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## Information and Notices

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## I

(Information)

## COMMISSION

Ecu (<sup>1</sup>)

21 September 1993

(93/C 257/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,9295	United States dollar	1,19328
Danish krone	7,83687	Canadian dollar	1,57811
German mark	1,91164	Japanese yen	126,154
Greek drachma	274,860	Swiss franc	1,66880
Spanish peseta	152,943	Norwegian krone	8,35177
French franc	6,68118	Swedish krona	9,61784
Irish pound	0,821309	Finnish markka	6,92103
Italian lira	1862,65	Austrian schilling	13,4507
Dutch guilder	2,14779	Icelandic krona	81,9903
Portuguese escudo	195,471	Australian dollar	1,82403
Pound sterling	0,774355	New Zealand dollar	2,15122

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) and an automatic fax answering service (No 296 10 97) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

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

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

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

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

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

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

**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: 14 to 18 September 1993)

(93/C 257/02)

Invitation to tender No	Number and date of 'S' Journal	Country	Subject	Final date for submission of bids
3735	S 182, 17. 9. 1993	Fiji	FJ-Suva: prequalification of companies	13. 10. 1993
3720	S 183, 18. 9. 1993	Ethiopia	ET-Addis-Ababa: tannery chemicals ( <i>corrigendum</i> )	22. 9. 1993
3721	S 183, 18. 9. 1993	Ethiopia	ET-Addis-Ababa: raw materials and chemicals for shoe factory	23. 9. 1993
3693	S 183, 18. 9. 1993	Zambia	FZM-Lusaka: technical assistance ( <i>corrigendum</i> )	15. 10. 1993

**Prior notification of a concentration**

**(Case No IV/M.337 — Allied Signal/Knorr-Bremse)**

(93/C 257/03)

1. On 14 September 1993, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89<sup>(1)</sup> by which the undertakings Knorr-Bremse AG (Germany) and Allied Signal Inc. (USA) acquire within the meaning of Article 3 (1) (b) of Regulation (EEC) No 4064/89 joint control of a worldwide joint venture for the design, development, manufacture, distribution and sale of air brake systems (and certain other related automotive products) for commercial vehicles over six tonnes.

2. The business activities of the undertakings concerned are:

- for Knorr-Bremse AG: development, manufacture and distribution of railway brakes, automotive brakes, foundry products and torsional vibration dampers,
- for Allied Signal Inc.: development, manufacture and distribution of aerospace products, automotive products and engineering materials for use in many major industries.

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 (32 2) 296 43 01) or by post, under reference number IV/M.337 — Allied Signal/Knorr-Bremse, 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.

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

## Information procedure — technical regulations

(93/C 257/04)

- 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 (*)	Title	End of three-month standstill period (2)
93-0206-B	Approval specifications for PABXS to be connected to the Belgian public telecommunications network (SPEC. BE-SP-001)	6. 12. 1993
93-0207-B	Specifications for the approval of analogue telephone sets connected to the public switched telephone network (SPEC. BE-SP-208)	6. 12. 1993
93-0208-B	Approval specifications for X.25 terminals to be connected by direct access to the packet-switching Belgian public network (SPEC. BE-SP-125)	6. 12. 1993
93-0209-B	Domestic telephone switching equipment (SPEC. BE-SP-230)	6. 12. 1993
93-0210-B	Specifications for the approval of insulated cables and wires in telephone equipment (SPEC. BE-SP-232)	6. 12. 1993

(\*) 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.

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

**Cases where the Commission raises no objections**

(93/C 257/05)

**Date of adoption:** 30. 6. 1993

**Member State:** France

**Aid No:** N 188/93

**Title:** Amendment to film and television programme production levy schemes — introduction of levy on prerecorded videocassettes

**Objective:** Maintenance of high-quality audiovisual production in the French language and reflecting French culture

**Legal basis:** Décrets n° 59-733 du 18 juin 1959, n° 59-1512 du 30 décembre 1959 et n° 86-175 du 6 février 1986, modifiés Article 49 de la loi de finances de 1992

