

English edition

Information and Notices

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(*) Text with EEA relevance

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I

(Information)

COMMISSION

Ecu ⁽¹⁾

7 August 1995

(95/C 203/01)

Currency amount for one unit:

Belgian and Luxembourg franc	38,6719	Finnish markka	5,63951
Danish krone	7,28777	Swedish krona	9,49435
German mark	1,88028	Pound sterling	0,836541
Greek drachma	303,246	United States dollar	1,34114
Spanish peseta	160,159	Canadian dollar	1,81618
French franc	6,48040	Japanese yen	122,272
Irish pound	0,816028	Swiss franc	1,55465
Italian lira	2109,39	Norwegian krone	8,28625
Dutch guilder	2,10694	Icelandic krona	84,9078
Austrian schilling	13,2237	Australian dollar	1,80869
Portuguese escudo	194,989	New Zealand dollar	2,00171
		South African rand	4,83918

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) and an automatic fax answering service (No 296 10 97) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).
Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

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

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

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

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

**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL
DURING THE PERIOD 24 TO 28. 7. 1995**

(95/C 203/02)

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

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(95) 354	CB-CO-95-380-EN-C	VAT Collection and Control Procedures Applied in Member States — 2nd Article 12 Report	20. 7. 1995	24. 7. 1995	113
COM(95) 366	CB-CO-95-392-EN-C	Report from the Commission: Phare 1994 Annual Report	20. 7. 1995	24. 7. 1995	97
COM(95) 368	CB-CO-95-393-EN-C	Report from the Commission to the Council and the European Parliament concerning the activities of the Commission's body of specific officials for controls in the wine sector for the period running from 1 May 1992 to 31 December 1994 inclusive, pursuant to Article 17 (2) of Council Regulation EEC No 2048/89 (*)	19. 7. 1995	24. 7. 1995	42
COM(95) 371	CB-CO-95-405-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 3730/87 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community (*)	20. 7. 1995	24. 7. 1995	6
COM(95) 376	CB-CO-95-418-EN-C	Proposal for a Council Decision on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol defining, for the period 21 May 1995 to 20 May 1998, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of the Republic of Madagascar on fishing off Madagascar (*) Proposal for a Council Regulation on the conclusion of the Protocol defining, for the period 21 May 1995 to 20 May 1998, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of the Republic of Madagascar on fishing off Madagascar (*)	20. 7. 1995	24. 7. 1995	18
COM(95) 384	CB-CO-95-408-EN-C	Proposal for a Council Decision authorizing certain Member States in accordance with Article 8 (4) of Council Directive 92/81/EEC to introduce or continue to apply exemptions from, or reductions in, excise duties on certain mineral oils used for specific purposes	20. 7. 1995	24. 7. 1995	5
COM(95) 387	CB-CO-95-414-EN-C	Amended proposal for a European Parliament and Council Directive concerning the placing of biocidal products on the market (*)	20. 7. 1995	24. 7. 1995	25

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(95) 282	CB-CO-95-316-EN-C	Communication from the Commission on a Community programme concerning safety, hygiene and health at work (1996-2000) ^(*) ^(†) Proposal for Council Decision adopting a programme of non-legislative measures to improve health and safety at work ^(*) ^(†)	12. 7. 1995	25. 7. 1995	57
COM(95) 402	CB-CO-95-432-EN-C	Proposal for a Council Decision appointing new members and alternate members of the European Social Fund Committee	25. 7. 1995	25. 7. 1995	7
COM(95) 395	CB-CO-95-438-EN-C	Proposal for a Council Regulation (EC) on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Krygyzstan and Tajikistan	25. 7. 1995	25. 7. 1995	7
COM(95) 365	CB-CO-95-388-EN-C	Fourth survey from the Commission on State aid in the European Union in the manufacturing and certain other sectors ^(‡)	26. 7. 1995	27. 7. 1995	95
COM(95) 372	CB-CO-95-396-EN-C	Report from the Commission on the state of implementation of ambient air quality directives ^(‡)	26. 7. 1995	27. 7. 1995	139
COM(95) 397	CB-CO-95-424-EN-C	Proposal for a Council Regulation imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia	27. 7. 1995	27. 7. 1995	36
COM(95) 401	CB-CO-95-437-EN-C	Proposal for a Council Regulation derogating from Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops as regards the set-aside requirement for the 1996/97 marketing year ^(‡) Proposal for a Council Regulation amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops ^(‡)	26. 7. 1995	27. 7. 1995	13
COM(95) 373	CB-CO-95-394-EN-C	Amended proposal for a European Parliament and Council Decision establishing a programme to support artistic and cultural activities having a European dimension — Kaleidoscope 2000 ^(*) ^(†)	28. 7. 1995	28. 7. 1995	25
COM(95) 374	CB-CO-95-395-EN-C	Amended proposal for a European Parliament and Council Decision establishing a support programme in the field of books and reading through translation — Ariane ^(‡)	28. 7. 1995	28. 7. 1995	30

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

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

^(‡) Text with EEA relevance.

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

Notice of initiation of an interim review of anti-dumping measures applicable to imports of colour television receivers originating in the People's Republic of China

(95/C 203/03)

The Commission has received a request pursuant to Article 11 (3) of Council Regulation (EC) No 3283/94⁽¹⁾ for an interim review of the anti-dumping measures applicable to imports of so-called small screen colour television receivers originating in the People's Republic of China under Council Regulation (EEC) No 2093/91⁽²⁾. The request for the interim review was lodged by the Association of European Consumer Electronics Manufacturers (EACEM) on behalf of the Community industry.

In the light of this request, the Commission has also decided on its own initiative to initiate an interim review of the measures imposed by Council Regulation (EC) No 710/95⁽³⁾ in so far as these measures apply to imports of colour television receivers originating in the People's Republic of China.

1. Product

The product concerned by the interim review is as defined by Regulation (EC) No 710/95, namely all colour television receivers, with integral tube and a diagonal measurement of the screen exceeding 15,5 cm, with the exception of D2MAC apparatus and high definition television. The imports of these products are currently classifiable under the following CN codes: Ex 8528 10 52, 8528 10 54, 8528 10 56, 8528 10 58, Ex 8528 10 62 and 8528 10 66. These CN codes are only given for information and have no binding effect on the classification of the product.

2. Existing measures

The measures currently in force are:

- (a) the definitive anti-dumping duty imposed by Regulation (EEC) No 2093/91 on colour television receivers with a diagonal screen size of more than 15,5 cm but no greater than 42 cm (so-called small-screen colour television receivers or 'SCTVs') originating in the People's Republic of China and Hong-Kong; and
- (b) the definitive anti-dumping duty imposed by Regulation (EC) No 710/95 on imports of CTVs with a diagonal screen size of more than 15,5 cm originating *inter alia* in the People's Republic of China.

The scope of the latter definitive anti-dumping duty was restricted to CTVs of Chinese origin with a diagonal measurement of the screen exceeding 42 cm (so-called large screen colour television receivers or 'LCTVs') because of the measures already in force under Regulation (EEC) No 2093/91 on SCTVs of Chinese origin.

3. Grounds for the review

The grounds set out in the request for the review are that the existing definitive anti-dumping measures in force on so-called small screen colour televisions originating in the People's Republic of China under Regulation (EEC) No 2093/91 are no longer sufficient to counteract the injurious dumping of imports originating in the People's Republic of China.

