

English edition

Information and Notices

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Office for Harmonization in the Internal Market (see p. 11, 12 and inside back cover)

I

(Information)

COMMISSION

Ecu ⁽¹⁾

19 April 1994

(94/C 110/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,8049	United States dollar	1,13607
Danish krone	7,58836	Canadian dollar	1,58027
German mark	1,93359	Japanese yen	116,901
Greek drachma	283,233	Swiss franc	1,63878
Spanish peseta	158,288	Norwegian krone	8,39326
French franc	6,62906	Swedish krona	9,01924
Irish pound	0,788662	Finnish markka	6,26427
Italian lira	1849,04	Austrian schilling	13,6021
Dutch guilder	2,17114	Icelandic krona	82,0127
Portuguese escudo	197,517	Australian dollar	1,59068
Pound sterling	0,769172	New Zealand dollar	2,00719
		South African rand	4,05235

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.

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

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

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

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

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

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

Information procedure — technical regulations

(94/C 110/02)

(Text with EEA relevance)

- 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 (†)
94-0062-DK	Interim technical provisions for digital short-range land-mobile radiotelephone equipment (DSRR)	20. 6. 1994
94-0063-UK	Departmental advice note (BA-XX-93) 'the design of concrete highway bridges and structures with external and unbonded prestressing' (Dot. Ref: EPP 032-93-EG)	24. 5. 1994
94-0064-D	Order on the avoidance of the risk of infection by the Bovine Spongiform Encephalopathy (BSE) pathogen in baby and infant foods	10. 6. 1994
94-0065-E	Draft of royal decree approving technical-health regulations for the manufacture, distribution and sale of beer and liquid malt	13. 6. 1994
94-0066-E	Ministerial order of 1994, establishing State metrological control at the stages of verification after repair or modification, periodic verification and monitoring and inspection, for non-automatic weighing instruments of the weighbridge type, installed at a fixed site and on mobile platforms	13. 6. 1994
94-0067-F	S 10-20 A: The requirements for telephonic traffic flow in private switching systems	13. 6. 1994

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

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

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

(§) 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.

STATE AID

C 2/94 (ex N 40/94)

Germany

(94/C 110/03)

(Text with EEA relevance)

*(Article 6 (4) of Decision 3855/91/CECA of 27 November 1991)***Commission notice pursuant to Article 6 (4) of Decision 3855/91/ECSC of 27 November 1991 to other Member States and interested parties concerning aid that may be involved in an intended injection of public capital into the equity of Klöckner Stahl GmbH, Duisburg**

By means of the letter reproduced below, the Commission informed the German Government of its decision to initiate the Article 6 (4) procedure.

'By letter of 10 December 1993, the Commission asked your Government to notify it of the envisaged purchase of shares of Klöckner Stahl GmbH, Duisburg and the subsequent injection of public capital to the equity of the said company according to Article 6 (1) of its Decision 3855/91/ECSC (Steel Aids Code).

By letter dated 10 January 1994, your Government, referring to a draft purchase and assignment contract already submitted to the Commission by one of the contracting parties, submitted information concerning the intended financial and other contributions of Klöckner Werke AG, the current only shareholder of Klöckner Stahl GmbH, after the sale of two thirds of its shares to public and private companies. Your Government also informed the Commission, that the draft contract has not come into force because a number of conditions imposed have not been fulfilled so far, and that there are negotiations between the interested parties and another European steel producing company concerning a possible takeover of 25 or more per cent of the shares of Klöckner Stahl GmbH.

The draft agreement provides for the takeover of two thirds of the shares of Klöckner Stahl GmbH as follows: Hanseatische Industrie Beteiligungen GmbH (HIBEG), held by the Federal State Bremen, will take over 31,99 % of the shares; state owned Stadtwerke Bremen AG will take over 13,33 % of the shares; Bremer Vulkan Verbund AG, a company with unknown shareholders, will take over 13,33 % of the shares and Detlef Hegemann GmbH & Co., a private company in the ship-building sector, will take over 8 % of the shares. 33,35 % of the shares will remain being held by Klöckner Werke AG. Pursuant to the draft contract, the new shareholders shall inject DM 250 Million risk

capital of which 68 % would be covered by HIBEG and Stadtwerke Bremen AG, 20 % would be covered by Bremer Vulkan Verbund AG.

