

English edition

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Note to our Swedish and Finnish readers (see page 3 of the cover)

I

(Information)

COMMISSION

Ecu (*)

19 December 1994

(94/C 364/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,2843	United States dollar	1,21220
Danish krone	7,49441	Canadian dollar	1,68702
German mark	1,91042	Japanese yen	121,620
Greek drachma	295,194	Swiss franc	1,61950
Spanish peseta	160,604	Norwegian krone	8,33689
French franc	6,58708	Swedish krona	9,16761
Irish pound	0,789345	Finnish markka	5,92037
Italian lira	1999,22	Austrian schilling	13,4457
Dutch guilder	2,13844	Icelandic krona	83,6174
Portuguese escudo	196,121	Australian dollar	1,56110
Pound sterling	0,777698	New Zealand dollar	1,89495
		South African rand	4,30876

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.

(*) 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).

**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL
DURING THE PERIOD 5 TO 9. 12. 1994**

(94/C 364/02)

These documents may be obtained from the Sales Offices, the addresses of which are given on the back cover

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(94) 431	CB-CO-94-458-EN-C	Proposal for a European Parliament and Council Directive amending Council Directive 79/581/EEC on consumer protection in the indication of the prices of foodstuffs as amended by Council Directive 88/315/EEC and Council Directive 88/314/EEC on consumer protection in the indication of the prices of non-food products (*) (*)	5. 12. 1994	5. 12. 1994	9
COM(94) 541	CB-CO-94-568-EN-C	Fifteenth annual report from the Commission to the Council and the European Parliament on the implementation of financial and technical assistance to Asian and Latin American developing countries at 31 December 1991	2. 12. 1994	5. 12. 1994	71
COM(94) 543	CB-CO-94-570-EN-C	Proposal for a Council Decision granting a Community guarantee to the European Investment Bank against losses under loans for projects in South Africa (*)	2. 12. 1994	5. 12. 1994	12
COM(94) 535	CB-CO-94-561-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 2997/87 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production (*)	7. 12. 1994	7. 12. 1994	6
COM(94) 539	CB-CO-94-566-EN-C	Proposal for a Council Decision laying down the rules for the microbiological test by sampling in the establishment of origin for poultry for slaughter intended for Finland and Sweden (*)	6. 12. 1994	7. 12. 1994	6
COM(94) 548	CB-CO-94-576-EN-C	Commission communication to the Council, the European Parliament and the Economic and Social Committee concerning the mid-term review of the action on the dissemination and exploitation of knowledge resulting from the specific programmes of RTD of the Community (Value II) (*)	5. 12. 1994	7. 12. 1994	19
COM(94) 550	CB-CO-94-577-EN-C	'Europe against cancer' programme — Report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the execution of the programme in 1993 (1 January 1993 to 31 March 1994) (*)	5. 12. 1994	7. 12. 1994	27
COM(94) 551	CB-CO-94-578-EN-C	Recommendation for a Council Decision authorizing the Commission to sign an Agreement for scientific and technological cooperation between the European Community and Canada	5. 12. 1994	7. 12. 1994	25

