

Official Journal

of the European Communities

ISSN 0378-6986

C 98

Volume 36

7 April 1993

English edition

Information and Notices

<u>Notice No</u>	Contents	Page
	I Information	
	Commission	
93/C 98/01	Ecu	1
93/C 98/02	Commission communication amending the basic prices for certain steel products ...	2
93/C 98/03	Non-opposition to a notified concentration (Case No IV/M.331 — Fletcher Challenge/Methanex)	12
93/C 98/04	List of establishments in Switzerland approved for the purpose of importing fresh meat into the Community	13
93/C 98/05	Information procedure — technical regulations	14
93/C 98/06	Recapitulation of current tenders, published in the <i>Supplement to the Official Journal of the European Communities</i> , financed by the European Economic Community under the European Development Fund (EDF) or the European Communities budget (week: 30 March to 3 April 1993)	15
	Court of Justice	
	COURT OF JUSTICE	
93/C 98/07	Judgment of the Court of 17 March 1993 in Case C-155/91: Commission of the European Communities v. Council of the European Communities (<i>Directive on waste — Legal basis</i>)	16
93/C 98/08	Judgment of the Court (Second Chamber) of 18 March 1993 in Case C-50/92 (reference for a preliminary ruling from the Verwaltungsgesicht Frankfurt am Main): Molkerei-Zentrale Süd GmbH & Co. KG v. Bundesanstalt für landwirtschaftliche Marktordnung (<i>Processing of butter — Forfeiture of a security — Force majeure</i>)	16

<u>Notice No</u>	Contents (continued)	Page
93/C 98/09	Case C-33/93: Reference for a preliminary ruling made by order of the Value Added Tax Tribunal Manchester, dated 14 January 1993, in the case of Empire Stores Limited against the Commissioners of Customs and Excise	17
93/C 98/10	Case C-55/93: Reference for a preliminary ruling by the Hoge Raad der Nederlanden by judgment of that Court of 16 February 1993 in the criminal proceedings against Johannes Gerrit Cornelis van Schaik	17
93/C 98/11	Removal from the Register of Case C-247/91	18
<hr/>		
	II Preparatory Acts	
	Commission	
93/C 98/12	Amended proposal for a Council Regulation (EEC) establishing a control system applicable to the common fisheries policy	19
<hr/>		
	III Notices	
	European Parliament	
93/C 98/13	Videotex service	21
	Commission	
93/C 98/14	Notice of a standing call for awarding contracts for distilling operations in respect of apples withdrawn from the market	22
93/C 98/15	The community system of documentation on employment (SYSDÉM) — Open procedure	22
93/C 98/16	Supply of X.400 software for the electronic mail system of the Commission of the European Communities — Open procedure	23

I

(Information)

COMMISSION

Ecu (*)

6 April 1993

(93/C 98/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,9653	United States dollar	1,20851
Danish krone	7,45527	Canadian dollar	1,52223
German mark	1,94001	Japanese yen	138,193
Greek drachma	264,542	Swiss franc	1,79221
Spanish peseta	138,978	Norwegian krone	8,27826
French franc	6,57246	Swedish krona	9,22754
Irish pound	0,796169	Finnish markka	7,05163
Italian lira	1926,12	Austrian schilling	13,6525
Dutch guilder	2,18075	Icelandic krona	76,9334
Portuguese escudo	179,741	Australian dollar	1,71419
Pound sterling	0,797430	New Zealand dollar	2,26949

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.

(*) 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).

Commission communication amending the basic prices for certain steel products

(93/C 98/02)

In its statement of 31 December 1977 ⁽¹⁾, the Commission of the European Communities published basic prices for certain steel products. The latter was last amended with regard to the level of the basic prices by the communication of 11 December 1987 ⁽²⁾. The Commission communication of 22 January 1988 ⁽³⁾ replaced the nomenclature for the classification of steel products of the Convention of 15 December 1950 by the international Convention on the Harmonized Description and Coding System. The exchange rates for the equivalent of ECU 1 for the basic prices were last amended by the communication of 8 December 1988 ⁽⁴⁾.

The basic prices were revised for ordinary steel, pig iron and ferromanganese pursuant to Article 2 (6) (b) of Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries which are not members of the European Coal and Steel Community ⁽⁵⁾.

Revision of the calculations of normal value for the most efficient producers in the supplier country or countries with normal conditions of competition for steel products indicates a slight change compared with the previous normal value. The Commission has therefore decided to make certain changes to the basic prices for ordinary steel, pig iron and ferromanganese published in the *Official Journal of the European Communities*.

The Commission is monitoring the development of the main production cost factors for these products and will update the published price levels if the situation so requires.

Given the diversity of grades, the frequent variations in the price of alloys and the specific nature of the market for fine-steel and special-steel products, the Commission will not publish basic prices for those products for the time being.

The basic prices indicated below are published in ecus. The Commission no longer regards it as appropriate to set exchange rates for the equivalent of ECU 1 in the various currencies of the European Community countries. The exchange rates to be used are those regularly published in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 353, 31. 12. 1977, p. 1.

⁽²⁾ OJ No C 333, 11. 12. 1987, p. 2.

⁽³⁾ OJ No C 17, 22. 1. 1988, p. 2.

⁽⁴⁾ OJ No C 313, 8. 12. 1988, p. 30.

⁽⁵⁾ OJ No L 209, 2. 8. 1988, p. 18; Corrigendum OJ No L 273, 5. 10. 1988, p. 19.

CN code	Description	Price in ECU/tonne cif duty-paid
7201 10	Non-alloy pig iron containing by weight 0,5 % or less of phosphorus and not less than 0,4 % of manganese	
	1. Hematite foundry pig iron with:	
	(a) 1,0 ≤ 3,0 % silicon	197
	(b) 3,0 ≤ 3,5 % silicon	204
	(c) 3,5 ≤ 4,0 % silicon	209
	2. Other hematite pig iron with:	
	(a) 0,4 ≤ 2,0 % manganese	187
	(b) 2,0 ≤ 6,0 % manganese	194
	3. Special hematite pig iron for the preparation of spheroidal graphite pig iron	203

CN code	Description	Price in ECU/tonne cif duty-paid
7201 20	Non-alloy pig iron containing by weight more than 0,5 % of phosphorus and:	
	(a) $1,0 \leq 3,0$ % silicon	203
	(b) $3,0 \leq 3,5$ % silicon	209
	(c) $3,5 \leq 4,0$ % silicon	213
7201 30 7201 40	Alloy pig iron and spiegeleisen	213
7202 11	Ferro-manganese containing by weight more than 2 % carbon with a content of manganese of:	
	(a) < 75 %	400
	(b) 75 to < 76 %	404
	(c) 76 to < 77 %	408
	(d) 77 to < 78 %	415
	(e) 78 to < 79 %	417
	(f) ≥ 79 %	423
	High carbon ferro-manganese fines with granulometry 0 to 10 mm inclusive and manganese content over 65 %	353
7207	Semi-finished products of iron or non-alloy steel	
	A. Blooms and billets	228
	1. Quality extra:	
	(a) St 33, AR 33, all balanced rimmed and semi-killed steels with Si $\leq 0,10$ %	—
	(b) killed steels with a tensile strength of < 50 kg/mm ² or 490 N/mm ² , except those under (a)	+ 16
	(c) killed steels with a minimum tensile strength of 50 kg/mm ² or 490 N/mm ² — C 10, C 15, C 22, C 35, C 45, C 55, C 60, BS 970 — Part 1-1972 and others with analysis, except all steels guaranteed to be suitable for heat treatment (see below)	+ 48
	(d) for direct use (forging quality)	+ 100
	2. Size extra:	
	(a) $50 < 60$ mm	+ 44
	(b) $60 < 70$ mm	+ 34
	(c) $70 < 150$ mm	+ 17
	(d) $150 \leq 200$ mm	+ 9
	(e) $> 200 \leq 250$ mm	—
	B. Blooms and billets in steel guaranteed to be suitable for heat treatment with S + P $\leq 0,070$	328
	1. Quality extra:	
	(a) with a boron content	+ 25
	(b) with a lead addition	+ 42
	(c) with manganese over 1,50 %	+ 25
	(d) resulphurized steels	+ 38
	(e) for direct use (forging quality)	+ 100