The allegation of continued and increased dumping with regard to so-called small screen colour televisions is based on a comparison of normal value established on the basis of constructed normal value in Singapore with the Chinese export prices of the product concerned to the Community.

As regards injury, the applicant presented evidence of substantial price undercutting by the Chinese imports and insufficient profitability for Community producers. In addition the applicant alleges that increases in production and investment in China pose a serious threat of increased injury to the Community industry.

In the light of the request of EACEM and the fact that the CTVs concerned by both of the abovementioned Regulations are considered one like product, the Commission considered that a review should not be restricted to only one of these Regulations, and that in order to investigate the allegations of the Community industry, a review of both Regulations is warranted.

An interim review of measures relating to all CTVs originating in the People's Republic of China will allow the alleged injurious dumping to be investigated on the basis of what has been established to be a single market for CTVs, in order that uniform treatment can be accorded to all CTVs, with regard to the level as well as the duration of possible measures.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1.

⁽²⁾ OJ No L 195, 18. 7. 1991, p. 1.

⁽³⁾ OJ No L 73, 1. 4. 1995, p. 3.

4. Procedure for the determination of dumping and injury

Having determined after consultation, within the Advisory Committee that there are sufficient grounds to justify the initiation of the review, the Commission has commenced an investigation pursuant to Article 11 (3) of Regulation (EC) No 3283/94.

(a) Questionnaires

In order to obtain the information the Commission deems necessary for its investigation, the Commission will send questionnaires to the complainants, exporters and importers which participated in the investigations which led to the existing measures. At the same time a copy of the questionnaire shall be sent to any known representative association of exporters or importers.

Other exporters and importers are invited to contact the Commission forthwith in order to find out whether or not they are known to the Commission. The authorities of the exporting country will also be provided with the list of exporters known to be concerned. Other interested exporters and importers should request a copy of the questionnaire as soon as possible given that they are also subject to the time limits set out in this notice. Any request for questionnaires must be made in writing to the address mentioned below and should indicate the name, address, telephone number, fax number and/or telex number of the interested party.

(b) Collection of information and hearings

All interested parties, provided that they can show that they are likely to be affected by the results of the investigation, are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear the parties mentioned under (a) above and other interested parties, if they make a request in writing and show that there are particular reasons why they should be heard.

(c) Selection of market economy third country

In view of the fact that the People's Republic of China is a non-market economy country, the Commission envisages Singapore as an appropriate market-economy third country for the purpose of establishing normal value. In accordance with Article 2 (7) of Council Regulation (EC) No 3283/94 parties to the review are hereby invited to comment on the appropriateness of this choice.

5. Community interest

In accordance with Article 21 of Council Regulation (EC) No 3283/94, and in order that an informed decision may be reached as to whether, in the event that the allegations of dumping and injury are substantiated, the continuation or amendment of the anti-dumping measures would be in the interest of the Community, the complainants, importers and their representative associations, representative users and representative consumer organizations may, within the time limits specified in this notice, make themselves known and provide the Commission, with information. It should be noted that any information submitted under this article shall only be taken into account if supported by factual evidence at the time of submission.

6. Time limit

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing, and submit information within 37 days from the date of transmission of this notice to the authorities of the exporting countries. Interested parties may also apply to be heard by the Commission within the same time limit. The transmission of this notice to the authorities of the exporting countries shall be deemed to have taken place on the third day following its publication. This time limit also applies to all other interested parties, including the parties not named in the request, and it is consequently in the interest of these parties to contact the Commission forthwith at the address indicated below:

European Commission,
Directorate-General for External Economic Relations,
Attn. Mr. Stewart (Head of Unit I-C-2),
Cort 100 4/44,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels,
Fax No (32 2) 295 65 05,
Telex No COMEU B 21877.

By way of derogation from the above, comments on the selection of the market economy third country envisaged by the Commission should be submitted within 10 days from the publication of this notice.

In cases in which any interested party refuses access to, or otherwise does not provide, necessary information within the time limit, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of Regulation (EC) No 3283/94, on the basis of the facts available.

STATE AID

C 4/94, C 61/94, C 62/94, NN 2/95, NN 3/95 and N 467/95

Germany

(95/C 203/04)

(Text with EEA relevance)

*(Articles 92 to 94 of the Treaty establishing the European Community)***Commission notice pursuant to Article 93 (2) of the EC Treaty to other Member States and interested parties concerning aid the German Government intends to grant to Sächsische Olefinwerke GmbH, Leuna-Werke GmbH and Buna GmbH**

In the letter reproduced below, the Commission informed the German Government of its decision to enlarge the procedure provided for in Article 93 (2) of the Treaty and partly approve aid.

I. By letters dated 10 and 13 January 1995 the Commission informed your Government of its decision to initiate proceedings pursuant to Article 93 (2) of the EC Treaty against DM 1,143 million aid given by the Treuhandanstalt (THA) to Buna and DM 529,1 million to Sächsische Olefinwerke GmbH (SOW). The Commission at the time decided not to open the procedure against aid in support of investment necessary in order to comply with environmental and other legislation. Regarding other urgent investments, the Commission informed your Government that, if specific aid tranches were in their view absolutely necessary to carry out investment and if any delay would seriously jeopardize the existence of the companies, your Government should then notify such tranches to the Commission pursuant to Article 93 (3) of the EC Treaty and demonstrate the compellingly urgent nature of these investments. The Commission would then assess such aid on a case-by-case basis. No comments have been received from third parties following the publication of the letter by which the Commission informed your Government of the opening of the procedure pursuant to Article 93 (2) of the EC Treaty on 5 May 1995.

By letter dated 21 April 1995 your Government provided the Commission with a notification, asking for approval for aid tranches to Buna and SOW of DM 590 million necessary for urgent investments until 31 December 1995.

The urgent investments are as follows:

1. for Buna

1.1. Minimum urgent investments for infrastructure are foreseen to secure the supply and the waste disposal of existing plants in the fields of polyvinyl-chloride (PVC), rubber, propylene-oxide, propylene-glycol-ether, ethylene-oxide, tenside, dispersions, solvents and resins.

Roads need maintenance and renewal to comply with the demand of RSTO 86 (German road regulation) and the rail system will be repaired in order to meet the minimum demand of the Bahnordnung (regulation for rail traffic). In order to safeguard the stability of pipe bridges connecting the production sites, corrosion damage to the construction of the steel pipeline bridge have to be made good. The water system presently used by Buna is extremely worn out. Water losses amount to 25 %. The uncontrolled leakage to erosion and contamination as well as to uncontrolled subsidence which endanger the physical stability of the plant. The German Wasserhaushaltsgesetz (law to protect water resources) prohibits such endangering. In order to eliminate the uncontrolled emission of ethylene, damage to welded joints in the main supply pipeline must be repaired. In order to secure the water supply for fire-fighting, stabilizing measures and renovation have to be realized. Damage to the waste network in the form of fissures must be eliminated in order to prevent contamination of the soil. The central tank storage for dangerous materials has to be renovated. Measures envisaged for the central sewage treatment plant are necessary to comply with the demands of the mixed water regulations. The restructuring foresees the building of a waste utilization plant. All envisaged renovations are restricted to the absolute minimum, and amount to DM 67,7 million.

