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Information and Notices

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I

(Information)

COMMISSION

Ecu ⁽¹⁾

(93/C 91/01)

Currency amount for one unit:

	31. 3. 1993	March ⁽²⁾		31. 3. 1993	March ⁽²⁾
Belgian and Luxembourg franc	39,9566	39,9768	United States dollar	1,20125	1,17874
Danish krone	7,45075	7,45371	Canadian dollar	1,50997	1,46978
German mark	1,94002	1,94079	Japanese yen	138,084	137,881
Greek drachma	264,827	263,171	Swiss franc	1,79587	1,79103
Spanish peseta	138,516	138,715	Norwegian krone	8,25258	8,25293
French franc	6,58153	6,59441	Swedish krona	9,31689	9,11856
Irish pound	0,797060	0,798656	Finnish markka	7,04893	7,04214
Italian lira	1919,87	1877,89	Austrian schilling	13,6498	13,6559
Dutch guilder	2,18087	2,18167	Icelandic krona	77,0241	76,6818
Portuguese escudo	178,878	179,401	Australian dollar	1,70028	1,66478
Pound sterling	0,798809	0,806828	New Zealand dollar	2,25799	2,22406

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).

⁽²⁾ The monthly average of ecu exchange rates will be published at the end of each month.

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

(93/C 91/02)

(Established on 3 November 1992 for the application of Article 30 (1) of Regulation (EEC) No 822/87)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Heraklion	No quotation	Athens	No quotation
Patras	No quotation	Heraklion	No quotation
Requena	1,686	Patras	No quotation
Reus	No quotation	Alcázar de San Juan	1,382
Villafranca del Bierzo	No quotation (*)	Almendralejo	1,353
Bastia	3,040	Medina del Campo	No quotation (*)
Béziers	3,042	Ribadavia	No quotation
Montpellier	3,014	Villafranca del Penedés	No quotation
Narbonne	No quotation	Villar del Arzobispo	No quotation (*)
Nîmes	2,964	Villarrobledo	No quotation (*)
Perpignan	2,940	Bordeaux	No quotation
Asti	No quotation	Nantes	No quotation
Florence	No quotation	Bari	1,857
Lecce	No quotation	Cagliari	No quotation (*)
Pescara	No quotation	Chieti	No quotation (*)
Reggio Emilia	No quotation (*)	Ravenna (Lugo, Faenze)	1,902
Treviso	1,993	Trapani (Alcamo)	No quotation
Verona (for local wines)	No quotation	Treviso	2,106
Representative price	2,877	Representative price	1,527
R II			
Heraklion	No quotation		
Patras	No quotation		
Calatayud	No quotation		
Falset	1,761		
Jumilla	1,886		
Navalcarnero	No quotation (*)		
Requena	No quotation		
Toro	No quotation		
Villena	No quotation (*)		
Bastia	3,092	A II	
Brignoles	No quotation	Rheinfalz (Oberhaardt)	29,598
Bari	No quotation	Rheinhessen (Hügelland)	31,348
Barletta	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation (*)
Cagliari	No quotation	Representative price	30,118
Lecce	No quotation		
Taranto	No quotation		
Representative price	2,532		
	ECU/hl		
R III		A III	
Rheinfalz-Rheinhessen (Hügelland)	No quotation (*)	Mosel-Rheingau	No quotation
		The wine-growing region of the Luxembourg Moselle	No quotation
		Representative price	No quotation

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

Authorization for State aid pursuant to Articles 92 and 93 of the EEC Treaty

Cases where the Commission raises no objections

(93/C 91/03)

Date of adoption: 20. 10. 1992

Member State: Germany (Mecklenburg-Western Pomerania)

Aid No: N 540/92

Title: Additional budget for joint programme areas of Mecklenburg-Western Pomerania

Objective: Regional development

Legal basis: Haushalt

Budget: ECU 29 million

Aid intensity: Up to 90 % (gross) of infrastructure investment by local authorities

Duration: 1992

—

Date of adoption: 11. 11. 1992

Member State: Germany (Saxony-Anhalt)

Aid No: N 591/92

Title: Additional budget for the joint programme areas of Saxony-Anhalt

Objective: Regional development

Legal basis: Haushalt Sachsen-Anhalt

Budget: ECU 250 million (1992 commitments)

Aid intensity: Up to 23 % (gross)

Duration: 1992

Conditions: None

—

Date of adoption: 15. 12. 1992

Member State: Germany (Thuringia)

Aid No: N 648/92

Title: Additional budget for joint programme areas of Thuringia

Objective: Regional development

Legal basis: Nachtragshaushalt 1992 Thüringen

Budget: ECU 40 million (1992 payments)