CN code	Description	Price in ECU/tonne cif duty-paid
7207 (cont'd)	<p>2. Size extra:</p> <p>(a) < 50 mm (see basic price 7214)</p> <p>(b) 50 < 60 mm</p> <p>(c) 60 < 70 mm</p> <p>(d) 70 < 80 mm</p> <p>(e) 80 < 100 mm</p> <p>(f) ≥ 100 mm</p> <p>C. Slabs</p> <p>1. Quality extra:</p> <p>(a) St 33, AR 33, all balanced, rimmed and semi-killed steels with Si ≤ 0,10 %</p> <p>(b) killed steels with a tensile strength of < 50 kg/mm² or 490 N/mm², except those under (a)</p> <p>(c) killed steels with a minimum tensile strength of 50 kg/mm² or 490 N/mm² — C 10, C 15, C 22, C 35, C 45, C 55, C 60, BS 970 — Part 1-1972 and others with analysis, excluding all steels guaranteed to be suitable for heat treatment (see below (d))</p> <p>(d) steels guaranteed to be suitable for heat treatment with S + P ≤ 0,070: see above quality and size extras (blooms and billets)</p> <p>2. Size extra:</p> <p>(a) thickness ≥ 50 mm</p> <p>(b) thickness < 50 mm</p>	<p>+ 55</p> <p>+ 38</p> <p>+ 25</p> <p>+ 17</p> <p>—</p> <p>243</p> <p>—</p> <p>+ 16</p> <p>+ 48</p> <p>—</p> <p>+ 22</p>
7208	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, hot rolled, non-clad, plated or coated	
7208 11 to 7208 24	<p>A. In coils</p> <p>1. Quality extra:</p> <p>(a) St 33, A 00, Fe 33, A 33, E 24-1, St 22, St W 22, D, 1 C, drawing quality (rimmed) Fe P 11, A 37-B, Fe 37-A, Fe 42 A, Fe P 10, Fe P 12, RH 02, RH 20, P 10, P 11, P 12, BS 1449 HR 4, BS 1449 HR 14, BS 1449 HR 15, AP 10, AP 11, AP 12, AP 30, AP 31, AP 32, AE 310-0, AE 235 BE, 15 Q 20, 12 Q 20, 10 Q 18, 8 Q 16</p> <p>(b) R St 34-2, R St 37-2, E 24-2 NE, Fe 37-B, St 23, St W 23, EDD, 2 C, drawing quality (rimmed), deep drawing quality, A 42-B, E 28-2, Fe 42-B, R Ro 34-2, R Ro 37-2, R St 38-7, R St 37-8, BS 4360 Grade 43 A/B, BS 4360 Grade 50 A, BS 1449 HR 2, BS 1449 HR 3, BS 1449 HR 34/20 Grade K, BS 1449 HR 37/23 Grade K, BS 1449 HR 43/25 Grade K, BS 4360 Grade 40 A/40 B, AE 235 B NE, AE 275 B</p>	<p>300</p> <p>—</p> <p>+ 7</p>

CN code	Description	Price in ECU/tonne cif duty-paid	
7208 11 to 7208 24 (cont'd)	(c) U St 23, U St W 23, St 24, St W 24, SEDD, 3 C, extra deep drawing qualities (killed steels) Fe P 13, St 37-3, A 37-D, E 24-3, E 28-3, U St 34-2, St 44-2, Rq St 34-2, Fe 37-D, A 50-2, Q St 34-2, RQ 34-2, Q St 37-2, Rq St 44-2, U St 37-8, RQ 37-2, U St 37-2, Fe 42 C, Fe 37 C, RH 40, P 13, Fe 52 B, BS 4360 Grade 50 B, BS 1449 HR 1, BS 1449 HR 4 K, BS 1449 HR 14 K, BS 1449 HR 15 K, BS 1501 Grade 151, BS 1501 Grade 154, AP 13, AP 33, 6 Q 16, AE 235 C, AE 275 C, AE 235 D, A 490-2, AE 235 BKQ, AE 335 B	+ 22	
	(d) St 50-2, St 60-2, St 44-3, A 42-D, U Q St 34-2, Fe 42-D, Q St 44-2, RQ St 44-2, Q St 37-3, RR 34-7, RR 38-7, C 10, C 20, C 15, C 22, C 30, C 35, C 40, E 36-3, BS 1449 HR 40/30 K, BS 1449 HR 43/35 K, BS 1449 HR 46/40 K, BS 1449 HR 50/45 K, BS 1449 HR 50/35 K, BS 1449 HR 54/35 K, A 590-2, AE 275 D, AE 275 BKQ	+ 36	
	(e) for other qualities	+ 67	
	2. Size extra: thickness:	as rolled	pickled
	— < 2 mm	+ 22	+ 49
	— 2 < 3 mm	+ 18	+ 40
	— ≥ 3 mm	+ 13	+ 35
7208 31 to 7208 90	B. Not in coils, and of a thickness < 3 mm	318	
	1. Quality extra:	—	
	(a) St 33, A 00, Fe 33, A 33, E 24.1, St 22, St W 22, D, 1 C, drawing quality (rimmed) Fe P 11, Fe 37-A, A 37-B, Fe 42 A, Fe P 10, Fe P 12, RH 02, RH 20, P 10, P 11, P 12, BS 1449 HR 4, BS 1449 HR 14, BS 1449 HR 15, AP 10, AP 11, AP 12, AP 30, AP 31, AP 32, A 310-0, AE 235 BE, 15 Q 20, 12 Q 20, 10 Q 18, 8 Q 16	—	
	(b) R St 34-2, R St 37-2, E 24-2 NE, Fe 37-B, St 23, St W 23, EDD, 2 C, drawing quality (rimmed), deep drawing quality, A 42-B, E 28-2, Fe 42-B, R Ro 34-2, R Ro 37-2, R St 38-7, R St 37-8, BS 4360 Grade 43 A/B, BS 4360 Grade 50 A, BS 1449 HR 2, BS 1449 HR 3, BS 1449 HR 34/20 Grade K, BS 1449 HR 37/23 Grade K, BS 1449 HR 43/25 Grade K, BS 4360 Grade 40 A/B, AE 235 B NE, AE 275 B	+ 7	
	c) U St 23, U St W 23, St 24, St W 24, SEDD, 3 C, extra deep drawing quality (killed), Fe P 13, St 37-3, A 37-D, E 24-3, E 28-3, U St 34-2, St 44-2, RQ St 34-2, Fe 37-D, A 50-2, Q St 34-2, RQ 34-2, Q St 37-2, Rq St 44-2, U St 37-8, P 13, Fe 52 B, BS 4360 Grade 50 B, BS 1449 HR 1, BS 1449 HR 4 K, BS 1449 HR 14 K, BS 1449 HR 15, BS 1501 Grade 151, BS 1501 Grade 154, AP 13, AP 33, 6 Q 16, AE 235 C, AE 275 C, AE 235 D, A 490-2, AE 235 BKQ, AE 335 B	+ 22	