The Commission doubts whether Bremer Vulkan AG (BVV) is to be considered as a private company since a number of information available indicate an important public influence. If BVV would have to be considered public, the injection of capital through public sources would amount to 88 % and could then be considered as State aid. If it would have to be considered private, the public sources would cover 68 % of the new risk capital to be injected. But also in this case aid could be involved, since the public capital injection would be evidently disproportionate if the financial contributions of Klöckner Werke AG (in the form of loans granted to Klöckner Stahl GmbH) would not be equivalent to those of the other shareholders.

Klöckner Werke AG would grant several loans on different conditions, that may, in case of bankruptcy, partly be considered as shareholders capital but would, in case the drafted contract would come into force after the fulfilment of all conditions, also be relieved of important economic risks, amongst others those arising from the agreement on transfer of profits and losses between Klöckner Werke AG and Klöckner Stahl GmbH. The Commission, on the basis of information available, is of the opinion that the net financial contribution of Klöckner Werke AG would, if at all existing, be rather limited and not comparable in character with the risk capital to be provided by the new shareholders of Klöckner Stahl GmbH.

Therefore, assuming BVV would have to be considered to be a private company, the financial contribution of Klöckner Werke AG would not be sufficient to consider the public capital injected to be proportionate.

The Commission consequently has concluded, on the basis of information available, that the new risk capital of the company in question would be raised by majority through public funds. It doubts whether the described

behaviour of the State in this case is comparable to usual investment practice in a market economy and consequently concluded that it may involve State aid elements, that are prohibited under Article 4 (c) of the ECSC Treaty and not compatible with the provisions it laid down in its Decision No 3855/91/ECSC (Steel Aids Code) and the EEA agreement.

Consequently, the Commission has decided to initiate the procedure provided for in Article 6 (4) of the Steel Aids Code.

As part of the procedure, the Commission requests your Government to provide additional information concerning the intended transactions and any additional comments it may wish to submit within one month of being notified of this letter, including information about an eventual further participation of private companies. In particular, your Government should provide complete information about the provisions of the purchase agreement, including every information that is necessary to fully evaluate the background and economic relevance of its provisions, in particular as regards an overview comparing and quantifying the reliefs of existing financial obligations of Klöckner Werke AG in connection with its links to Klöckner Stahl GmbH and new financial contributions of this company to Klöckner Stahl GmbH. It should also provide detailed information

about the nature and main business activities of the new shareholders, in particular the amount of indirect or direct participation of the state or state-controlled companies in Bremer Vulkan Verbund AG.

The Commission draws your Government's attention to the fact that Article 6 (4) of the Steel Aids Code lays down that aid for the benefit of ECSC steel undertakings can be put into effect only with the approval of and subject to any conditions laid down by the Commission.

The Commission hereby informs your Government that it will publish a notice in the *Official Journal of the European Communities* giving the other Member States and other parties concerned notice to submit their comments. The ESA will be informed in accordance with Protocol 27 of the EEA Agreement¹.

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

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

The comments will be communicated to Germany.

Non-opposition to a notified concentration

(Case No IV/M.420 — CGP/GEC Alstom/KPR/Kone)

(94/C 110/04)

(Text with EEA relevance)

On 14 April 1994 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⁽¹⁾. 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.

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

III

(Notices)

COMMISSION

Invitation to tender for a study on 'critical components 2000'

Open procedure

(94/C 110/05)

1. **Awarding authority:** Commission of the European Communities, Directorate General III, Industry, Unit III-A-5, 'Information technology and telecommunications equipments: analyses, prospects and strategy', Beaulieu 24, 2/63, 200, rue de la Loi, B-1049 Brussels.

Tel. (32-2) 296 90 63. Facsimile (32-2) 296 88 67.