Aid intensity: Up to 23 % (gross)

Duration: 1992

Conditions: None

—

Date of adoption: 22. 12. 1992

Member State: Germany (Hessen)

Aid No: 642/92 •

Title: Aid measure for machinery pooling circles and common projects relating to agriculture

Objective: To encourage a more rational pooling of farm production means

Legal basis: Richtlinien über die Gewährung von Landeszuschüssen an Organisationen der überbetrieblichen Maschinenverwendung und für landwirtschaftlich-technische Gemeinschaftsvorhaben

Budget: 1993 to 1996: DM 1,881 million (approximately ECU 0,9 million) per year

Aid intensity: Machinery pooling circles:

— assistance with administrative expenditure: 50 %; ceiling DM 24 000 (approximately ECU 12 000) per year,

— start-up aids to help the professional administration of circles; maximum amount per circle:

— first to second years: DM 50 000 (approximately ECU 25 000 per year),

— third to fifth years: annual reduction of 25 % on the initial amount

Purchase of machinery by groups, associations etc.: between 10 and 35 % of eligible investment costs

Duration: Indefinite

Conditions: Pursuant to Article 93 (1) of the Treaty, the Commission reserves the right to review its position on measures to encourage machinery pooling circles

—

Date of adoption: 22. 12. 1992

Member State: Germany (Rhineland-Palatinate)

Aid No: 658/92

Title: Measures to encourage agricultural production methods compatible with environmental protection

Objective: The introduction or maintenance of

— so-called 'integrated' production practices,

— organic techniques,

— extensive use of grasslands,

— restrictions on certain farming practices on riverbanks

Legal basis: Förderprogramm 'Umweltschonende Landwirtschaft'

Budget: In million DM (million ECU) 1993: 18,39 (± 9); 1994: 22,8 (± 11); 1995: 26,67 (± 13); 1996: 30,6 (± 15); 1997: 34,95 (± 17)

Aid intensity: DM 350 to 1 400 per ha/year (approximately ECU 180 to 700) depending on the specification

Duration: Indefinite

Conditions: The aid measure falls entirely within the scope of Council Regulation (EEC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and, under the terms of this Regulation, is subject to a separate examination. However, in so far as it emerges from this scrutiny that the aid measure does not come under the provisions of the above Regulation, the Commission, pursuant to Article 93 (3) of the EEC Treaty, requests the German authorities to inform it of any facet of the measure which the latter might plan to introduce as a State aid

Date of adoption: 23. 12. 1992

Member State: United Kingdom (Guernsey)

Aid Nos:

1. NN 85/92
2. NN 86/92
3. NN 88/92

Title: Guernsey agricultural sector

1. Farm loans scheme
2. Agricultural advisory service
3. Breed promotion scheme

Objective:

1. To encourage farm investment
2. To provide farmers and the Agricultural and Milk Marketing Board with advice and technical information
3. To encourage the participation of Guernsey cattle in the Royal Show at Stoneleigh

Legal basis:

1. Resolutions of the States of Guernsey
2. Mandate of the Agricultural and Milk Marketing Board
3. Resolutions of the States of Guernsey

Budget:

1. Since 1966 loans totalling £ 1,5 million (approximately ECU 1,9 million) have been granted and £ 920 000 (approximately ECU 1,1 million) has been repaid

2. 1991: £ 69 500 (approximately ECU 87 000)

3. 1991: £ 28 900 (approximately ECU 37 000)

Aid intensity: Various

Duration:

1. From 1966: indefinite
2. Indefinite
3. Indefinite

Conditions: The States of Guernsey do not form part of the Community. It therefore appears reasonable that the island authorities should apply measures paid from their own budget similar to Community measures

Date of adoption: 18. 2. 1993

Member State: Germany (Saxony-Anhalt)

Aid No: 716/92

Title: Aid for the management of agricultural and horticultural farms in Saxony-Anhalt

Legal basis: Richtlinie über die Gewährung von Zuwendungen zur Förderung der Beratung landwirtschaftlicher und gartenbaulicher Unternehmen in Sachsen-Anhalt

Budget:

- 1992: DM 17 million (approximately ECU 9 million);
 1993: DM 10 million (approximately ECU 5 million);
 1994: DM 10 million (approximately ECU 5 million)

Aid intensity: Consultation for the creation or restructuring of a holding: 80 % of the costs up to DM 7 000 (ECU 3 500)

Consultation on the management of a holding: 60 to 80 % of costs up to DM 7 000 (ECU 3 500)

Duration: Unlimited

Date of adoption: 22. 2. 1993

Member State: Italy

Aid No: 61/93

Title: Amendment of an existing aid scheme: AIMA national programme to improve the quality of hard and semi-hard cheeses of registered origin and traditional cheeses