**Budget:** 1991: Films: FF 413 million (ECU 60 million)  
TV programmes: FF 539 million (ECU 78 million)

Additional proceeds in 1993 from video levy (divided between film and TV): FF 25 million

**Aid intensity:** Approximately 10 %

**Conditions:** Annual report

**Date of adoption:** 28. 7. 1993

**Member State:** United Kingdom (England and Wales)

**Aid No:** N 410/93

**Title:** Extension beyond 1998 of non-fossil fuel obligation (NFFO) arrangements, including fossil fuel levy, for renewable-sourced electricity

**Objective:** To support production of a further 900 MW of renewable-sourced electricity until stage of viability

**Legal basis:** Electricity Act 1989

**Budget:** Up to £ 180 million per annum

**Aid intensity:** Between 30 and 60 %, declining

**Duration:** Up to around 2015

**Conditions:** Annual report and reports on each NFFO order

**Date of adoption:** 17. 8. 1993

**Member State:** Germany

**Aid No:** N 391/93

**Title:** Amendment of ERP schemes (raising of loan limits) for:

ERP regional scheme (West)

ERP start-up scheme

ERP effluent treatment scheme

ERP waste-management scheme

ERP air-pollution abatement scheme

ERP energy-conservation scheme

**Objective:** Aid in form mainly of soft loans to SMEs for various purposes including start-ups, investment, pollution control and energy conservation

**Legal basis:** ERP-Wirtschaftsplangesetz 1993

**Budget:** Total funds available for lending in 1993 (including regional scheme in western States and special Aufbauprogramm in eastern States) DM 14 billion (ECU 7 billion), of which DM 10 billion in east

**Aid intensity:** Under 7,5 % gross in western States and West Berlin, around 10 % in eastern States (loan limit raised to DM 500 000 for first two schemes and possibility introduced of exceeding DM 1 million limit in western States for latter four schemes)

**Conditions:** Annual report

**Date of adoption:** 27. 8. 1993

**Member State:** Spain (Andalusia)

**Aid No:** 339/93

**Title:** Aid to improve working conditions

**Objective:** Improvement of working conditions and safety; investments, studies and training

**Legal basis:** Orden de 6. 4. 1993

**Budget:** Pta 290 million (ECU 1,88 million)

**Aid intensity:** Maximum of Pta 15 million (ECU 97 325) per firm

**Duration:** One year: 1993

**Date of adoption:** 27. 8. 1993

**Member State:** Germany (Thüringen)

**Aid No:** N 362/93

**Title:** Investment aid scheme within the tourism sector

**Objective:** To promote the development of the tourism sector and the setting-up and expansion of SMEs within this sector.

Investment aid scheme in form of grants

**Legal basis:** Mittelstandsförderungsgesetz des Landes Thüringen

**Budget:** 1993: DM 10 million (ECU 5 million)  
1994 to 1996: DM 35 million (ECU 17 million)

**Aid intensity:** Investment by SMEs: 15 to 23 %  
Infrastructure investment: 90 %

**Duration:** Indefinite

**Date of adoption:** 27. 8. 1993

**Member State:** Spain (Basque Country)

**Aid No:** N 370/93

**Title:** Aid for new hotels, tourist apartments and improved facilities

**Objective:** Development of tourism

**Legal basis:** Proyecto de orden por el que se instituyen subvenciones a nuevos hoteles, apartamentos turísticos, modernización y mejora de instalaciones y nuevos productos turísticos

**Budget:** Pta 91 million (some ECU 607 000)  
(exchange rate at 1. 7. 1993: ECU 1 = Pta 149,871)

**Aid intensity:** Flat-rate aid, subject to various ceilings

**Duration:** One year (1993)

**Date of adoption:** 27. 8. 1993

**Member State:** Germany (Thüringen)

**Aid No:** N 371/93

**Title:** Aid scheme for investment in old industrial areas

**Objective:** To promote the development of SMEs and to improve the infrastructure of old industrial areas.

(Investment aid scheme in form of grants)

