

English edition

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I

(Information)

COUNCIL

SOLEMN JOINT DECLARATION

**between the Council of the European Union and the European Commission, on the one hand,
and the Mercosur Member States on the other**

(94/C 377/01)

TAKING INTO ACCOUNT:

- the conclusions of the European Council in Corfu in June 1994 and the Mercosur Presidential meeting in Buenos Aires in August, to strengthen the relations between the two regions,
- the endorsement given by the European Council in Essen in December 1994 to the decision of the General Affairs Council regarding the document 'The European Community and Mercosur: an enhanced policy', which proposes a strategy to encourage the abovementioned new relation,
- the positive reception given by the Mercosur Presidential meeting in Ouro Preto in December 1994 to this strategy as satisfying the interests of both regions. And that at the time this meeting marked the occasion of the acquisition by the Mercosur of international legal personality and the definition of the terms of reference of the customs union, to enter into force 1 January 1995;

THE FOLLOWING UNDERSTANDING HAS BEEN REACHED:

SECTION I

The parties share a great interest in a strategy whose final objective is a political and economic inter-regional association. This association would aim towards closer political cooperation, including a consultation mechanism, as well as the progressive and reciprocal liberalization of all trade — taking account of the sensitivity of certain products and according to relevant WTO rules — and the promotion of investments and deeper cooperation.

The parties are committed to the conclusion of an inter-regional framework agreement covering economic and trade cooperation, in order to effectively initiate this process and promote the harmonious evolution towards these objectives.

SECTION II

1. It is envisaged that the inter-regional framework agreement referred to in Section I would cover, essentially, the following matters:
 - (a) trade cooperation, including the preparation of a progressive and reciprocal liberalization of trade exchanges, in accordance with relevant WTO rules;
 - (b) cooperation in all areas capable of strengthening integration within Mercosur;
 - (c) cooperation in promising areas, such as research and development, industry, environment, telecommunications and information society, audiovisuals, with special attention being given to regional projects;

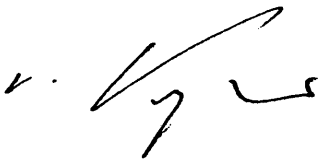
- (d) encouraging the technical, industrial and financial participation of the European Union economic agents in the implementation of major regional projects as well as additional investments by Mercosur economic agents in Europe;
 - (e) wider political dialogue in fields of mutual interest.
2. The parties stress their interest in the possibility of continuing EIB activities in the region.

SECTION III

To attain these objectives, the parties are committed to initiate negotiations of the inter-regional framework agreement as soon as possible during the first semester of 1995 and will try to conclude in 1995.

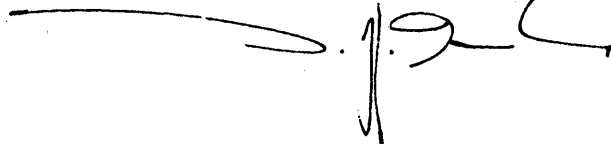
Done at Brussels on the twenty-second day of December in the year one thousand nine hundred and ninety-four.

*For the Council
of the European Union*

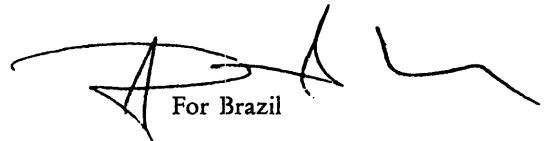


*For the Member States
of the Mercosur*

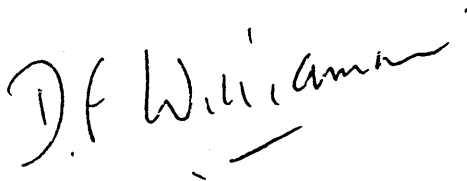
For Argentina



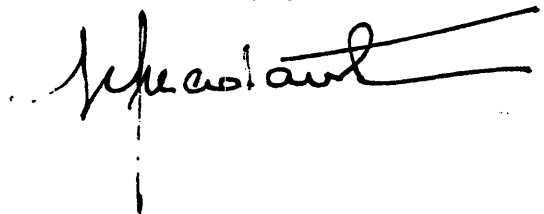
For Brazil



*For the Commission
of the European Communities*



For Paraguay



For Uruguay



COMMISSION

Ecu (*)

30 December 1994

(94/C 377/02)

Currency amount for one unit:

Belgian and Luxembourg franc	39,1614	United States dollar	1,23004
Danish krone	7,48233	Canadian dollar	1,72697
German mark	1,90533	Japanese yen	122,659
Greek drachma	295,480	Swiss franc	1,61320
Spanish peseta	162,070	Norwegian krone	8,31752
French franc	6,57579	Swedish krona	9,17793
Irish pound	0,795061	Finnish markka	5,82915
Italian lira	1997,45	Austrian schilling	13,4074
Dutch guilder	2,13424	Icelandic krona	84,3930
Portuguese escudo	195,884	Australian dollar	1,58571
Pound sterling	0,787074	New Zealand dollar	1,91984
		South African rand	4,35956

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).

STATE AID

C 42/94 (ex N 328/94)

Germany

(94/C 377/03)

(Text with EEA relevance)

(Article 6 (4) of Decision No 3855/91/ECSC of 27 November 1991)

Commission notice pursuant to Article 6 (4) of Commission Decision No 3855/91/ECSC of 27 November 1991 to other Member States and interested parties with respect to the intended injection of public capital to the equity of Neue Maxhütte Stahlwerke GmbH, Sulzbach-Rosenberg and Lech-Stahlwerke GmbH, Meitingen-Herbertshofen and the intended granting of investment aid to Neue Maxhütte Stahlwerke GmbH

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

'Press releases published mid March 1994 indicated that the German Federal State Bavaria decided to privatize its 45 % share in Neue Maxhütte Stahlwerke GmbH (NMH) and its 20 % share in Lech-Stahlwerke GmbH (LSW). According to the reports, Bavaria intended to provide important financial assistance to both companies before transferring the shares to a private entrepreneur. By letter dated 22 March 1994, the Commission requested your Government to provide detailed information about the financial measures intended. The reply of your Government was received on 16 May 1994.

The information given in that communication turned out to be insufficient to allow the Commission to assess the intended measures in the light of ECSC State aid rules, so that a number of detailed questions were forwarded by letter dated 8 June 1994. The reply of your Government was received on 15 July 1994. On 15 June 1994, a meeting between representatives of your Government, the Bavarian Government and the Commission was held during which the privatization concept for NMH and LSW was presented.

On 16 April 1987, formal bankruptcy proceedings concerning Eisenwerk-Gesellschaft Maximilianshütte mbH ("Maxhütte") were initiated. The administrator in bankruptcy decided to continue operations in order to prepare a restructuring plan. Mid 1990, two newly created companies, Neue Maxhütte Stahlwerke GmbH (NMH), covering the ECSC products range of Maxhütte, and Rohrwerke Neue Maxhütte GmbH (RNM), covering the tube production, took over the activities of Maxhütte i.K. NMH is 85 % shareholder of RNM, the remainder of 15 % is being held by Kühnlein, Nuremberg.

The initial shareholders of NMH were the Federal State of Bavaria (45 %), Thyssen Edelstahlwerke AG (5,5 %),

Thyssen Stahl AG (5,5 %), Lech-Stahlwerke GmbH (11 %), Krupp Stahl AG (11 %), Klöckner Stahl GmbH (11 %) and Mannesmann Röhrenwerke AG (11 %). In order to enable LSW to participate in NMH, the Bavarian State took over a 19,734 % share in LSW in 1988. By decision dated 26 July 1988, the Commission concluded that the participation of the State in both companies did not contain State aid elements (State Aid N 228/94, SG(88) D/9450).

By agreement dated 7 December 1992 and 3 March 1993, Klöckner Stahl GmbH transferred its shares in NMH to Stahlwerk Annahütte Max Aicher GmbH & Co. KG, Hammerau, for a purchase price of DM 1. On 14 June 1993, Krupp Stahl AG, Thyssen Stahl AG and Thyssen Edelstahlwerke AG transferred their shares in NMH to LSW for a purchase price totalling DM 200 000. It is still disputed whether the transfer of shares may enter into force without the prior consent of all creditors, which has not been granted so far.

Assuming the transfer would already be carried out, the present shareholding situation would appear as follows:

Bavaria	45 %
LSW	33 %
Annahütte Max Aicher GmbH & Co. KG	11 %
Mannesmann Röhrenwerke AG	11 %

LSW and Annahütte are controlled by the entrepreneur Max Aicher.

NMH is producing approximately 360 kilotonnes per year crude steel (maximum production: 444 kilotonnes per year) and approximately 100 kilotonnes per year light and heavy sections (maximum production: 258 kilotonnes per year). Its subsidiary RNM produces approximately 95 kilotonnes per year tubes (maximum production: 136 kilotonnes per year). NMH currently employs 1 040 persons, RNM employs 560 persons.

NMH never made profits since its outset in mid 1990. The total losses between mid 1990 and end 1994 are estimated at approximately DM 130 million.

The Government of the Federal State Bavaria decided in 1993 to terminate its participation in NMH. A number of offers and concepts were evaluated. Finally, the proposal of Mr Aicher, the 80 % shareholder of LSW, to take over the shares of Bavaria in NMH and LSW was considered to be the most promising of the different concepts.

The privatization plan provides for the transfer of the shares of Bavaria in LSW to Mr Aicher, so that he would become the sole shareholder of this company, which is 33 % shareholder of NMH. Furthermore, it provides for the transfer of the shares of Bavaria in NMH to the Aicher group, which comprises Max Aicher GmbH & Co. KG Freilassing, Stahlwerk Annahütte Max Aicher GmbH & Co. KG, Hammerau, LSW and Mr Aicher. Your Government did not specify to which legal entity the shares in NMH would be transferred under the plan. The purchase price for the shares to be transferred by Bavaria would be symbolic.

The Bavarian Government is prepared to grant the following financial contributions:

It intends to inject an amount covering 80 % of the losses accumulated during the business years 1992 to 1994 to the equity of NMH immediately before the privatization of the shares of the State. Based on the current estimations, the losses during that period would total DM 120 million so that the contribution of the Bavarian State would amount to DM 96 million. Shareholders' loans would be taken into account.