Objective: To improve the quality of cheeses with a registered designation of origin

Legal basis: Delibera CIPE del 8. 10. 1991

Budget: Lit 47,5 billion (approximately ECU 27 million)

Aid intensity: Various, depending on the measure concerned

Duration: Two years

Date of adoption: 22. 2. 1993

Member State: Italy

Aid No: 62/93

Title: Amendment of the regional law on special assistance for damage caused by natural disasters (Latina)

Objective: To compensate farmers for losses suffered as a result of a tornado; amendment of aid No 288/92 to reinforce checks on grant of the aid

Legal basis: Legge regionale del 12. 3. 1992

Budget: Lit 1 billion (approximately ECU 560 000) for 1992

Date of adoption: 24. 2. 1993

Member State: Spain

Aid No: NN 122/92 (ex No 596/92)

Title: Measures in favour of rural properties

Objective: To enable tenants of land to become owners by means of aid in the form of grants and interest-rate subsidies on loans

Legal basis: Real decreto 1147/1992 de 25 de septiembre por el que se establece una línea especial de ayudas para facilitar a los arrendatarios de fincas rústicas, a los que se refiere la Ley 1/1992 de 10 de febrero, de arrendamientos rústicos históricos, el ejercicio del derecho de acceso a la propiedad

Aid intensity: Various

Duration: Until 31 December 1997

Date of adoption: 24. 2. 1993

Member State: United Kingdom

Aid No: 699/92

Title: Measures to eradicate Aujeszky's disease

Objective:

1. Research project on the pig sector in general, with publication of findings
2. General measures to monitor the disease

Legal basis:

Animal Health Act 1981

Pig Industry Levy Act 1983

Budget:

1. £ 10 000 (approximately ECU 12 000)
2. £ 740 000 (approximately ECU 941 000)

Duration: Not specified

Conditions: Comments: the measures are financed from the proceeds of a parafiscal charge levied in the pig sector which was definitively suspended in 1989

Prior notification of a concentration

(Case No IV/M.335 — Schweizerische Kreditanstalt/Schweizerische Volksbank)

(93/C 91/04)

1. On 24 March 1993, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾ by which the Schweizerische Kreditanstalt belonging to the group Crédit Suisse Holding acquires within the meaning of Article 3 (1) (b) of Regulation (EEC) No 4064/89 control of the whole of the Schweizerische Volksbank by way of a public bid.

2. The business activities of the undertakings concerned are:

- Crédit Suisse Holding: banking and financial services,
- Schweizerische Kreditanstalt: universal banking transactions, in particular international investment banking,
- Schweizerische Volksbank: universal banking transactions, focusing on domestic activities with small and medium-sized enterprises as well as individual customers.

⁽¹⁾ OJ No L 395, 30. 12. 1989, p. 1; Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

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.335 — Schweizerische Kreditanstalt/Schweizerische Volksbank, 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.

Prior notification of a concentration

(Case No IV/M.310 — *Harrisons & Crosfield/AKZO*)

(93/C 91/05)

1. On 24 March 1993, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾ by which *Harcros Chemicals (UK) Ltd*, controlled by *Harrisons & Crosfield plc*, and *AKZO Chemicals International BV*, controlled by *AKZO NV*, acquire within the meaning of Article 3 (1) b of the Council Regulation joint control of *AKCROS Chemicals* by way of pooling of assets, subject to common management.

2. The business activities of the undertakings concerned are:

- for *Harcros Chemicals (UK) Ltd*: manufacture and sale of chemical products,
- for *AKZO Chemicals International BV*: manufacture and sale of chemical products,
- for *AKCROS Chemicals*: the manufacture and sale of polymer additives, paint driers, radiation cure products and other chemicals.

3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Council 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 32/2/296 43 01) or by post, under reference number IV/M.310 — *Harrisons & Crosfield/AKZO*, 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.

⁽¹⁾ OJ No L 395, 30. 12. 1989, p. 1; Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

Communication in accordance with Article 14 (2) of Council Regulation (EEC) No 1715/90 of 20 June 1990 on the information provided by the customs authorities of the Member State concerning the classification of goods in the customs nomenclature

(93/C 91/06)

Binding tariff information ceases to be valid from the day it becomes incompatible with the interpretation of the customs nomenclature as a result of the following international tariff measures:

Amendment of the Explanatory Notes to the Harmonized System and classification opinions approved by the Customs Cooperation Council (CCC document No 37.380; report of the ninth session of the Harmonized System Committee):

Amendment of the Explanatory Notes:

No 29.21	Annex M.1	No 58.06	Annex M.11
No 29.34	Annex M.1	No 58.08	Annex M.17
No 29.36	Annex M.1	No 58.11	Annex M.18
No 29.37	Annex M.1	No 63.05	Annex M.19
No 33.01	Annex L (p. 1)	No 63.07	Annex M.19
No 39.07	Annex M.4	No 73.26	Annex M.16
No 39.08	Annex M.4	No 84.56	Annex M.21
No 39.23	Annex M.19	No 84.71	Annex M.22
No 39.26	Annex M.16	No 89.03	Annex M.23
No 42.04	Annex M.16	No 95.06	Annex M.23
No 48.19	Annex M.19		

Classification opinions:

2106.90	Annex M.12	3823.90	Annex M.15
3823.29	Annex M.13	3907.20	Annex M.3
3823.90	Annex M.14	8429.51	Annex M.20

Information regarding the content of these measures can be obtained from the Directorate-General for Customs Union and Indirect Taxation of the Commission of the European Communities, 200, rue de la Loi, B-1049 Brussels.

COURT OF JUSTICE

COURT OF JUSTICE

JUDGMENT OF THE COURT

of 10 March 1993

in Case C-186/91: Commission of the European Communities v. Kingdom of Belgium ⁽¹⁾

(Failure of State to fulfil obligations — Partial compliance with Directive 85/203/EEC — Air quality standards for nitrogen dioxide — Obligation to consult bordering Member States)

(93/C 91/07)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-186/91: Commission of the European Communities (Agent: X. Lewis) against Kingdom of Belgium (Agent: J. Devadder) — application for a declaration that by not bringing into force the laws, regulations and administrative provisions necessary to implement in its national law the obligations set out in Article 11 of Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide ⁽²⁾ the Kingdom of Belgium has failed to fulfil its obligations pursuant to Article 189 of the EEC Treaty — the Court, composed of O. Due, President, C. N. Kakouris and G. C. Rodríguez Iglesias (Presidents of Chambers), R. Joliet, J. C. Moitinho de Almeida, F. Grévisse and D. A. O. Edward, Judges; C. O. Lenz, Advocate-General; L. Hewlett, Administrator, for the Registrar, gave a judgment on 10 March 1993, the operative part of which is as follows:

1. *by not bringing into force within the requisite time limits all the laws, regulations and administrative provisions necessary to comply with the provisions of Article 11 of Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide, the Kingdom of Belgium has failed to fulfil its obligations pursuant to Article 189 of the EEC Treaty;*
2. *the Kingdom of Belgium is ordered to pay the costs.*

⁽¹⁾ OJ No C 217, 20. 8. 1991.

⁽²⁾ OJ No L 87, 27. 3. 1985, p. 1.

Action brought on 8 February 1993 by Thomas O'Dwyer against the Council of the European Communities

(Case C-36/93)

(93/C 91/08)

An action against the Council of the European Communities was brought before the Court of Justice of the European Communities on 8 February 1993 by Thomas O'Dwyer, of Drumdowney, Snowhill, Waterford (Ireland), represented by Anthony Burke, solicitor, of Mason Hayes & Curran, Dublin, with an address for service in Luxembourg at the chambers of Kronshagen, 12, boulevard de la Foire.

The applicant claims:

1. an order that Council Regulation (EEC) No 816/92 ⁽¹⁾ is invalid, null and void;
2. damages in the sum of ECU 1 048,2 (£ Irl 1 003,44) or such other sum which the Court of Justice rules is appropriate;
3. interest on such sum at the rate of 8 % per annum pursuant to the provisions of the Courts Act 1981;
4. costs.

Pleas in law and main arguments adduced in support:

Regulation (EEC) No 816/92 had at twofold effect, namely to extend the additional levy on milk for a further 12-month period and to provide for the continued withdrawal of a proportion of the reference quantities but, on this occasion, without compensation. The applicant maintains that this Regulation is null and void for the following reasons:

Breach of Article 190 of the EEC Treaty

Given the fundamental departure from previous practice by the Council in omitting to give compensation for reference quantities temporarily withdrawn for the period 1 April 1992 to 31 March 1993 and having regard to the legislative framework relating to the temporary withdrawal of reference quantities, Regulation (EEC) No 816/92 should have stated the reasons for this

⁽¹⁾ OJ No L 86, 1. 4. 1992, p. 83.

omission and it is submitted that, consequently, the Regulation is defective because it does not state the reasons on which it is based and thus fails to meet the requirements of Article 190.