**Legal basis:** Mittelstandsförderungsgesetz des Landes Thüringen vom 17. 9. 1991

**Budget:** DM 4 million (ECU 2 million) in 1993  
DM 20 million (ECU 10 million) in 1994 to 1996

**Aid intensity:** Business investment: 15 to 23 %  
Infrastructure investment: 70 %

**Duration:** Indefinite

**Date of adoption:** 27. 8. 1993

**Member State:** Germany (Thüringen)

**Aid No:** N 372/93

**Title:** SME investment loans scheme

**Objective:** Grants for investment by SMEs

**Legal basis:** Richtlinie zum Mittelstandskreditprogramm, basierend auf dem Mittelstandsförderungsgesetz vom 17. 9. 1991, Paragraphen 23, 44 und 44a der Thüringer Landeshaushaltsordnung

**Budget:** 1993: DM 22,5 million (ECU 11,25 million)  
1994 to 1996: DM 75 million (ECU 37,5 million)

**Aid intensity:** Estimated gross grant equivalent maximum: 23,87 %

**Duration:** Indefinite

**Date of adoption:** 27. 8. 1993

**Member State:** Spain (Canary Islands)

**Aid No:** 337/93

**Title:** Aid for employment in community-work schemes

**Objective:** Financing of recruitment into community-work schemes

**Legal basis:** Decreto

**Budget:** Pta 1 800 million (ECU 11,67 million)

**Duration:** 1993

**Date of adoption:** 27. 8. 1993

**Member State:** Italy (Sicily)

**Aid No:** 397/93

**Title:** Measures to promote rural tourism

**Objective:** Investment in the tourism sector in the form of grants to farmers

**Legal basis:** Disegno di legge n. 405/1992 del governo regionale

**Budget:** Lit 75 billion (some ECU 42 million) from 1993 to 1995

**Aid intensity:** Maximum 55 % (gross)

**Duration:** Up to 1995 on the basis of the existing budget

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**Date of adoption:** 27. 8. 1993

**Member State:** United Kingdom (Scotland)

**Aid No:** N 403/93

**Title:** Scottish Renewables Obligation (SRO)

**Objective:** Promotion of electricity generated from renewable sources

Guaranteed sale and price for electricity produced and supplied

**Legal basis:** Electricity Act 1989

**Budget:** £ 7 to 8 million (ECU 9,8 million) in first year  
£ 47 million (ECU 59 million) by the year 2000

**Aid intensity:** 30 to 60 %

**Duration:** 1994 to 2020



## II

(Preparatory Acts)

## COMMISSION

**Proposal for a Council Decision allowing for separate liability of the Czech Republic and the Slovak Republic with regard to the loan facility granted to Czechoslovakia pursuant to Council Decision 91/106/EEC**

(93/C 257/06)

COM(93) 399 final

(Submitted by the Commission on 1 September 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission submitted following consultation of the Monetary Committee,

Having regard to the opinion of the European Parliament,

Whereas, pursuant to Decision 91/106/EEC<sup>(1)</sup>, the Community has granted to the Czech and Slovak Federal Republic (CSFR) a medium-term loan of ECU 375 million in principal, with a view to ensuring a sustainable balance-of-payments situation, strengthening its reserves and facilitating the introduction of currency convertibility; whereas the loan was fully disbursed by the Commission on two instalments of respectively ECU 185 million in August 1991 and ECU 190 million in February 1992;

Whereas, in accordance with the constitutional act on the dissolution of the CSFR adopted by the Federal Assembly of the CSFR on 25 November 1992, the CSFR ceased to exist as of 31 December 1992 and its successor states are the Czech Republic and the Slovak Republic;

Whereas the constitutional act on the division of property of the CSFR between the Czech Republic and the Slovak Republic adopted by the Federal Assembly on 13 November 1992 stipulates that the loans accepted by the CSFR will be divided between the Czech Republic and the Slovak Republic in the ratio of two to one, corresponding to the relative proportion of their populations; and whereas the Czech and the Slovak authorities have requested the Community to agree accordingly on the division of the liability of the CSFR arising from the Community loan operation of ECU 375 million granted pursuant to Decision 91/106/EEC;