It is further prepared to inject DM 20 million to the equity of LSW immediately before the transfer of its shares in this company to Mr Aicher. The amount is intended to cover losses of NMH which LSW had to bear partly due to its shareholding in NMH.

Moreover, it intends to grant DM 56 million to cover investments necessary to comply with obligations to improve the protection of the environment against noise and dust.

In a Framework Agreement of November 1987 to prepare the restructuring of Maxhütte under a new corporate umbrella it was stated that the assets of Maxhütte would be transferred without burdens of the past ("Altlasten"). For the case this would not be possible the Bavarian State agreed to ensure NMH would not be affected in an economic sense by these burdens. The Bavarian Government was of the opinion that this obligation concerns only ecological damages

caused by the operations of Maxhütte until mid 1990. The management of NMH is of the opinion that "burdens of the past" would also concern any kind of technological shortcoming of the installations in 1990. It is of the opinion that the Bavarian State has to pay for the modernization of the installations and submits a legal opinion of a law firm backing that position.

In order to avoid further legal discussions, the Bavarian Government is prepared to grant the abovementioned financial contribution to investments.

On the basis of the above information, the Commission appraised as follows:

The Bavarian Government intends to inject an amount covering 80 % of the losses accumulated during the business years 1992 to 1994 to the equity of NMH before the privatization of its shares.

The Commission, in its Decision No 3855/91/ECS of 27 November 1991 (Steel Aids Code — SAC), pointed out that any transfer of State resources to public or private steel firms may contain State aid elements, where the financial transfer is not a genuine provision of risk capital according to usual investment practice in a market economy. Consequently, it is necessary to assess the intended public capital injection in the light of the normal behaviour of private investors operating under normal market conditions, taking into account in particular the principles laid down in the Commission's communication concerning the Application of Article 92 and 93 of the EC Treaty to public authorities' holdings of 1984 (Bulletin EC 9-1984), which is applicable to State aid questions in the ECSC sector as well.

The State of Bavaria is 45 % shareholder of NMH. A shareholder of a German private limited company (GmbH) is not obliged to inject capital exceeding its share in the nominal capital. There is no obligation to cover losses of the private limited company exceeding the nominal capital subscribed. A private shareholder would only inject further capital to the equity of a company if a return on that investment may be expected in a reasonable period of time. In the present case, the State of Bavaria intends to inject capital to cover past losses and to terminate its participation immediately after the injection of capital without any prospective to receive a return on investment. A private shareholder of the company in question, loss-making since its outset, would either try to terminate the participation without any further financial contribution or, if no purchaser of the shares would be found, accept the bankruptcy of the company. This is being proven by the behaviour of the private investors Klöckner Stahl GmbH, Krupp Stahl AG, Thyssen Stahl AG and Thyssen Edelstahlwerke AG who terminated their participation in NMH in 1993 without accepting any further financial responsibility.

The financial situation of the company in question deteriorated since that time.

Consequently, the intended injection of public capital to the equity of NMH may constitute State aid that would be incompatible with the provisions of the Commission's Decision No 3855/91/ECSC (Steel Aids Code) and Article 61 of the EEA Agreement.

The State of Bavaria intends to inject DM 20 million to the equity of LSW before transferring its share in that company to Mr Aicher. The amount is intended to cover losses of LSW arising from its participation in NMH.

Your Government, by its communication dated 15 July 1994, informed the Commission that the share of Bavaria in LSW is not marketable because it does not provide any influence on the conduct of the company's business. Therefore, only the intended contribution would allow the State to terminate its participation.

A normal market investor in a comparable situation would not inject new capital to the equity of a company before selling its share for a symbolic purchase price because there would be no return on investment. If the share would not be marketable a market investor would retain it without providing any further financial contribution.

Consequently, the intended injection of public capital to the equity of LSW may not be in line with usual investment practice in a market economy and therefore may represent State aid that would be incompatible with the provisions of the Commission's Decision No 3855/91/ECSC (Steel Aids Code) and Article 61 of the EEA Agreement.

The Bavarian Government intends to grant DM 56 million to NMH to cover costs of investments that are considered necessary to comply with obligations to improve the protection of the environment against emissions.

The intended financial contribution of the State represents State aid in the sense of Article 1 of the Steel Aids code. Consequently, there cannot be any legal obligation of the State to grant the aid as long as there is no approval of the Commission (Article 6 (4), fourth sentence of the Steel Aids Code).

Your Government did not provide any information that would allow the Commission to assess whether the

intended aid might be in line with the provisions of Article 3 of the Steel Aids Code, such as exact nature of the investment, total costs, relevant new statutory environmental standards etc. Consequently, the intended aid may, at the present stage, only be considered to represent general *ad hoc* investment aid, which would not be compatible with the provisions of the Commission's Decision No 3855/91/ECSC and Article 61 of the EEA Agreement.

The Commission consequently decided to initiate the procedure pursuant to Article 6 (4) of its Decision No 3855/91/ECSC of 27 November 1994 with respect to the intended injection of public capital to the equity of Neue Maxhütte Stahlwerke GmbH and Lech-Stahlwerke GmbH and the intended granting of investment aid to Neue Maxhütte Stahlwerke GmbH.

It invites your Government to submit any information or comment it might consider to be relevant in this case within one month of being notified of this letter.

The Commission reminds you that any aid granted without prior notification or without awaiting the Commission's final decision is unlawful and, in principle, will have to be recovered from the recipient firm. Repayment should be made in accordance with the procedures and provisions of German law, in particular those relating to interest on arrears on State claims, with interest starting to run on the date of which the aid was granted.

The Commission 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 Agreement.'

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

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

The comments will be communicated to the German Government.

Reference numbers for the notification of the export of certain dangerous chemicals

(94/C 377/04)

(Text with EEA relevance)

The following is published so as to comply with Article 4 of Council Regulation (EEC) No 2455/92 ⁽¹⁾.

This Regulation introduced a notification procedure for the export of chemicals which are banned or severely restricted in the European Community. This requires that the first export of such a chemical be accompanied by a notification, that each notification be given a reference number, and that that number accompanies subsequent exports of the chemical from the Community to the same third country.

Article 4 of the Regulation specifies that the Commission shall periodically publish, a list of these reference numbers in the *Official Journal of the European Communities*, stating the chemical concerned and the third country of destination.

The export reference numbers listed below are no longer valid.

Chemical	Importing country	Export reference No
<i>Inorganic mercury compound: mercury</i>	Angola	EC/231-106-7/R2/AO
	Australia	EC/231-106-7/R2/AU
	Brunei	EC/231-106-7/R2/BN
	Ethiopia	EC/231-106-7/R2/ET
	Equador	EC/231-106-7/R2/EC
	Ghana	EC/231-106-7/R2/GH
	Guyana	EC/231-106-7/R2/GY
	Hong Kong	EC/231-106-7/R2/HK
	Indonesia	EC/231-106-7/R2/ID
	Iran	EC/231-106-7/R2/IR
	Kenya	EC/231-106-7/R2/KE
	Kuwait	EC/231-106-7/R2/KW
	Libya	EC/231-106-7/R2/LY
	Malaysia	EC/231-106-7/R2/MY
	Maldives	EC/231-106-7/R2/MV
	Mauritius	EC/231-106-7/R2/MU
	New Zealand	EC/231-106-7/R2/NZ
	Oman	EC/231-106-7/R2/OM
	Pakistan	EC/231-106-7/R2/PK
	Philippines	EC/231-106-7/R2/PH
	Saudi Arabia	EC/231-106-7/R2/SA
	Sierra Leone	EC/231-106-7/R2/SL
	Singapore	EC/231-106-7/R2/SG
	Sri Lanka	EC/231-106-7/R2/LK
	Swaziland	EC/231-106-7/R2/SZ
	Trinidad and Tobago	EC/231-106-7/R2/TT
Turkey	EC/231-106-7/R2/TR	
United Arab Emirates	EC/231-106-7/R2/AE	
USA	EC/231-106-7/R2/USA	
Zambia	EC/231-106-7/R2/ZM	

⁽¹⁾ OJ No L 251, 29. 8. 1992, p. 13.

Nomination of members of the Consumers' Consultative Council

(94/C 377/05)

The Consumers' Consultative Council was instituted by Commission Decision 90/55/EEC of 17 December 1989 ⁽¹⁾, as amended by Decision 94/146/EC ⁽²⁾.

Changes to the list concerning the appointment of members and alternates ⁽³⁾ to ⁽⁴⁾, ⁽⁵⁾ the Consumers' Consultative Council.

By its Decision of 22 December 1994, the Commission has appointed:

Members

Mr N. ESTGEN (L)

replacing

Mrs A. COLOMER (L)

Alternates

Mr P. KOEHNEN (L)

replacing

Mr S. SCHAELEL (L)

⁽¹⁾ OJ No L 38, 10. 2. 1990, p. 40.

⁽²⁾ OJ No L 64, 8. 3. 1994, p. 28.

⁽³⁾ OJ No C 189, 12. 7. 1994, p. 3.

⁽⁴⁾ OJ No C 347, 8. 12. 1994, p. 28.

⁽⁵⁾ OJ No C 360, 17. 12. 1994, p. 5.