Breach of the principle of the protection of legitimate expectations

A system of temporary withdrawal of a proportion of reference quantities with compensation has been in existence since 1987. The applicant maintains that the Council, by its unforeseeable actions in failing to provide in Regulation (EEC) No 816/92 for compensation in respect of the milk marketing year 1 April 1992 to 31 March 1993, has manifestly and flagrantly breached a superior principle of Community law. Furthermore, as a direct result of the actions of the Council the applicant has suffered and continues to suffer loss and damage which was wholly foreseeable.

Breach of the principles of the right to property and the right to pursue a trade or business

The applicant has been prohibited from using his holding to the extent of the suspension of a proportion of the reference quantities. The nature of his business is such that it cannot easily be converted from milk production to other uses without a great deal of expense being incurred.

It is submitted that, given the nature of reference quantities and the penalties imposed by way of the additional levy if they are exceeded, together with the difficulty of putting the holding to which reference quantities are attached to other uses, the effects of restricting the producer further by suspending or withdrawing a proportion of reference quantities without compensation and exposing such a producer to the charge of the penal additional levy at an earlier stage infringes his right to property as guaranteed by Community law.

Associated with the right to property and the principle of legitimate expectations is the principle of the right to carry on a trade or business. Whilst the applicant accepts that certain limitations may be imposed in the public interest on this fundamental right, it is submitted that the nature of the measure contained in Regulation (EEC) No 816/92 cannot be justified in the public interest.

Breach of the principle of proportionality

It is submitted that there is nothing in the Regulation to justify the omission of compensation for the temporary suspension or withdrawal of a proportion of the reference quantities for the milk marketing year 1 April 1992 to 31 March 1993. This is particularly the case when the Regulation is compared with the provision which existed heretofore. Accordingly, it is submitted that a disproportionate burden has been imposed upon the applicant by reason of this measure which should be declared invalid as being contrary to the principle of proportionality.

Breach of the principle of non-discrimination

The application of the temporary suspension or withdrawal of a proportion of reference quantities at a uniform rate without compensation has greater effects on producers than suspension or withdrawal with a fixed rate of compensation. It is submitted that, because of the particular situation of Ireland *vis-à-vis* other Member States in so far as it relates to milk or milk products, and the reliance placed on the dairy industry, Irish producers are in a different position from producers in other Member States and that the measure contained in the contested Regulation has different effects upon Irish producers and producers in the other Member States. Accordingly, the effects of the measure on the applicant are discriminatory and infringe the principle of non-discrimination.

Action brought on 22 February 1993 by Finbarr Walsh against the Council of the European Communities and the Commission of the European Communities

(Case C-49/93)

(93/C 91/09)

An action against the Council of the European Communities and the Commission of the European Communities was brought before the Court of Justice of the European Communities on 22 February 1993 by Finbarr Walsh, of Glanny, Riverstick, County Cork (Ireland), represented by James O'Reilly, SC, and Philippa Watson, BL, instructed by Oliver Ryan-Purcell, solicitor, Lisheen, Emly, County Tipperary (Ireland), with an address for service in Luxembourg at the offices of Fyfe Business Centre Luxembourg Sarl, 29 rue Jean-Pierre Brousseau.

The applicant requests the Court to:

- (i) order the defendants to pay to the applicant the sum of £ Irl 182 058,00;
- (ii) declare that the defendants are obliged to pay interest at 8 % on the compensation claim of the applicant from 1 October 1984;
- (iii) order the payment of continuing interest at the rate of 8 %;
- (iv) order the defendants to pay the cost of these proceedings.

The pleas in law and main arguments adduced in support are similar to those in case C-122/92 (1).

(1) OJ No C 165, 2. 7. 1992, p. 3.

Reference for a preliminary ruling by the Sø- og Handelsret, Copenhagen, by order of that court of 22 October 1991 in the case of Danske Mejeriers Fællesorganisation v. Kraft Foods A/S

(Case C-53/93)

(93/C 91/10)

Reference has been made to the Court of Justice of the European Communities by an order of the Sø- og Handelsret [Maritime and Commercial Court], which was received at the Court Registry on 1 March 1993, for a preliminary ruling in the case of Danske Mejeriers Fællesorganisation v. Kraft Foods A/S on the following questions:

1. Should the reference to 'composite products' in Article 2 (3) of Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used in marketing of milk and milk⁽¹⁾ products be construed as referring to products which are basically milk products but to which other ingredients are subsequently added (for example yoghurt to which strawberries are added) and to other foodstuffs in which a milk product is an essential part, either in terms of quantity or for characterization given by the milk product to foodstuffs, for example, taste, colour or consistency?
2. Is there compliance with the condition in Article 2 (3) of the Regulation — 'of which no part takes or is intended to take the place of any milk constituent' — if the composite product has a fat constituent which does not originate from milk or milk products?
3. Pursuant to Article 2 (3) at which point — at the time of manufacture or of sale — should a composite product satisfy the technical requirements which might be laid down in national legislation for use of the designation of the milk product in question?
4. Should the exemption laid down in the second subparagraph of Article 3 (1) be construed as solely covering products other than milk products (see Article 2 (2)) and composite products (see Article 2 (3))?
5. Is it prohibited to use a product designation which contains a drinking milk or milk product designation and is not covered by the list of products referred to

⁽¹⁾ OJ No L 182, 3. 7. 1987, p. 36.

in the second subparagraph of Article 3 (1) (see Article 4) if the product is not a milk or composite product (see Article 2 (2) and (3))?