Contact person: Mr Jacques Agniel.

2. **Object:** In order to support the current activities of the analysis of ITT industrial and technological strategies, the Commission of the European Communities (CEC) calls for proposals for a study on critical electronic components.

The rapid development of families of electronic components has permitted improvements and new types of equipments. These components, whose technology is mastered by specific industrial organizations, are critical for the manufacturers of electronic equipments and systems.

Therefore, the European Commission (DG III) has decided to focus a study on the future needs of the European industry for components, that around year 2000 should be critical for it.

The study will draw conclusions, modulated according to the applications of information technology, consumer goods, telecommunications, transportation, electronic data processing, about:

- the importance of critical components for the equipments,
- the advantages for the equipment industry to have vertical virtual or real integration with component manufacturers,
- the possibility of cooperation, particularly for the design of new products, between both industries,

— the problems arising to get critical components available from European sources with convenient quality and price conditions.

3. **Delivery site:** The tasks must be executed in the tenderer's office.
4. Tenderers must mention the name as well as the academic and professional background of the personnel who will be in charge of performing the study.
- 5.
6. The service providers can not tender for a part of the study concerned.
7. **Final execution date of contract:** Six months after the contract's signature date.
8. a) **Documents and detailed information about procedures for tender's submission, as well as background material on the study to be performed may be requested from:** As in 1.
 b) Sealed applications must be submitted no later than 52 days after the date of dispatch from the notice (as in 17).
9. a) **Persons present at opening of tenders:** Tenders will be opened by the relevant services of DG III.
 b) **Date and time of opening:** 2 weeks after the deadline for receipt.
- 10., 11.
12. **Legal form in the case of group bidders:** Tenders may be submitted individually or jointly. If 2 or more applicants submit a joint bid, 1 must be designated as the lead contractor and agent responsible.
13. **Basic qualification requirements:** The candidates will mainly be selected on the basis of their in-depth knowledge of the theme. The selection criteria will thus be:

- the tenderer's level of knowledge of the state-of-the-art and assessment of trends, the industrial and scientific actors, the worldwide and European situation;
- the tenderer's experience and credentials.

Therefore candidates must enclose with their reply to this invitation to tender all pertinent documents to allow a proper assessment of capacity to perform the work in question, as well as, where possible, references concerning similar work performed previously.

14. **Duration of validity of tender:** The validity of the tender will be 9 months starting from the date of dispatch of the notice.

15. **Award criteria:**

- the tenderer's understanding of the global objectives of the study to be performed,
- the capability of analysis and synthesis,
- the financial aspects.

16.

17. **Date of dispatch of the notice:** 14. 4. 1994.

18. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 14. 4. 1994.

Invitation to tender for ICT Technology Watch Correspondent's services in the USA

Open procedure

(94/C 110/06)

1. **Awarding authority:** Commission of the European Communities, directorate general III, industry, unit III-A-5, 'Information technology and telecommunications equipments: analyses, prospects and strategy', Beaulieu 24, 2/63, 200 Rue de la Loi, B-1049 Brussels.

Tel. (32-2) 296 90 63. Facsimile (32-2) 296 88 67.

Contact person: M. Jacques Agniel.

2. **Object:** In order to support the current activities of analysis of ICT industrial and technological evolution, the Commission of the European Communities (CEC) calls for proposals for settling a service of Technology Watch in the USA.

This correspondent will be in charge of collecting and analysing the information related to ICT in the USA. This covers the following aspects:

- public administration initiatives, standardisation and public authorities actions (ANSI, FCC), regulations and lobbyists activities;
- major industrial events and their understanding (mergers, technological agreements, commercial agreements);
- emerging companies and skills;
- emerging technologies and their potential applications;

- prepare ad hoc reports on requests.

The five main segments of ICT will be addressed: EDP, telecommunications, consumer electronics, software and components.