Notification of a joint venture**(Case No IV/C-2/35.321 — Aspen Polymères)**

(94/C 377/06)

(Text with EEA relevance)

1. On 3 December 1994, the Commission received a notification pursuant to Article 4 of Council Regulation No 17 ⁽¹⁾ of a joint venture by which Union Carbide Corporation and Elf Atochem have formed Aspen Polymères for the production, marketing and sale both of polyethylene resins and of polyethylene compounds, the latter to be used for wire and cable, milk packaging, pipe, drum and fuel tank end use applications.
2. Upon preliminary examination, the Commission finds that the notified joint venture could fall within the scope of Regulation 17.
3. The Commission invites interested third parties to submit observations on the operation to the Commission.
4. 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 42 73) or by post under reference number IV/C-2/35.321 to the following address:

Commission of the European Communities,
Directorate General for Competition (DG IV),
Directorate C,
Office 2/82,
Avenue de Cortenberg 150,
B-1049 Brussels.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

Notification of a joint venture**(Case No IV/35.337 — Atlas)**

(94/C 377/07)

(Text with EEA relevance)

1. On 16 December 1994, the Commission received a notification of a joint venture pursuant to Article 4 of Council Regulation No 17 ⁽¹⁾ formed by France Telecom (FT) and Deutsche Bundespost Telekom (DBP-T) under the name 'Atlas'. Atlas will provide global business communications services to corporate customers worldwide. These services will include data network services, national and international virtual private networks, customized networks, outsourcing and VSAT services. The parties will merge their existing sales organisations in Atlas worldwide except in France and Germany where Atlas will create an own sales force and additionally enter into distribution agreements with FT and DBP-T, respectively.
2. Upon preliminary examination, the Commission finds that the notified joint venture could fall within the scope of Regulation No 17.
3. 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 may be sent to the Commission by fax (fax No (32-2) 296 98 19) or by post, stating the reference number IV/35.337, to the following address:

Commission of the European Communities,
Directorate-General for Competition (DG IV),
Directorate B,
Office 3/81,
Avenue de Cortenberg 150,
B-1049 Brussels.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

Commission communication in the framework of the implementation of Council Directive 89/392/EEC of 14 June 1989 in relation to machinery ⁽¹⁾, as amended by Council Directives 91/368/EEC ⁽²⁾, 93/44/EEC ⁽³⁾ and 93/68/EEC ⁽⁴⁾

(94/C 377/08)

(Text with EEA relevance)

(Publication of titles and references of European harmonized standards pursuant to the Directive)

OEN ⁽¹⁾	Reference	Title of the harmonized standards	Year of ratification
CEN	EN 474-1	Earth-moving machinery — Safety — Part 1: General requirements	1994
CEN	EN 563	Safety of machinery — Temperatures of touchable surfaces — Ergonomics data to establish temperature limit values for hot surfaces	1994
CEN	EN 608	Agricultural and forestry machinery — Portable chain saws — Safety	1994
CEN	EN 25136	Acoustics — Determination of sound power radiated into a duct by fans — In-duct method (ISO 5136: 1990 and Technical corrigendum 1: 1993)	1993
CEN	EN 28094	Steel cord conveyor belts — Adhesion strength test of the cover to the core layer (ISO 8094: 1984)	1994
CEN	EN 28662-1	Hand-held portable power tools — Measurement of vibrations at the handle — Part 1: General (ISO 8662-1: 1988)	1992
CEN	EN 31252	Lasers and laser-related equipment — Laser device — Minimum requirements for documentation (ISO 11252: 1993)	1994
CEN	EN 31253	Lasers and laser-related equipment — Laser device — Mechanical interfaces (ISO 11253: 1993)	1994

⁽¹⁾ OEN: European standardization organization.

CEN: rue de Stassart 36, B-1050 Bruxelles, tel. (32-2) 519 68 11, fax (32-2) 519 68 19.

Cenelec: rue de Stassart 36, B-1050 Bruxelles, tel. (32-2) 519 68 71, fax (32-2) 519 69 19.

ETSI: BP 152, F-06561 Valbonne Cedex, tel. (33) 92 94 42 12, fax (33) 93 65 47 16.

Note:

- Any information concerning the availability of the standards can be obtained either from the European standardization organizations or from the national standardization bodies of which the list is annexed to the Council Directive 83/189/EEC ⁽⁵⁾, as amended by Directive 94/10/EC ⁽⁶⁾.
- Publication of the references in the *Official Journal of the European Communities* does not imply that the standards are available in all the Community languages.
- The Commission ensures the updating of this list ⁽⁷⁾.

⁽¹⁾ OJ No L 183, 29. 6. 1989, p. 9.

⁽²⁾ OJ No L 198, 22. 7. 1991, p. 16.

⁽³⁾ OJ No L 175, 19. 7. 1993, p. 12.

⁽⁴⁾ OJ No L 220, 30. 8. 1993, p. 1.

⁽⁵⁾ OJ No L 109, 26. 4. 1983, p. 8.

⁽⁶⁾ OJ No L 100, 19. 4. 1994, p. 30.

⁽⁷⁾ OJ No C 157, 24. 6. 1992, p. 4.

OJ No C 229, 25. 8. 1993, p. 3.

OJ No C 207, 27. 7. 1994, p. 3.

Commission Communication pursuant to Article 13 of Council Regulation of 19 December 1994 (*)

(94/C 377/09)

Generalized tariff preferences shall be suspended for the following products and countries of origin with effect from 1 January 1995:

CN code	Product	Country
2818 10 00 2849 20 00 3102 10 10	Artificial corundum Silicon carbides Urea	Russia, Kazakhstan, Ukraine, Belarus, Georgia, Turkmenistan, Uzbekistan, Moldova, Armenia, Azerbaijan, Tajikistan, Kyrgyzstan
ex 2905 14 90	Isobutanol	Russia
ex 2922 42 00	Monosodium glutamate	South Korea
ex 8523 20 90	3,5" Microdisks	South Korea
ex 8527 21 10 ex 8527 21 90 ex 8527 29 00	Radio-broadcast receivers of a kind used in motor vehicles	South Korea
8542 11 12 8542 11 14 8542 11 16 8542 11 18 ex 8542 11 01 ex 8542 11 05 ex 8543 30 10 ex 8548 00 00	Certain electronic microcircuits (DRAM's)	South Korea

(*) No longer published in the Official Journal.

**List of establishments in the United States of America approved for the purpose of importing
fresh meat into the Community**

(94/C 377/10)

Commission Decision C(94) 3982 of 27 December 1994

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

Approval No	Establishment/Address	Category (*)							
		SL	CP	CS	B	S/G	P	SP	SR
3 S	Montfort Pork Inc., Marshalltown, Iowa	×					×		(¹²) (¹³) (¹⁵)
3 W	Montfort Pork Inc., Worthington, MN	×					×		(¹⁰) (¹³) (¹⁵)
7	Berliner & Marx, South Bend, IN	×			×				(²) (¹⁵)
I-30	New Orleans Inspection Service Inc., New Orleans, LA			×					(¹)
53	American Freezer Services, Norfolk, NE			×					(¹)
85 B	Excel, Bairdstown, Illinois	×					×		(⁹) (¹³) (¹⁵)
I-113	US Cold Storage, Philadelphia, PA			×					(¹)
137	Colonial Beef Company, Philadelphia, PA		×		×	×	×		(¹⁵)
I-149	CW Storage, Albany, NY			×					(¹)
I-162	Americold, Fogelsville, PA			×					(¹)
I-183	Blue Grass Inspection Service, Philadelphia, PA			×					(¹)
I-195	Rosenberger's Cold Storage Inc., Hatfield, PA			×					(¹)
244	IBP, Storm Lake, Iowa	×					×		(⁷) (¹³) (¹⁵)
244 M	IBP, Madison, NE	×					×		(⁶) (¹³) (¹⁵)
244 P	Transcontinental Cold Storage, Perry, Iowa			×					(¹) TF
244 W	IBP, Waterloo, Iowa	×					×		(⁶) (¹³) (¹⁵)
245 L	IBP, Lexington, NE	×	×		×				(¹⁵)
253	Long Prairie Packing Co Inc., Long Prairie, MN	×			×				(⁶) (¹⁵)
I-305	Georgia Ports Authority, Savannah, GA			×					(¹)
I-320	South Carolina State Ports Authority, North Charleston, SC			×					(¹)
I-333	Diamond Distribution Center, Newark, DE			×					(¹)
I-335	Service Cold Storage, Miami, FL			×					(¹)
I-346	Primliks, Miami, FL			×					(¹)
382 G	Smithfield Packing Co, Norfolk, VA			×					(¹)
410	Green Bay Dressed Beef Inc., Green Bay, WI	×			×				(⁷) (¹⁵)
532	Northern States Beef, Omaha, NE	×			×				(⁷) (¹⁵)

Approval No	Establishment/Address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
E-646	Transcontinent Packing Co, Palestine, TX	×	×					×	(16)
E-713	Central Nebraska Packing Inc., North Platte, NE	×	×					×	(16)
889 A	J. F. O'Neill Packing Co, Omaha, NE	×	×		×				(14) (15)

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

B: Bovinemeat
 S/G: Sheepmeat/goatmeat
 P: Pigmear
 SP: Meat from Solipeds

SR: Special remarks

TF: The establishments with the indication 'TF' are authorized, within the meaning of Article 4 of Directive 77/96/EEC, to perform the freezing treatment provided for in Article 3 of the same Directive.

- (1) Only storage of meat already finally packaged in approved slaughtering or cutting establishments.
 (2) Offal only.
 (3) Also for sliced bovine livers.
 (4) Only sliced bovine livers.
 (5) Tongues and hearts only.
 (6) Tongues hearts and kidneys only.
 (7) Tongues, hearts, kidneys and livers only.
 (8) Tongues, hearts, kidneys, livers and brains only.
 (9) Tongues, hearts and stomachs only.
 (10) Tongues, hearts, kidney, livers and stomachs only.
 (11) Carcase meat, tongues, hearts, kidneys, livers and brains only.
 (12) Hearts and stomachs only.
 (13) Only packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.
 (14) Offal excluded.
 (15) Fresh meat must be unloaded onto the territory of the Community by 30 June 1995 at the latest.
 (16) Tongues, hearts, kidneys, livers and sweetbreads only.
 (17) Livers and kidneys excluded.
 (18) Fresh meat must be unloaded onto the territory of the Community by 31 December 1994 at the latest.