6. If question 5 is answered in the negative, the Court is requested to reply to the following question:

Is the second subparagraph of Article 3 (1) of the Regulation applicable to a salad dressing the basis of which is not a milk product but to which crème fraîche or yoghurt is added?

7. Does the Regulation prevent national law from reserving the designations crème fraîche and yoghurt for milk products which are fermented and contain a certain number of micro-organisms capable of growth at the time of sale?

Reference for a preliminary ruling by the Tribunal du Travail by judgment of that court of 24 February 1993 in the case of Zoubir Yousfi v. Belgian State, in the person of the Minister for Social Integration, Public Health and the Handicapped

(Case C-58/93)

(93/C 91/11)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tribunal du Travail [Labour Court], Brussels, of 24 February 1993, which was received at the Court Registry on 5 March 1993, for a preliminary ruling in the case of Zoubir Yousfi v. Belgian State, in the person of the Minister for Social Integration, Public Health and the Handicapped, on the following questions:

1. Does the Belgian legislation relating to disability benefits (Law of 27 February 1987) fall within the material scope of Article 41 (1) of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco, signed in Rabat on 27 April 1976 and concluded on behalf of the Community by Regulation (EEC) No 2211/78⁽¹⁾?
2. If so, are those provisions directly applicable in national law?

⁽¹⁾ OJ No L 264, 27. 9. 1978, p. 1.

III

(Notices)

COMMISSION

EUROPEAN ECONOMIC INTEREST GROUPING

Notices published pursuant to Council Regulation (EEC) No 2137/85 of 25 July 1985 ⁽¹⁾ —
Formation

(93/C 91/12)

- | | |
|---|--|
| <p>1. Name of grouping: Groupement des associations de transporteurs internationaux de l'Europe du Sud (GATRIES)</p> <p>2. Date of registration of grouping: 21. 12. 1992</p> <p>3. Place of registration of grouping:
(a) Member State: F
(b) Place: 6, rue Paul Valéry, F-75116 Paris</p> <p>4. Registration number of grouping: C 389 437 237</p> <p>5. Publication(s):
(a) Full title of publication: Bulletin officiel des annonces civiles et commerciales (BODACC)
(b) Name and address of publisher: BODACC, 26, rue Desaix
(c) Date of publication: 6. 2. 1993</p> | <p>(b) Place: 12, rue Chabanais, F-75002 Paris</p> <p>4. Registration number of grouping: C 389 105 701</p> <p>5. Publication(s):
(a) Full title of publication: Bulletin officiel des annonces civiles et commerciales (BODACC)
(b) Name and address of publisher: BODACC, 26, rue Desaix, F-Paris
(c) Date of publication: 28. 1. 1993</p> |
| <p>1. Name of grouping: Groupe de la Pyramide</p> <p>2. Date of registration of grouping: 4. 11. 1992</p> <p>3. Place of registration of grouping:
(a) Member State: F</p> | <p>1. Name of grouping: Axiom</p> <p>2. Date of registration of grouping: 19. 3. 1993</p> <p>3. Place of registration of grouping:
(a) Member State: F
(b) Place: F-69007 Lyon</p> <p>4. Registration number of grouping: C 390 262 871 (93 C 00009)</p> <p>5. Publication(s):
(a), (b)
(c) Date of publication:</p> |

⁽¹⁾ OJ No L 199, 31. 7. 1985, p. 1.