Whereas the Czech Republic and the Slovak Republic are jointly continuing to discharge fully their debt servicing obligations stemming from the Community loan operation of ECU 375 million as these obligations fall due; whereas these Republics have agreed to take over respectively two thirds and one third of the payment obligations of principal, interest and fees relating to this operation;

Whereas the Commission should be authorized to take the appropriate action to ensure that the liabilities arising under the loan granted pursuant to Decision 91/106/EEC should be divided between the Czech and Slovak Republics in conformity with the act of the Federal Assembly of 13 November 1992;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

*Sole Article*

1. The Czech Republic and the Slovak Republic may assume separate liability for two thirds and one third respectively of all the payments of principal, interest and fees associated with the service of the Community medium-term loan of ECU 375 million granted to the Czech and Slovak Federal Republic (CSFR) pursuant to Decision 91/106/EEC.
2. To this end, the Commission is authorized to agree with the authorities of the Czech and the Slovak Republics, after consultation of the Monetary Committee, on the necessary adjustments to the original Loan Agreement between the Community and the CSFR.
3. The terms and conditions stipulated in Decision 91/106/EEC shall apply *mutatis mutandis* to the arrangements to be entered into pursuant to paragraph 2 and the financial terms of the original Loan Agreement will be preserved.
4. All related costs that may be incurred by the Community in concluding and carrying out the arrangements provided for by this Decision shall be borne by the Czech Republic and the Slovak Republic as to two thirds and one third respectively.

(<sup>1</sup>) OJ No L 56, 2. 3. 1991, p. 24.

**Proposal for a Council Directive establishing the fundamental principles governing the investigation of civil aviation accidents and incidents**

(93/C 257/07)

*COM(93) 406 final*

*(Submitted by the Commission on 1 September 1993)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas the opening of the internal market and the liberalization of air transport will increase the air traffic operations, in particular those involving crew, aircraft and undertakings from different Member States;

Whereas a high general level of safety in the Single Market requires harmonized procedures to the extent that there will be less direct links between individual Member States and individual operators; whereas operations in the Community will involve more multilateral contacts between Member States and operators and therefore there will be a need for general principles to enable Member States to apply the same high level of accident prevention measures;

Whereas a high general level of safety in civil aviation in Europe should be maintained and all efforts should be made to reduce the already limited number of accidents and serious incidents;

Whereas account should be taken of the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, which provides for implementation of the measures necessary to ensure the safe operation of aircraft; whereas account should also be taken in particular of the Annex 13 to the said Convention which provides international standards and recommended practices for aircraft accident investigation;

Whereas the expeditious realization of technical investigations of civil aviation accidents and incidents would improve air safety in helping to prevent the occurrence of such accidents and incidents;

Whereas international standards provide for the investigation of accidents to be carried out under the responsibility of the State where the accident occurs, if investigation of incidents is not carried out by the State where the incident occurs, this investigation should be carried out by the State of registry;

Whereas investigation of serious incidents should be carried out in a similar way to investigation of accidents;

Whereas air safety requires accident investigations to be carried out in the shortest possible time, investigators should be able to proceed to their tasks with the greatest freedom allowed by the legal system;

Whereas investigation of civil aviation accidents and incidents should be carried out by an independent body to avoid any conflict of interest and any possible involvement in the causes of the occurrence being investigated; whereas this body should be suitably equipped and its tasks could include other prevention activities;

Whereas it is important for accident prevention to publish the findings of accident investigations in the shortest time possible while giving opportunity to interested parties to comment on these findings;

Whereas the particular nature of incidents should be taken into account when circulating the findings of incident investigation;

Whereas the safety recommendations resulting from an accident or incident investigation should be duly taken into account;

Whereas the technical investigation should only be used for prevention purposes, only factual information collected during the investigation should be allowed to be used to apportion blame or liability,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

**Objective**

This Directive aims at improving air safety by facilitating the expeditious realization of investigations, the exclusive objective of which is prevention of future accidents or incidents.

*Article 2*

**Scope**

1. This Directive shall apply to investigations of civil aviation accidents and incidents occurring in the territory of the European Community taking into account the international obligations of the Member States.