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(94) 554	CB-CO-94-582-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EC) No 3691/93 laying down, for 1994, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway ⁽¹⁾	5. 12. 1994	7. 12. 1994	6
COM(94) 560	CB-CO-94-583-EN-C	Proposal for a Council Decision laying down the rules for the microbiological test by sampling of fresh poultrymeat intended for Finland and Sweden ⁽¹⁾	6. 12. 1994	7. 12. 1994	8
COM(94) 561	CB-CO-94-584-EN-C	Proposal for a Council Regulation (EC) on the certification of animals and animal products ⁽²⁾ ⁽¹⁾	5. 12. 1994	7. 12. 1994	7
COM(94) 565	CB-CO-94-587-EN-C	Proposal for a Council Regulation (EC) temporarily suspending the autonomous Common Customs Tariff duty on certain industrial products (in the microelectronics and related sectors)	5. 12. 1994	7. 12. 1994	11
COM(94) 567	CB-CO-94-589-EN-C	Report from the Commission to the Council and the European Parliament on the application of Article 14 of Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs ⁽¹⁾	6. 12. 1994	7. 12. 1994	18
COM(94) 568	CB-CO-94-590-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EC) No 3699/93 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products ⁽²⁾ ⁽¹⁾	6. 12. 1994	7. 12. 1994	8
COM(94) 569	CB-CO-94-592-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EC) 3692/93 allocating, for 1994, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen ⁽¹⁾	5. 12. 1994	7. 12. 1994	6
COM(94) 607	CB-CO-94-636-EN-C	Commission communication to the Council and the European Parliament — A special support programme for peace and reconciliation in Northern Ireland	7. 12. 1994	7. 12. 1994	12
COM(94) 439	CB-CO-94-544-EN-C	Proposal for a Council Regulation (EC) amending Regulations (EEC) No 1785/81 on the common organization of the markets in the sugar sector and (EEC) No 1010/86 laying down general rules for the production refund on certain sugar products used in the chemical industry ⁽²⁾	16. 11. 1994	8. 12. 1994	42
COM(94) 566	CB-CO-94-588-EN-C	Proposal for a Council Regulation (EC) fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished ⁽¹⁾	7. 12. 1994	8. 12. 1994	78
COM(94) 574	CB-CO-94-598-EN-C	Proposal for a Council Decision on the extension of the legal protection of topographies of semiconductor products to persons from certain territories	7. 12. 1994	8. 12. 1994	10

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(94) 580	CB-CO-94-605-EN-C	Proposal for a Council Regulation (EC) extending the validity of Council Regulation (EC) No 665/94 on the introduction of transitional tariff measures for Bulgaria, the Czech Republic, Slovakia, Hungary, Poland, Romania, Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Uzbekistan, Russia, Tajikistan, Turkmenistan, Ukraine, Croatia, Bosnia-Herzegovina, Slovenia and the former Yugoslav Republic of Macedonia, until 31 December 1994 to take account of German unification	7. 12. 1994	8. 12. 1994	6
COM(94) 581	CB-CO-94-606-EN-C	<p>Proposal for a Council Regulation (EC) fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Portugal ⁽¹⁾</p> <p>Proposal for a Council Regulation (EC) establishing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Spain ⁽²⁾</p> <p>Proposal for a Council Regulation (EC) fixing, for 1995, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of Portugal in waters falling under the sovereignty or within the jurisdiction of Member States, apart from Spain and Portugal ⁽³⁾</p>	7. 12. 1994	8. 12. 1994	19
COM(94) 629	CB-CO-94-651-EN-C	Proposal for a Council Regulation (EC) amending Council Regulation (EEC) No 2052/88 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 the other existing financial instruments, and Council Regulation (EEC) No 4253/88 implementing Regulation (EEC) No 2052/88 ⁽¹⁾	7. 12. 1994	8. 12. 1994	6
COM(94) 476	CB-CO-94-502-EN-C	1992 to 1993 report on the progress achieved in implementing Poseima ⁽¹⁾	9. 12. 1994	9. 12. 1994	62
COM(94) 495	CB-CO-94-523-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 3118/93 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State	8. 12. 1994	9. 12. 1994	14

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(94) 573	CB-CO-94-597-EN-C	Proposal for a Council Directive on the approximation of the laws of Member States with regard to the transport of dangerous goods by rail (*) (*)	9. 12. 1994	9. 12. 1994	25
COM(94) 578	CB-CO-94-600-EN-C	Report from the Commission — Activity report on the 11th programme of ECSC low-cost housing loans — (1989 to 1993)	8. 12. 1994	9. 12. 1994	16
COM(94) 583	CB-CO-94-608-EN-C	Proposal for a Council Regulation (EC) introducing additional conditions for year-to-year management of TACs and quotas (*)	8. 12. 1994	9. 12. 1994	9
COM(94) 586	CB-CO-94-613-EN-C	Proposal for a Council Regulation (EC) on the suspension of the import levy on sheepmeat and goatmeat sector products	8. 12. 1994	9. 12. 1994	5
COM(94) 589	CB-CO-94-617-EN-C	Proposal for a Council Regulation (EC) terminating Council Regulation (EC) No 2472/94, suspending certain elements of the embargo on the Federal Republic of Yugoslavia (Serbia and Montenegro)	8. 12. 1994	9. 12. 1994	5
COM(94) 562	CB-CO-94-596-EN-C	Proposal for a Council Regulation (EC) on the grant of financial assistance to Portugal for a specific programme for the modernization of the Portuguese textile and clothing industry (*)	30. 11. 1994	2. 12. 1994	12

(*) This document contains an impact assessment on business, and in particular on SME's.