CN code	Description	Price in ECU/tonne cif duty-paid	
7208 31 to 7208 90 (cont'd)	(d) St 50-2, St 60-2, St 44-3, A 42-D, U Q St 34-2, Fe 42-D, Q St 44-2, RQ St 44-2, Q St 37-3, RR 34-7, RR 38-7, C 10, C 20, C 15, C 22, C 30, C 35, C 40, E 36-3, BS 1449 HR 40/30 K, BS 1449 HR 43/35 K, BS 1449 HR 46/40 K, BS 1449 HR 50/45 K, BS 1449 HR 50/35 K, BS 1449 HR 54/35 K, A 590-2, AE 275 D, AE 275 BKQ	+ 36	
	(e) for other qualities	+ 67	
	2. Size extra:	as rolled	pickled
	for thickness:		
	— < 2 mm	+ 22	+ 49
	— 2 < 3 mm	+ 18	+ 40
	C. Not in coils, and of a thickness ≥ 3 mm	318	
	1. Quality extra:		
	(a) St 33, A 33, Fe 33, St W 22, D, 1 C, Fe P 11, deep drawing quality, DD, tank quality, commercial quality, Fe P 10, 0 C, BS 1449 HR 4 (unkilled), HR 14 (unkilled), HR 15 (unkilled), BS 4360 40 A, and also the following qualities in thickness from 3 to 10 mm: St 37-2, A 37 B, E 24-2 NE, U St 37-2, A 37 B E, Fe 37-B, R St 37-2, A 37 B NE, Fe 37-A and also the following qualities in thickness from 3 to 25 mm Lloyds Register: Grade A, AP 30, AP 31, AP 32, A 310-0, AE 235 B, 15 Q 20, 12 Q 20, 10 Q 18, 8 Q 16 (and other equivalent qualities)	—	
	(b) U St 37-2, St 37-3, C 10, C 15, St 44-2, Rq St 37-2, St W 24, U St W 23, St 33, R St 37-2, Grade A, BS 1449 HR 4 (killed), BS 1449 HR 14 (killed), BS 1449 HR 15 (killed), BS 4360 Grades 43 A, 43 B, 43 C, 40 B, 40 C, Lloyds Grades A and B (thickness over 25 mm), AE 275 B, AE 235 BKQ (and other equivalent qualities)	+ 18	
	(c) 1. For the qualities: St 44-3, Q St 44-2, Grade C, Grade D, C 22, C 35, St 50-2, BS 1449 HR 40/30 K, BS 1449 HR 43/35 K, BS 1449 HR 46/40 K, BS 1449 HR 50/45 K, BS 1449 HR 50/35 K, BS 1449 HR 54/35 K, BS 1501 151, BS 4360 50 A, Lloyds Grades C, D, AH 27, Q St 37-3, U Q St 37-2, AP 33, 6 Q 16, AE 235 C, AE 275 C, AE 235 D, A 490-2, AE 335 B (and other equivalent qualities)	+ 38	
	2. For the steels guaranteed to be suitable for heat treatment with $S + P \leq 0,070$: Ck 10, Ck 15, Ck 22, Ck 35, XC 10, XC 18, XC 25, XC 35	+ 87	

CN code	Description	Price in ECU/tonne cif duty-paid																								
7208 31 to 7208 90 (cont'd)	<p>(d) 1. For the qualities: St 70-2, St E 255, W St E 255, T St E 255, UH1, HI, BS 4360 Grades 40 D, 50 B, 43 D, BS 1501-161, Lloyds Grades DH 27, AH 32, DH 32, St 52-3, Q St 44-3, St 60-2, C 45, A 690-2, AE 275 D, AE 275 BKQ, (and other equivalent qualities)</p> <p>2. For the steel guaranteed to be suitable for heat treatment with $S + P \leq 0,070$: Ck 45, Ck 55, XC 42, XC 48</p> <p>(e) 1. For the qualities: Grade EH 27, Grade EH 32, Grade AH 36, Grade DM 36, C 60, St E 285, H II W 51, E 285, H II, W St E 285, St E 285, St E 315, W St E 315, TT St E 315, Q St 52-3, BS 4360 Grades 40 E, 50 C, BS 1501-164, 224, Lloyds Grades EH 27, EH 22, AH 36, DH 36, (and other equivalent qualities)</p> <p>2. for the steels guaranted to be suitable for heat treatment with $S + P \leq 0,070$: Ck 60, XC 55</p> <p>(f) for the other qualities</p> <p>2. Size extra:</p> <table><tr><th>Width Thickness</th><th>600 < 1 100 mm</th><th>1 100 ≤ 2 050 mm</th><th>> 2 050 mm</th></tr><tr><td>3 < 15 mm</td><td>+ 40</td><td>+ 36</td><td>+ 36</td></tr><tr><td>15 ≤ 40 mm</td><td>+ 40</td><td>+ 25</td><td>+ 20</td></tr><tr><td>40 ≤ 80 mm</td><td>+ 61</td><td>+ 45</td><td>+ 40</td></tr><tr><td>80 ≤ 120 mm</td><td>+ 85</td><td>+ 67</td><td>+ 63</td></tr><tr><td>> 120 mm</td><td>+ 103</td><td>+ 90</td><td>+ 85</td></tr></table>	Width Thickness	600 < 1 100 mm	1 100 ≤ 2 050 mm	> 2 050 mm	3 < 15 mm	+ 40	+ 36	+ 36	15 ≤ 40 mm	+ 40	+ 25	+ 20	40 ≤ 80 mm	+ 61	+ 45	+ 40	80 ≤ 120 mm	+ 85	+ 67	+ 63	> 120 mm	+ 103	+ 90	+ 85	<p>+ 47</p> <p>+ 96</p> <p>+ 55</p> <p>+ 104</p> <p>+ 70</p>
Width Thickness	600 < 1 100 mm	1 100 ≤ 2 050 mm	> 2 050 mm																							
3 < 15 mm	+ 40	+ 36	+ 36																							
15 ≤ 40 mm	+ 40	+ 25	+ 20																							
40 ≤ 80 mm	+ 61	+ 45	+ 40																							
80 ≤ 120 mm	+ 85	+ 67	+ 63																							
> 120 mm	+ 103	+ 90	+ 85																							
7209 7211	<p>Flat-rolled products of iron or non-alloy steels, 'electrical'</p> <p>1. Quality extra:</p> <p>(a) sheets with a watt loss ≥ 3,6 W</p> <p>(b) sheets with a watt loss < 3,6 W</p> <p>2. Size extra:</p> <p>(a) for width from 500 up to, but not including 1 000 mm</p> <p>(b) for cutting into sheets</p> <p>3. Other extras:</p> <p>— for insulation</p>	<p>577</p> <p>—</p> <p>+ 15</p> <p>+ 29</p> <p>+ 31</p> <p>+ 39</p>																								
7209 7211 30 10 7211 41 10 7211 49 10	<p>Flat products of iron or non-alloy steel, cold-rolled (cold-reduced), not clad, plated or coated</p> <p>1. Quality extra:</p> <p>(a) for the commercial qualities: St 12.03, XC, Fe P 01 MA, CR 4 GP, AP 00, AP 01X (and other equivalent qualities)</p> <p>(b) for the qualities: CR 3 GP, CR 2 GP, CR 34/20, CR 37/23, RR St 13.03, R St 37-2, XE, AP 02 X (and other equivalent qualities)</p>	<p>428</p> <p>—</p> <p>+ 7</p>																								