The Commission has scrutinized each of these measures and regards them as urgent and necessary to protect the safety of workers and the environment. As far as necessary repairs are concerned, the remaining period during which the plants will remain safely operative cannot be exactly predicted. However, serious damage could be avoided by undertaking certain measures — necessary because of past omissions — at the minimum possible cost. It has to be born in mind that under certain conditions, further delay of these measures might even have consequences under German penal law.

1.2. Two steam generators are planned to take over the peak steam generation in Buna. To do so, several

adaptions to the generators will be necessary. The Commission is of the opinion that it is not compulsory that this measure, which amounts to DM 8 million, has to be implemented before the closure of the pending Article 93 (2) procedure.

Starting on 1 January 1996 Veba Kraftwerk Ruhr AG (VKR) will take over the supply of steam for the basis load operation (200 tonnes per hour). However, in addition to this basic load, Buna needs a reserve peak supply of a further 200 tonnes per hour. This was originally to have been supplied by VKR but Buna terminated the supply-contract by giving notice for economic reasons. VKR now won't be in the position to supply the needed reserve peak supply this winter. Despite having put a request to your Government, it is not known to the Commission whether third parties could supply Buna with the peak supply which is at the same time supposed to prevent damage to the plants connected with the steam network that would result from a failure of supply by VKR. It cannot be excluded that an emergency process caused by a complete failure of steam supply can always be brought back under control without emissions. However, this risk connected with the complete breakdown of the steam supply had originally been accepted by Buna as it was absolutely dependent on VKR. Moreover, the information given by your authorities do not allow for the conclusion that the BImSchG (German law to prevent emissions) does not allow for such a remaining risk.

- 1.3. DM 86 million are foreseen to modernize the gas plant and for its integration with the new high density polyethylene (HDPE) plant, and by doing so integrate the sources of emission of the old gas plant with the installation for the treatment of exhaust gases. On the information available to the Commission the postponement of the measure would only raise costs, especially because of the non-utilization of the enlarged capacities. When the Commission decided to open the procedure pursuant to Article 93 (2) of the EC Treaty it bore in mind that a postponement of the restructuring would cause additional costs. In so far as measures are not urgently necessary to comply with legal safety and environmental regulations a postponement of the decision on these investments until the Commission's final decision on the pending cases is unavoidable.
- 1.4. The envisaged minimum repairs for the propylene oxide (PO) plant of DM 23 million are necessary to obtain the licence for changing the process of the PO plant, which may continue operations with its outdated process until at least 1 July 1996. Due to the information submitted to the Commission by the German Government on the sale to DOW, the PO plant is supposed to be closed down. Measures with

respect to legal security and environmental demands therefore lost their necessity.

- 1.5. The envisaged renovation of concrete in the area for the treatment of sewage containing mercury is necessary to comply with the demands of the Wasserhaushaltsgesetz. Given that according to information submitted by the German authorities on the sale to DOW the use of mercury will be stopped as the chlorine plant will be rearranged to incorporate the membrane process, the measure of DM 23 million has lost its necessity.

2. For SOW

The development of automation and security techniques for the cracker which amount to 112,6 million can minimize the risk to the workforce and the environment. The cracker, which was built between 1972 and 1975 but subject to later adjustments, has defects as far as the automation of its supply system as well as its main plant is concerned.

- 2.1. The coolants system will be automatized, a pump station will be built and the waterworks renovated. Worn out and obsolete equipment of the electric energy supply will be replaced, a control system will be installed and the switch boards automatized. In order to stabilize the boiler feed water supply a packed storage tank will be built. Due to the bad condition of the plant for pre-treatment of sewage, considerable HC-emissions have been discovered at oil-separating installations and at parts of the pumps, repairs are necessary. The technical condition of the natural gas station no longer guarantees a reliable supply for the heating of the cracker furnaces. The cracker needs to be upgraded. On account of the great wear and tear of the equipment of the old furnace group as well as the subordinated waste heat block, for security reasons substitutes for 1996/97 have to be prepared. The substitutes will correct deficiencies regarding the technical safety and the protection of labour, which cannot be rectified within the old system for technical reasons. Already in 1994 there have been several fissures and subsequent fires. The waste coolers in the primary fractionator are totally worn out. Leaks allow gasoline to enter the cooling water system and cause emissions coming under the Störfallverordnung (regulation regarding incidents). The presently existing protective mechanisms in the gas-splitting section and in the power house do not comply with the demands of DIN 19250 and the Namur guideline 31. The compliance with this safety guideline is under German law a binding minimum standard for investment.

The Commission has scrutinized each of these measures and regarded them as urgent and necessary to protect the safety of workers and the environment.

2.2 Safeguarding the steam supply

At present the steam supply is guaranteed by the power station Lippendorf, which will be closed in 1996/97. In order to be operative in May 1997, the German authorities regarded it as necessary to order the construction of a plant in SOW already in 1994. On the information available to the Commission, it has not been shown that it would not be possible for the steam to be supplied by a third party (even for a limited period of time albeit at higher costs). Consequently, the measure and the costs of 33,5 million involved cannot be regarded as being so urgent that its implementation could not be deferred until the end of the pending procedure pursuant to Article 93 (2) of the EC Treaty.

2.3. Logistics

Any delay of investment of DM 80 million in the field of logistics would only lead to rising costs. The information available to the Commission does not allow it to conclude that these measures could not be realized at a later date, after the closure of the procedure pursuant to Article 93 (2) of the EC Treaty without endangering the environment and the workforce.

The minimum investments foreseen for Buna's chlorine complex, its infrastructure and its waste recycling and for SOW's cracker would not lead to an increase of capacity. It should be recalled that as far as necessary repairs are concerned, the remaining period during which the plants will remain safely operative cannot be exactly predicted. However, serious damage could be avoided by undertaking certain measures — necessary because of past omissions — at the minimum possible cost. It has to be born in mind that under certain conditions, further delay of these measures might even have consequences under German penal law.

In its decision of 18 September 1991 concerning the activities of the THA, the Commission stated that the THA may in the period before privatization award guarantees, and in exceptional cases credits and capital, to its companies for their continued operations. These measures may well constitute aid which would distort or threaten to distort competition and affect trade within the common market and the functioning of the EEA Agreement in the meaning of Article 92 (1) of the EC Treaty and Article 61 (1) of the EEA Agreement but, the Commission decided in 1991 that they are compatible in so far as they are absolutely necessary for securing the existence of the companies until privatization. As shown above, the measures are absolutely necessary to avoid the risk of environmental or other damages which could occur if the proposed investments were postponed. In view of the fact that the companies of the former GDR were not allowed to take into consideration the

environmental consequences of their production methods and in consideration of the historical, regional and social circumstances and the limited effect of the aid on competition as they would not lead to an increase of capacities, they can be considered compatible with the common market. Therefore, on the basis of the Communities' decision on the activities of the THA of 1991 and 1992 and the new regime on the THA succeeding institutions of 1995, and in line with the letter with which it opened the procedure pursuant to Article 93 (2) of the EC Treaty, the Commission now approved the financing of these urgent measures amounting to DM 240,8 million (DM 67,7 million for Buna and DM 173,1 million for SOW) as compatible with the common market pursuant to Article 92 (3) of the EC Treaty and decided to close the procedure opened in December 1994 regarding the aid to those investments.