The selected correspondent:

- will be able to identify and evaluate the critical stage where technologies are no longer in basic research status but not yet applied in the industrial sector;
- will have a sound technical background and in depth knowledge of the industry process to select new technologies;
- will entertain a good network of connections with various institutes of research, universities and the ICT industrial sector;
- will have a thorough knowledge of the US policy in the fields of Technology and Industry promotion.

3. **Delivery site:** The service will be provided from within the country concerned.
4. Tenderers must mention the name as well as the academic and professional background of the personnel who will be in charge of executing the services.
- 5.
6. The service providers can not tender for a part of the service concerned.

7. **Duration of contract:** The contract will cover a 1 year period with the view to be renewed on a yearly basis for a maximum period of 3 years.
8. a) **Documents and detailed information about procedures for application's submission, as well as background material on the services to be provided may be request from:** see point 1.
- b) Sealed applications must be submitted no later than 52 days after the date of dispatch from the notice (see point 17).
9. a) **Persons present at opening of tenders:** Tenders will be opened by the relevant services of DG III.
- b) **Date and time of opening:** 2 weeks after the deadline for receipt.
- 10., 11.
12. **Legal form in the case of group bidders:** Tenders may be submitted individually or jointly. If 2 or more applicants submit a joint bid, 1 must be designated as the lead contractor and agent responsible.
13. **Basic qualification requirements:** The candidates will mainly be selected on the basis of their in-depth technical and industrial knowledge and experience of ITC and USA.
- The selection criteria will thus be:
- the tenderer's level of knowledge of the state-of-the-art and assessment of trends; the industrial and scientific actors; the worldwide, American and European situation;
 - the tenderer's experience and credentials.
- Therefore candidates must enclose with their reply to this invitation to tender all pertinent documents to allow a proper assessment of capacity to perform the work in question, as well as, where possible, references concerning similar work performed previously.
14. **Duration of validity of tender:** The validity of the tender will be 9 months starting from the date of dispatch of the notice.
15. **Award criteria:**
- the tenderer's understanding of the global objectives of the services to be provided,
 - the capability of analyses and synthesis,
 - the financial aspects.
- 16.
17. **Date of dispatch of the notice:** 14. 4. 1994.
18. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 14. 4. 1994.

Invitation to tender for ICT technology watch correspondent's services in Japan

Open procedure

(94/C 110/07)

1. **Awarding authority:** Commission of the European Communities, Directorate General III, Industry, Unit III-A-5, 'Information technology and telecommunications equipments: analyses, prospects and strategy', Beaulieu 24, 2/63, 200 Rue de la Loi, B-1049 Brussels.

Tel. (02) 296 90 63. Facsimile (02) 296 88 67.

(Contact person: M. Jacques Agniel.)

2. **Object:** In order to support the current activities of analysis of ICT industrial and technological evolution, the Commission of the European Communities (CEC) calls for proposals for settling a service of Technology Watch in Japan.

This correspondent will be in charge of collecting and analysing the information related to ICT in Japan. This covers the following aspects:

- public administration initiatives, standardization and public authorities actions, regulations and lobbyists activities;
- major industrial events and their understanding (mergers, technological agreements, commercial agreements);
- emerging companies and skills;
- emerging technologies and their potential applications;

— prepare ad hoc reports on requests.

The 5 main segments of ICT will be addressed: EDP, telecommunications, consumer electronics, software and components.

The selected correspondent:

— will be able to identify and evaluate the critical stage where technologies are no longer in basic research status but not yet applied in the industrial sector;

— will have a sound technical background and in depth knowledge of the industry process to select new technologies;

— will entertain a good network of connections with various institutes of research, universities and the ICT industrial sector;

— will have a thorough knowledge of the Japanese policy in the fields of technology and industry promotion.

3. **Delivery site:** The service will be provided from within the country concerned.
4. Tenderers must mention the name as well as the academic and professional background of the personnel who will be in charge of executing the services.
- 5.
6. The service providers cannot tender for a part of the service concerned.
7. **Duration of contract:** The contract will cover a 1-year period with the view to be renewed on a yearly basis for a maximum period of 3 years.
8. a) **Documents and detailed information about procedures for application's submission, as well as background material on the services to be provided, may be requested from:** as in 1.
- b) Sealed applications must be submitted no later than 52 days after the date of dispatch from the notice (as in 17).
9. a) **Persons present at opening of tenders:** Tenders will be opened by the relevant services of DG III.

b) **Date and time of opening:** 2 weeks after the deadline for receipt.