(*) This document will be published in the *Official Journal of the European Communities*.

(*) Text with EEA relevance.

NB: COM documents are available by subscription, either for all editions or for specific subject areas, and by single copy, in which case the price is based pro rata on the number of pages.

Non-opposition to a notified concentration**(Case No IV/M.517 — KKR/Borden)**

(94/C 364/03)

(Text with EEA relevance)

On 24 November 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 (*). 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,
150, Avenue de Cortenberg,
B-1049 Brussels,
Fax number: (32 2) 296 43 01.

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

Authorization for State aid pursuant to Articles 92 and 93 of the EC Treaty**Cases where the Commission raises no objections**

(94/C 364/04)

(Text with EEA relevance)**Date of adoption:** 8. 9. 1994**Member State:** United Kingdom**Aid No:** N 387/94**Title:** SPUR programme: increase of aid intensity**Objective:** R&D support for SMEs**Legal basis:** Science and Technology Act (1965)**Budget:** £ 10 million (ECU 13,22 million)

Aid intensity: Increase of aid intensity from 30 % to 40 % for the Merseyside Article 92 (3) (c) assisted region of the SPUR programme.

Thirty per cent of eligible costs not exceeding £ 150 000; intensity will not exceed 25 % of eligible costs as defined in the Community framework;

40 % for the Merseyside Article 92 (3) (c) assisted region which will not exceed 35 % of eligible costs as defined in the Community framework

Duration: 1 year, starting April 1994

Conditions: Annual report: notification of modifications and refinancing budget; notification of individual awards

of aid to projects with a value over ECU 20 million (ECU 30 million for Eureka projects with a national participation of more than ECU 4 million)

Date of adoption: 14. 9. 1994**Member State:** France**Aid No:** N 515/94

Title: Draft decree amending the regional planning grant scheme for industrial projects

Objective: Regional

Legal basis: Décret relatif à la prime d'aménagement du territoire (PAT)

Budget: Approximately FF 1 billion (ECU 150 million) annually

Aid intensity: 15, 22 or 25 % (net) depending on areas**Duration:** Indefinite

Conditions: Submission of an annual report

Date of adoption: 7. 10. 1994

Member State: Germany (Saarland)

Aid No: N 471/94

Title: Soft aid scheme for SMEs in the sector of technology transfer

Objective: Grants to promote technology transfer via consultation, diversification of a coal region

Legal basis: Haushaltsplan des Saarlandes für das Rechnungsjahr 1994

Budget: DM 1,8 million each year

Aid intensity: Average below ECU 5 000 per company cumulation excluded

Duration: 1994 to 1996

Date of adoption: 7. 10. 1994

Member State: Germany (Thüringen)

Aid No: N 480/94

Title: Investment aid scheme for SMEs

Objective: To encourage start-ups of new businesses and investment in existing SMEs with a view to creation of new jobs

Legal basis: KMU-Investitionssicherungsprogramm, Mittelstandsförderungsgesetz des Landes Thüringen vom 17. September 1991

Budget: 1994 to 1996: DM 85 million (ECU 42 million)

Aid intensity: Regional aid ceiling (35 %) + 15 %

Duration: 1994 to 1996

STATE AID

C 47/94 (ex N 313/94)

Spain

(94/C 364/05)

(Text with EEA relevance)

(Articles 92 to 94 of the Treaty establishing the European Community)

Commission notice pursuant to Article 93 (2) of the EC Treaty to the Member States and to other interested parties concerning a draft measure for aid which Spain intends granting to the Puleva company

By the letter set out below, the Commission has informed the Spanish Government of its decision to initiate the procedure.

