to appliances burning gaseous fuels	2
93/C 78/03	State aid — C 38/92 (NN 128/92) — Italy	4
93/C 78/04	Commission communication pursuant to Article 9 (9) of Council Regulation (EEC) No 3420/83 of 14 November 1983	7
	<i>II Preparatory Acts</i>	
	Commission	
93/C 78/05	Proposal for a Council Regulation (EEC) on operations to promote tropical forests	8
	<i>III Notices</i>	
	Commission	
93/C 78/06	Management of an export promotion campaign to Japan — Open procedure	11

I

(Information)

COMMISSION

Ecu ⁽¹⁾

18 March 1993

(93/C 78/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,9926	United States dollar	1,16963
Danish krone	7,47335	Canadian dollar	1,46321
German mark	1,94217	Japanese yen	136,788
Greek drachma	263,494	Swiss franc	1,78719
Spanish peseta	138,940	Norwegian krone	8,26109
French franc	6,61496	Swedish krona	9,13773
Irish pound	0,800075	Finnish markka	7,03532
Italian lira	1880,13	Austrian schilling	13,6671
Dutch guilder	2,18253	Icelandic krona	76,6224
Portuguese escudo	179,503	Australian dollar	1,63883
Pound sterling	0,797837	New Zealand dollar	2,19032

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).

**Communication from the Commission as part of the implementation of Council Directive
90/396/EEC of 29 June 1990 relating to appliances burning gaseous fuels ⁽¹⁾**

(93/C 78/02)

Publication, for information purposes, of the list of identified bodies responsible for
implementing the conformity certification procedures referred to in Annex II to Directive
90/396/EEC

⁽¹⁾ OJ No L 196, 26. 7. 1990, p. 15.

Name and address of body	Identification number	Conformity certification procedures for the implementation of which the body has been identified
Danmarks Gasmateriel Prøvning Transegårdsvej 20 DK-2900 Hellerup	0048	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
Association française de normalisation (Afnor) Service «Certification Gaz» Tour Europe — Cedex 7 F-92049 Paris-La-Défense	0049	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
National Standards Authority of Ireland Glasnevin IRL-Dublin 9	0050	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
Istituto italiano del marchio di qualità — IMG Via Quintiliano, 43 I-20138 Milano	0051	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
GasTec NV Nederlands Centrum voor Gastechnologie Postbus 137 NL-7300 AC Apeldoorn	0063	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
Instituto Português da Qualidade — IPQ Rua José Estêvão n.º 83a P-1199 Lisboa Codex	0064	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)

Name and address of body	Identification number	Conformity certification procedures for the implementation of which the body has been identified
Deutscher Verein des Gas- und Wasserfachs e. V. Technisch-wissenschaftliche Vereinigung Hauptstraße 71-79 D-6236 Eschborn 1	0085	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
BSI Quality Assurance PO Box 375 UK-Milton Keynes MK14 6LL	0086	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
British Gas Appliance and Equipment Testing Research and Technology Division Watson House Research Station Peterborough Road UK-London SW6 3HN	0087	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
Lloyd's Register Quality Assurance Ltd Norfolk House Wellesley Road UK-Croydon CR9 2DT	0088	<ul style="list-style-type: none"> — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4)
Asociación Española de Normalización y Certificación (AENOR) C/ Fernández de la Hoz 52 E-28010 Madrid	0099	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
Calor Gas Appliance Testing Laboratory Calor Gas Limited Appleton Park UK-Slough SL3 9JG	0119	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) — EC declaration of conformity with type (Annex II, item 2) — EC checking (Annex II, item 5) — EC unit checking (Annex II, item 6)
SGS Yarsley Quality Assured Firms Limited Trowers Way Redhill UK-Surrey RH1 2JN	0120	<ul style="list-style-type: none"> — EC declaration of conformity with type (production quality assurance — Annex II, item 3) — EC declaration of conformity with type (product quality assurance — Annex II, item 4)
TÜV Produkt Service GmbH Riedlerstraße 31 D-8000 München 2	0123	<ul style="list-style-type: none"> — EC type-examination (Annex II, item 1) for transportable camping equipment containing LPG — EC checking (Annex II, item 5) for transportable camping equipment containing LPG — EC unit checking (Annex II, item 6) for transportable camping equipment containing LPG

Note: The Commission will ensure that this list is updated.