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

Cases where the Commission raises no objections

(94/C 377/11)

(Text with EEA relevance)

Date of adoption: 27. 9. 1994

Member State: Denmark

Aid No: N 306/94

Title: Proposal for modifications to the Danish CO₂ tax scheme

Objective: To promote the carrying out of efficient energy conservations measures, thereby reducing CO₂ emission from heavy energy-intensive firms as much as possible

Legal basis: Forslag til lov om ændring af forskellige afgiftslove m.v. (L 125)

Budget: Approximately Dkr 50 million per year (ECU 6,3 million)

Duration: Indefinite

Conditions: The decision does not apply to that part of the iron and steel industry subject to the ECSC Treaty and the Steel Aid Code

Date of adoption: 15. 11. 1994

Member State: Germany

Aid No: N 301/94

Title: Measures to assist the adjustment of capacity and investments in maritime fisheries

Objective: To grant aid for the adjustment of capacity and investments in the fisheries sector

Legal basis: Richtlinien für die Gewährung von Zuwendungen zur Förderung von Investitionen in der Seefischerei und Richtlinie zur Förderung von Maßnahmen zur Kapazitätsanpassung in der Seefischerei

Budget: DM 34 million (approximately ECU 17 million)

Aid intensity: In accordance with the scales and part-financing rates provided for in Annex IV to Council Regulation (EC) No 3699/93. In the case of aid for the temporary cessation of fishing activities, the Commission has accepted that the rate be exceeded, in accordance with Article 16 (2) of the abovementioned Regulation, given that the fishing fleet benefiting from the aid is strictly regional

Duration: Unspecified

Conditions: The conditions laid down in the guidelines for examining State aids in the fisheries and aquaculture sector (OJ No C 260, 17. 9. 1994)

Date of adoption: 6. 12. 1994

Member State: France

Aid No: N 575/94

Title: Parafiscal arrangements introduced for the benefit of the national shellfish farming committee and departments

Objective: To contribute towards the financing of the research work undertaken by the Ifremer national shellfish farming committee and regional departments and the FIOM

Legal basis: Décret instituant des taxes parafiscales au profit du comité national de la conchyliculture et des sections régionales de la conchyliculture

Duration: Indefinite

Conditions: No charge is made on shellfish products for human consumption from other Member States

Date of adoption: 13. 12. 1994

Member State: United Kingdom

Aid No: N 470/94

Title: Rural Transport Development Fund

Objective: Support innovative means of providing passenger transport services to rural communities

Legal basis: Creation requested under the responsibility of the Department of Transport

Budget: £ 368 000 (ECU 469 830) 1993 to 1994

Aid intensity: £ 25 000 (ECU 31 910) of a maximum aid per firm maximum 50 % of eligible starting-up costs

Duration: 1 to 3 years

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EC) amending the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities

(94/C 377/12)

COM(94) 240 final — 94/0144(CNS)

(Presented by the Commission on 1 July 1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 209 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 Court of Auditors,

Whereas Article 5 (2) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EC) No .../94, provides for a new system of clearance of the accounts of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; whereas this system comprises the splitting of the old clearance of the accounts into two separate types of decision, one covering the financial clearance of the accounts submitted by the Member States, and the other concerning the possible refusal of financing by the Fund of expenditure which was not disbursed in compliance with Community rules; whereas Article 102 of the Financial Regulation of 21 December 1977, applicable to the general budget of the European Community⁽²⁾, last modified by Regulation (ECSC, EEC, Euratom) No 610/90⁽³⁾ should be aligned on the new clearance of accounts procedure in order to specify the budgetary treatment of refusals of financing,

HAS ADOPTED THIS REGULATION:

Article 1

The Financial Regulation is hereby amended as follows:

Article 102 is replaced by the following:

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.⁽²⁾ OJ No L 356, 31. 12. 1977.⁽³⁾ OJ No L 70, 16. 3. 1990, p. 1.*Article 102*

1. The object of the clearance of accounts decision, provided for in Article 5 (2) (b) of Regulation (EEC) No 729/70, shall be to determine the amount of expenditure effected in each Member State during the financial year in question which must be recognized as being chargeable to the EAGGF, without prejudice to decisions taken subsequently in accordance with paragraph 2 (c) of that Article.

2. The object of the decisions referred to in Article 5 (2) (c) of Regulation (EEC) No 729/70 shall be to determine the expenditure which, because the relevant measures were not implemented in compliance with Community rules, shall be deducted from the Community financing referred to in Articles 2 and 3 of that Regulation.

3. The schedule for the clearance of the accounts is laid down in Regulation (EEC) No 729/70.

4. The outcome of the clearance decision referred to in paragraph 1, i.e. any discrepancy which may exist between the total expenditure booked to the accounts for a financial year pursuant to articles 100 and 101 and the total expenditure recognized as allowable by the Commission when clearing the accounts shall be booked, under a single article, as additional expenditure, or a reduction in expenditure.

5. The outcome of the decisions referred to in paragraph 2 shall be booked under a single article as a reduction in expenditure.²

Article 2

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It is applicable from the date of entry into force of Regulation (EC) No .../.. of the Council of ..., amending Council Regulation (EEC) No 729/70 on the financing of the common agricultural policy.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Proposal for a 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

(94/C 377/13)

(Text with EEA relevance)

COM(94) 431 final — 94/0300(COD)

(Submitted by the Commission on 7 December 1994)

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

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

Acting in conformity with the procedure provided for in Article 189b of the Treaty,

Whereas the programmes of the Community for a consumer protection and information policy⁽¹⁾ have provided for the establishment of common principles for indicating prices;

Whereas these principles have been established by Council Directive 79/581/EEC⁽²⁾ as amended by Council Directive 88/315/EEC⁽³⁾ and Council Directive 88/314/EEC⁽⁴⁾ concerning the indication of prices of foodstuffs and non-food products;

Whereas these Directives have provided for the obligation to indicate the selling price of foodstuffs and non-food products;

Whereas these Directives have also provided for the obligation to indicate the unit price of products marketed in bulk and of certain pre-packaged products as well as a certain number of exemptions to this obligation, when products are marketed in ranges of pre-packaged quantities, when this unit-price indication does not provide meaningful information to the consumer or when it represents an excessive burden for certain small retail businesses;

Whereas however the provisions currently in force provide for a transitional period for implementing

exemptions to the indication of the unit price for certain pre-packaged products; whereas this transitional period expires on 7 June 1995;

Whereas, however, application of these Directives has proven extremely complex, in the light of trade practices which vary from one Member State to another;

Whereas account should be taken of all the difficulties encountered in implementing the provisions of these Directives by 7 June 1995, whereas it is appropriate to propose new and simplified provisions;

Whereas, however, these new provisions cannot be adopted before June 1995;

Whereas it is appropriate to bring forward the period for transposition by Member States of the above new provisions;

Whereas it is therefore appropriate to extend by four years the transitional period currently provided for in Articles 10 of Directives 79/581/EEC as amended and 88/314/EEC,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. Article 10 of Council Directive 79/581/EEC, amended by Council Directive 88/315/EEC on consumer protection in the indication of the prices of foodstuffs is amended as follows:

— in the first sentence, the words 'a period of seven years' are replaced by 'a period of 11 years'.

2. Article 10 of Council Directive 88/314/EEC of 7 June 1988 on consumer protection in the indication of the prices of non-food products is amended as follows:

— in the first sentence, the words 'a period of seven years' are replaced by 'a period of 11 years.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 6 June 1995 at the latest.

⁽¹⁾ OJ No C 92, 25. 4. 1975, p. 2 and OJ No C 133, 3. 6. 1981, p. 2.

⁽²⁾ OJ No L 158, 26. 6. 1979, p. 19.

⁽³⁾ OJ No L 142, 9. 6. 1988, p. 23.

⁽⁴⁾ OJ No L 142, 9. 6. 1988, p. 19.

They shall forthwith inform the Commission thereof. The provisions adopted shall be applicable as of 7 June 1995.

2. When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The procedure for such reference shall be adopted by the Member States.

3. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive is addressed to the Member States.

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

(94/C 377/14)

(Text with EEA relevance)

COM(94) 535 final — 94/0275(CNS)

(Submitted by the Commission on 7 December 1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, having regard to the imbalance on the market in bitter varieties Regulation (EEC) No 2997/87⁽¹⁾, as last amended by Regulation (EEC) No 3338/92⁽²⁾ lays down special varietal conversion measures;

Whereas varietal conversion for hops would be more effective if it were accompanied by land consolidation measures; whereas such land consolidation measures are currently being implemented in the hop-growing regions of Spain; whereas the entire area under hops scheduled for varietal conversion should be subject to land consolidation prior to conversion; whereas the time required for the land consolidation operation would not allow for the implementation of subsequent varietal conversion for a large part of the area in question within the time-limits set by Regulation (EEC) No 2997/87;

Whereas the Republic of Portugal, the Kingdom of Belgium and the United Kingdom have encountered

unforeseeable delays in the implementation of the conversion plans initially approved; whereas the duration of the conversion programmes for the four said Member States should therefore be extended with effect from 1 January 1995;

Whereas Regulation (EEC) No 2997/87 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 2(1) of Regulation (EEC) No 2997/87 is replaced by the following:

'In the case of the Kingdom of Spain, the Republic of Portugal and the Kingdom of Belgium, the members of the producers' groups concerned shall undertake to implement the conversion plans before 31 December 1996. In the case of the United Kingdom, this date shall be 31 December 1995.'

Article 2

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1995.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ No L 284, 7. 10. 1987, p. 19.

⁽²⁾ OJ No L 336, 20. 11. 1992, p. 3.

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

(94/C 377/15)

COM(94) 439 final — 94/0248(CNS)

(Submitted by the Commission on 8 December 1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 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 Article 23 (5) of Council Regulation (EEC) No 1785/81⁽¹⁾, as last amended by the Act of Accession of Norway, Austria, Finland and Sweden, states that the Council is to adopt, in accordance with the procedure laid down in Article 43 (2) of the Treaty, the arrangements to apply from 1 July 1995 to the production of sugar, isoglucose and inulin syrup;

Whereas the agreements resulting from the Uruguay Round multilateral trade negotiations have been approved by Council Decision . . . of . . .; whereas the agreement on agriculture (hereinafter referred to as 'the Agreement') provides, in particular, for the gradual reduction of the level of the Community's export support for agricultural products and in particular for sugar under guarantee of production quotas; whereas the Agreement provides for the reduction of export support, in terms of both quantities and appropriations, over a transitional period;

Whereas since the 1986/87 marketing year the common organization of the sugar sector markets has

been based, first, on the principle of full financial responsibility on the part of producers for the losses incurred in each marketing year due to the disposal of that part of Community production under quota which is surplus to the Community's internal consumption and, secondly, on a differentiation of the price and disposal guarantees in line with the production quota allocated to each undertaking; whereas, since commitments to reduce export support are to be implemented over a transitional period, the present basic sugar and isoglucose quantities and inulin syrup quotas should be maintained unchanged but with provision made for the guarantees pertaining thereto to be adjusted as appropriate to permit compliance with the commitments made under the Agreement, while taking into account the fundamental factors affecting the situation of this sector in the Community; whereas it is accordingly desirable to maintain the sector's self-financing arrangements and production quotas for a period corresponding to the abovementioned transitional period, namely six marketing years;

Whereas the production quotas allocated to each sugar sector undertaking may, in any marketing year, give rise, as a result of the relevant consumption, production, importation, stock and carry over levels, and the average loss likely to be borne under the self-financing scheme, to an export volume exceeding that set in the Agreement; whereas provision should therefore be made for adjustments over one or more marketing years in the guarantees linked to quotas so that the Community's commitments can be met;