'By letter of 24 May 1994, recorded as received on 25 May 1994, the Office of the Spanish Permanent Representative to the European Communities notified the Commission of the abovementioned draft aid measure pursuant to Article 93 (3) of the EC Treaty.

By telex of 9 June 1994, the Commission requested additional information. That information reached the Commission by letter of 30 July 1994.

I wish to inform you that the Commission considers that the aid in the form of a loan for one year amounting to Pta 1 000 million to be granted by the Andalusian Executive Council to the Puleva company does not meet the Commission's criteria for this type of aid.

In accordance with its practice, the Commission authorizes aid in the form of loans to enterprises in difficulty

where they cannot obtain them otherwise. Such rescue aid must be intended solely to ensure that the enterprise's activity is maintained pending an analysis of its problems and a solution to them and must meet the following conditions:

- it must consist in cash-flow aid in the form of a guarantee or repayable loans at a rate equivalent to that applying on the market,
- it must not exceed the amount necessary for the enterprise to continue operating (e.g. payment of wage costs and current supplies),
- it must only be paid for the period required (as a general rule, six months) to decide the recovery measures necessary and feasible,
- it must be justified by acute social problems and the fact that the continued operation of the enterprise will not result in an imbalance in the industrial situation in other Member States.

In the case in point, the loan is clearly needed as the minimum amount necessary in the short term is Pta 3 000 million if the enterprise is to continue operating.

The 12 month duration of the loan is the period necessary to define recovery measures which are necessary and feasible given the conditions on the market regarding the sale of the enterprise's assets at a reasonable price.

Accordingly, the aid is justified by urgent social reasons and the continued operation of the enterprise does not appear likely to bring about an imbalance in the industrial situation in other Member States.

However, the interest rate is 1,8 points below the market rate. Under the abovementioned conditions, loans must be granted at a rate equivalent to that applying on the market.

Under these circumstances, the measure cannot be considered as meeting the Commission's criteria for this type of aid. As a result, the measure in question, which falls within the scope of Article 92 (1), cannot qualify under any of the derogations laid down in paragraphs 2 and 3 of that Article.

In the light of the information available, the Commission has therefore decided to regard this aid as incompatible with the common market and to initiate the procedure provided for in Article 93 (2) of the Treaty with regard to it.

The Commission draws the attention of the Spanish Government to the letter it forwarded to all the Member

States on 3 November 1983 concerning the obligations pursuant to Article 93 (3) of the EC Treaty and to the communication published in the *Official Journal of the European Communities* No C 318 of 24 November 1983, page 3, which states that any aid granted illegally, i.e. with the Commission having reached a final decision under the procedure provided for in Article 93 (2) of the EC Treaty, is likely to be the subject of a request to refund the aid and a refusal to charge expenditure on national measures directly affecting Community measures to the European Agricultural Guidance and Guarantee Fund (EAGGF).

Under that procedure, the Commission hereby gives notice to the Spanish Government to submit its comments within one month of the date of this letter.

The Commission also informs the Spanish Government that it will be giving notice to the other Member States and to other parties concerned to submit their comments by publishing a notice in the *Official Journal of the European Communities*.

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

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

The comments will be forwarded to the Spanish Government.

STATE AID

Changes to the method for the application of Article 92 (3) (c) of the EC Treaty to regional aid

(94/C 364/06)

(Text with EEA relevance)

(Articles 92 to 94 of the Treaty establishing the European Community)

Commission notice, addressed to Member States and other interested parties, concerning an amendment to Part II of the communication on the method for the application of Article 92 (3) (a) and (c) to regional aid

On 1 June 1994 the Commission amended the method referred to above. This decision is set out in full below.

1. INTRODUCTION

1. When the Commission examines whether a region qualifies for regional aid, it does so on the basis of the

Commission communication on the method for application of Article 92 (3) (a) and (c) to regional aid⁽¹⁾. The amendment now made affects only that part of the method which concerns the application of

⁽¹⁾ OJ No C 212, 12. 8. 1988.

Article 92 (3) (c) ⁽¹⁾. The part of the method which deals with the application of Article 92 (3) (a) remains unchanged.