As regards the other investments of DM 252,8 million the only negative effect of carrying out the normal Commission's procedure is an increase of costs, but it does not create an obstacle to the continued operation of the enterprises, so that measures do not need to be carried out immediately. Consequently, in so far as these measures are concerned, the Commission decided to continue the procedure pursuant to Article 93 (2) of the EC Treaty opened in December 1994 and cannot take a decision on the measures' compatibility at this time.

II. By letter dated 17 May 1995, registered the same date, the German Government informed the Commission of the privatization by sale of Buna, SOW and Leuna to Dow Chemical Company (DOW).

On the basis of the polyolefin concept forwarded to the Commission by letter dated 21 June 1994, Goldman, Sachs & Co. was charged with the search of and negotiations with potential purchasers. During the summer of 1994 the THA offered after presentations and concrete negotiations with three potential investors a letter of intent (LOI). In September 1994 two out of three interested parties turned down the LOI, because they were only interested in certain fields of production. DOW signed a LOI in September 1994. Only this investor presented a conclusive concept for the entire privatization of the olefin-complex with a perspective of long-term viability. Only right before the signing of the contract, Union Carbide Corporation (USA) together with the Belgian DOMO-group again approached BVS, which did not lead to a qualifying declaration of their intentions for a future commitment. A report forwarded by the German Government to the Commission about the privatization negotiations of Goldman, Sachs demonstrates that eventually DOW was the only bidder for the privatization of BSL.

The German Government provided DOW's business plan as follows:

DOW's concept is based on upgrading the olefine cracker at Böhlen and the chlorine plant at Buna. It is DOW's intention to restructure the integration that exists on these sites around these upgraded ethylene and chlorine plants.

In restructuring these plants for competitiveness and rebalancing the integration of the site, several new plants will have to be built to replace the old facilities or to round out the integration of the plants to provide the optimal return on investment from the existing base. To accomplish these objectives significant additional investment will need to be made. DOW proposes to complete this restructuring within a period of about five years.

Facilities to be closed: As part of the restructuring of the three sites, several facilities will be closed and demolished. The existing propylene oxide (PO) and ethylene oxide (EO) plants at Buna in Schkopau will not be operated after 1997.

Facilities to be upgraded

- Ethylene integration: The Böhlen steam cracker which produces the main building blocks for derivative plants at all three sites will be upgraded and expanded. Total capacity by the end of 1997 will be 450 kilotonnes per annum as already indicated in the opening of the procedure, which is a reduction in capacity from the total of 720 kilotonnes per annum in 1990 by 37,5 %.
- Chlorine integration: The existing 200 kilotonnes per annum chlorine plant will be upgraded from the current mercury-based to the membrane process with the same capacity. The EDC and VCM plant will be upgraded along with an increase of overall VCM capacity to 330 kilotonnes per annum.

In order to deal with the wastes created historically from the existing plants DOW intends to construct a throx unit on site to deal with organachlorines.

- C4-integration (rubber): C4's will be sent to the existing 50 kilotonnes per annum butadiene extraction plant. The existing 40 kilotonnes per annum butadiene extraction unit will be upgraded to a production capacity of 50 kilotonnes per annum.
- Low density polyethylene (LDPE): DOW will continue to operate the existing LDPE-trains 4 and 5 at Leuna which have a current capacity of 145 kilotonnes per annum.
- Aromatics integration — Pygas from the cracker will be routed to a new pre-distillation and benzene extraction unit of 122 kilotonnes per annum which will replace the existing pygas hydrotreating unit and the existing benzene extraction unit.

The existing pre-distillation unit will be revamped and expanded to serve the pygas output with the cracker running at capacity on heavy condensate feed.

Several completely new plants will be built at the sites:

- Dowlex: The 30 kilotonnes per annum slurry and 30 kilotonnes per annum gas phase high density polyethylene (HDPE) plants are of too small a scale and utilise uncompetitive technologies. DOW will replace these units with a new state of the art solution swing plant capable of manufacturing a wide range of low, medium and high density polyethylenes. A 210 kilotonnes per annum plant for the production of Dowlex (trademark of DOW) linear low density polyethylene at the Buna site will come on stream in late 1997.
- Polypropylene integration: Dow proposes to restructure the propylene integration of the Olefinverbund away from PO to acrylic acid and polypropylene.

The shut-down of the acetylene plant at Buna (300 kilotonnes per annum) in 1990 resulted in the loss of acrylic ester production. A 90 kilotonnes per annum acrylic acid and a 93 kilotonnes per annum acrylic ester unit will be built to obtain viable economies through scale and technology.

A 200 kilotonnes per annum polypropylene plant will be built at the Buna site and will come on stream in 1998.

- Aniline: DOW will install a new 130 kilotonnes per annum aniline plant and associated nitrobenzene and nitric acid facilities. The aniline will be shipped to Stade where it will be used by DOW as a key raw material for MDI.

DOW will continue to operate several units while it assesses whether or not these plants can be upgraded to yield positive cash-flows. Should this not be the case these plants will be shut down.

BVS will provide up to DM 3 436 million to finance the investment projects of which certain grants under regional investment aid schemes (from Saxony and Saxony-Anhalt) have to be deducted.

In addition, capital will be required for current projects which have been started already by BSL earlier outside of the DOW reconstruction programme. The financing for Buna and for the SOW projects outside DOW amount to at least DM 1 078 million.

In addition to the clearance of the balance sheet BSL will be transferred to DOW free of debt. The exact amount can not be quantified at this stage, but will approximately amount to DM 790 million for Buna, taking into consideration that total long-term debt as of 31 December 1994 amounts to DM 2 231 million minus the clearance of the balance sheet of DM 1 441 million. After the clearance of the balance sheet of SOW of DM 312 million there remains of the total debt of DM 1 001 million as of 31 December 1994 an amount of DM 689 million for loans which apparently shall be cleared as well.

The parties agree that as of the transfer date, i. e. 1 June 1995, BSL shall have a positive working capital of DM 1. If the working capital is below an amount of DM 1, BVS shall pay to BSL the difference as capital contribution.

BVS shall compensate to BSL any negative cumulative cash-flow during the restructuring period as follows:

- DM 2 650 million in full, and
- one half of any negative cumulative cash flow in excess of DM 2 650 million up to DM 3 650 million, i. e. an amount of DM 500 million at the most, ergo a maximum financing of DM 3 150 million.

DOW will be rewarded by the BVS with 33 % of the saved difference as an incentive to minimize the losses. A ceiling has been set at DM 333 million.

BVS shall after the transfer date, i. e. the 1 June 1995, contribute an amount of DM 440,5 million to BSL as capital contributions. This amount shall cover general structural disadvantages of the in-land locations which will still exist after the restructuring period.

Further financing:

- Consultancy fees will be financed in an amount of (maximum) DM 44 million
- Demolition costs will amount to (maximum) DM 750 million
- Of the current 5 700 workers not less than 2 200 employees will be employed after 1 January 1999.

Redundancy payments for the further reduction of personnel will amount to (maximum) DM 110 million

- For action before of labour courts and risk of liabilities for which normally provisions are being set up, a financing is foreseen in a total amount of (maximum) DM 110 million
- environmental pollution damages are estimated at DM 1 000 million.

The Commission has stated in its general decisions on the Treuhandanstalt of 1991/92 that only the waiving of old environmental liabilities (Altlasten) dating from before 1 July 1990 does not constitute aid, therefore the waiving of environmental liabilities after that date represents aid.