Whereas, as the first step in implementing adjustments to the guarantees, the difference recorded for a given marketing year between the Community's exportable volume and the amount set in the Agreement should be apportioned between sugar, isoglucose and inulin syrup according to the percentages which the quotas of each represent in the total of the quotas set for these three products in the Community;

Whereas this initial breakdown by product should then be followed by a breakdown between the Member States

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

which adjusts the guarantees linked to the quotas assigned to producing undertakings located in each Member State in a way that does not affect the existing balance of quotas and burden-sharing; whereas, to this end, a reduction coefficient should be determined for each Member State in respect of the A and B guarantees which is in line with the maximum contributions pertaining to these guarantees; whereas it should then be up to each Member State to make an allocation among undertakings which takes account of the guarantees arising for each undertaking from its own quotas;

Whereas, in view of the compulsory production quota system introduced when the market organization was set up, undertakings have from its inception been allowed the possibility of deciding, in agreement with beet and cane growers, to carry over part of their production from one marketing year to the next, treating it as production of the latter with compulsory storage during 12 months; whereas the essential aim of this arrangement was to allow interested parties to cope with unforeseen changes in production levels from one year to another without, in the case of the C sugar produced, being obliged to export it to third countries regardless of the situation on the world market; whereas from the 1981/82 marketing year onwards the reimbursement provided for under the Community rules on equalization of storage costs during the compulsory storage period has been extended to C sugar; whereas over the 13 marketing years in which this particular rule has applied the quantities of C sugar carried over have increased substantially and are no longer in keeping with the purpose of carry over indicated above; whereas the possibility of systematic carry over of large volumes under these terms may constitute an encouragement to production of C sugar and impede the proper operation of the quota system; whereas in the case of C sugar carried over from production of the 1996/97 marketing year onwards a return should be made to the situation existing from 1968/69 to 1980/81, namely that during the compulsory storage period reimbursement of storage costs under the Community rules on equalizing these costs should no longer apply to C sugar carried over; whereas, however, as a transitional measure for the 1995/96 and 1996/97 marketing years, reimbursement of storage costs for C sugar should be granted for the first six months of the compulsory storage period; whereas the grant of this reimbursement for sugar in respect of which guarantees have been reduced under obligations created by commitments entered into in the context of the Agreement should not be discontinued;

Whereas Article 303 of the Act of Accession of Spain and Portugal provided for preferential arrangements, applying for seven years following accession, to ensure

adequate supply of Portuguese refineries with raw sugar, whereas the preferential arrangement consisted of a reduced import levy on sugar imported to this end from certain ACP and other third countries the use of available raw sugar from cane and beet harvested in the Community covered by Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for equalization of the price conditions with preferential raw sugar⁽¹⁾, and the use of available preferential raw sugar as defined in Article 33 of Regulation (EEC) No 1785/81; whereas these supply arrangements for Portuguese refineries have been continued and incorporated in Regulation (EEC) No 1785/81 as Article 16a; whereas they are also to apply to Finland;

Whereas, in the Declaration by the European Community on supplies to the sugar refining industry in Portugal annexed to the Final Act of the Treaty of Accession of Spain and Portugal, the Community stated that it was prepared to make an overall examination of the supply situation of the refining industry in the Community and in Portugal in particular; whereas under the terms of paragraph 2a of Article 16a of Regulation (EEC) No 1785/81 such an examination is also to apply to Finland;

Whereas this examination has shown the need, in particular with the aim of achieving a steadier and more even flow of supplies to refineries throughout the Community, to estimate clearly the expected maximum traditional requirement of raw sugar for refining into white sugar in each of the Member States concerned, namely Finland, France, Portugal and the United Kingdom, using objective reference data and taking into account the quantities of sugar going for direct consumption recorded for the 1991/92 marketing year; whereas, to achieve this aim, the possibility should be opened to the industry, within the limit of its anticipated needs, of gaining access on certain terms to all raw sugar originating in the Community, the ACP States or in certain other traditional suppliers to be specified, on the basis of a forward balance and in a particular order of priority, namely Community sugar, preferential sugar covered by Protocol 8 annexed to the Fourth ACP-EEC Lomé Convention⁽²⁾, and sugar imported from ACP-States or other traditional suppliers; whereas, for raw sugar imported from the ACP States listed in Protocol 8 and from India other than preferential sugar in the strict sense, a special preferential sugar in the strict

(¹) OJ No L 194, 17. 7. 1986, p. 7.

(²) OJ No L 229, 17. 8. 1991, p. 1.

sense, a special preferential arrangement for access to the Community refining market should be introduced;

Whereas refining is an important activity both in the sugar sector in general and in the Community, and in particular for conversion of raw sugar into white sugar; whereas, from a technical point of view, refining produces high-quality products from sugar cane that can meet market requirements; whereas, moreover, these refineries are located in areas of high consumption; whereas the port-related refining industry is accordingly, for the Community, a valuable complement to the beet processing industry, in particular in Finland, mainland Portugal, the United Kingdom and southern and western France;

Whereas in a Joint Declaration on the Portuguese sugar market annexed to the Final Act of the Fourth ACP-EEC Lomé Convention the ACP States and the Community agreed to continue, under the relevant provisions of the Convention and in particular Article 168 (2) thereof, the examination of requests from the ACP States for increased preferential access to the Portuguese market; whereas examination of these requests, which concern supplies to port refineries in the Community as a whole, leads to the conclusion that special priority access should be given to raw cane sugar originating in the ACP States party to Protocol 8 and in India, under special agreements negotiated between the Community and the countries party to Protocol 8 and/or other countries and on the basis of a Community estimate of requirements after utilization for refining of all available raw cane and beet sugar in the Community and preferential sugar as defined in Article 33 of Regulation (EEC) No 1785/81;

Whereas up to the 1994/95 marketing year Community adjustment aid has been granted for refining of preferential raw cane sugar and of raw sugar from cane and beet harvested in the Community; whereas up to now it has been possible to adjust this aid for any given marketing year in line with the storage levy set for that year and/or any change in the refining margin resulting from the prices set for the marketing year; whereas in the light of experience this aid should continue; whereas given the direct impact on the refining margin of changes in the storage levy it should be made compulsory for the adjustment aid to be altered in line with that levy in the case of refining of raw sugar covered by Community price guarantees or imported from the ACP States as preferential sugar covered by Article 33 of Regulation (EEC) No 1785/81;

Whereas, for reasons already indicated in the past, in view of its particular characteristics and the dimensions of holdings it is difficult to apply modern beet

production methods in Italy, although the situation is improving in the north; whereas for structural reasons these difficulties persist in the centre and south, regions which are, moreover, recognized as lagging behind in development and structural adjustment; whereas beet growing in these regions is indispensable in order to regenerate soils with a particularly high level of clay and to avoid a return to monoculture; whereas Italy should therefore be authorized to grant in its northern regions, for a restricted period of three marketing years up to 1997/98, national adjustment aid for beet cultivation of a decreasing amount starting lower than the amount granted for the 1994/95 marketing year under the terms of the authorization to Italy to grant such aid given in Regulation (EEC) No 1785/81, as amended by point 10 of Article 1 of Regulation (EEC) No 305/91⁽¹⁾, and to grant in its central and southern regions such aid over two marketing years, reduced by a uniform amount from the level granted for 1994/95, but thereafter continuing without further reduction up to the 2000/01 marketing year;

Whereas the partial exemption from self-financing granted by Article 9 of Council Regulation (EEC) No 1010/86⁽²⁾, as last amended by Commission Regulation (EEC) No 464/91⁽³⁾, to sugar used in the chemical industry should be discontinued;

Whereas this Regulation should be applied under the best possible conditions; whereas, to this end, certain transitional measures may prove necessary; whereas the procedure laid down in Article 41 of Regulation (EEC) No 1785/81 should apply to adoption of such transitional measures,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1785/81 is amended as follows:

1. The following subparagraph is added to Article 9 (3):

'The standard amount of ECU 7 per 100 kilograms of white sugar referred to in Article 4a of Regulation (EEC) No 1010/86 may be reduced up to zero.'

⁽¹⁾ OJ No L 37, 9. 2. 1991, p. 1.

⁽²⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽³⁾ OJ No L 54, 28. 2. 1991, p. 22.

2. In Article 9 (6), the fifth indent is replaced by the following:

‘— the conditions for granting production refunds, the amounts of such refunds and the reduction referred to in paragraph 3,’

3. In Article 19 (3), the first subparagraph is replaced by the following:

‘When the refund is being fixed, particular account shall be taken of the intervention price of white sugar and the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of the products of such countries brought in under inward processing arrangements.’

4. Article 23 (1) is replaced by the following:

‘1. Articles 24 to 32 shall apply in respect of the marketing years 1995/96 to 2000/01.’

5. Article 23 (2) is replaced by the following:

‘2. For the period referred to in paragraph 1 and without prejudice to paragraph 4a, Article 24 (2), Article 25 and, as appropriate, Article 24a (5), the A and B quotas of undertakings producing sugar or isoglucose shall be those assigned by the Member States for the 1994/95 marketing year.’

6. Article 23 (4) is replaced by the following:

‘4. For the period referred to in paragraph 1 and without prejudice to paragraph 4a, the A and B quotas of undertakings producing inulin syrup shall be those definitively assigned by the Member States pursuant to Article 24b for the 1994/95 marketing year. Article 24 and 25 shall not apply to such undertakings.’

7. The following paragraph 4a is inserted in Article 23:

‘4a. In order to comply with the commitments entered into by the Community under the agricultural agreement concluded pursuant to Article 228 (2) of the Treaty, the guarantees for the disposal of sugar, isoglucose and inulin syrup produced under quota may be reduced for one or more designated marketing years.

For the purposes of applying the first subparagraph, for each marketing year the guaranteed quantity under quotas shall be laid down before 1 October on the basis of forecasts of production, imports, consumption, storage, carry over, exportable balance and average loss likely to be borne under the self-financing scheme within the meaning of point (d) of Article 28 (1). If these forecasts show an exportable balance for the marketing year in question greater than the maximum laid down by the agreement referred to above, the guaranteed quantity shall be reduced by the difference in accordance with the procedure laid down in Article 41. This difference shall be divided up between sugar, isoglucose and inulin syrup in accordance with the percentage representing the total of the A and B quotas of each product in the Community. It shall then be broken down by Member State and by product by applying the corresponding coefficient set out in the table below.