**Research project covering new subjects for the Commission Communication 'Europe 2000 +',
1993-94**

Open procedure

(93/C 91/13)

1. **Contracting authority:** Commission of the European Communities, Directorate-General for Regional Policy, Division XVI-A-1, CSTM 05/126, 200 rue de la Loi, B-1049 Brussels, tel. (2) 295 71 01; facsimile (2) 296 25 68.
 - environmental protection;
 - the development of urban areas;
 - rural development;
 - the development of border areas.
2. **Method chosen for awarding the contract:** Open tendering procedure No 93/06.
3. **Site:** The Member States.
4. **Subject of the contract:** Following the issue of the document 'Europe 2000' in October 1991, the Commission envisages producing in 1994 a second communication on the development of the Community's territory up to and beyond the year 2000. The purpose of this research project is to identify, gather and analyse information on a number of subjects for this communication which will add to and complement the studies already being carried out by the Commission in the field of spatial development. The subjects to be covered are:
 - disparities in the mobility of people and jobs;
 - the regional impact of internationally mobile investment flows;
 - the impact of national transfer and financial equalization mechanisms;
 - the development of trans-European transport networks;
5. **Request for documents:** If you are interested in conducting this research project, documentation, including the detailed terms of reference for the project and the criteria for the award of the contract, can be obtained on written or faxed request from the address given in point 1.
6. **Deadline for requests for information:** 20. 4. 1993.
7. **Deadline for the receipt of tenders:** 26. 5. 1993.
8. **Date of submission of notice:** 25. 3. 1993.
9. **Date of receipt of the notice by the OPOCE:** 25. 3. 1993.

Compendium of physical planning systems and policies

Open procedure

(93/C 91/14)

1. **Contracting authority:** Commission of the European Communities, Directorate-General for Regional Policy, Division XVI-A-1, CSTM 05/126, 200 rue de la Loi, B-1049 Brussels, tel. (2) 295 71 01, facsimile (2) 296 25 68.
2. **Method chosen for awarding the contract:** Open tendering procedure No 93/05.
3. **Site:** The Member States.
4. **Subject of the contract:** The purpose of this project is to provide the Commission and the Member States with an authoritative and comparable source of information about physical planning systems and policies in the Member States, thereby improving knowledge of the different systems and policies in existence within the Community. A second function is to illustrate some of the problems and opportunities which arise as planning policies are actually implemented, taking into account differences between the formal procedures as laid down in laws and regulations and the experience in practice.

The main elements of the compendium will consist of the underlying principles of the planning system, the planning responsibilities at all levels of administration, the issues and policies with particular attention to trans-national aspects, and case-studies of planning policies and the functioning of systems in practice in each Member State. In addition, the compendium will

include a glossary of planning terms in each official language and a general analysis of evolutionary tendencies within the Community.

5. **Request for documents:** If you are interested in conducting this study, documentation, including the detailed terms of reference for the project and the criteria for the award of the contract, can be obtained on written or faxed request from the address given in point 1.

6. **Deadline for requests for information:** 20. 4. 1993.

7. **Deadline for the receipt of tenders:** 26. 5. 1993.

8. **Date of submission of notice:** 25. 3. 1993.

9. **Date of receipt of the notice by the OPOCE:** 25. 3. 1993.

Selection of one or more contractors to prepare an evaluation of the European Coal and Steel Community's Technical Coal Research programme

(93/C 91/15)

1. Authority awarding the contract

Commission of the European Communities, Directorate-General for Energy, XVII/D/2, 200, rue de la Loi, B-1049 Brussels, tel. (2) 295 55 76, Mr J. K. Wilkinson, telex 21877 COMEU B, facsimile (2) 295 01 50.

2. Award procedure

Public invitation to tender.

3. Place of work

At various sites in the EC, on the Commission's premises and in the contractor's offices.

4. Background information

Under the terms of Article 55 of the Treaty establishing the European Coal and Steel Community, the Commission promotes research related to the production and increased use of coal. This is achieved by granting financial aid, normally equivalent to 60 % of estimated project costs, for appropriate research carried out by organizations and undertakings within the Community. The objectives of the coal research programme and the criteria for project selection are described in the Medium-term Guidelines for Technical Coal Research (1990-95) ⁽¹⁾; this document also gives a detailed list of the research topics that are considered to be of current interest for the two main fields of the programme, mining technology and product upgrading.

The Commission has the duty to make available to all concerned in the Community the results of the research financed. Results are disseminated, in the first place, through the committees of experts that monitor the

projects. The final reports on completed projects are published (in their original languages, with a summary translated into English, French or German) by the Commission's services, and the Commission organizes symposia and round-table meetings on selected topics from time to time with a view to disseminating information more widely.

The projects supported are carried out mainly in the European coal industries' own research centres, but the contractors also include equipment manufacturers, the steel industry, universities, etc.

In the 10-year period from 1983 to 1992, research aid totalling about 291 million ECU was granted to 818 projects (477 in the field of mining technology and coal preparation, and 341 in the field of coal utilization) with an average duration of 2 to 4 years.