2. This Directive shall also apply outside the territory of the European Community to investigations of serious incidents involving aircraft registered in a Member State or operated by an undertaking established in a Member State, when such an investigation is not carried out by another State.

### Article 3

#### Definitions

For the purposes of this Directive:

(a) 'accident' means: an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:

— a person is fatally or seriously injured as a result of:

— being in the aircraft, or

— direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or

— direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

— the aircraft sustains damage or structural failure which:

— adversely affects the structural strength, performance or flight characteristics of the aircraft, and

— would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

— the aircraft is missing or is completely inaccessible;

(b) 'serious injury' means: an injury which is sustained by a person in an accident and which:

— requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or

— results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or

— involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

— involves injury to any internal organ; or

— involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or

— involves verified exposure to infectious substances or injurious radiation;

(c) 'fatal injury' means: an injury which is sustained by a person in an accident and which results in death within 30 days of the date of the accident;

(d) 'causes' means: action(s), omission(s), event(s), condition(s), or a combination thereof, which led to the accident or incident;

(e) 'investigation' means: a process conducted for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and, when appropriate, the making of safety recommendations;

(f) 'investigator-in-charge' means: a person charged, on the basis of his qualifications, with the responsibility for the organization conduct and control of an investigation;

(g) 'flight recorder' means any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation;

(h) 'undertaking' means any natural person, any legal person, whether profit-making or not, or any official body whether having its own legal personality or not;

(i) 'incident' means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

- (j) 'serious incident' means an incident involving circumstances indicating that an accident nearly occurred.

A list of examples of serious incidents can be found in the Annex to this Directive;

- (k) 'safety recommendation' means a proposal of the investigation body of the State conducting the investigation, based on information derived from the investigation, made with the intention of preventing accidents or incidents.

#### Article 4

##### Mandatory investigation

1. Every civil aviation accident or serious incident shall be subjected to an investigation, the scope of which shall be determined by the investigation body taking into account the objective of this Directive.
2. This does not prevent Member States from taking measures to enable the investigation of other incidents when the investigation body may expect to draw air safety lessons from it.

#### Article 5

##### Status of the investigation

1. The Member States shall define, in the framework of their respective internal legal systems, a legal status of the investigation that shall enable the investigators-in-charge to achieve their mission, in the most efficient way and within the shortest time.
2. Without prejudice to the internal legal procedures in force and in cooperation with other authorities of the Member States responsible for the judicial enquiry, the provisions of paragraph 1 shall allow in particular:
  - unimpaired access to the site of the accident or incident as well as to the aircraft or its wreckage,
  - immediate controlled removal of debris, bodies or components for examination or analysis purposes,
  - immediate access to and use of the contents of the flight recorders and any other recordings,
  - immediate examination of, or taking of samples from, the bodies of victims or persons involved,
  - examining witnesses,

- full access to any relevant information or records held by the owner, the operator, the maintenance organization or the manufacturer of the aircraft and by the authorities responsible for civil aviation or airport operation.

#### Article 6

##### Investigation body

1. The Member States shall ensure that the conduct of investigations is entrusted to a permanent civil aeronautical body. This body shall be functionally independent in particular of the national aeronautical authorities responsible for airworthiness, certification, flight operation, maintenance, licensing, air traffic control or airport operation.
2. Notwithstanding paragraph 1, the activities entrusted to this body can be extended to the gathering and analysis of air safety related data in as far as these activities do not affect its independence and entail no regulatory, normative or administrative responsibility.
3. The body referred to in paragraph 1 above shall be given the means required to carry out its responsibilities independent from the authorities referred to above and should be able to obtain sufficient resources to do it. Its personnel shall benefit from a statute giving the necessary protection and guarantees of independence. It shall comprise at least a suitably trained investigator to exercise the function of investigator-in-charge in the event of a civil aviation accident or serious incident.
4. If necessary, the body conducting an investigation may request the assistance of bodies from other Member States to supply:
  - (a) installations, facilities and equipment for:
    - the technical investigation of wreckage and aircraft equipment and other objects relevant to the investigation,
    - the evaluation of information from flight recorders,
    - and the computer storage and evaluation of air accident data;
  - (b) accident investigation experts to undertake specific tasks but only where an investigation is opened following a major accident.