The Member State shall then allocate the difference to which it is subject among the producer undertakings established on its territory on the basis of the existing ratio between their A quota and their B quota for the product in question and the basic quantity A and the basic quantity B for the Member State or, as appropriate, the sum of the A quotas and the sum of the B quotas for this product assigned to the producer undertakings.

Sugar, isoglucose and inulin syrup produced beyond the quantity guaranteed shall be considered as C sugar, C isoglucose and C inulin syrup within the meaning of either point (c) in the second subparagraph of Article 24 (1) or point (c) of Article 24b (5), as appropriate.

BREAKDOWN COEFFICIENTS

Member State	1		2		3	
	Coefficient applicable to sugar expressed as white sugar		Coefficient applicable to isoglucose in dry matter		Coefficient applicable to inulin syrup as sugar/isoglucose equivalent	
	A sugar	B sugar	A isoglucose	B isoglucose	A inulin syrup	B inulin syrup
Belgium	0,046201	0,009920	0,25547	0,062024	0,556265	0,130955
Denmark	0,027206	0,008015	—	—	—	—
Germany (region Article 24)	0,169608	0,052188	0,104246	0,024551	—	—
Germany (region Article 24a)	0,055204	0,016986	—	—	—	—
Greece	0,012352	0,001235	0,037978	0,008944	—	—
Spain	0,026459	0,001102	0,166138	0,017721	—	—
France (metropolitan) (1)	0,213231	0,063239	0,061081	0,015898	0,058922	0,013847
France (ODs) (1)	0,019298	0,002063	—	—	—	—
Ireland	0,007752	0,000775	—	—	—	—
Italy	0,082491	0,015514	0,059803	0,014083	—	—
Netherlands	0,053393	0,014083	0,026804	0,006313	0,194365	0,045646
Portugal (mainland)	0,002323	0,000232	0,029213	0,006880	—	—
Portugal (autonomous region of the Azores)	0,000387	0,000039	—	—	—	—
United Kingdom	0,044297	0,004430	0,084713	0,022596	—	—
Austria	0,022673	0,005292	—	—	—	—
Sweden	0,014327	0,001433	—	—	—	—
Finland	0,005683	0,000568	0,023151	0,002316	—	—
Norway	—	—	—	—	—	—

(1) Pursuant to the second subparagraph of Article 25 (3).

The arrangements for the application of the first subparagraph, the reduction in the guaranteed quantity and, where appropriate, any change in that quantity during a marketing year shall be adopted in accordance with the procedure laid down in Article 41.

8. In Article 23 (5), the dates '1 January 1995' and '1 July 1995' are replaced by '1 January 2001' and '1 July 2001' respectively.

9. In the first indent of the first subparagraph of Article 24 (1), the date '1993/94' is replaced by '1994/95'.

10. In Article 24 (3), the date '1993/94' is replaced by '1994/95'.

11. In Article 27 (2), the second indent is replaced by the following:

— store such quantity or quantities for a period of 12 consecutive months from a date to be determined. For this period storage costs for the production of C sugar carried over from the 1996/97 marketing year to the following marketing year shall no longer be reimbursed pursuant to Article 8.

For the production of C sugar from the 1995/96 marketing year carried over to the 1996/97 marketing year, this reimbursement of storage costs shall be granted by way of a transitional measure for the first six months of compulsory storage.

Nevertheless, for the production of A sugar and B sugar which has become production of C sugar after application of Article 23 (4a) and

which is carried forward, storage costs shall be reimbursed under the provisions of Article 8'.

12. The following subparagraph is added to Article 28 (1) (e):

'In estimating this total loss, losses arising from the granting of the production refunds referred to in Article 1 of Regulation (EEC) No 1010/86 shall be taken into account for the beneficiary basic quantities.'

13. In Article 28 (2), the introductory phrase is replaced by the following:

'Before the end of the 2000/01 marketing year and without prejudice to Article 23 (4a), there shall be recorded cumulatively for the 1995/96 to 2000/01 marketing years:'

14. In Article 29 (1), the date '1990/91' is replaced by '1994/95'.

15. Title IV is replaced by the following:

'TITLE IV

System of preferential imports

Article 33

Articles 34, 35 and 36 shall apply to cane sugar, hereinafter referred to as "preferential sugar", falling within CN code 1701, which originates in the States listed in Annex II and which is imported into the Community under:

- (a) Protocol 8 on ACP sugar annexed to the ACP-EEC Convention of Lomé (*);
- (b) the agreement between the European Community and the Republic of India on cane sugar (**).

Article 34

Where the quality of preferential sugar imported pursuant to Article 33 and purchased by intervention agencies or by other agents appointed by the Community deviates from the standard quality, the guaranteed prices shall be adjusted by means of price increases and reductions.

Article 35

1. No import duty shall apply to imports of preferential sugar pursuant to Article 33.
2. Preferential sugar shall enjoy no derogations from the prohibitions referred to in Article 19 (2).

Article 36

1. For marketing years 1995/96 to 2001/02, adjustment aid shall, as an intervention measure, be granted to the industry engaged in refining preferential raw cane sugar imported for that purpose into the Community pursuant to Article 33.

2. The aid referred to in paragraph 1 may be granted only in respect of the quantities eligible pursuant to Article 33 which are refined into white sugar at the refineries referred to in Article 9 (4). The aid for the white sugar in question shall be ECU 0,08 per 100 kilograms, expressed in white sugar.

3. During the period specified in paragraph 1, additional aid of ECU 0,08 per 100 kilograms, expressed as white sugar, shall be granted for the refining, at the refineries referred to in Article 9 (4), of raw cane sugar produced in the French overseas departments, in order to restore the price balance between that sugar and preferential sugar.

4. For a particular marketing year, adjustment aid and additional aid shall be adjusted in the light of the storage levy fixed for that year and previous adjustments.

5. Detailed rules for the application of this Article, and in particular concerning the adjustments referred to in paragraph 4, shall be adopted in accordance with the procedure laid down in Article 41.

Article 37

1. During the period referred to in Article 36, in order to ensure adequate supplies to the Community refineries referred to in Article 9 (4), a reduced rate of duty, hereinafter referred to as "special duty", shall be levied on imports of raw cane sugar originating in the States referred to in Article 33

pursuant to agreements with those States or with other States within the meaning of Article 16, hereinafter referred to as "special preferential sugar" and subject to the conditions laid down therein, and in particular the minimum purchasing price to be paid by refiners.

2. For the purposes of paragraph 1 and without prejudice to paragraph 5, the presumed maximum supply needs per marketing year, expressed in white sugar, of the refining industries in:

- (a) Finland, amount to 40 000 tonnes;
- (b) metropolitan France, amount to 297 000 tonnes;
- (c) continental Portugal, amount to 292 000 tonnes;
- (d) the United Kingdom, amount to 1 130 000 tonnes.

However, in the case of Finland, these needs amount:

- for the period from 1 July to 31 December 1995, to the balance of the quantities of raw sugar remaining to be refined subject to the limit laid down in Article 16a, as amended by the Act of Accession of Norway, Austria, Finland and Sweden,
- for the period from 1 January to 30 June 1996, to 20 000 tonnes.

3. On the basis of a Community forecast supply balance for raw sugar for each marketing year or part of a marketing year, the quantities of raw cane sugar and raw beet sugar harvested in the Community with or without distinction of origin available to the refining industry shall be determined. This balance may be revised during the marketing year.

For the purposes of determining these quantities, the quantities of sugar from the French overseas departments and of preferential sugar for direct consumption to be used in each balance shall be those determined for the 1991/92 marketing year less forecast local consumption in those departments during the marketing year in question. If the balance shows that the amounts available will be insufficient to meet the maximum needs laid down in paragraph 2, provision may be made for the Member States concerned to import the shortfall as special preferential sugar under the arrangements for imports at a special rate of duty provided for in the agreements referred to in paragraph 1.

4. When, after revision, the forecast of a shortfall for a given Member State and in a given marketing year shows that the limit of presumed needs laid down in paragraph 2 for that Member State will be

exceeded, the quantity in excess shall not be entitled to benefit from the preferential arrangements defined in paragraph 2 if it is refined in the same Member State.

5. Where Article 23 (4a) applies, the sum of the maximum needs referred to in paragraph 2 shall be reduced for the marketing year concerned by the same percentage reduction applied to the sum of the basic quantities A for Community sugar pursuant to the said paragraph 4a.

The reduction of the maximum needs shall be apportioned between the Member States concerned on the basis of the relationship existing between the quantity fixed for each one of them in paragraph 2 and the sum of the quantities fixed in that paragraph.

6. Detailed rules for the application of this Article, and in particular concerning the implementation and management of the agreements referred to in paragraph 1, shall be adopted in accordance with the procedure laid down in Article 41.

(*) OJ No L 229, 17. 8. 1991, p. 1.

(**) OJ No L 190, 22. 7. 1975, p. 35.

16. In Article 46, paragraphs 1 to 5 are replaced by the following:

'Article 46

1. Italy shall be authorized, under the conditions set out in paragraphs 2 and 3, to grant adjustment aid in the case referred to in point (a) of paragraph 2 to producers of sugar beet and in the case referred to in point (b) of paragraph 2 to producers of sugar beet as well as, where appropriate, to producers of sugar in the region in question.

2. The aid referred to in paragraph 1 may be granted only in respect of the quantity of sugar produced within the limit of the A and B quotas of each sugar-producing undertaking.

(a) For the production referred to in the first paragraph in northern Italy, the unit amount of aid may not exceed:

- in the 1995/96 marketing year, ECU 6,75 per 100 kilograms of white sugar,
- in the 1996/97 marketing year, ECU 4,5 per 100 kilograms of white sugar,
- in the 1997/98 marketing year, ECU 2,25 per 100 kilograms of white sugar.

No aid shall be paid in northern Italy as from the 1998/99 marketing year.

(b) For the sugar production referred to in the first paragraph in central and southern Italy, the unit amount of aid may not exceed:

- in the 1995/96 marketing year, ECU 6,75 per 100 kilograms of white sugar,
- in the marketing years 1996/97 to 2000/01, ECU 4,5 per 100 kilograms of white sugar.