CN code	Description	Price in ECU/tonne cif duty-paid																												
7209 7211 30 10 7211 41 10 7211 49 10 (cont'd)	<p>(c) for the qualities: CR 3 FF, CR 4 FF, St 12.05, U St 13.03, St 14-03, R St 42-2, U St 37-2, Fe P 04 MA, Fe P 01 MB, Fe P 02 MA, ZC, XES, AP 01 Z, AP 02 Z, AP 03 X, AP 04 X (and other equivalent qualities)</p> <p>(d) for the qualities: Fe P 02 MB, Fe P 04 MB, CR 1 FF, CR 2FF, ZE, ZES, St 14.05, U St 42-2, RR St 13.05, AP 03 Z, AP 04 Z (and other equivalent qualities)</p> <p>(e) for the qualities: St 50-2, sheet/plates for special enamelling, low perlite structural steels for cold forming (and other equivalent qualities)</p> <p>(f) for the qualities: St 52-3, St 60-2, St 70-2 (and other equivalent qualities)</p> <p>2. Size extra:</p> <p>(a) thickness:</p> <p>— ≥ 3 mm</p> <p>— $1 < 3$ mm</p> <p>— ≤ 1 mm</p> <p>(b) width:</p> <table><tr><th>width \ thickness</th><th>500 < 1 100 mm</th><th>1 100 < 1 300 mm</th><th>> 1 300 mm</th></tr><tr><td>≥ 3 mm</td><td>+ 20</td><td>+ 4</td><td>+ 4</td></tr><tr><td>$1 < 3$ mm</td><td>+ 20</td><td>+ 9</td><td>+ 7</td></tr><tr><td>≤ 1 mm</td><td>+ 45</td><td>+ 25</td><td>+ 15</td></tr></table> <p>(c) cut lengths:</p> <table><tr><th>width \ thickness</th><th>< 900 mm</th><th>≥ 900 mm</th></tr><tr><td>≥ 3 mm</td><td>+ 27</td><td>+ 20</td></tr><tr><td>$1 < 3$ mm</td><td>+ 27</td><td>+ 20</td></tr><tr><td>≤ 1 mm</td><td>+ 31</td><td>+ 27</td></tr></table>	width \ thickness	500 < 1 100 mm	1 100 < 1 300 mm	> 1 300 mm	≥ 3 mm	+ 20	+ 4	+ 4	$1 < 3$ mm	+ 20	+ 9	+ 7	≤ 1 mm	+ 45	+ 25	+ 15	width \ thickness	< 900 mm	≥ 900 mm	≥ 3 mm	+ 27	+ 20	$1 < 3$ mm	+ 27	+ 20	≤ 1 mm	+ 31	+ 27	<p>+ 19</p> <p>+ 34</p> <p>+ 43</p> <p>+ 80</p> <p>+ 18</p> <p>—</p> <p>+ 16</p>
width \ thickness	500 < 1 100 mm	1 100 < 1 300 mm	> 1 300 mm																											
≥ 3 mm	+ 20	+ 4	+ 4																											
$1 < 3$ mm	+ 20	+ 9	+ 7																											
≤ 1 mm	+ 45	+ 25	+ 15																											
width \ thickness	< 900 mm	≥ 900 mm																												
≥ 3 mm	+ 27	+ 20																												
$1 < 3$ mm	+ 27	+ 20																												
≤ 1 mm	+ 31	+ 27																												
7210 7212 7210 31 7210 39 7212 21 11 7212 29 11	<p>Flat-rolled products of iron or non-alloy steel, coated, electrolytically coated with zinc</p> <p>1. Quality extra:</p> <p>(a) commercial quality</p> <p>(b) other qualities</p> <p>2. Size extra:</p> <p>(a) thickness:</p> <p>— $< 0,50$ mm</p> <p>— $0,50 < 0,70$ mm</p> <p>— $0,70 < 0,90$ mm</p> <p>— $0,90 < 1,25$ mm</p> <p>— $\geq 1,25$ mm</p> <p>(b) supplied in cut lengths</p>	<p>481</p> <p>—</p> <p>+ 27</p> <p>+ 92</p> <p>+ 57</p> <p>+ 28</p> <p>+ 12</p> <p>—</p> <p>+ 24</p>																												
7210 41 7210 49 7212 30 11	<p>Otherwise coated with zinc (hot dipped galvanized)</p> <p>1. Quality extra:</p> <p>(a) qualities 1, 2 and St 37, BS 2989 Grades Z1 and Z2, Fe 00 GZ, Fe KP GZ (and other equivalent qualities)</p>	<p>530</p> <p>—</p>																												

CN code	Description	Price in ECU/tonne cif duty-paid
7210 41 7210 49 7212 30 11 (cont'd)	(b) quality 5, Fe P0 3 GZ, BS 2989 grade Z5 (and other equivalent qualities)	+ 44
	(c) all other qualities	+ 36
	2. Size extra:	
	(a) thickness:	
	— < 0,50 mm	+ 105
	— 0,50 < 0,70 mm	+ 67
	— 0,70 < 1,00 mm	+ 38
	— 1,00 < 1,25 mm	+ 16
	— ≥ 1,25 mm	—
	(b) supplied in cut lengths	+ 23
	3. For corrugated sheet	+ 43
7211	Flat-rolled products of iron or non-alloy steel, of a width of less than 600 mm, not clad, plated or coated	315
	1. Quality extra:	
	(a) St 33, A 00, Fe 33, St 22, E 24-1, St W 22, D, drawing quality (rimmed), Fe P 11, A 37-B, Fe 37-A, Fe 42-A, A 33, E 24-2, Fd 01, Fd 02, Fd Tu 10, Fd Tu 2, Fd 0c, Fd 1c, Fe H 02, Fe H 20, Fe D 01, Fe D 11, Fe D 21, Fe R 30, Fe R 40, BS 1449 HS 4, AP 10, AP 11, AP 12, AP 30, AP 31, AP 32, A 310-0, AE 235 B E, 15 Q 20, 12 Q 20, 10 Q 18, 8 Q 16	—
	(b) R St 34-2, R St 37-2, E 24-2 NE, Fe 37-B, St 23, St W 23, EDD, deep drawing quality (rimmed), extra deep drawing quality, A 42-B, E 28-2, Fe 42-B, R Ro 34-2, R Ro 37-2, R St 38-7, R St 37-8, A 34-2, Fd 2, Fd 3, Fd 5, Fd Tu 3, Fd Tu 4, Fd 2 E, BS 1449 HS 2, BS 1449 HS 3, BS 1449 HS 12, BS 1449 HS 17, BS 1449 HS 22, BS 1449 HS 34/20, BS 1449 HS 37/23, BS 1449 HS 43/25, BS 1449 HS 43/28 Grade R/B, AE 235 6 NE, AE 275 B	+ 7
	(c) U St 23, U St W 23, St 24, St W 24, SEDD, extra deep drawing qualities (killed), St 37-3, A 37-D, E 24-3, U St 34-2, St 44-2, RQ St 34-2, E 24-4, E 28-3, Fe 37-D, Q St 34-2, RQ 34-2, Ro St 44-2, U St 37-8, Q St 37-2, RQ 37-2, U St 37-2, Fe 42 C, Fe 37 C, A 50-2, Fd 4, Fd 3 E, Fe H 40, Fe D 31, BS 1449 HS 34/20 K, BS 1449 HS 4 K, BS 1449 HS 12, BS 1449 HS 17 K, BS 1449 HS 22 K, AP 13, AP 33, 6 Q 16, AE 235 C, AE 275 C, AE 235 D, A 490-2, AE 235 BKQ, AE 335 B	+ 22
	(d) for the qualities:	
	1. St 50-2, St 60-2, St 44-3, A 42-D, E 28-4, UQ St 34-2, Fe 42-D, Q St 44-2, Rq St 44-2, Q St 37-3, RR 34-7, RR 38-7, C 10, C 20, C 22, C 30, C 35, C 40, E 36-3, E 36-1, A 70-2, BS 1449 HS 1, BS 1449 HS 37/23 K, A 590-2, AE 275 D, AE 275 BKQ	+ 36
	2. for the steels guaranteed to be suitable for heat treatment with S + P ≤ 0,070: BS 1449 HS 10, HS 40, HS 50, Ck 10, Ck 15, Ck 22, Ck 35, XC 10, XC 18, XC 25, XC 35	+ 126

CN code	Description	Price in ECU/tonne cif duty-paid	
7211 (cont'd)	3. for the steels guaranteed to be suitable for heat treatment with S + P ≤ 0,070: Ck 45, Ck 55, Ck 60, XC 45, XC 48, BS 1449 HS 60, HS 70, HS 80, HS 95	+ 157	
		as rolled	pickled
7213	2. Size extra: for thickness		
	— < 2 mm	+ 34	+ 65
	— 2 > 3 mm	+ 27	+ 54
	— ≥ 3 mm	+ 20	+ 49
	Bars and rods, hot-rolled, in irregularly wound coils, of iron or non-alloy steel (wire rod)	275	
	1. Quality extra:		
	(a) TS 1 — Betonstahlmattengüte — 9 T 1	—	
	(b) D 9 (D 9-1), D 10-2 (D 12-2), St 33, St 37-2, FM-9, FM 8-1, 11 T2, 15 T2 (and other equivalent qualities)	+ 21	
	(c) D 6-2, D 8-2, St 44-2, U St 36-2, Rst 36-2, Ust 38-2, Rst 38-2, Ust 35-2, USD 7, USD 9, FM 5-3, FM 6-3, 5 T2, 7 T2 (and other equivalent qualities)	+ 40	
	(d) other qualities excluding those in (e) and (f)	+ 70	
	(e) wire rod for welding electrodes	+ 92	
	(f) high carbon wire rod (C < 0,6 % with S + P ≤ 0,07 %) guaranteed to be suitable for heat treatment. The extras for special analysis are the same as those given for semis (under CN code 7207).	+ 165	
	Size extra:		
	— 5,0 mm	+ 63	
	— 5,5 mm	+ 63	
	— 6,0 mm	+ 4	
	— 6,5 mm	—	
	— 7,0 < 8,0 mm	—	
	— 8,0 < 10,0 mm	+ 4	
	— 10,0 < 12,0 mm	+ 8	
	— 12,0 ≤ 13,0 mm	+ 10	
	Heat treatment and other treatment:		
	— pickling	+ 40	
	— pickling and coating	+ 47	
	— annealing	+ 76	
	— annealing, including pickling	+ 106	
	2. Size extra (only for qualities under (b) (c) (d)):		
	(a) round section 5,5 to 13 mm	+ 20	
	(b) other sections	+ 83	