2. The Article 92 (3) (c) method for evaluating the socio-economic situation in a region and thus for deciding whether the region qualifies for regional aid is a two-stage process. The first stage of analysis is carried out on the basis of per capita gross domestic product (GDP) or gross value added at factor cost (GVA), on the one hand, and structural unemployment, on the other. Figures are calculated for the NUTS (Nomenclature of Statistical Territorial Units) Level III geographical unit, or for a smaller geographical unit in exceptional circumstances duly established. The purpose of the second stage is to supplement and make fine adjustments to the results of the first, and not to replace it, other indicators are here used to bring the socio-economic situation of the region into more precise focus. This second stage, therefore, is concerned primarily with regions whose socio-economic indicators place them at the margins of eligibility at the first stage. The other indicators considered may include the trend and structure of unemployment, the development of employment, net migration, the structure of economic activity, and topography.

2. GROUNDS

1. The Article 92 (3) (c) method has been applied by the Commission since 1983 to determine which forms of regional aid can be granted in the Member States. The indicators it uses and the corrections made in some cases on the basis of the second-stage indicators, have provided a fair picture of the regional development problems experienced in certain Community regions.
2. The Commission has been carrying out studies and projections with a view to the forthcoming accessions and to the smooth functioning of the European Economic Area; it has found that the indicators used in the first stage of the present method do not properly reflect the regional problems specific to certain applicant countries, particularly the three Scandinavian countries (Norway, Sweden and Finland). In these countries there are important aspects of the regional situation which the indicators are supposed to describe and which fall outside the scope of the present method of analysis of eligibility. But a large proportion falls outside the scope of analysis and eligibility.
3. The shortcomings now observed in the *acquis communautaire* in this regard are due in large part to a number of special features shared by Norway, Sweden and Finland: they derive from geography — the remote northern location of some areas, harsh weather conditions and very long distances — and from the very low population density in some parts. These are specific factors new to the European Community. They are not to be found in any other Member State and were not regarded as fundamental problems when the method was devised. The result is that although they form obstacles to regional development and impose handicaps on businesses, they are not reflected in the statistical indicators applied in the first stage of the method.
4. A test of eligibility has therefore to be found which reflects these problems. Such a test should be of general application, i. e. potentially applicable to any country, and it should not disrupt the organization of the Community and particularly the system of regional aid currently in force. If it is to be an objective test which is valid *erga omnes*, it must be an alternative to the unemployment and GDP tests used in the first stage of the method. This would mean that any NUTS Level III region presenting the required level of unemployment or GDP or satisfying the new test could be accepted as qualifying for regional aid in the appropriate circumstances and subject to Commission approval.
5. As was suggested by way of example in the Joint Declaration on Article 61 (3) c) of the Agreement on the European Economic Areas ⁽²⁾, the Commission can take very low population density as the new basis test of eligibility. The threshold should be a population density of less than 12,5 per km². All NUTS Level III regions with a population density below that figure will then qualify for the exemption for regional aid laid down in Article 92 (3) (c) of the EC Treaty, subject to assessment and decision by the Commission.
6. This population density test may provide a satisfactory response to the problem of underpopulation in certain regions, but it does not address another regional handicap specific to the Scandinavian countries, namely the extra costs to firms occasioned by very long distances and harsh weather conditions. These factors affect regional development in two ways: they may induce firms in such regions to relocate to less remote areas which hold out better

⁽¹⁾ Referred to here as 'the method' or 'the Article 92 (3) (c) method'.