5. Work programme

As part of a process of reviewing the coal research programme the Commission wishes to perform an evaluation of the work carried out during this period, examining all projects in the light of the guidelines at the appropriate time, paying particular attention to the programme's objectives and the extent to which those objectives were met. The following issues should be considered:

- the effect of the programme on Community energy demand and supply,
- industrial benefits, considering the extent to which the research results have been applied in practice, either directly in industry or as a basis for further development and demonstration of the technologies concerned,
- the technological impact of the programme,
- improvements achieved in productivity and cost in both coal mining and coal utilization,

⁽¹⁾ OJ No C 52 of 1. 3. 1989.

- commercial benefits,
- the effect of the programme on the improvement of the environment,
- improvements in safety and working conditions,
- other benefits (social).

The study should allow the Commission to present a report on the benefits of the Coal Research Programme considering economic, technical and political aspects over the past 10 years. It should contribute to better decision-making in the future and to possible reorientation of the programme in relation to the future phasing-in of ECSC research into the framework of EEC research.

6. Additional specifications

Proposers are therefore invited to tender for an evaluation study to be carried out on the basis of project reports and discussions with both research contractors and users of the technologies developed.

- Tenders may be made for evaluations of research in the field of mining technology and coal preparation, the field of coal utilization, or for both of these fields together.
- Applicants must have considerable experience in the field or fields in question, and must have adequate staff and administrative support to carry out the specified tasks.
- The successful applicant(s) will be requested to prepare a detailed report on the programme for publication by the Commission.
- The study should be completed six months after signature of the contract.
- All tenders imply acceptance of the Commission's general conditions on all points not settled by the rules laid down in this invitation to tender.
- The Commission reserves the right to select, on the basis of criteria such as cost, previous experience in similar activities, general ability to carry out the task specified and knowledge of the field in question, one or more applicants to whom a contract to provide the services concerned shall be awarded.
- Supplementary information may be obtained by writing to Directorate-General XVII/D-2 at the address set out in section 1.

7. Submission of offers to provide services

Offers should include a brief summary (maximum length two pages) giving, in the following order:

- the proposer's name, full address, telephone number, facsimile number, telex number and the name of the person to contact,
- the nature of the proposer (e.g., consultancy, bureau, etc.),
- the proposer's main areas of activity,
- size (registered capital, turnover and profits during each of the past three years, number of establishments, number of staff),
- Community languages in which the proposer is able to carry out the tasks outlined in section 3 (b),
- relevant previous experience and references,
- general report on activities in 1992 plus details of any relevant work carried out.

Applicants are requested to specify the exact fee (based on man-day costs) which they would charge for the services requested (including all expenses except fees for missions beyond the main location at which the services are provided). The overall number of man-months dedicated to the work should be between 16 and 24. All costs should be established in European Currency Units (ECU).

The figures shall be valid for one year, though they may be subject to the annual index-linking laws of Belgium, Luxembourg or any other country in which the services are provided.

Since the Protocol on privileges and immunities of the European Economic Community, as annexed to the Treaty of 8. 4. 1965 establishing a single Council and a single Commission of the European Communities, exempts the Commission of the European Communities from all duties, taxes and other such fees, the charges should be calculated net of duties, taxes and other such fees.

The site at which the services are to be provided shall be laid down by the Commission. It shall be either the Contractor's place of residence or establishment, or the Commission offices in Brussels or Luxembourg, or any other place at which the services are to be performed. In all these cases, a single site shall be laid down for the services covered by the contract (mission expenses shall be paid for all services at any other site, based on the scale applicable to servants of the Commission).

8. Language

The tender may be prepared in any of the official languages of the Community.

9. Closing date for offers

17. 5. 1993 (17.00).

10. Address for submission

By registered post to:

— Commission of the European Communities, Directorate-General for Energy, XVII/D/2, 200, rue de la Loi, B-1049 Brussels,

or by hand to the Directorate-General for Energy, XVII/D/2, 226-236, avenue de Tervuren, room 5/20, B-1049 Brussels.

The following shall be accepted as proof of submission:

— the postmark, or

— a receipt dated and signed by the official in the above-mentioned Directorate-General who accepted delivery of the tender.

The submission must be delivered in two sealed envelopes, with the inner envelope specifying not only the department named in the invitation to tender but also the words:

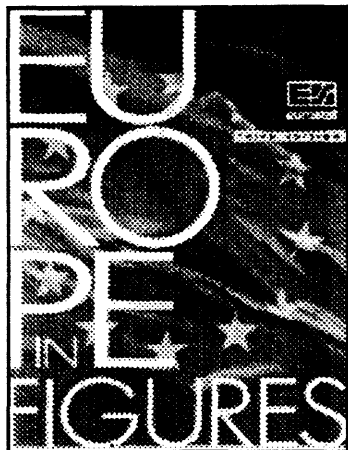
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Self-adhesive envelopes which can be opened and re-sealed without trace must not be used.



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