When available, such assistance should be given, as far as possible free of charge.

*Article 7***Accident report**

1. Any investigation of a civil aviation accident shall be the subject of a report in a form appropriate to the accident. This report shall point out the exclusive objective of the investigation mentioned in Article 1 of this Directive and contain, where appropriate, safety recommendations.
2. The investigation body shall publish the report in the shortest possible time while endeavouring not to exceed 12 months after the accident date.
3. The draft report is submitted for comments to any party which the investigation body considers the investigation to be of particular importance and it shall give a deadline for the submission of comments.

*Article 8***Incident report**

1. Any investigation about an incident involving civil aviation shall be the subject of a report in a form appropriate to the type and to the gravity of the incident, and shall contain where appropriate relevant safety recommendations. This report shall, as far as possible, protect the anonymity of the parties involved in the incident.
2. This report shall be the subject of as wide a circulation as possible to the parties likely to benefit from the findings of the aforementioned report.

*Article 9***Safety recommendations**

1. The reports and the safety recommendations referred to in Articles 7 (1) and 8 (1) shall be addressed to persons, undertakings or national aeronautical authorities concerned and copied to the Commission.
2. The Member States shall take the necessary measures in order to ensure that the safety recommendations from the investigation body are duly taken into

consideration and acted upon where appropriate without prejudice to the Community law and in particular that concerning the functioning of the internal market.

*Article 10***Liability**

1. The analysis and conclusions drawn from the investigation or arising from it shall not be used to apportion blame or within the context of proceedings to determine liability.
2. A safety recommendation does not by itself create a presumption of blame or liability for an accident or incident.
3. Investigation reports shall not be used for disciplinary action.
4. The Member States shall, in the context of Articles 5 and 6, take the necessary measures to protect investigators from involvement in litigation proceedings intended to apportion blame or liability arising from an accident or incident.

*Article 11*

The Council Directive 80/1266/EEC is repealed.

*Article 12*

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1996. They shall forthwith inform the Commission thereof.
2. When the Member States adopt these provisions their texts shall refer to this Directive or shall be accompanied by such a reference when officially published. The Member States shall decide what method to use to make this reference.

*Article 13*

This Directive is addressed to the Member States.

*ANNEX***LIST OF EXAMPLES OF SERIOUS INCIDENTS**

The incidents listed are typical examples of serious incidents. The list is not exhaustive and only serves as guidance to the definition of 'serious incident'.

- A near collision requiring an avoidance manoeuvre or when an avoiding manoeuvre would have been appropriate to avoid a collision or an unsafe situation.
  - Controlled flight into terrain (CFIT) only marginally avoided.
  - An aborted take-off on a closed or engaged runway, or a take-off from such runway with marginal separation from obstacle(s).
  - A landing or attempted landing on a closed or engaged runway.
  - Gross failure to achieve predicted performance during take-off or initial climb.
  - All fires and smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires are extinguished by the use of extinguishing agents.
  - Any events which required the emergency use of oxygen by the flight crew.
  - Aircraft structural failure or engine disintegration which is not classified as an accident.
  - Multiple malfunctions of one or more aircraft systems that seriously affects the operation of the aircraft.
  - Any case of flight crew incapacitation in flight.
  - Any fuel state which would require the declaration of an emergency by the pilot.
  - Take-off or landing incidents. Incidents such as undershooting, overrunning or running off the side of runways.
  - System failures, weather phenomena, operation outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft.
  - Failure of more than one system in a redundancy system which is mandatory for flight guidance and navigation.
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## III

(Notices)

## COMMISSION

## Fisheries inspection vessel — Open procedure

(93/C 257/08)

1. **Awarding authority:** Commission of the European Communities, Directorate-General for Fisheries, 'Monitoring, inspection, licences' (DG XIV/C/3), 200, rue de la Loi, B-1049 Brussels. (b), (c)
2. (a) **Award procedure:** Public tender. (b)
3. (a) **Delivery to:** NAFO Regulatory Area (NAFO divisions 3 L, 3 M, 3 N and 3 O). (b) **Goods:** The Commission of the European Communities intends to charter a special fisheries inspection vessel to be assigned to the NAFO Scheme of Joint International Inspection and Surveillance adopted by the Council of Ministers in Regulation (EEC) No 1956/88 (OJ No L 175 of 6. 7. 1988, p. 1) of 9. 6. 1988, as amended by Council Regulation (EEC) No 436/92 (OJ No L 54 of 28. 2. 1992) of 10. 2. 1992.
 