⁽²⁾ OJ No L 1, 3. 1. 1994, p. 538.

prospects for economic activity and they might dissuade firms from locating in such outlying areas. The Commission could therefore decide to authorize aid to firms aimed at providing partial compensation for the additional cost of transport, on a limited basis and at its discretion, in order to safeguard the common interest. Such compensation must however comply with the following conditions:

- it must serve only to compensate for the additional cost of transport. The Member State concerned will have to show that compensation is needed on objective grounds. There must never be overcompensation. Account will have to be taken here of other schemes of assistance to transport, notably pursuant to Article 77 and 80 of the EC Treaty,
- aid may be given only in respect of the extra cost of transport of goods inside the national borders of the country concerned. It must not be allowed to become export aid,
- aid must be objectively quantifiable in advance, on the basis of an aid-per-kilometre ratio or on the basis of an aid-per-kilometre and an aid-per-unit-weight ratio, and there must be an annual report drawn up which, among other things, shows the operation of the ratio or ratios,
- the estimate of additional cost must be based on the most economical form of transport and the shortest route between the place of production or processing and commercial outlets,
- aid may be given only to firms located in areas qualifying for regional aid on the basis of the new population-density test,
- no aid may be given towards the transport or transmission of the products of businesses without an alternative location (products of the extractive industries, hydroelectric power stations, etc.),
- transport aid given to firms in industries which the Commission considers sensitive (motor vehicles, textiles, synthetic fibres, shipbuilding, ECSC products and non-ECSC steel) must always be notified in advance and will be subject to the industry guidelines in force,
- agricultural produce within the scope of Annex II to the Treaty, other than fish, is not covered by this measure and will be the subject of a separate proposal that will take account of the arrangements agreed for the agricultural sector in the accession negotiations.

In the two years after accession the existing schemes of assistance to transport will be examined on the basis of these criteria. Future schemes of assistance to transport will have to be limited in time and should never be more favourable than those already existing in the relevant Member State.

3. DECISION

On the basis of these considerations, the Commission has decided, pursuant to Articles 92 and 93 of the EC Treaty and Articles 61 and 62 of the EEA Agreement:

1. to amend the method for the application of Article 92 (3) (c) to regional aid by inserting a point 2a, reading as follows:

“2a. Addition to the first stage of analysis.

In order to take account of special regional development problems arising out of demography, NUTS Level III regions with a population density of less than 12,5 per square kilometre may also be considered eligible for regional aid under the exemption set out in Article 92 (3) (c).”

2. To give sympathetic consideration to aid intended to compensate for the additional cost of transport, provided it complies with the conditions set out in point 2 (6).’

III

(Notices)

COMMISSION

Outcome of the invitations to tender (Community food aid)

(94/C 364/07)

as provided for in Article 9 (5) of Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid

(Official Journal of the European Communities No L 204 of 25 July 1987, page 1)

12 and 13 December 1994

Regulation (EC) No	Lot	Action No	Recipient	Product	Quantity (tonnes)	Delivery stage	Successful tenderer	Awarded price (ECU/tonne)
2856/94	A	1767/93, 571 + 572/94, 641/94, 1076-1079/94	Euronaid/...	LEPv	360	EMB	Besnier Bridel, Bourgbarre (F)	1 494,00
2882/94	A	941/94	UNRWA/Israel	CBR/M/L	170	DEB	n.a. (*)	—
	B	942/94	UNRWA/Syria	CBR/M/L	110	DEB	Eurico Italia srl, Vercelli (I)	337,00
	C	943/94	UNRWA/Lebanon	CBR/M/L	190	DEST	Eurico Italia srl, Vercelli (I)	330,00
	D	944/94	UNRWA/Jordan	CBR/M/L	140	DEST	Eurico Italia srl, Vercelli (I)	405,00
	E	945/94	UNRWA/Israel	CBR/M/L	340	DEB	Eurico Italia srl, Vercelli (I)	334,00
	F	1772 + 1773/93	Euronaid/...	CBR/M/L	513	EMB	Eurico Italia srl, Vercelli (I)	277,50
	G	1313/91	Chad	CBR/M/L	3 000	DEST	Euricom SPA, Vercelli (I)	631,80

n.a.: No contract was awarded.

(*) The invitation to tender is closed.