The existing power and steam contracts between Veba Kraftwerke Ruhr AG and Kraftwerk Schkopau GmbH (VKR) and Buna do not meet according to DOW's opinion the criteria of long-term competitive energy prices and therefore need to be substantially renegotiated and changed.

The difference between the power cost (contract proposal) and the base case will be covered by the cash flow compensation. If the price for power as finally negotiated with VKR and the price for power charged by VKR to BSL exceeds 8,16 Pfennig per kilowatts per hour, the difference will be compensated separately. This represents an open ended financing.

If the price for steam as finally negotiated with VKR and, until such negotiations are completed, the price for steam charged by VKR to BSL exceeds DM 13,50 per tonne, the difference between the actual price and DM 13,50 per tonne will be compensated separately which represents an open ended financing.

For the implementation of the business plan the multi-purpose pipeline capable of carrying propane and liquid feedstocks from the Rostock harbour to Böhlen or an economically equivalent alternate pipeline solution must be fully operational by 1 January 1998. The pipeline project contains regarding the possibility of an alternate route to Leuna 2000 an element which might represent an open ended financing.

The same applies for a brine and propylene pipeline between Teutschental and Buna, Leuna and Böhlen. According to the contract the Rostock-pipeline provisions shall apply analogously with respect to the brine and propylene pipelines. If the propylene pipeline is not built, BVS can provide in its discretion DM 45 million for the construction of storage tanks in which case the purchaser's right of rescission shall be extinguished.

The total financing BVS provides for the privatization of Buna, Leuna and SOW (BSL) is summarized as follows:

- reconstruction programme (maximum) DM 3 436 million
- BSL current projects (outside DOW) DM 1 078 million
- waiver of outstanding debt (minimum) DM 1 479 million
- cash flow compensation (maximum) DM 3 150 million
- up-front payment (structural deficiencies) DM 440,5 million
- demolition costs (maximum) DM 750 million
- social plans (maximum) DM 110 million
- action in labour courts and risk of liabilities (maximum) DM 110 million
- consultancy fees (maximum) DM 44 million
- environmental indemnification (estimate) DM 1 000 million
- power and steam costs (open ended) DM — million
- pipeline Rostock (risk from alternate route is open ended) DM — million

Total financing without considering the open-ended compensation payments amount to DM 11 597,5 million.

The contract also contains clauses on payments by BVS to DOW in case the contract should be rescinded.

The Commission has investigated the compatibility of this aid with the common market in the light of Article 92 of the EC Treaty and Article 61 of the EEA Agreement. It notes that, according to the information provided by the German authorities, the three companies were sold to the only remaining bidder pursuant to an open and unconditional bidding procedure. Because the liquidation of the three companies would probably have presented a less costly option, the German Government informed the Commission of the contract, which contains a clause on the necessity of Commission approval, and thus respected its obligations pursuant to Article 93 (3) of the EC Treaty and the Commission's decision of 1 February 1995 concerning the operations of the BVS.

In its general decisions of 1991, 1992 and 1995 concerning aid awarded by the THA and its successor organizations, the Commission did not exclude the possibility that privatization might entail aid. Several concrete cases of aid within the framework of privatization by the THA were specifically approved by the Commission. In these decisions, the Commission always applied the fundamental principles of its approach to restructuring aid, that the restructuring must restore the long-term viability of the companies in question, that undue distortions of competition should be avoided and that the aid must be limited to the minimum necessary.

In the present case the Commission has serious doubts whether these principles are being respected. Concerning the long-term viability, the Commission would refer to the study that is being made by outside consultants. Regarding the distortion of competition and the necessity of the aid, the Commission notes that parts of the aid package, such as the compensation of losses and of power and steam cost, take the form of operating aid. Other parts are open-ended and therefore not quantifiable; your Government is well aware of the Commission's objections to open-ended aid.

Furthermore, important investment will be almost completely financed by the public authorities. Several points need further investigation (see list of questions attached to the present letter, which will not be published). It would also seem that, just as in the SKET-case on which the Commission decided to open the procedure on 15 March 1995, the buyers are hardly assuming any entrepreneurial risk at all. It seems that every imaginable negative development will be paid by the BVS. Finally, by any standards, the amount of aid is very high and exceeds by far previous expectations submitted by the German authorities. The aid per job saved (at least DM 5,3 million) is significantly higher than in any previous THA-case dealt with by the Commission and therefore it must be clarified if these

costs are still in an appropriate relation to all the targets of the restructuring and modernization of the chemical industry in Eastern Germany.

In view of these considerations and taking into account the Commission's general decisions on the Treuhandanstalt activities of 1991/92 and the new regime on the Treuhandanstalt-succeeding institutions of 1995, the Commission nourishes serious doubts concerning the compatibility of these aid measures and has accordingly decided to enlarge the still open proceedings pursuant to Article 93 (2) of the EC Treaty against aid to Buna, SOW and Leuna, in order to cover the supplementary aid described above as well. The Commission reminds the German Government that a study is being conducted on the viability of BSL and reiterates its request for full cooperation with the Commission's consultant.

III. The cleaning up of balance sheets (Eigenkapitalsanierung); NN 2/95 and NN 3/95. By letter dated 16 December 1994 your Government informed the Commission of the envisaged cleaning up of Buna and SOW's balance sheets. The cleaning up comprised the elimination of overindebtedness at 31 December 1994 and the establishment of appropriate capital for both companies.

In order to do so, THA waived claims to money due under loans against Besserungsschein (agreement to repay the waived loans with future profits) on the condition that the nominal amount of the loans to Buna of DM 1 632,5 million will be established as a capital reserve for Buna and the nominal amount of DM 386 million as capital reserve to SOW. At the same time THA contributed capital of DM 151 million to Buna and DM 61 million to SOW, which is equivalent to the necessary liquidity of the enterprises to compensate losses and investments in the first quarter of 1995.

By letter to your Government dated 3 January 1995, the Commission requested further information. By letter dated 15 May 1995 your Government submitted two studies from the companies' auditors on the necessity of the abovementioned measures.

The studies proved an overindebtedness of the companies' balance sheets at 31 December 1994 amounting to DM - 1 441,4 million for Buna and DM - 312,0 million for SOW.

In accordance with the German GmbH-Gesetz (law for private limited companies) each director of a private limited company is obliged to file a bankruptcy petition if there is a cause for bankruptcy proceedings. According to the GmbH-Gesetz the overindebtedness or the inability to pay can be such a cause. Under German legislation a company is overindebted if its financial liabilities exceed its assets and the company has not prospect of medium term continuation due to its weak financial position. The studies do confirm these premises, that is that a cause for bankruptcy existed on 31 December 1994.

However, the studies regarded the abovementioned measures of the THA as only partly necessary to avoid the cause for bankruptcy. Of the claims waived against Besserungsschein, which totalled DM 1 632,5 million regarding Buna, only DM 1 441,4 million was needed to cover the overindebtedness of the company. For SOW only DM 312 million out of DM 386 million were necessary to clean up the balance sheet.

The excess amount waived, that is DM 191,1 million for Buna and DM 74 million for SOW, and the capital contribution of DM 151 million to Buna and DM 61 million to SOW are only intended to avoid bankruptcy in the medium term.