STATE AID**C 38/92 (NN 128/92)****Italy****(93/C 78/03)***(Articles 92 to 94 of the Treaty establishing the European Economic Community)***Commission notice pursuant to Article 93 (2) of the EEC Treaty to other Member States and interested parties regarding aid which Italy has decided to grant to EFIM**

By means of the letter reproduced below, the Commission informed the Italian Government of its decision to extend the Article 93 (2) procedure.

'By telefax dated 21 December 1992, registered on the 23 December 1992 at the Secretariat-General of the Commission, the Italian Government, conforming to Article 93 (3) of the EEC Treaty, notified the Commission of the above noted aid measures.

This Decree Law, which updates the situation concerning the liquidation process, was, as stated above, presented in the form of a notification. However, this notification was received by the Secretariat-General on 23 December, several days after the Decree Law's enactment.

Consequently, this telefax has not been accepted as a notification and therefore the aid measures in question have been treated as non-notified. However, as the measures concern the same undertaking and process as that already addressed by the Commission, in its decision of 23 December 1992 (notified to the Italian authorities on 24 February 1993), this matter is being treated as an extension of the same procedure.

1. Background

EFIM is the State owned holding company of a diversified manufacturing group operating in Italy. Its subsidiaries include SIV, a producer of glass and related materials, Aviofer Breda which counts Agusta (the helicopter undertaking) amongst its operations and Alumix operating in the aluminium sector.

The EFIM group's turnover in 1991 amounted to over Lit 4 566 billion and the group has debts amounting to some Lit 8 500 billion. Press reports indicate that it has some 37 000 employees.

The Italian Government placed the group in liquidation with effect from 18 July 1992.

The Commission's services have already examined a number of Law Decrees appertaining to the EFIM group. This review has resulted in a Commission decision to open the Article 93 (2) procedure, in respect

of Law Decrees 362/92, 382/92 and 414/92, on 23 December 1992. As part of the procedure this decision will be forwarded to the Italian authorities and published in the *Official Journal of the European Communities*.

This current decision concerns Law Decree 487/92 of 19 December 1992 which was published in the *Gazzetta ufficiale della Repubblica Italiana* of 19 December 1992. Two Articles of this Law introduced measures that were not specifically covered by the Commission's earlier decision, these being Articles 5 (3) and 7 (3).

The first Article noted above concerns the granting of further monies to enable the restructuring of EFIM to take place (Lit 4 000 billion) and the latter allows the conversion into capital of all of the debts of EFIM or of its subsidiary companies. These form the only relevant, new measures introduced by this Decree Law and, therefore, they are the only matters which are to be considered by the Commission on this occasion.

2. Financial profile of EFIM

EFIM was created in 1947 to be a financial holding company for companies operating in the manufacturing sector.

During recent years the group has suffered significant losses and has become seriously over indebted prior to being placed in liquidation.

In 1991 it achieved a turnover of some Lit 4 566 billion; the major part of these sales relate to the group's activities in the aluminium, aerospace/land transport and glass industries.

3. Existence of aid

The potential for the existence of aid arises as follows:

Advance of Lit 4 000 billion

The granting of monies to a heavily indebted group (debts of Lit 8 500 billion in comparison to negative net assets for the holding company) which has, in recent

years, incurred losses would be, in itself, a questionable act for a market economy investor. The fact that EFIM has been placed in liquidation, on 18 July 1992, and that the advance was approved on 19 December 1992 is conclusive evidence that these monies represent aid.

The placing of a company in liquidation is an acknowledgement of the fact that it is unable to pay its debts. Therefore, a market economy investor would not make further funds available once a company has been placed in liquidation.

Conversion of debt into capital

The conversion of debt into equity capital in a profitable company, which has good prospects, can be the normal action of a market economy investor. This is because in a profitable undertaking there is a strong probability of a growth in the value of the company's share capital. Moreover, there is the possibility of sharing in the company's profits, via a dividend income, to a higher level that could simply be obtained through interest received from a loan:

For a loss making company, or for one in liquidation, the reverse is true. The conversion of debt into capital has the following effects:

- of permitting an immediate cost reduction through a saving of interest charges; dividends would only have to be paid in the future when, and if, the undertaking returned to profitability,
- of allowing the undertaking to borrow new money, once existing debts have effectively been written off, thereby giving it an advantage over its competitors who have not had a similar benefit,
- of imposing a higher, or infinite, risk on the lender. When the lender was a creditor of the undertaking there was both the possibility for the loan to be reimbursed and security for granting it. Once the loan is converted into capital, reimbursement is virtually impossible and all security is rescinded. In a loss making company, or one in liquidation, if such action is imposed on lenders the company benefiting has a significant advantage over its competitors in that it does not have to repay its debts when creditors would be most pressing.