3. However, as regards central and southern Italy only, Italy may, depending on the marketing year in question, adjust the aid referred to in point (b) of paragraph 2 where this is necessitated by exceptional requirements connected with restructuring the sugar sector in that part of Italy. Pursuant to Articles 92, 93 and 94 of the Treaty, the Commission shall assess in particular whether such aid is consistent with the restructuring plans.

4. For the purposes of paragraphs 1, 2 and 3:

(a) northern Italy means Italy other than the regions of production listed under (b);

(b) central and southern Italy means Abruzzi, Molise, Apulia and Sardinia.

5. Italy shall notify the Council, in respect of each marketing year, of the measures taken in application of this Article and, in particular, of the distribution of the aid by region and between producers of sugar beet and producers of sugar in central and southern Italy.'

17. In Article 48, the date '30 June 1995' is replaced by '30 June 1996'.

Article 2

Article 9 of Regulation (EEC) No 1010/86 is repealed.

Article 3

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1995.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

III

(Notices)

COMMISSION

Amendment to notice of invitation to tender for the refund for the export of common wheat to all third countries

(94/C 377/16)

(Official Journal of the European Communities No C 142 of 25 May 1994)

Page 14, the text of paragraph 2 under heading I 'Subject', is amended as follows:

- '2. The total quantity in respect of which there may be fixed a maximum export refund as provided in Article 5 (1) of Commission Regulation (EEC) No 1533/93 ⁽¹⁾, as amended by Regulation (EC) No 120/94 ⁽²⁾, is approximately 2 500 000 tonnes.'

Amendment to notice of invitation to tender for the refund for the export of barley to all third countries

(94/C 377/17)

(Official Journal of the European Communities No C 129 of 11 May 1994)

Page 16, the text of paragraph 2 under heading I 'Subject', is amended as follows:

- '2. The total quantity in respect of which there may be fixed a maximum export refund as provided in Article 5 (1) of Commission Regulation (EEC) No 1533/93 ⁽¹⁾, as amended by Regulation (EC) No 120/94 ⁽²⁾, is approximately 1 500 000 tonnes.'
-

Bulk laser printing system for the Computer Centre of the European Commission No DI/9404**Notice of award of contract**

(94/C 377/18)

1. European Commission, Informatics Directorate, Mr G. Gascard, Head of Unit, User Support and Training, IMCO 5/1, 200, rue de la Loi, B-1049 Brussels.
 - technical guarantee and maintenance conditions;
 - price.
 2. Open procedure.
 3. 30. 11. 1994.
 4. The contract was awarded to the tenderer making the most advantageous offer on the basis of the following criteria:
 - adherence to standards;
 - connectivity;
 - ease of implementation;
 - duration of transition period;
 - reliability;
 - performance;
 - ease of use;
 - other technical characteristics of the proposed solution;
 - availability of complementary systems and optional components;
 - availability and quality of documentation;
 5. 4 bids received.
 6. Siemens Nixdorf I.S. S.A., Steenweg naar Charleroi, 116, B-1060 Brussel.
 7. Rental and maintenance of an on-line bulk laser printing system composed of 2 printer units.
 8. Global price over a 4-year period (1995-98): 843 708 ECU (including consumables).
 9. No subcontracting to third parties.
 10. The Commission will sign with the selected bidder a contract of a duration of 4 years setting out the technical, financial, legal and administrative conditions.
 11. 12. 7. 1994.
 12. Date of dispatch of the notice: 21. 12. 1994.
 13. Date of receipt by OOPEC: 21. 12. 1994.
-

SINCOM project**Contract award notice****Accounting and financial software for the European Commission**

(94/C 377/19)

1. **Awarding authority:** Commission of the European Communities, Directorate-General XIX - Budgets, Mr J. P. Mingasson, JECL 8/13, rue de la Loi 200, B-1049 Bruxelles.
2. **Award procedure chosen:** Open procedure.
3. **Nature of the products to be supplied:** Purchase of software R/3 (FI, FM, IS-PS) from the SAP company, covering accounting and financial management functions of the European Commission.
4. **Date of award of the contract:** 7. 12. 1994.
5. **Criteria for the award of the contract:** Tenderer is bound to keep his tender open until 31. 12. 1994.
The award will be made to the economically most advantageous tender. Among the criteria in the tender documents, the following criteria are considered in decreasing order of importance:
preference will be given to the tenderer whose tender covers the greatest number of lots;
coverage of the areas described in the tender documents;
quality of the solutions proposed;
technical support;
time limit for delivery.
6. **Number of tenders received:** 11.
7. **Name and address of the awarding authority:** SAP Aktiengesellschaft, PO Box 1461, D-69185 Walldorf, Neurottstrasse 16, D-69190 Walldorf.
8. **Range of prices:**
Cost of the user's licence:
FI/FM: 1 400 ECU,
IS-PS: 875 ECU;
Cost of consultancy per day:
head of project: 1 200 ECU,
senior consultant: 800 ECU,
junior consultant: 600 ECU.
- 9., 10.
11. **Date of publication of the contract notice in the Official Journal of the European Communities:** 22. 2. 1994.
12. **Date of dispatch of the notice:** 23. 12. 1994.
13. **Date of receipt of the notice by the Office for Official Publications:** 23. 12. 1994.

Joint coordinator for the steering committee for equal opportunities in broadcasting

Open procedure

(94/C 377/20)

1. **Awarding authority:** European Commission, Directorate-General for Employment, Industrial Relations and Social Affairs, Unit V/A/3, rue de la Loi 200, B-1049 Brussels.
Tel. (32-2) 295 74 26. Facsimile (32-2) 296 35 62. Telex COMEU B21877. Telegraphic address: COMEUR Brussels.
2. **Award procedure:** invitation to tender by open procedure.
3. (a) **Location:** in the office of the contractant.
(b) **Works:** the European Commission is seeking a joint coordinator to assist it in its work in the implementation and development of policy in the context of its third medium-term Community programme on equal opportunities for women and men (1991 to 1995). The following person is sought:

a joint coordinator for the Steering Committee for Equal Opportunities in Broadcasting, which is continuing, under the third action programme, to encourage an improvement in the position of women in the media industry.

Tenderers should be able to show proof of experience in the area covered by this invitation to tender, especially in the field of equal opportunities policy as related to broadcasting. Details of the tasks to be carried out are set out in the tender document (see 5 (a)).
4. **Completion deadline:** the contract will last for 1 year in the first instance but may be extended for a further period of 1 year.
5. (a) **Document from:** Unit V/A/3, address as in 1.
- (b) **Deadline to order documents:** 13. 1. 1995.
- (c) **Fee:** free of charge.
6. (a) **Deadline for receipt of tenders:** tenders are to be submitted on or before 27. 1. 1995 by registered letter post, the date of posting with registration certificate acting as proof of date of posting. Alternatively, they may be handed in to the Commission personally at the address in 6 (b), at the latest by 27. 1. 1995 (16.00).
(b) **Address:** M. Marc Oostens, J27 7/68, address as above.
(c) Offers may be submitted in the working languages of the Commission.
7. (a) Offers will be opened on 3. 2. 1995.
8. No deposit is required.
9. (a) **Details on financing and payment:** are contained in the contract documents.
- 10., 11.
12. **Tenders may lapse after:** tenderers are required to keep their tender open for a period of 6 months from the date in 4 above.
13. **Criteria to be used in awarding the contract:** are set out in the document.
- 14., 15., 16.
17. **Date of dispatch of the notice:** 21. 12. 1994.
18. **Date of receipt of the notice:** 21. 12. 1994.

Catering

Directive P2/50

Open procedure

(94/C 377/21)

1. European Commission, DG IX.B.7, for the attention of Mr Giorgio Pincherle, Joint Research Centre, TP 660, I-21020 Ispra (VA).
Tel. (332) 78 90 67/78 91 66. Facsimile (332) 78 96 75.
2. Catering management at the Club House, located at the JCR in I-Ispra, category 17, CPC reference No 64.

In particular:
 - bar service, both bar and table service, serving drinks, cakes and snacks at agreed prices;
 - catering, at the agreed sites and with the agreement to provide a set meal at lunch and dinner time on weekdays at a set price agreed with the Commission;
 - cafe and drinks service at Club House and JCR premises within fixed hours and on request of the departments responsible;
 - catering service, on request, for banquets and receptions;
 - supply of meals for shift workers at the centre at the Commission's request and at an agreed price;
 - management of the club premises and structures, with authorization and procedures to be the responsibility of the Commission.
3. As in 1.
4. a) Catering qualification (bar-restaurant), recognized by the Member State in which the candidate carries out his profession.
b), c)
5. No.
6. a), b)
7. 1 year, renewable for a further 3 years.
8. a) As in 1.
b) 52 days after the date of publication.
c) None.
9. a) 1. 3. 1995.
b) As in 1.
- c) 1 of the languages of the European Union.
10. a) Internal commission.
b)
11. See contract documents.
12. See contract documents.
- 13.
14. The service provider is to:
 - demonstrate that he is qualified to carry out the activities described in 2;
 - provide proof that he is not bankrupt or being wound up, or has not suspended business activities or is not in a similar situation, that he has not been convicted of an offence concerning his professional conduct, that he has not been found guilty of grave professional misconduct and that he has fulfilled obligations relating to the payment of social security contributions and taxes;
 - provide proof that he possesses the initial financial and economic capacity required for the satisfactory execution of a catering service (minimum staff, 5 persons).
15. The conditions for any variation to the initial tender will appear in the contract documents.
16. The contract will be awarded on the basis of:
 - the professional experience and standing of the service provider;
 - the capacity to manage small teams of employees;
 - the prices proposed for the services specified in 2, and detailed in the contract documents;
 - the provision, before the signing of the contract, of a bank guarantee or surety of 80 000 000 LIT, valid for the duration of the contract. Such a surety, which may be reviewed during the course of the contract, is to guarantee the equipment and infrastructures provided by the Commission.
- 17.
18. 22. 12. 1994.
19. 22. 12. 1994.

Various publications

Call for tender No EEA/94/003

EEA publications based on the report: Europe's environment: The Dob-ís assessment

(94/C 377/22)

1. **Awarding authority:** European Environment Agency, Kongens Nytrov 6, DK-1050 Copenhagen K.

Tel. (45) 33 14 50 75. Facsimile (45) 33 14 65 99.