10., 11.

12. **Legal form in the case of group bidders:** Tenders may be submitted individually or jointly. If 2 or more applicants submit a joint bid, 1 must be designated as the lead contractor and agent responsible.

13. **Basic qualification requirements:** The candidates will mainly be selected on the basis of their in-depth technical and industrial knowledge and experience of ITC and Japan.

The selection criteria will thus be:

— the tenderer's level of knowledge of the state-of-the-art and assessment of trends; the industrial and scientific actors; the worldwide, Japanese and European situation;

— the tenderer's experience and credentials.

Therefore candidates must enclose with their reply to this invitation to tender all pertinent documents to allow a proper assessment of capacity to perform the work in question, as well as, where possible, references concerning similar work performed previously.

14. **Duration of validity of tender:** The validity of the tender will be 9 months starting from the date of dispatch of the notice.

15. **Award criteria:**

— the tenderer's understanding of the global objectives of the services to be provided;

— the capability of analyses and synthesis;

— the financial aspects.

16.

17. **Date of dispatch of the notice:** 14. 4. 1994.

18. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 14. 4. 1994.

Euroform, Now, Horizon

(94/C 110/08)

Invitation to tender for the evaluation of the Community initiatives for the development of new qualifications, new skills and new employment opportunities (Euroform), the promotion of equal opportunities for women in the field of employment and vocational training (Now) and for disabled people and certain other disadvantaged groups (Horizon).

1. The Commission of the European Communities, Directorate-General for Employment, Industrial Relations and Social Affairs, European Social Fund, Unit for the Coordination of Community Initiatives, Technical Assistance and Innovation Studies, Nerv 9-1/03, 200 Rue de la Loi, B-1049 Brussels.

Tel. (02) 295 39 75. Facsimile 296 62 80.

2. Invitation to tender by open procedure No V 003/94.

3. **Place:** Brussels and throughout the Community.

4. **Purpose:** On 18.12.1990 the Commission of the European Communities adopted the Community initiatives known as Euroform, Now and Horizon pursuant to Article 11 of Council Regulation (EEC) No 4253/88 ⁽¹⁾ of 19.12.1988 implementing Council Regulation (EEC) 2052/88 ⁽²⁾ of 24.6.1988 on the tasks of the structural funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and other existing financial instruments.

The planned evaluations relate to the following 3 Community initiatives:

- 1) the development of new qualifications, new skills and new employment opportunities (Euroform) ⁽³⁾;
- 2) the promotion of equal opportunities for women in the field of employment and vocational training (Now) ⁽⁴⁾;
- 3) the promotion of employment for disabled people and certain other disadvantaged groups (Horizon) ⁽⁵⁾;

The evaluation operation will be based on a procedure to be proposed by the successful contractor and agreed by the Commission of the European Communities. Evaluation must commence in 7/1994 and be completed by the end of 6/1995. It will cover a study of intra-programme consistency, establishing the added value for the Community, a review of the administrative and management systems and other measures based on Community or Member States' initiatives. The evaluation must also include recommendations for the programming and implementation of future measures.

5. Detailed documentation containing the standard reply form for this invitation to tender may be obtained free of charge from the address indicated in 1. Applications should be sent either by post or by fax.

6. **Final date for requesting documentation:** 11. 5. 1994.

7. **Final date for receipt of bids:** 11. 6. 1994.

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 185, 15. 1. 1988, p. 9.

⁽³⁾ OJ No C 327, 29. 12. 1990, (90/C 327/03).

⁽⁴⁾ OJ No C 327, 29. 12. 1990, (90/C 327/04).

⁽⁵⁾ OJ No C 327, 29. 12. 1990, (90/C 327/05).