BLT: Common wheat
FBLT: Common wheat flour
CBL: Long grain milled rice
CBM: Medium grain milled rice
CBR: Round grain milled rice
BRI: Broken rice
FHAF: Oat flakes
FROf: Processed cheese
WSB: Wheat soja blend
SUB: Sugar
ORG: Barley
SOR: Sorghum
DUR: Durum wheat
GDUR: Durum wheat groats
MAI: Maize

FMAI: Maize flour
B: Butter
GMAI: Maize groats
SMAI: Maize meal
LENP: Whole milk powder
LEP: Skimmed-milk powder
LEPv: Vitaminized skimmed-milk powder
CT: Tomato concentrate
CM: Tinmeat mackerel
BISC: High protein biscuits
BO: Butteroil
HOLI: Olive oil
HCOLZ: Refined rape or colza oil
HPALM: Semi-refined palm oil
HTOUR: Refined sunflower oil

BPJ: Beef in its own juice
CB: Corned beef
RsC: Currants
BABYF: Babyfood
Lsub1: Infant milk
Lsub2: Follow-on milk
PAL: Pasta
FEQ: Horse beans (*Vicia faba equina*)
FMA: Broad beans (*Vicia faba major*)
SAR: Sardines
DEB: Free at port of landing — landed
DEN: Free at port of landing — ex ship
EMB: Free at port of shipment
DEST: Free at destination

Notice of a standing call for tender for the transfer of apples withdrawn from the market to the distillation industry

(94/C 364/08)

L'Azienda di Stato per gli interventi nel mercato agricolo (EIMA), Via Palestro 81, I-00185 (tel. 495 92 61 — telex 613 003), Rome, has opened a standing call for tender within the meaning of Regulation (EEC) No 1562/70 (OJ No L 169, 1. 8. 1970, p. 67), for the transfer to the distillation industry of apples withdrawn from the market from January to May 1995.

Special furniture for crèches and day nurseries

Contract notice

Open procedure

(94/C 364/09)

1. **Name, address, telephone, telegraphic, telex and facsimile numbers, of the awarding authority:** Commission of the European Communities, Directorate-General for Personnel and Administration, IX.C.1. 'Buildings Policy - Options and contracts', Orban 1/69, rue de la Loi 200, B-1049 Brussels.
Tel. 295 21 00. Facsimile 295 23 72.
submitted in writing and be marked '94/26/IX.C.1'.
2. a) **Award procedure chosen:** Open call for tenders.
b) **Form of the contract for which tenders are being requested:** Purchase.
b) **Final date for making such requests:** 23. 1. 1995.
3. a) **Place of delivery:** Delivery to the warehouse of the Commission of the European Communities located in Brussels.
b) **Nature and quantity of the goods to be supplied. CPA reference number:** The call for tenders is divided into 4 lots, comprising special furniture for crèches and day nurseries (furniture and accessories).
CPA reference No 3614.
c) **Indication of whether suppliers can tender for a part of the goods required:** Tenderers may tender for all 4 lots or for each lot separately.
c) **Where applicable, the amount and terms of payment of the sum to be paid to obtain such documents:** Free of charge.
4. **Time limit for delivery, if any:**
6. a) **Final date for receipt of tenders:** 6. 2. 1995.
b) **Address to which they must be sent:** As in 1.
c) **The language or languages in which they must be drawn up:** 1 of the 11 official languages of the European Community.
5. a) **Name and address of the service from which the specifications and additional documents may be requested:** Tender documents may be requested from the address in 1. All requests must be
7. a) **Persons authorized to be present at the opening of tenders:**
b) **Date, time and place of such opening:**
8. **Where applicable, any deposits and guarantees required:**
9. **Main terms concerning financing and payment and/or references to the provisions in which these are contained:** Payment on invoice 60 days from the receipt of the invoice or request for payment, with payment deemed to have been effected the day on which it is debited from the Commission's account.
10. **Where applicable, legal form to be taken by the grouping of suppliers to whom the contract is awarded:**

11. **Information concerning the supplier's own position, and information and formalities necessary for an appraisal of the minimum economic and technical standards required of the supplier:** Tenderers must provide evidence of a minimum of 3 years' experience in manufacturing/marketing special furniture for crèches and day nurseries; references for similar contracts for the past 3 years; satisfactory annual turnover with relation to the volume of this contract. Balance sheets and trading accounts or other supporting documents must be included.
12. **Period during which the tenderer is bound to keep open his tender:** 5 months commencing 6. 2. 1995.
13. **Criteria for the award of the contract (criteria other than that of the lowest price shall be mentioned if they do not appear in the contract documents):** Contract awarded to the economically most advantageous tender(s) on the basis of price, quality and delivery period.
14. **Where applicable, prohibition on variants:**
15. **Other information:**
16. **Date of publication in the Official Journal of the European Communities** of the preinformation notice or mention of its non-publication:
17. **Date of dispatch of the notice:** 6. 12. 1994.
18. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 12. 12. 1994.