CN code	Description	Price in ECU/tonne cif duty-paid
7214 20	Other bars and rods of iron or non-alloy steel, hot-rolled, containing indentations, ribs, grooves or other deformations produced during the rolling process or twisted after rolling (reinforcing bars)	259
	Size extra:	
	— < 12 mm	+ 70
	— 12 < 20 mm	+ 60
	— 20 ≤ 25 mm	+ 39
	— > 25 mm	+ 61
7214	Other bars and rods of iron or non-alloy steel not further worked than hot-rolled	265
	1. Quality extra:	
	(a) for qualities A 33, St 33 and steels tensile strength of < 50 kg/mm ² or 490 N/mm ²	—
	(b) steels with a tensile strength of ≥ 50 kg/mm ² or 490 N/mm ² , C 10, C 15, C 22, C 35, C 45, C 55, C 60 and others with analysis (excluding those in (c));	+ 60
	(c) steels guaranteed to be suitable for heat treatment with S + P ≤ 0,070: Extras for special analyses are those given for semis (under CN code 7207).	+ 144
	Size and treatment extras are the same as those given for bars of alloy-structural steels, under CN-code 7228.	
	2. Size extra (only for qualities in (a) (b)):	
	(a) rounds up to 13 mm diameter	+ 77
	(b) rounds over 13 mm diameter up to 80 mm	+ 30
	(c) rounds over 80 mm diameter	+ 15
	(d) square and hexagonal bars	+ 72
	(e) flats less than 20 mm wide	+ 150
	(f) flats from 20 to under 50 mm wide	+ 79
	(g) flats from 50 to under 80 mm wide	+ 68
	(h) flats 80 mm wide and over	+ 86
7216 10	U, I or H sections, not further worked than hot rolled, of a height of less than 80 mm	265
	1. Quality extra:	
	(a) for qualities A 33, E 24-2, BS 4360: Grades 40 A and 43 A, Lloyds Register: grade A, AE 235 B, AE 275 B (and other equivalent qualities)	—
	(b) all other qualities	+ 50
	2. Size extra:	
	(a) web < 50 mm	+ 85
	(b) web ≥ 50 mm	+ 65
7216 21 7216 22	L or T sections, not further worked than hot-rolled, of a height of 80 mm or more	265
	1. Quality extra:	
	(a) A 33, E 24-2, BS 4360: Grades 40 A and 43 A, Lloyds Register: Grade A (and other equivalent qualities)	—
	(b) for all other qualities	+ 50

CN code	Description	Price in ECU/tonne cif duty-paid
7216 21 7216 22 (cont'd)	2. Size extra: — Equal angles up to 40 mm — Equal angles over 40 mm — Unequal angles up to 50 mm — Unequal angles over 50 mm — Tees and other sections	+ 90 + 68 + 100 + 65 + 80
7216 (other)	Angles, shapes and sections of iron or non-alloy steel not further worked than hot-rolled of a height of 80 mm more 1. Size extra: (a) 80 ≤ 220 mm (b) > 220 mm 2. Quality extra: (a) A 33, E 24-2, St 37-2, BS 4360: Grades 40 A and 43 A, Lloyds Register: Grade A (and other equivalent qualities) (b) for all other qualities	325 + 32 + 57 — + 50

Non-opposition to a notified concentration

(Case No IV/M.331 — Fletcher Challenge/Methanex)

(93/C 98/03)

On 31 March 1993 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6 (1) (b) of Council Regulation (EEC) No 4064/89. Third parties showing a sufficient interest can obtain a copy of the decision by making a written request to:

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

List of establishments in Switzerland approved for the purpose of importing fresh meat into the Community

(93/C 98/04)

Commission Decision C(93) 774 of 25 March 1993

(Council Directive 72/462/EEC, Article 4 (1))

Approval No	Establishment/Address	Category (*)							
		SL	CP	CS	B	S/G	P	SP	SR
101	Städtischer Schlachthof, 8004 Zürich	x			x		x		
102	Städtischer Schlachthof, 3014 Bern	x			x		x		
103	Städtischer Schlachthof, Basel	x			x		x		
107	Städtischer Schlachthof, St. Gallen	x			x		x		(¹)
115	Gustav Spiess, 9442 Berneck	x	x		x		x		TF
121	Gehrig AG, 4710 Klus	x	x		x		x		TF
141	Vulliamy SA, 1033 Cheseaux SL	x	x		x		x		
145	Grieder AG, 4702 Oensingen	x	x		x		x		
155	Frischfleisch AG, 6210 Sursee	x	x		x		x		(¹)
157	Marmy Viande en Gros SA, 1470 Estavayer-le-Lac	x	x		x				
240	Fleischhandel Crüzer AG, 7302 Landquart		x		x		x		
282	Tiefkühlager AG, 4623 Neuendorf			x					(¹)
283	Frigo St. Johann, 4056 Basel			x					(¹)
291	Kühlhaus Neuhaus AG, 9202 Gossau			x					(¹) TF
297	Tiefkühlhaus AG, 8865 Bilten			x					(¹) TF
298	Bahnhof-Kühlhaus AG, 4313 Möhlin			x					(¹)
307	Born AG, 3250 Lyss		x		x		x		

(*) SL: Slaughterhouse
CP: Cutting premises
CS: Cold store

B: Bovine meat
S/G: Sheepmeat/goatmeat
P: Pigmeat
SP: Meat from solipeds

SR: Special remarks

(¹) Frozen packaged meat only.

(²) Pigmeat: Only packaged meat which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.

(³) Offal excluded.

T, TF: The establishments with the indication "T" or "TF" are authorized, within the meaning of Article 4 of Directive 77/96/EEC, to perform:

- the examination for detection of trichinae provided for in Article 2 of the aforementioned Directive (T),
- the freezing treatment provided for in Article 3 of the same Directive (TF).

Information procedure — technical regulations

(93/C 98/05)

— Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations.

(OJ No L 109, 26. 4. 1983, p. 8).

— Directive 88/182/EEC of 22 March 1988 amending Directive 83/189/EEC.

(OJ No L 81, 26. 3. 1988, p. 75).

Notifications of draft national technical regulations received by the Commission.

Reference ⁽¹⁾	Title	End of three-month standstill period ⁽²⁾
93-0067-F	Pro <i>pharmacopoeia</i> technical notes submitted to public inquest	⁽³⁾
93-0071-D	Technical supply conditions for roadside data collection facilities (TLS)	14. 6. 1993
93-0072-D	Technical supply conditions for geotextile filters (TLG), 1993 release	14. 6. 1993
93-0073-I	Amendment to the Ministerial Decree of 31 March 1965 concerning the regulation of food additives whose use is permissible in foods	9. 6. 1993
93-0074-UK	The Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1993	14. 6. 1993

⁽¹⁾ Year — registration number — Member State of origin.

⁽²⁾ Deadline for comments from Commission and Member States.

⁽³⁾ The usual information procedure does not apply to '*Pharmacopoeia*'.

⁽⁴⁾ No standstill period as the Commission has accepted the grounds for urgent adoption.

The Commission would point out that, under the terms of its communication of 1 October 1986 (OJ No C 245, 1. 10. 1986, p. 4), it considers that if a Member State adopts a technical regulation which comes under the provisions of Directive 83/189/EEC without communicating the draft to the Commission or respecting the standstill obligation, that regulation cannot be enforced against third parties under the terms of the legal system of the Member State in question. The Commission therefore considers that litigants have a right to expect national courts to refuse to implement national technical regulations that have not been notified as required by Community law.