Clearly a market economy investor would only engage in such a financial restructuring if there was a sufficient probability of a resumption of profitability. In this case, with the current liquidation, this is unlikely; such measures may therefore contain aid.

4. Assessment

In assessing the financial and industrial implications of the planned liquidation of EFIM, and specifically these potential aid measures in question, the Commission will be applying the market economy investor principle as developed over many years and explained precisely in the "communication on public undertakings" of October 1991 ⁽¹⁾.

This principle allows the Commission to establish which elements in the proposed measures are the practice of a market economy investor and which are to be considered as being aid.

The granting of funds to a company in liquidation to enable it to carry out restructuring measures and allowing it the possibility to convert its debt into capital are very likely to constitute aid within the meaning of Article 92 (1) of the EEC Treaty.

These aid measures would clearly favour the EFIM Group whose principal activities are in the aluminium, aerospace and glass industries. These three industries, in fact, accounted for 95 % of the group's turnover in 1990.

- *Aluminium:* Alumix, EFIM's sub-holding company for aluminium activities, analysed its production in 1990 as follows:

(in 1 000 tonnes)

	Available production	Imports	Exports
— Primary materials	693	232	481 (20)
— Lamination	356	312	120 (76)
— Extrusion	287	318	33 (64)

- *Aerospace:* Aviofer Breda is the sub-holding company for the aerospace/land transport sub-group, and some 56 % of the sub-group's turnover relates to aerospace activities.

In 1990 the sub-group's sales amounted to Lit 1 870 billion of which 24 % was exports. Furthermore, press reports indicate that the Agusta subsidiary

⁽¹⁾ OJ No C 273, 18. 10. 1991.

(1990 turnover Lit 847 billion) has 7 % of the world market for civilian helicopters and 5 % of the world military helicopter market.

- *Glass*: SIV controls the glass-making operations of the EFIM group and had sales of Lit 551 billion in 1990; of these 58 % was exports.

Moreover, press reports indicate that SIV has 30 % of the European market for some specific products, e.g. car windows.

On the basis of the foregoing it is clear that any aid favouring the EFIM group, given the level of exports noted above would affect trade between Italy and other Member States and is therefore, in accordance with Article 92 (1), incompatible with the common market.

However, Article 92, in subparagraphs 2 and 3, foresees certain types of aid that are compatible with the common market.

Article 92 (2) is not applicable to the measures in question as they do not have a social character, nor are they granted to individual consumers; nor does the aid make good damage caused by natural disasters.

Article 92 (3) (b) is not applicable as the aid is not given to promote the execution of an important project of common European interest nor is it to remedy a serious disturbance in the Italian economy. Nor have the Italian authorities invoked this derogation.

Article 92 (3) (a) and (c) "economic areas" allows for aid to be granted to specific areas where the standard of living is abnormally low or where there is serious under-employment, also to areas where the granting of the aid, whilst favouring the development of certain regions and economic activities therein, does not affect trading conditions to an extent contrary to the common interest.

The Commission approves various regional aid regimes which allow for aid measures to be granted to specific regions falling under either Article 92 (3) (a) or (c). Broadly, these regimes permit the granting of aid up to certain levels of intensity and generally where it is linked to either investment or employment.

EFIM undoubtedly has undertakings based in areas which could benefit from these derogations. However, the aid measures in question do not form part of a regional programme nor are they aimed at the creation of employment nor do they assist capital investment. Instead the interventions form *ad hoc* measures to enable

EFIM as a whole, or in part, to continue in business when otherwise it would have failed. Furthermore, such trading can be carried out without EFIM having to bear all the costs thereof itself.

Moreover, the lack of information in respect of these measures means that the Commission is unable to assess their precise nature and impact. A derogation pursuant to Article 92 (3) (a) or (c) "economic areas" must, therefore, be excluded at this stage given the current lack of information.