In its decision of 18 September 1991 concerning the activities of the THA (SEC(91) 1685), the Commission stated that the THA may in the period before privatization award guarantees, and in exceptional cases credits and capital, to its companies for their continued operations. These measures may will constitute aid but, the Commission decided in 1991 that they may be compatible in so far as they are absolutely necessary for securing the existence of the companies. The Commission in its decision of 25 November 1992 (SEC(92) 2073) concerning the activities of the THA also recognized that the longer a company is held by the THA and the higher its debt to or guaranteed by the THA is, the less likely it will be that a buyer can be found who will take over these debts and guarantees and that as time goes by, such guarantees and debts are more likely to end up being grants. In the present case, your Government has presented proof for the necessity of officially transforming a total of DM 1 753,4 million claims of the THA into grants (repayable in case of sufficient future profits) by 31 December 1994 in order to avoid bankruptcy. This situation reflects the fact which the Commission has already recognized in 1992, that is, the longer a company is held by the THA and the higher its debt, the more and more likely it is that they end up being grants. To keep the company going until privatization, the German Government had to waive claims to loans (against Besserungsschein), which had been awarded in accordance with EC law. Therefore, and on the basis of its decisions on the activities of the THA of 1991 and 1992 and the new regime on the THA succeeding institutions of 1995, the Commission decided not to object to this part of the aid.

As regards the other measures of DM 477,1 million (waiver of DM 265,1 million and capital contribution of DM 212 million) the Commission has decided to open

the procedure according to Article 93 (2) of the EC Treaty.

As part of the procedure, the Commission hereby gives your Government the opportunity to present within one month of being notified of this letter, its comments and any information relevant to the aid.

The Commission would remind you of the suspensory effect of Article 93 (3) of the EC Treaty and would draw your attention to the communication published in the *Official Journal of the European Communities* No C 318, 24 November 1983, page 3, in which it was stipulated that any aid granted unlawfully, i.e. without prior notification or without awaiting the Commission's final decision under the procedure provided for in Article 93 (2) of the EC Treaty, may have to be recovered from the beneficiary.

The abolishment of the aid involves repayment, in accordance with the procedures and provisions of German law, with interest, based on the interest rate used as reference rate in the assessment of regional aid schemes, starting to run on the date on which the unlawful aid was granted. This measure is necessary in order to restore the status quo by removing all the financial benefits which the firms receiving the unlawful aid have improperly enjoyed since the date on which the aid was paid.

The Commission also requests your Government to inform the recipient firms without any delay of the initiation of the procedure and the fact that they might have to repay aid improperly received.

The Commission hereby informs your Government that it will publish the present letter (without the Annex) in the *Official Journal of the European Communities* and the EFTA Supplement to the European Journal giving the other Member States, the EFTA States and other parties concerned notice to submit their comments.'

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 publication of this notice to:

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

The comments will be communicated to the German Government.

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Directive on the interoperability of the European high-speed train network ⁽¹⁾

(95/C 203/05)

(Text with EEA relevance)

COM(95) 271 final — 94/0112(SYN)

(Submitted by the Commission pursuant to Article 189a (2) of the EC Treaty on 15 June 1995)⁽¹⁾ OJ No C 134, 17. 5. 1994, p. 6.

ORIGINAL TEXT

AMENDED TEXT

Recital 1a (new)

Whereas, with a view to making a People's Europe a reality, this Directive represents the first step towards the interoperability of the entire European train network;

Recital 3a (new)

Whereas in April 1994 the Commission submitted a proposal for a European Parliament and Council Decision on Community guidelines for the development of the trans-European transport network ⁽¹⁾ which also includes network schemes for conventional train networks; whereas, therefore, once this Decision enters into force the Commission will also submit proposals for the interoperability of the conventional rail network, in particular with a view to removing obstacles to trans-frontier regional traffic;

Recital 5

Whereas the operation in commercial service of high-speed trains requires that there is excellent coherence between the characteristics of the infrastructure and that of the rolling stock; whereas performance levels, service quality and cost depend upon that coherence and that, in particular, the interoperability of the European high-speed train network is founded upon that coherence;

Whereas the operation in commercial service of high-speed trains requires that there is excellent coherence between the characteristics of the infrastructure and that of the rolling stock; whereas performance levels, service quality and cost depend upon that coherence and whereas, in particular, the interoperability of the European high-speed train network is founded upon that coherence; whereas, although the high-speed network is designed primarily for passengers, ways and means should gradually be found of enabling the network to carry rapid goods services;

⁽¹⁾ COM(94) 0106, 7. 4. 1994.

ORIGINAL TEXT

AMENDED TEXT

Recital 5a (new)

Whereas users must also have easy access to the whole European high-speed train network; whereas, therefore, the interoperability of the ticketing, reservation and information systems of the European high-speed train network must also be guaranteed;

Article 24 (new)

Every two years the Commission shall report to the European Parliament and the Council on the progress made towards achieving interoperability of the European high-speed train network.

Article 25 (ex Article 24)

This Directive shall enter into force 21 days after its publication in the *Official Journal of the European Communities*.

This Directive shall enter into force 21 days after its publication in the *Official Journal of the European Communities*.

Annex VIII (2)

2. The body and the staff responsible for inspection must carry out the checking operations with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which may affect their judgment or the results of their inspection, and in particular those generated by persons or groups of persons affected by the results of the checks.

2. The staff responsible for inspection must carry out the checking operations with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which may affect their judgment or the results of their inspection, and in particular those generated by persons or groups of persons affected by the results of the checks.

Annex VIII (3) (new)

3. The Member States shall take the measures necessary to ensure that the bodies referred to in this Annex are legally independent entities in terms of management, administration and internal administrative, economic and accounting controls.

Annexe VIII (4) (ex point 3)

3. That body must employ staff and possess the means that are required in order adequately to perform the technical and administrative tasks that are linked with the conducting of checks. It should also have access to the equipment needed for exceptional checks.

4. That body must employ staff and possess the means that are required in order adequately to perform the technical and administrative tasks that are linked with the conducting of checks. It should also have access to the equipment needed for exceptional checks.

ORIGINAL TEXT

AMENDED TEXT

Annex VIII (5) (ex point 4)

4. The staff responsible for checking shall possess:

- proper technical and vocational training,
- a satisfactory knowledge of the requirements relating to the checks that it carries out and sufficient practice in those checks,
- the abilities needed in order to draw up certificates, records and reports which are the tangible outcome of the inspections conducted.

5. The staff responsible for checking shall possess:

- proper technical and vocational training,
- a satisfactory knowledge of the requirements relating to the checks that it carries out and sufficient practice in those checks,
- the abilities needed in order to draw up certificates, records and reports which are the tangible outcome of the inspections conducted.

Annex VIII (6) (ex point 5)

5. The independence of the staff responsible for inspections must be guaranteed. No official must be remunerated either on the basis of the number of inspections performed or on the results of those inspections.

6. The independence of the staff responsible for inspections must be guaranteed. No official must be remunerated either on the basis of the number of inspections performed or on the results of those inspections.

Annex VIII (7) (ex point 6)

6. That body shall take out civil liability insurance unless that liability is covered by the State under national law or unless the inspections are carried out directly by that Member State.

7. That body shall take out civil liability insurance unless that liability is covered by the State under national law or unless the inspections are carried out directly by that Member State.

Annex VIII (8) (ex point 7)

7. The staff of that body are bound by professional confidentiality with regard to everything that they learn in the performance of their functions (with the exception of the competent administrative authorities in the State where they perform these activities) pursuant to this Directive or any provision of national law implementing the Directive.