Information on these notifications can be obtained from the national administrations, a list of which was published in *Official Journal of the European Communities* No C 67 of 17 March 1989.

Recapitulation of current tenders, published in the *Supplement to the Official Journal of the European Communities*, financed by the European Economic Community under the European Development Fund (EDF) or the European Communities budget

(week: 30 March to 3 April 1993)

(93/C 98/06)

Invitation to tender No	Number and date of 'S' Journal	Country	Subject	Final date for submission of bids
3648	S 63, 31. 3. 1993	Turkey	TR-Istanbul: laboratory equipment	18. 5. 1993
3615	S 65, 2. 4. 1993	Zimbabwe	ZW-Harare: vehicles	2. 6. 1993
3636	S 65, 2. 4. 1993	Turkey	TR-Ankara: various supplies	14. 6. 1993
3656	S 66, 3. 4. 1993	Mauritius	MU-Quatre-Bornes: Assistance technique	21. 5. 1993
3600	S 66, 3. 4. 1993	Jamaica	JM-Kingston: various supplies	30. 4. 1993
3644	S 66, 3. 4. 1993	Bangladesh	BD-Dhaka: condoms	30. 4. 1993

COURT OF JUSTICE

COURT OF JUSTICE

JUDGMENT OF THE COURT

of 17 March 1993

in Case C-155/91: Commission of the European Communities v. Council of the European Communities ⁽¹⁾

(Directive on waste — Legal basis)

(93/C 98/07)

(Languages of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-155/91: Commission of the European Communities (Agents: Rolf Wägenbaur and Ingolf Pernice), supported by the European Parliament (Agents: Jorge Campinos and Kieran Bradley), v. Council of the European Communities (Agents: Arthur Alan Dashwood and Jill Aussant), supported by the Kingdom of Spain (Agents: Alberto José Gonzáles and Antonio Hernández-Mora, Abogado de Estado), application for the annulment of Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste ⁽²⁾, the Court, composed of: O. Due, President, C. N. Kakouris, M. Zuleeg and J. L. Murray (Presidents of Chambers), G. F. Mancini, R. Joliet, F. A. Schockweiler, J. C. Moitinho de Almeida, F. Grévisse, M. Díez de Velasco and P. J. G. Kapteyn, Judges; Advocate-General: G. Tesauró; for the Registrar: H. von Holstein, Deputy Registrar, has given a judgment on 17 March 1993, the operative part of which is as follows:

1. *The application is dismissed;*
2. *The Commission is ordered to pay the costs. The Kingdom of Spain and the European Parliament shall bear their own costs.*

⁽¹⁾ OJ No C 189, 20. 7. 1991.

⁽²⁾ OJ No L 78, 26. 3. 1991, p. 32.

JUDGMENT OF THE COURT

(Second Chamber)

of 18 March 1993

in Case C-50/92 (reference for a preliminary ruling from the Verwaltungsgericht Frankfurt am Main): Molkerei-Zentrale Süd GmbH & Co. KG v. Bundesanstalt für landwirtschaftliche Marktordeung ⁽¹⁾

(Processing of butter — Forfeiture of a security — Force majeure)

(93/C 98/08)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-50/92: reference to the Court pursuant to Article 177 of the EEC Treaty by the Verwaltungsgericht (Administrative Court) Frankfurt am Main (Federal Republic of Germany) for a preliminary ruling in the proceedings pending before that court between Molkerei-Zentrale Süd GmbH & Co. KG and Bundesanstalt für landwirtschaftliche Marktordeung (Federal Office for the Organization of Agricultural Markets) — on the interpretation of Article 22 (4) of Commission Regulation (EEC) No 262/79 of 12 February 1979 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice cream and other foodstuffs ⁽²⁾, as amended by Commission Regulation (EEC) No 3021/85 of 30 October 1985 ⁽³⁾ — the Court (Second Chamber), composed of: J. L. Murray, President of the Chamber, G. F. Mancini and F. A. Schockweiler, Judges; C. O. Lenz, Advocate-General; L. Hewlett, Administrator, for the Registrar, gave a judgment on 18 March 1993, the operative part of which is as follows:

There may be a presumption of force majeure within the meaning of Article 22 (4) of Commission Regulation (EEC) No 262/79 of 12 February 1979 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice cream and other foodstuffs where the failure to respect the time limit for the production of proof that butter has been processed in another Member State is attributable to delay on the part of the administrative authorities of that other State in verifying that the butter has been processed and in returning the control copy to the State of origin, provided that the trader in question has demonstrated

⁽¹⁾ OJ No C 81, 1. 4. 1992.

⁽²⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽³⁾ OJ No L 289, 31. 10. 1985, p. 14.

diligence in requesting the administrative authorities of the State in which the goods are processed to complete those transactions, or in ensuring that they be so requested. The fact that the trader has failed to make an application for other documents to be accepted as equivalent under Article 14 of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention may be held against him only if it was not the conduct of the administrative authorities in question which prevented him from safeguarding his rights through that procedure.

Reference for a preliminary ruling made by order of the Value Added Tax Tribunal Manchester, dated 14 January 1993, in the case of Empire Stores Limited against the Commissioners of Customs and Excise

(Case C-33/93)

(93/C 98/09)

The Court of Justice of the European Communities has received a reference for a preliminary ruling made by order of the Value Added Tax Tribunal Manchester, dated 14 January 1993, in the proceedings between Empire Stores Limited and the Commissioners of Customs and Excise, which was lodged at the Court Registry on 4 February 1993, on the following questions:

For the purposes of Article 11A(1)(a) of the Sixth Council Directive on the harmonization of the laws of the Member States relating to turnover taxes (Directive 77/388/EEC of 17 May 1977), where a supplier of goods ordered by mail order from a catalogue ('catalogue goods') operates schemes, full details of which appear in the decision annexed, under which, in summary:

- (i) when a potential customer supplies satisfactory information about herself (in particular as to credit-worthiness), the supplier undertakes to supply to that person without extra charge, if and when she is approved and either orders catalogue goods or, as the case may be, orders catalogue goods and duly makes a payment for them, an article chosen by her from a range of goods offered by the supplier which may or may not also be available from his catalogue; and
- (ii) when an existing customer finds and introduces to the supplier a new potential customer who supplies satisfactory information about herself (in particular as to credit-worthiness), the supplier undertakes to supply to that existing customer without extra charge, if and when the person introduced is approved and either orders catalogue goods or, as the case may be, orders catalogue goods and duly

makes a payment for them, an article chosen by the existing customer from a range of goods offered by the supplier which may or may not also be available from his catalogue,

and the articles not so available ('non-catalogue goods') supplied as aforesaid are not otherwise the subject of supplies by the supplier and do not have a normal sale price attached to them, in relation to each scheme:

1. Is the supply of non-catalogue goods made for a consideration separate from the sum of money payable to the supplier for the catalogue goods ordered from him?
2. If the answer to 1. is 'yes', how is the taxable amount to be determined?

Is the taxable amount:

- (i) the purchase price paid by the supplier for the goods;
- or
- (ii) the price at which the supplier would sell the goods if the goods were also offered in his catalogue (calculated consistently with the supplier's pricing procedures);
- or
- (iii) some other and if so what amount?

Reference for a preliminary ruling by the Hoge Raad der Nederlanden by judgment of that Court of 16 February 1993 in the criminal proceedings against Johannes Gerrit Cornelis van Schaik

(Case C-55/93)

(93/C 98/10)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Hoge Raad der Nederlanden (Netherlands Supreme Court) of 16 February 1993 which was received at the Court registry on 1 March 1993, for a preliminary ruling in the criminal proceedings against Johannes Gerrit Cornelis van Schaik on the following questions:

1. (a) Must Article 30 of the EEC Treaty be interpreted as meaning that national legislation such as the vehicle testing regulations outlined above can be regarded as a measure having equivalent effect within the meaning of that article?