Construction and detailed drawing works

Open procedure

(94/C 364/10)

1. **Awarding authority:** Commission of the European Communities, Joint Research Centre (Euratom), Postfach 2340, D-76125 Karlsruhe.
Tel. (072 47) 95 10. Facsimile (072 47) 95 15 90.
2. **Service category and description:** CPC reference No 867.
The Institute for Transuranium Elements is planning to put out a contract for construction and detailed drawing works in the following specialized areas:
 - precision mechanics,
 - construction of machines and apparatus,
 for the manufacture of apparatus for the scientific laboratories and technical installations.
The drawings are to be done on the drawing board and using the PC Draft CAD system (or conversion software).
The volume of the contract varies between 5 and 8 000 hours per year. The works are to be carried out in the awarding authority's offices as well as within the institute itself.
3. **Place of execution:** In the Nuclear Research Centre, D-76344 Eggenstein-Leopoldshafen.
4. a), b), c)
5. **Division into lots:** A division into lots is not possible.
6. a), b)
7. **Contract duration:** 1-year contract from 1. 6. 1995. Possibility to extend.
8. a) **Name and address of the service where the required documents may be requested:** As in 1 (Herr Bier).
b) **Final date for dispatch of requests:** 52 days from the date of publication of this notice.
c) **Payment for dispatch of these documents:** Not applicable.
9. a) **Final date for receipt of tenders:** 17. 2. 1995.
b) **Address:** As in 1 (Herr Bier).
c) **Languages in which they are to be drawn up:** An official EU language.

10. a) **Persons authorized to be present at the opening of tenders:** The awarding authority's internal commission.
- b)
- 11., 12., 13.
14. **Minimum conditions:** applicants must confirm:
- that they are not bankrupt, undergoing liquidation, termination of business or similar, or in an equivalent situation in accordance with their country's legislation, or that no procedure has been instituted against them in respect of 1 of these situations.
 - that they have fulfilled obligations relating to the payment of social security contributions and taxes in accordance with their country's legal provisions.
15. **Tenders may lapse after:** 6 months.
16. **Award criteria:** The selection will be made in terms of the most economically and technically advantageous tender, in accordance with the special specification conditions.
17. **Other information:** Invitation to tender documents comprise a technical specification for the works to be carried out as well as the special conditions for works in the Institute for Transuranium Elements.
18. **Date of dispatch of this notice:** 8. 12. 1994.
19. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 8. 12. 1994.
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CORRIGENDA

Corrigendum to Commission Notice pursuant to Article 19 (3) of Regulation No 17

(Official Journal of the European Communities, No 334 of 30 November 1994)

(94/C 364/11)

On page 12, under point IV, the third paragraph of the second indent 'Admission criteria' should be replaced by the following:

'Chanel has decided not to assign an exclusive area to such concessionaires who must, nonetheless, be established in a town with over 200 000 inhabitants or with a substantial tourist trade.'

Corrigendum to the list of documents forwarded by the Commission to the Council during the period 21 to 25. 11. 1994

(Official Journal of the European Communities No C 343 of 6 December 1994)

(94/C 364/12)

On page 6 the following document should be added:

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(94) 492	CB-CO-94-564-EN-C	Communication to the European Parliament and the Council on the consultation on the Green Paper on mobile and personal communications (*)	23. 11. 1994	25. 11. 1994	56

(*) This document contains an impact assessment on business, and in particular on SME's.

(*) This document will be published in the *Official Journal of the European Communities*.

(*) Text with EEA relevance.

NB: COM documents are available by subscription, either for all editions or for specific subject areas, and by single copy, in which case the price is based pro rata on the number of pages.