8. The staff of that body are bound by professional confidentiality with regard to everything that they learn in the performance of their functions (with the exception of the competent administrative authorities in the State where they perform those activities) pursuant to this Directive or any provision of national law implementing the Directive.

III

(Notices)

COMMISSION

Outcome of the invitation to tender (Community food aid)

(95/C 203/06)

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

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

1 August 1995

Regulation (EC) No	Lot	Action No	Recipient	Product	Quantity (tonnes)	Delivery stage	Successful tenderer	Awarded price (ECU/tonne)
Commission Decision of 25. 7. 1995	A	E/95/29	ONG/Georgia	LDEP	166	DEB	Mutual Aid — Antwerpen (B)	1 836,33
1730/95	A	1824/93	Nicaragua	HTOUR	1 250	DEB	Vandemoortele — Izegem (B)	842,53
1738/95	A	1543 + 1586 + 1603/94, 103 + 104/95	Euronaid/...	CBR/M/L	3 397	EMB	Eurico Italia — Vercelli (I)	267,63
	B	1629 + 1630/94, 93-97/95	Euronaid/...	FBLT	860	EMB	UBEMI — Antwerpen (B)	172,95
	C	98-100/95	Euronaid/...	FHAF	132	EMB	Glencore Grain UK — Oxon (UK)	259,73
Commission Decision of 25. 7. 1995	A	E/95/28	ONG/Georgia	FBLT	400	DEB	MENEBA Meel — Wormerveer (NL)	217,76
	B	E/95/35	ONG/Azerbaijan	FBLT	1 200	DEB	Grandi Molini — Rovigo (I)	214,48
Commission Decision of 25. 7. 1995	A	E/95/34	ONG/Georgia	CBR/M/L	200	DEB	Eurico Italia — Vercelli (I)	316,36
	B	E/95/36	ONG/Azerbaijan	CBR/M/L	450	DEB	Eurico Italia — Vercelli (I)	316,36

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

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

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

Research activities related to the advanced agricultural information system of the European Commission in the framework of the MARS project

Call for tender

Open procedure

(95/C 203/07)

1. **Adjudicating body:** The European Commission, General-Directorate for Agriculture, Mr Saverio Torcasio, VI/A/2, Statistical Information, economic analysis and forecasts, rue de la Loi/Wetstraat 130, B-1049 Bruxelles/Brussel. Tel. (32-2) 95 34 40. Facsimile (32-2) 295 84 53.

2. **Service category and description**

a) A pilot project on the use of active microwave satellite remote-sensing data for rapid area estimation of agricultural crops.

The General-Directorate for Agriculture (DG VI) receives monthly estimates in good time on the variations of area for 12 economically important crops from April until November. The area variation estimates are obtained on the basis of the analysis of satellite remote-sensing data collected over 60 sites in the European Union. The satellite remote-sensing data used are acquired by passive radiometers on board the SPOT and LANDSAT satellites in the optical and infra-red parts of the electromagnetic spectrum. To complement and improve the information obtained on area variations with the optical/IR sensors, DG VI is calling for proposals for the implementation of a pilot project on the use of active microwave satellite remote-sensing data acquired by the synthetic aperture radar instruments which are part of the payload of the European remote-sensing satellites ERS-1 and ERS-2 and the Canadian RADARSAT.

b) A feasibility study on the use of METEOSAT data within the context of the advanced agricultural information system of the European Commission.

The General-Directorate for Agriculture (DG VI) calls for proposals on a feasibility study on the use of METEOSAT data within the context of the advanced agricultural information system of the European Commission. The study will cover 2 parts. In part 1, the use of METEOSAT data for the estimation of global solar radiation and possibly rainfall at the level of the EU, Central and Eastern Europe and the Maghreb will be evaluated. In Part 2, indicators derived from METEOSAT will be validated for areawise crop state and vegetation condition monitoring at

national level, the level of the European Union and the level of Central and Eastern Europe and the Maghreb region.

c) Establishment of a simple regionalized agrometeorological crop knowledge base for the major crops of the EU, the Maghreb and the Central and Eastern European regions.

The General-Directorate for Agriculture (DG VI) calls for proposals to establish a simple regionalized agrometeorological crop knowledge base for the major crops of the EU, the Maghreb and the Central and Eastern European regions. The objective of this activity is to construct on the basis of a literature study and the establishment of contacts with institutions in the various regions (questionnaires, visits) a data base containing sets of simple crop parameters and information needed to run water balance models for the most familiar agricultural crops in Europe (West, Central, East) and the Maghreb region.

d) Agro-meteorological models for the estimation at harvest of olive and grapevine yield (regional and national level).

The General-Directorate for Agriculture (DG VI) calls for proposals for validated agro-meteorological models for the estimation at harvest of regional and national olive and grapevine production. These models should be included as software modules in the Commission's advanced agricultural information system.

3. Place of delivery: as in 1.

4. a), b)

c) Will be specified in the tender documentation.

5. Proposals must cover all elements requested in the tender documentation.

6. Will be specified in the tender documentation.

7. **Duration of the contract:** Depending on the theme(s) covered by the proposal, the duration may vary from 12 to 36 months. For the contracts with a duration exceeding 12 months, only a first 12-month phase will be the object of a contract. The release of following phases will depend on the successful

- completion of the previous ones and on the availability of funds.
- 10., 11., 12., 13.
8. a) **Address for the request for the tender documentation:** As in 1.
14. **Period of validity of the proposal:** 6 months.
- b) **Date limit for the request of the documentation:** 14. 9. 1995.
15. **Criteria for awarding the tender:** Will be specified in the tender documentation.
9. a) **Date limit for the submission of proposals:** 28. 9. 1995.
- 16.
- b) **Address to which the proposals must be forwarded:** as in 1.
17. **Date of dispatch of the notice:** 20. 7. 1995.
- c) **Languages in which proposals must be prepared:** Any language of the Community.
18. **Date of receipt of the notice by the OOEPC:** 20. 7. 1995.

Synthesis of studies on realistic methods for calculating the release of radioactivity following faults occurring in the auxiliary building/annulus

Environment, nuclear safety and civil protection

Open procedure

(95/C 203/08)

1. **Awarding authority:** Commission of the European Communities, DG XI - Environment, Nuclear Safety and Civil Protection, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
2. **Award procedure:** Open invitation to tender XI.C.2/95/1187.
3. **Objective:** The Commission, after the advice of its nuclear reactor safety working group (RSWG), has commissioned a collaborative benchmark study to compare the methods used in Western Europe for calculating the release of radioactivity from faults taking place in the auxiliary building/annulus of a pressurized water reactor (PWR). Study contracts have been granted to Belgatom (Belgium), GRS (Germany), UNESA (Spain), Εδγλφγν (France) and NNC (United Kingdom).
- The objective of the present study is to synthesize the information provided in the 5 studies described above and to produce a report which will be presented to the RSWG and eventually published.
4. **Contents:** The evaluation should include comparison and assessment of the licensing approaches in different countries and realistic methods calculations as applied in each country. The study will focus on a break in the pipework of the chemical and volume control system (CVCS) in the auxiliary building/annulus of a PWR using the parameters agreed upon for the benchmark exercise. Each step in the calculation of the release will be considered in turn and conclusions drawn about where methods of calculation are currently similar and where they differ. The reasons for the observed discrepancies will be identified and those that are related to methodology will be separated from those that are due to design differences or operating procedures. The study should identify, if possible, an agreed realistic calculation route for evaluating the release of radioactivity from the faults specified above.
- The final report should also provide recommendations to the RSWG and serve as a reference document to designers and regulatory authorities in EC, Central and Eastern European countries providing a comprehensive and authoritative account of current realistic and conservative calculation methods.
5. **Duration:** The study must be completed 8 calendar months after signature of the contract.
6. **Organization:**
- 6.1 The study must be conducted in close cooperation with the Commission services.
- 6.2 The methodology issues mentioned here above should receive a complete approval of the RSWG task force that carried out the benchmark study.