- (b) Or must Article 30, on the other hand, be interpreted as meaning that national legislation such as the vehicle testing regulations does not constitute an infringement thereof, because it seeks to protect a general interest justified under Community law, is not concerned with trade in spare parts for cars, and its restrictive effect on trade goes no further than is necessary?
2. If Question 1 (a) is answered in the affirmative: must Article 36 of the EEC Treaty be interpreted as meaning that national legislation such as the vehicle testing regulations is nevertheless compatible with Article 30 of the EEC Treaty because it is justified on the ground of the protection of public security and the health and life of humans?
3. (a) Must Article 62 of the EEC Treaty be interpreted as meaning that national legislation such as the vehicle testing regulations is incompatible with it since the conditions laid down for the grant of authorization pursuant to Article 9(g) of the *Wegenverkeerswet* may, in the sector of the provision of maintenance services, result in a loss of custom for foreign garage undertakings since in the case of Dutch cars they are unable to grant test certificates?
- (b) Or must Article 62 be interpreted, in the light of Article 55 of the EEC Treaty, as meaning that national legislation such as the vehicle testing regulations does not constitute an infringement of that article because the conduct of tests by the authorized garages for the issue of the test certificate is to be regarded as being carried out in the exercise of the State's public powers?
4. (a) Must Articles 5, 85 and 86 of the EEC Treaty be interpreted as precluding national legislation such as the vehicle testing regulations which enables garage owners established and authorized in the Netherlands to exempt customers who entrust their cars to them for servicing from the payment of the costs arising in connection with the test and the issue of the test certificate, with the result that owners of motor vehicles are encouraged to give their custom to those garage owners?
- (b) Or are authorized garage businesses to be regarded pursuant to Article 90 (2) of the EEC Treaty as undertakings entrusted with the operation of services of general economic interest whose fulfilment would be impeded if they were unable to grant the abovementioned cost exemption?
5. To what extent does it make any difference to the reply to the abovementioned questions that the adverse effect of the national legislation on intra-Community trade in goods and services and on intra-Community competition is more or less confined to border areas and manifests itself on a limited scale?
6. To what extent does it make any difference to the reply to the abovementioned questions if the national legislation concerns solely vehicles of categories mentioned in the Annex to Council Regulation 77/143/EEC of 29 September 1976 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers ⁽¹⁾, or if it also concerns other vehicles such as passenger vehicles (except taxis) and other light vehicles?
-
- ⁽¹⁾ OJ No L 47, 18. 2. 1977, p. 47.
-
- Removal from the Register of Case C-247/91 ⁽¹⁾**
- (93/C 98/11)
- By order of 17 February 1993 the President of the Third Chamber of the Court of Justice of the European Communities ordered the removal from the Register of Case C-247/91 (reference for a preliminary ruling from the Finanzgericht Düsseldorf): *Friedel Börsch v. Hauptzollamt Wuppertal*.
-
- ⁽¹⁾ OJ No C 291, 8. 11. 1991.

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Regulation (EEC) establishing a control system applicable to the common fisheries policy ⁽¹⁾

(93/C 98/12)

COM(93) 107 final

(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 17 March 1993)

Fifth recital

Whereas, whilst control is first and foremost the responsibility of the Member States, only the Commission can seek to ensure that the Member States monitor and prevent infringements in an equitable manner; whereas, therefore, the Commission should be provided with the financial, legal and legislative means to carry out this task as effectively as possible;

Tenth recital (new)

Whereas it is vital that Member States cooperate at the operational level during inspections at sea of fishing activities in order to allow effective and financially justifiable inspections, particularly of operations carried out outside the waters under the jurisdiction or sovereignty of a Member State;

Article 1 (3)

3. This system shall apply to all fishing activities and to all associated activities carried out within the territory and within the maritime waters subject to the sovereignty and jurisdiction of the Member States; it shall also apply to the activities of fishing vessels flying the flag of Member States which operate in third-country waters and on the high seas, without prejudice to the special provisions contained in fisheries agreements concluded between the Community and third countries or in international conventions. Such agreements and conventions may not, however, have the effect of imposing on Community vessels obligations which are less stringent than those laid down in this Regulation.

Article 2 (1)

1. In order to ensure compliance with all the regulations in force concerning conservation and control

measures, each Member State shall, within its territory and within maritime waters subject to its sovereignty or jurisdiction, monitor fishing activity and related activities. It shall inspect fishing vessels and all activities whose inspection would enable verification of the implementation of this Regulation, including the activities of landing, selling and distributing, transporting and storing fish and recording landings and sales.

The previous Article 3 (5) is deleted

Article 3 (5) (new)

5. Acting in accordance with the procedure laid down in Article 39 of this Regulation, the Commission may exempt from the obligations laid down in paragraph 1, for a limited, renewable period, certain types of vessel flying the flag of, or registered in, a Member State which are making a trip not exceeding 24 hours, measured from the time of departure from port to the time of return to port.

The previous Article 6 (1), (2), (3) and (5) is deleted

Article 6 (1) (new)

1. Skippers of fishing vessels flying the flag of, or registered in, a Member State shall keep a logbook of their operations indicating the quantities of each species caught and held on board, the date and location of such catches and the type of gear used. The location of the catch shall be given as a grid reference rounded down to the nearest degree.

Article 6 (2) (new)

2. The names of species which have to be recorded in the logbook in accordance with paragraph 1 shall be included in lists drawn up in accordance with the procedure laid down in Article 39 and which must contain any stock or group of stocks subject to a TAC (total admissible catch) or quota.

⁽¹⁾ OJ No C 280, 29. 10. 1992, p. 5.

Article 6 (4) becomes Article 6 (3)

Article 6 (4) (new)

4. Acting in accordance with the procedure laid down in Article 39 of this Regulation, the Commission may exempt from the obligations laid down in paragraph 1, for a limited, renewable period, certain types of vessel flying the flag of, or registered in, a Member State, particularly those whose length overall does not exceed 10 metres.

Article 6 (6) becomes Article 6 (5)

5. Skippers of fishing vessels must record the data referred to in paragraph 1 on paper or in computer-readable form.

The second subparagraph of Article 7 (3) is deleted

Second subparagraph of Article 7 (3) (new)

Acting in accordance with the procedure laid down in Article 39 of this Regulation, the Commission may exempt from this obligation, for a limited, renewable period, skippers of certain types of vessel, in particular those flying the flag of, or registered in, a Member State, and whose length overall does not exceed 10 metres;

First subparagraph of Article 19 (3)

3. Information acquired pursuant to this Article may only be used for the purpose for which it was requested and shall be available on request to the owners of the fishing vessels concerned.

Second subparagraph of Article 21 (4)

If the prejudice suffered by the Member State for which fishing has been prohibited before its quota was fished has not been removed by action in accordance with the procedure laid down in Article 6 (3) of Regulation (EEC) No .../.., measures shall be adopted with the aim of remedying in an appropriate manner the prejudice caused, in accordance with the procedure laid down in Article 39. These measures may involve making deductions from the quota, allocation or share of the Member State which has overfished, the quantities so deducted to be allocated appropriately to the Member States whose fishing activities were halted before their quotas were exhausted. These deductions and the consequent allocations shall be made taking into account as a matter of priority the species and zones for which the annual quotas, allocations or shares were fixed. These deductions or allocations may be made during the year in which the prejudice occurred or in the succeeding year or years and shall be calculated in

absolute terms or as a percentage in accordance with the formula most advantageous to the Member State which has suffered the prejudice;

New subparagraph inserted after the second subparagraph in point (b) of Article 25 (1)

The method used to calculate the penalty coefficients shall be laid down by the Council, on a proposal from the Commission, at the same time as the corresponding restrictions on fishing activities.

Article 30 (3a) (new)

3a. The Commission, the competent authorities in the Member States and officials and other agents are obliged not to divulge information acquired pursuant to this Article which is, by its nature, covered by professional secrecy.

Point (a) in Article 31 (6)

(a) Without prejudice to Article 169 of the EEC Treaty, in the event that officials authorized by the Commission discover possible infringements of the Community rules referred to in Article 1, or failures on the part of national departments to fulfil the obligations imposed on them pursuant to paragraph 4 of this Article, the Commission shall inform the Member State thereof without delay by means of a report. The Member State shall take all action called for by the report. The Commission may make the report public.

Article 32 (3) first subparagraph (new)

Member States shall ensure that comparable penalties are imposed for comparable offences throughout the Community.