Turning to Article 92 (3) (c) in respect of aid to facilitate the development of certain economic activities where such aid does not adversely affect trading conditions contrary to the common interest. As stated above the interventions do not permit the creation of employment or assist capital investment. Instead they form aid measures to permit the EFIM group to continue in business when otherwise it would have failed. Furthermore, they mean that the group does not have to bear all the costs that rightfully it should. The aid measures do not appear, therefore, to facilitate the development of a specific economic activity.

As demonstrated above such aid measures will distort trade between Member States without it being possible, at this stage, to establish any beneficial effect arising with regard to the common interest. Whilst restructuring and rationalization plans are discussed in the Decree Law none have been communicated to the Commission showing either production and capacity reductions or other recovery measures. Moreover, no arguments demonstrating other benefits for the common interest have been expressed by the Italian authorities. Without any such justification or by means of such a plan, these aid measures cannot be considered to be compatible with the common market.

5. Conclusion

In summary, therefore, the aid measures cannot, at this stage, be considered to be compatible with the common market. Given their nature, such compatibility could only be possibly established pursuant to Article 92 (3) (c). The aid is moreover illegal as it was introduced before the Commission had come to a final decision.

The Commission has, therefore, decided to extend the procedure provided for by Article 93 (2), previously initiated on 23 December 1992 in respect of former aid measures in respect of EFIM. This new decision, to extend the procedure, has been made with regards to the Italian Government's introduction of additional measures to provide up to Lit 4 000 billion to the EFIM group and

to permit the conversion of the EFIM group's debts into capital.

The Commission hereby gives the Italian Government notice, as part of the Article 93 (2) procedure, to submit its comments within 30 days of the date of this letter.

The Commission would further inform the Italian Government that it is giving the other Member States and parties concerned other than Member States, by publishing a notice in the *Official Journal of the European Communities*, notice to submit their comments.

The Commission would draw the Italian Government's attention to the letter it sent all Member States on 3 November 1983 on the subject of their obligations pursuant to Article 93 (3) of the EEC Treaty and the communication it published in *Official Journal of the*

European Communities No C 318 of 24 November 1983, page 3 in which it reminded Member States that where they grant aid unlawfully, i.e. before the Article 93 (2) procedure has resulted in a final decision, the Commission may require them to recover it.'

The Commission hereby gives the other Member States and interested parties notice to submit their comments on the measures in question within 30 days of the date of publication of this notice to:

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

The comments will be communicated to Italy.

Commission communication pursuant to Article 9 (9) of Council Regulation (EEC) No 3420/83 of 14 November 1983

(93/C 78/04)

By virtue of Article 9 (1) of Council Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level⁽¹⁾, the Commission adopted the following change(s) to the import arrangements applied in Italy with regard to the People's Republic of China on 10 March 1993:

Exceptional opening of import facilities for the following products:

- | | |
|--|-------------|
| — Synthetic fibres of polyvinyl alcohol
(Category ex 124 — CN code ex 5503 90 90) | 5,6 tonnes |
| — Drawn glass, in Sheets,
of a thickness of 2 mm (CN code 7004 90 91) | ECU 66 800. |

⁽¹⁾ OJ No L 346, 8. 12. 1983, p. 6.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EEC) on operations to promote tropical forests

(93/C 78/05)

COM(93) 53 final

(Submitted by the Commission on 26 February 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Community, and in particular Articles 130 S and 235,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas the Commission communication to the Council of 16 October 1989 on 'The conservation of tropical forests: the role of the Community (1)', set out broad guidelines for Community action in this sphere;

Whereas the resolution of the Council of Ministers for Development Cooperation of 29 May 1990 on Tropical forests: development aspects established a basis for the use of development instruments in tropical forest conservation;

Whereas the European Parliament expressed concern over the destruction of tropical forests and the consequences for forest dwellers in many parliamentary resolutions;

Whereas the European Council of June 1990 in Dublin called for a programme of action to be drawn up to counteract the threat to tropical forests;

Whereas the Community and its Member States were signatories to the Rio Declaration on Forests in June 1992;

Whereas the Community intends to expand its actions to promote the conservation of tropical forests in all appropriate ways, within the context of its development policy and using the relevant instruments of development assistance;