The call is divided into 5 lots. Those submitting tenders may apply for any number of them.

Lot 1: language versions - translation, pre-press, publication and distribution.

The first and most significant barrier to the broad dissemination of the information in the report is language. Proposals are therefore requested for producing translated versions of the whole document and its statistical compendium in the same form in which they are published in English. To ensure accuracy, translations would have to be carried out in collaboration and agreement with the national focal points used to prepare the report in the primary countries of interest, and with small groups of experts from these countries. In the first instance translations are being considered into: Russian, French, German, Italian and Spanish. Proposals for other language translations can also be considered.

Lot 2: popular version - development, writing and illustrating, publishing and distribution.

This document is aimed at the general public for wide and popular dissemination. It is conceived as a paperback of about 200 pages describing the state of the European environment, pressures, problems and consequences. Written for wide consumption in an easily understandable 'journalistic' style, it should be easily accessible to the public, cheap and well marketed. This would be complemented by the pocketbook (lot 4).

Lot 3: environmental atlas - development, selection and illustration of maps, writing, publishing and distribution

A normal atlas format containing approximately 100 maps, composed from GIS data, statistics and satellite images. This would act as a support and reference book to the main report emphasizing the geographical dimension of European environmental

2. **Awarding procedure:** open call for tender.

3. **Objectives of the call for tender**

The report Europe's Environment: The Dob-ís Assessment covers the state of the environment in a Europe of nearly 50 countries and will be published with its statistical compendium at the beginning of 1995. Conceived as a comprehensive assessment, the information contained in the report has a potentially wide audience and varied uses which require different formats of presentation.

The original report, available only in English, was prepared in response to a request by the European Environment Ministers' Conference held at Dob-ís Castle in the former Czechoslovakia in 6/1991. The aim of the report was to facilitate the development and prioritizing of an environmental programme for Europe, and to help raise awareness generally about environmental problems. From the start it was recognized that more than 1 product with different formats would be required to address the different audiences implied by this request (including policy makers, the informal sectors of non-governmental and trade organizations, etc., and the general public). Furthermore, it became clear that the information gathered during this exercise would also have a wider interest and utility.

In this context the European Environment Agency has identified a series of new products to be built from the report, its associated documentation and information base, which will target different audiences and help disseminate the results of the report widely. The agency now invites proposals and offers for the development, publishing and distribution of these products.

problems. (This could also be made available as a computer atlas with a menu-driven query system, linked to the CD-ROM development.)

Lot 4: pocket-book - development, writing, illustrating, publishing and distribution

A small format document of about 25 to 30 pages, such as a pocketbook of statistics, for quick and easy reference, well illustrated and made available free of charge in public libraries and similar locations.

Lot 5: educational material - conception, design and development, writing and illustration, publishing and distribution

This may comprise, booklets, work-packs, posters and presentational slides and overheads, etc., for all or any of the themes covered by the report. Materials may be proposed for different age groups and in particular for children from age 10 to 17. The development of products under this heading must be conducted in transnational teams with pedagogic experience in an interdisciplinary approach.

Lot 6: other suggestions for publication

Conception and design proposals of products, other than those already covered in lots 1-5 and in OJ 94/C 281/09 for a CD-ROM, which are expected to promote the objectives outlined above and the wider aims of the European Environment Agency.

4. **Duration of the contract:** duration after contract signature: 9 months.

5. **Request for tendering documents:** by letter (to the address in 1) or by facsimile, no later than 20. 1. 1995. Documents are sent free of charge.

6. **Submission of offers:**

a) offers must be sent for the attention of Mr Jiménez Beltrán and marked: 'Reply to call for tender EEA/94/003';

b) offers should be given in 1 of the official languages of the European Union, and submitted in triplicate;

c) the final date of submission is fixed at 15. 2. 1995 (proof of submission is date of postmark);

d) proposals for 1 or more lots can be made without prejudice.

7. **Price and conditions:** all prices must be quoted in ECU. All offers are firm and final.

8. **Validity of the offer:** those providing tenders shall be bound by them for a period of 180 days from the date of submission.

9. **Qualifying criteria:** offers will be accepted only from publishing houses or consortia with a proven track record in the origination, development and realization of publications in the environmental field. Those providing tenders must supply a list of comparable services performed over recent years and financial records of the past 2 years.

10. **Award criteria**

Contracts will be awarded to the best offers judged according to the following criteria:

— realism - scheduled and itemized offers having sufficient detail to allow comparisons;

— competitiveness - financial considerations and guarantees offered;

— relevance - level of understanding of what is required combined with the quality and technical values of the proposals to achieve the desired products;

— information value of the products - how much the proposed solutions add value to the basic information supplied by the agency, including future vision.

Assessment report

Open procedure

(Text representing interest in the EEA)

(94/C 377/23)

1. **Awarding authority:** Commission of the European Communities, DG XXIII, Enterprise Policy, Distributive Trades, Tourism and Cooperatives, AN 80 5/17, rue de la Loi 200, B-1049 Bruxelles.

Facsimile (32-2) 295 97 84.

2. a) **Service category:** Assessment report.

b) **Service description:** In keeping with the Council Decision of 14. 6. 1993 relating to a 'multi-year programme of Community actions to reinforce priority axes and to ensure the continuity and consolidation of enterprise policy, in particular of small and medium-sized enterprises, in the Community' (published in OJEC series L 161/68 of 2. 7. 1993), the Commission is to submit to the European Parliament, Council and Economic and Social Committee an external assessment report on the application of the abovementioned decision, including the assessment of a cost-efficiency report. This assessment will focus on the measures set out in Article 2 of the abovementioned decision, contained in Annexe I of this document.

c) **CPC reference No:** 865, 866.

3. **Place of delivery:** B-Brussels.

4., 5., 6.

7. **Final date of execution of the service:** Submission of report by 30. 9. 1995 at the latest.

8. a) **Requests for documents:** An information package may be obtained from Directorate-General XXIII of the European Commission at the address in 1.

b) **Final date:** Requests for information must be submitted by 17. 2. 1995 at the latest.

9. a) **Final date for receipt of tenders:** 28. 2. 1995.

Tenderers may submit tenders (in triplicate):

— by registered post, postmarked no later than 28. 2. 1995,

— by hand delivery against receipt to the secretariat of the abovementioned department by 28. 2. 1995 (16.00) at the latest.

Tenders must be enclosed in sealed double envelopes; the inner envelope must bear the recipient's address, as above, and be marked 'Appel d'offres n° . . . /94 - À ne pas ouvrir par le service du courrier'. Self-adhesive envelopes which may be opened and resealed are not acceptable.

b) **Address:** As in 1 (rue d'Arlon 80, 5/17, B-1040 Bruxelles).

c) **Language(s):** Tenders must be drawn up in triplicate in 1 of the official languages of the European Community.

The report must be submitted in 1 of the official languages of the European Community. However, it is to be preceded by a résumé of conclusions to be translated at the expense of the tenderer into all 10 other official languages of the European Community.

10., 11.

12. **Methods of financing and payment:** Prices tendered must be in ecus.

13.

14. **Minimum conditions:**

a) Financial and economic capacity:

b) Technical capacity: tenders must be from organizations with proven expertise in the area under assessment and be capable of evaluating the consequences of actions carried out in all Member States of the European Union. All references to previous work and information supporting the capacity to execute the task required will also be taken into consideration.

c) Independence with regard to the various actions of the programme in question.

d) Legal position and professional capacity: the Commission reserves the right to ask applicants for additional information relating to the tenders submitted.

15. **Period during which the tenderer is bound to keep open his tender:** The price requested is to be fixed and non-reviewable.

16. Criteria for award of the contract:

- a) Technical tender (overall understanding of assessment task to be carried out, identification of keypoints, methodology proposed, personnel proposed and their experience).
- b) Cost.
- c) Project management (proposed work plan, liaison and reporting procedure).

17. Other information: Prices tendered must be calculated excluding duties and taxes.

All tenders are to comply with the provisions of the 'general specifications' in all matters not regulated by the provisions of this call for tenders.

The Commission reserves the right to deal with the legal entity of its choice.

Applicants applying to this notice will be informed of the response to their tender. However, the Commission is not obliged to state the reasons for rejecting tenders or to return documents submitted within the context of the call for tenders.

18. Date of dispatch of the notice: 23. 12. 1994.**19. Date of receipt of the notice by the Office for Official Publications of the European Communities:** 23. 12. 1994.

Insurance against fire, accident and various risks

Contract award notice

(94/C 377/24)

1. Name and address of the awarding authority: Commission of the European Communities, Directorate-General for Personnel and Administration, Directorate for Administration, Unit IX.C.1 'Buildings policy - Options and contracts', ORBN 01/71, rue de la Loi 200, B-1049 Brussels.

2. Award procedure chosen. In the case of the negotiated procedure without prior publication of a tender notice, justification (Article 11 (3)): Open invitation to tender.

3. Category of service and description: 'Property damage' and 'strict civil liability insurance' related to the occupation of building premises by the Commission in B-Brussels and L-Luxembourg.

CPC reference No 8129.

4. Date of award of the contract: 12. 12. 1994.

5. Criteria for the award of the contract: The economically most advantageous tender on the basis of the premium/excess/guarantee relationship and the quality of services provided by tenderers.

6. Number of tenders received: 4.

7. Name and address of the service provider(s):

— Property damage: Commercial Union Belgium SA, avenue Hermann-Debroux 54, B-1160 Bruxelles

acting through: Thilly Van Eessel, avenue E. van Nieuwenhuysse 2, B-1040 Bruxelles

— Strict civil liability: Fidelitas SA, rue du Commerce 27, B-1040 Bruxelles

acting through: J. Van Breda & Co. International, Plantin en Moretuslei 295, B-2140 Antwerpen.

8. Price paid or range of prices (minimum-maximum):

Property damage: 337 540 ECU/p.a. for the option 'defined perils' with excess of 7 500 ECU for all claims.

Strict civil liability: 3 437 ECU/p.a., excluding excess.

9. Where appropriate, value and proportion of the contract which may be subcontracted to third parties:**10. Other information:**

11. Date of publication of the contract notice in the Official Journal of the European Communities: 1. 7. 1994 in OJEC S 124.

12. Date of dispatch of the notice: 23. 12. 1994.

13. Date of receipt of the notice by the Office for Official Publications of the European Communities: 23. 12. 1994.