Article 38

Before 31 March each year Member States shall transmit to the Commission a report on the application of this Regulation over the previous 12 months, containing an assessment of the technical and human resources used and measures which may help to alleviate the shortcomings discovered. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up an annual report and shall communicate to each Member State the information which concerns it. Having taken due note of the replies from the Member States, the Commission shall publish this report along with those replies and, where appropriate, proposals for measures to alleviate the shortcomings discovered.

III

(Notices)

EUROPEAN PARLIAMENT

Videotex service

(93/C 98/13)

1. **Awarding authority:** European Parliament, Publishing Division, Office 1/50, Schuman Building, L-2929 Luxembourg.
Telex 2894 EUROPARL. Facsimile 43 55 78.
 2. (a) **Nature of the contract:** Public invitation to tender.
(b)
 3. (a) **Place of delivery:** Luxembourg.
(b) **Subject:** Videotex page preparation and make-up.
(c), (d)
 4. **Completion deadline:** Second half of 1993, 1994, 1995.
 5. (a) **Request for documents:** As in 1, Mr J. Raybaut or Mr R. Fritsch, tel. 43 00 24 75/44 27, facsimile 43 55 78.
(b) **Final date for applications:** 7. 5. 1993 (12.00).
 6. (a) **Final date for receipt of tenders:** 1. 6. 1993.
(b) **Address:** As in 1.
(c) **Language(s):** French, English, German or Italian.
 7. (a) **Person authorized to be present at the opening of tenders:** The representatives of the Publishing Division and of the Directorate for Financial Management and Control, and the members of the Advisory Committee on Procurements and Contracts (CCAM).
(b) **Date, time and place:** 7. 6. 1993 (10.00).
 - 8.
 9. **Financing and payment terms:** See contract documents.
 10. **Legal form for group bidders:** Service providers.
 - 11.
 12. **Tenders may lapse after:** End of 1995.
 13. **Award criteria:** After the Advisory Committee on Procurements and Contracts has delivered its opinion, the contract will be awarded to the bidder whose tender is the most attractive.
 - 14.
 15. **Date of dispatch of the notice:** 29. 3. 1993.
 16. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 31. 3. 1993.
-

COMMISSION

Notice of a standing call for awarding contracts for distilling operations in respect of apples withdrawn from the market

(93/C 98/14)

Bezirksregierung Halle, Dezernat 51, Willy-Lohmann-Straße 6a, D-4020 Halle/Saale, Tel. (0345) 347 16 06, Telefax (0345) 347 14 44, has opened a standing call for awarding contracts for distilling operations within the meaning of Regulation (EEC) No 1561/70 (OJ No L 169, 1. 8. 1970, p. 63), in respect of apples withdrawn from the market.

The community system of documentation on employment (SYSDÉM) — Open procedure

(93/C 98/15)

1. **Awarding authority:** Commission of the European Communities, Directorate-General for Employment, Industrial Relations and Social Affairs, Division V/B/1, 200 Rue de la Loi, B-1049 Brussels.
 2. (a) **Award procedure:** Public invitation to tender (V/93/005).
(b)
 3. (a)
(b) **Goods:** The community system of documentation on employment is based on a network of independent correspondents and shall carry out the following tasks:
collect documentation and other available information on the development of prospects for employment;
analyze and summarize the information;
disseminate the information when it has been collected and processed.
Tenderers will have to provide evidence of sound experience in the areas covered by this invitation to tender and in dealing with questions relating to the employment market.
(c), (d)
 4. **Delivery deadline:** The contract will last for one year in the first instance but may be extended for two further periods of one year each.
 5. (a) **Documents from:** As in 1, facsimile 295 12 04.
(b) **Requests not later than:** 23. 4. 1993.
(c) **Fee:** Free of charge.
 6. (a) **Deadline for receipt of tenders:** 12. 5. 1993.
(b) **Address:** As in 1, Miss Sanguinetti, service courrier-archives, RP 11 5/65.
(c)
 7. (a) **Opening of tenders (persons admitted):** Mr J.W. Morley, Mr P. Sigonis, Mr E. Thomas, Mr J. Elshout.
(b) **Date, time and place:** 17. 5. 1993.
 - 8.
 9. **Financing and payment:** Are contained in the contract documents.
 - 10.
 11. **Qualifications:** The minimum economic and technical standards required of the contractors are contained in the contract documents.
 12. **Tenders may lapse after:** 180 days from 12. 5. 1993.
 13. **Award criteria (other than price):** The criteria for the award of the contract are contained in the contract documents.
 - 14.
 15. **Notice postmarked:** 1. 4. 1993.
 16. **Notice received on:** 1. 4. 1993.
-

Supply of X.400 software for the electronic mail system of the Commission of the European Communities — Open procedure

(93/C 98/16)

1. **Awarding authority:** Commission of the European Communities, informatics directorate, logistical support and training unit, Mr G. GASCARD, IMCO 3/2, rue de la Loi 200, B-1049 Brussels.
2. (a) **Award procedure:** Call for tenders, reference: DI/93/01.
(b)
3. (a) **Delivery to:** Commission of the European Communities in Brussels and Luxembourg.
(b) **Goods:** Software for X.400 based electronic mail, in particular the MTAs (Message Transfer Agent) as server software including additional functionality for the administration of multiple MTAs and for distributed directory administration and access as well as the UAs (User Agents).
The MTAs will be installed in two functions:

as server software in DGs to which local electronic mail tools will be linked;

as routing MTAs in the telecommunication centres in Luxembourg and Brussels.

The X.400 product to be procured has either to conform to '88 specification or offer a convincing strategy toward '88.
(c), (d)
4. **Delivery deadline:** The product to be procured must be ready for tests simulating operation by the data specified under point 6 (a). The tests are part of the evaluation process.

The product must be ready for operational pilot installations two months after the date specified under point 6 (a).
5. (a) **Documents from:** Commission of the European Communities, informatics directorate, DI/SLF, Mr L. BEKAERT, IMCO 6/19, rue de la Loi 200, B-1049 Brussels, tel. (2) 295 40 25, facsimile (2) 295 50 67.
(b) **Requests not later than:** 24. 5. 1993.
(c)
6. (a) **Deadline for receipt of tenders:** 31. 5. 1993.
(b) **Address:** As in 5 (a).
(c) **Language(s):** One of the nine official languages of the European Communities.
7. (a), (b)
8. **Deposits and guarantees:** 3 % of the contract value at time of signature of contract.
9. **Financing and payment:** In accordance with contract documents.
10. **Legal form in case of group bidders:** If a contract is awarded to a group of suppliers who have submitted a joint bid, they must assume a legal form in conformity with national or European legislation before any contract is signed.
- 11.
12. **Tenders may lapse after:** One year from the closing date for the submission of bids.
13. **Award criteria (other than price):** The tendering specifications will set out the criteria used to compare tenders.
- 14.
15. **Notice postmarked:** 1. 4. 1993.
16. **Notice received on:** 1. 4. 1993.



Office for Official Publications of the European Communities

'The power of words, the fascination of figures!'

Europe in figures.



Europe in figures (third edition)

This publication aims to meet the information requirements of the majority of us - amongst which company heads, analysts and statisticians, product and/or market managers, decision-makers, consultants, teachers and students - as well as of all those who wish to be informed about Europe.

The graphs, statistical tables, maps, illustrations and commentaries present an overall picture of European integration, the salient features of present-daylife in the Community and the position of the European Community in the world.

The 18 chapters cover all the statistical themes dealt with by Eurostat, the Statistical Office of the EC, namely:

1. General statistics
2. Economy and finance
3. Population social conditions
4. Energy and industry
5. Agriculture, forestry and fisheries
6. External trade and balance of payments
7. Services and transport
8. Environment

1992 — 256 pp. — 21 x 27 cm
Catalogue No: CA-70-91-895-EN-C
ISBN: 92-826-3373-1
Price: ECU 16.50



Order form

To be sent to : **Office for Official Publications of the
European Communities**
2, rue Mercier, L-2985 Luxembourg

Please send me copy(ies) of *Europe in figures*.

Name: _____

Address: _____

Tel.: _____

Date and signature: _____