Whereas a Community action, complementing Member States' actions, will facilitate a better realization of the objectives pursued;

Whereas existing financial instruments available to the Community for development cooperation are not adapted for the support of certain types of appropriate action in the field of tropical forests;

Whereas a substantial commitment of resources is required to have a significant impact on tropical forests;

Whereas it is therefore necessary to set up a permanent framework to execute these actions;

Whereas detailed rules for implementation, and in particular the form of action, the recipients of the aid, and decision procedures should be laid down; and whereas in order to cover all aspects of sustainable development which form part of the aim of this regulation, it is necessary to refer to Article 235 as no other specific powers for development policy are provided in the Treaty,

HAS ADOPTED THIS REGULATION

Article 1

The Community shall support actions to promote the conservation and the sustainable management of tropical forests in accordance with the criteria and procedures provided for in this Regulation.

(1) OJ No C 264, 16. 10. 1989, p. 1.

Article 2

1. Tropical forests shall be defined, for the purposes of this Regulation, as those forests, savannahs and trees, and their respective ecosystems, that are found within the tropics and subtropics in both dry and humid climates, including their human populations, whether or not indigenous, other populations of forest regions who utilize the forest, or whose actions affect the forest.
2. Conservation shall be considered, for the purposes of this Regulation, to include all actions to preserve, rehabilitate and rationally manage tropical forests.
3. Sustainable forest management is understood as the planned utilization of forests in a manner compatible with the conservation of forest ecosystems for future generations.
4. Sustainable development shall be considered as the improvement of the living standards and welfare of the relevant populations, while maintaining natural assets, including forests, for the benefit of future generations.

Article 3

1. Under this Regulation, the Community shall provide financial support or technical expertise for actions which support and encourage the efforts of developing countries and their regional organizations to conserve their tropical forests, in the context of the sustainable development of those countries and regions.
2. The financing shall be directed to both public and private organizations, including NGOs and representative associations of indigenous peoples and of other forest dwellers, which include the conservation of tropical forests among their stated objectives or regular activities.
3. Special consideration shall be given to actions in support of the conservation of forests which are considered to be of importance for global effects, such as climate change and loss of biodiversity.

Article 4

1. The priority given to specific actions will be determined according to the needs of each country as reflected in national development and environment policies relating to forests. Particular consideration, however, shall be given to actions that promote the following:
 - (a) conservation of forests supported by analysis of the underlying causes of deforestation and measures to address them;

- (b) sustainable management of forests designated for the production of timber and other products;
 - (c) involvement of local populations, including forest dwellers, in the planning and implementation of actions that are to be financed and of national and local forest utilization plans;
 - (d) capacity-building to address the needs for training, legislation and institutional strengthening in support of forest conservation;
 - (e) strategic, adaptive and policy research to provide the necessary knowledge base for activities included in (a), (b) and (c) and to support capacity building activities indicated in (d).
2. Wherever appropriate, actions shall be coordinated with and provide support for international programmes concerned with tropical forests, such as the Tropical Forest Action Plan, and the International Tropical Timber Organization.
3. Wherever appropriate, operations shall be carried out within the framework of regional organizations and international programmes of cooperation.

Article 5

Funding shall be granted by the Community either autonomously or by means of co-financing with Member States, or with multilateral, regional or other organizations. In the last case, as far as possible, the character of Community aid shall be maintained.

Article 6

Community funding shall be in the form of non-reimbursable grants.

Article 7

Financial and technical assistance may cover all foreign currency costs and local costs for carrying out projects and programmes, including, whenever necessary, integrated programmes and sectoral projects.

Systematic efforts shall be made to seek contributions, particularly in financial form, from partners (countries, local communities, undertakings, individual recipients) as far as their means permit and according to the nature of each operation.

The payment of taxes, duties and charges shall be excluded from Community financing.

Study costs and the short- and long-term use of experts to assist the recipients and the Commission in devising general policies, identifying and preparing operations and monitoring and evaluating them shall normally be

covered by Community funds, either as part of the financing for individual operations or separately.

Article 8

Submission of proposals, participation in calls for tender, invitations to tender, and purchasing and other contracts shall be open on equal terms to all natural and legal persons from Member States and the recipient country or countries. Such participation may be extended to other developing countries receiving Community aid, particularly in cases of co-financing or in order to prevent the cost of the projects from increasing unduly as a result of distance, transport difficulties, or delivery delays.