The chartered vessel will be required to provide all the facilities necessary to enable monitoring, boarding and inspection of fishing vessels of NAFO contracting parties operating in the Regulatory Area. The chartered vessel will be expected to carry out annually 1 inspection patrol of a duration of up to 10 months.

The fisheries surveillance and inspection will be directed and conducted by European Community fisheries inspectors placed on board the vessel.

The inspection vessel will be chartered under a Uniform Time Charter agreed between the owners of the vessel and the Commission of the European Communities.
6. (a) **Deadline for receipt of tenders:** 8. 10. 1993. (b) **Address:** Tenders should be submitted either by post to: Commission of the European Communities, Directorate General for Fisheries, for the attention of Mr Pedersen, Joseph II 99, 7/23, 200 rue de la Loi, B-1049 Brussels, or by delivery to the service mentioned above.
 

Tenders which are submitted by post, which is the preferred method, must be registered.

The following will be accepted as proof of presentation before the deadline:

the postmark, or

a dated and signed receipt from the official of the abovementioned service who received the tender.

The tender should be enclosed in 2 envelopes which should be sealed, with the inside envelope bearing, in addition to the address of the department concerned as given in the invitation to tender, the following indication: 'Invitation to tender XIV/C/3/NAFO. Tender from... not to be opened by the postal service'.

Self-sealing envelopes which can be opened and resealed without leaving a trace are not permitted.

Tenders shall be submitted in triplicate.
7. (a) **Opening of tenders (persons admitted):** Tenders will be opened by Mr Koster, Mr Curran and Mr Pedersen. (c) **Language(s):** The tender shall be drawn up in 1 of the official languages of the Community.
8. (b) **Date, time and place:** 18. 10. 1993 (10.00) in Brussels.
9. **Financing and payment:** Provisions regarding the financing of the voyage and the procedures for payment may be obtained with additional information from the service mentioned under 1.

(c), (d)

4. **Delivery deadline:** The inspection voyage is required to commence in February 1994.

5. (a) **Documents from:** Full details of the charterers' requirements and conditions of the charter may be obtained from the service mentioned under 1, for the attention of Mr Pedersen, tel. (02) 295 06 45.

- 10.
11. **Qualifications:** Tenders shall include:  
a quotation for the full contingency price, i.e. all costs in relation to the operation of the vessel during the charter period are to be borne by the vessel's owners, a full specification of the vessel, the availability of the vessel and at which port and when the vessel may be inspected by officials of the Commission of the European Communities.
12. **Tenders may lapse after:** 1 year from the closing date for submission of tenders.
13. **Award criteria (other than price):** The Commission will employ the following criteria in the award of contracts: price of the charter, suitability of the vessel, experience of the tenderer.
14. **Other information:** The Commission reserves the right to choose freely amongst the tenders or not to accept any of the tenders offered in response to this notice.
15. **Notice postmarked:** 16. 9. 1993.
16. **Notice received on:** 16. 9. 1993.

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**Identification of contracting authorities and entities capable of offering contracts with a value exceeding the thresholds laid down in the directives on public procurement**

**Open procedure**

**Notice of modification to the notices published on 12. 8. 1993 under reference Nos.: 93/C 218/13 and 93/S 156-41538/FR**

(93/C 257/09)

1. **Awarding authority:** Commission of the European Communities, DG XV, Internal Market and Financial Services.

**Submission of tenders:**

*instead of:* the deadline for submitting tenders is 30. 9. 1993,

*read:* the deadline for submitting tenders is 4. 10. 1993.

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