Article 9

Projects and programmes for which Community funding exceeds ECU 2 million and any substantial modifications and possible overruns of approved projects and programmes which exceed 20 % of the amount initially agreed, shall be adopted according to the procedure laid down in Article 10 (2).

Article 10

1. The Commission shall administer tropical forest cooperation activities.

2. The Commission shall be assisted by an advisory 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 on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

3. Where the Commission finds it necessary or appropriate to establish further procedures for the execution of relevant actions, those measures should be adopted according to the procedure laid down under paragraph 2.

Article 11

The Commission shall submit a report annually to the Council and to the European Parliament, specifying the actions that have been financed and summarizing their progress and conclusions, to enable them to take stock of the development of activities.

Article 12

This Regulation shall be implemented under a coherent approach which also includes actions under Council Regulation (EEC) No 443/92 on financial and technical assistance and economic cooperation with, to the developing countries of Latin America and Asia, and the Fourth Lomé Convention.

Article 13

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

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

III

(Notices)

COMMISSION

Management of an export promotion campaign to Japan

Open procedure

(93/C 78/06)

1. Contracting Authority

Commission of the European Communities, Directorate General for External Relations, Unit 'Relations with Japan' I-F-I, B-1049 Brussels, Rue de la Loi 200, Offices: Belliard 28, 6/116.
Tel. 299 22 30/38. Telex COMEUR Brussels.
Facsimile 299 02 04/299 10 33.

2. Category of service and description. CPC reference number

In the framework of its 2nd export promotion campaign to Japan (September 1993/August 1996) the Commission is looking for the provision of the following services:

- identification and recruitment of European companies in view of their participation in Japanese trade fairs or trade missions to Japan;
- to this end, establishment of close contacts with European trade associations as well as national export promotion bodies. The sectors concerned are, among others, packaging machinery, mechanical handling equipment, sports goods, environmental technologies, home furniture and interior furnishings, construction and building equipment;
- organization of seminars in Europe for the sectors concerned and preparation of relevant documents;
- in Japan, organization of European participation in identified trade fairs and organization of trade missions of European businessmen. This includes coordination and liaison with European institutions in Japan (EBC, chambers of commerce etc) as well as Japanese organizations (JETRO, trade associations etc.).

3. Place of delivery

The implementation of the export promotion campaign will take place in the 12 Member States and in Japan.

4. a) b)

- c) **Indication whether legal persons should indicate the names and professional qualifications of the staff to be responsible for the execution of the service**

It is expected that the consultant provides a full list of the staff (names and curricula vitae) to be responsible for the implementation of all stages of the campaign.

5. Indication of whether the service providers can tender for a part of the services concerned

Tenders should cover the whole contract.

6.

7. Duration of contract or time limit for completion of the service

The contract will cover the period between September 1993 and August 1996.

8. a) Name and address of the service from which the necessary documents may be requested

Refer point 1.

b) Final date for making such requests

30. 4. 1993.

c) Where applicable, the amount and terms of payment of any sum payable for such documents

Free of charge.

9. a)

b) Date, time and place of opening

14. 5. 1993.

10. Where applicable, any deposits and guarantees required

The contractor will be required to provide a letter of guarantee against initial payments made by the Commission, in accordance with the schedule of payments agreed by the contractor and the Commission.

11. Main terms concerning financing and payment and/or references to the relevant provisions

Interim and final payments in accordance with standard terms and conditions of the Commission.

12.

13. Information concerning the service provider's own position, and information and formalities necessary for an appraisal of the minimum economic and technical standards required for him

- a statement of the service provider's turnover in respect of the services to which the contract relates for the previous 3 financial years;

- the service provider's educational and professional qualifications and/or those of the persons responsible for providing the services;

- a list of the principal services provided in the past 3 years in the field of international marketing and export promotion in the Member States as well as in Japan;

- an indication of the proportion of the contract which the service provider may intend to subcontract.

14. Period during which the tenderer is bound to keep open this tender

Until 1. 9. 1993.

15.

16. Other information

The Commission would like to encourage the creation of consortia especially between Europe-based consultants and Japan-based consultants.

17. Date of dispatch of the notice

10. 3. 1993.

18. 15. 3. 1993.