- 6.3 The contractor is responsible for making provision for necessary involvement of the companies that originated the reports that are the basis for this synthesis, including financial compensation for their effort on a fixed and firm basis. Such compensation shall be clearly shown in the contractor's offer.
- 6.4 To protect proprietary information of the companies that performed the benchmark studies, potential contractors may be required to sign appropriate confidentiality agreements with these companies before receiving their respective final reports.
- 6.5 One interim report containing progress status and outline of the final report content shall be provided 4 months after the project commencement.
- 6.6 The draft final report will be reviewed by the RSWG Task Force. Pending the recommendation of the RSWG, the final report may be published as a EUR report.
7. **Requests for documentary materials (tender notice dossier):** Address: as in 1. Requests should be marked for the attention of Mr V. Bhardwaj, DG XI.A.2., BU-5 3/158, tel. (02) 29 08 89, facsimile (02) 299 44 49.
- Requests shall be given by facsimile or mail. Each request must contain full details of the applicant's name, address and telephone/facsimile numbers.
- Final date for requesting documents: 30 calendar days after the date of publication of this invitation to tender in the Official Journal of the European Communities.
- Documentation is free of charge.
8. **Submission of tenders:** Address: as in 1. Tenders must be marked for the attention of Mr V. Bhardwaj, DG XI.A.2, BU-5 3/158 (Finances and Contracts).

Languages: The tender must be submitted in 3 copies in 1 of the official languages of the European Union and sent to the address in 1, for the attention of Mr V. Bhardwaj.

Final date for submission of tenders: 52 calendar days after the date of publication of invitation to tender in the Official Journal.

9. **Price and payment terms:**

9.1 The prices shall be deemed to be firm and definitive.

9.2 The terms of payment are shown in the tender notice dossier and are those in force at the Commission for study contracts.

10. **Selection criteria:**

10.1 Tenderers should be individual or legal entities (giving registration numbers from official registers).

10.2 Tenderers must have demonstrable background in the relevant aspects of nuclear power plants design with special emphasis on fluid systems design and thermo-hydraulics and radiological effects calculations.

10.3 The tenderers shall not take part in the original studies referred to in 3.

11. **Award criteria:**

11.1 The economically most advantageous price and terms.

11.2 Experience in the domain as demonstrated by citations of work carried out and composition of the proposed team (including CVs).

11.3 Presentation and understanding of the technical requirements.

Ecological study**European Union Eco-label Award Scheme****Establishment of ecological criteria for:**

batteries for consumer goods, floor-cleaning products, detergents for dishwashers, sanitary-cleaning products, shampoos, rubbish bags, converted paper products

Open procedure

(95/C 203/09)

1. **Awarding authority:** European Commission, Directorate-General for the Environment, Nuclear Safety and Civil Protection (DG XI), rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
2. **Award procedure:**
 - Open call for tenders XI.C.6/95/1188 (batteries for consumer goods).
 - Open call for tenders XI.C.6/95/1189 (floor-cleaning products).
 - Open call for tenders XI.C.6/95/1190 (sanitary-cleaning products).
 - Open call for tenders XI.C.6/95/1191 (detergents for dishwashers).
 - Open call for tenders XI.C.6/95/1192 (shampoos).
 - Open call for tenders XI.C.6/95/1193 (rubbish bags).
 - Open call for tenders XI.C.6/95/1194 (converted paper products, e.g. envelopes, writing pads, exercise books, etc.).
3. **Subject of contract:** DG XI is to award separate study contracts in the field of eco-labelling concerning the product groups listed above. The aim of these studies is to determine the feasibility of developing ecological criteria for the product group in question. This will be done by undertaking:
 - a) a preliminary feasibility study including an indication of what information is available on the product group, the nature of the market, the perceived environmental issues, the advantages of the product group being labelled and identification of the main problem areas;
 - b) a market study including the distribution of different types of the product, market shares held by manufacturers and by main brands on an EU and Member State basis;
 - c) a life-cycle analysis (LCA) of the product group including an inventory of environmental/natural resources interactions and the classification and evaluation of impacts.Further details are given in the technical annex which is available with the tender documents.
4. **Contract duration:** The whole study must be completed within 14 months from the date on which the contract is signed.
5. **Request for documents:**
 - a) DG XI.A.2, Finance and Contracts, by letter or facsimile (facsimile (02) 299 44 49).
 - b) **Deadline for request of documents:** 35 calendar days from the date of publication of the call for tenders in the Official Journal of the European Communities.
 - c) The documents will be dispatched free of charge.
6. **Submission of tenders:**
 - a) Tenders are to be submitted separately for 1 or more of the product groups and should be sent to the address in 1, marked for the attention of B. Sinnott, Unit XI.A.2, Finance and Contracts, BU-5 3/158.
 - b) Tenders are to be drawn up in triplicate in 1 of the official languages of the European Union.
 - c) The deadline for receipt of tenders is 52 days from the date of publication of the call for tenders in the Official Journal of the European Communities.
7. **Price and payment terms:** The tender prices are to be fixed and final. The payment terms stated in the tender documents are those applied to study contracts awarded by the Commission.
8. **Selection criteria:**
 - Evidence must be provided on financial viability (a financial statement covering the 2 preceding financial years, providing all the information needed for an examination of financial viability).
 - Candidates must be able to show proof of experience in life-cycle analysis (LCA) and eco-labelling.
 - General experience of environmental issues.
9. **Award criteria:**
 - Conformity of the proposal with specifications in the technical annex.
 - Appreciation of the technical merits of the proposal.
 - Price of offer.
10. **Date of dispatch of the notice:** 27. 7. 1995.
11. **Date of its receipt by OOPEC:** 28. 7. 1995.

Provision of statistical services

(95/C 203/10)

1. **Awarding authority:** Commission of the European Communities, Statistical Office, Eurostat, Directorate D, Jean Monnet Building, rue Alcide de Gasperi, BP 1503, L-2920 Luxembourg.
Tel. (43 01) 328 54. Facsimile (43 01) 341 49.
2. **Service category:** No 10, market research and public opinion polling services in the field of statistics: CPC reference No: 864. Works relating to the framework programme for priority actions in the field of statistical information 1993-97. Council Decision 93/464/EEC - OJEC L 219 of 28. 8. 1993.
Theme to be handled: sectoral programmes for the functioning of the single market: 'Sectoral programmes for industrial, transport, energy, research and development, and tourism policies' (cf. Annex 1.A of the Council Decision).
The statistical fields involved:
 - a) Energy
 - b) Industry
 - c) Research and development and innovation, statistical methods and tools
3. **Place of delivery:** See point 1.
4. a) **Reserved to a particular profession:** No.
 - b)
 - c) **Obligation to mention the names and qualifications of the personnel:** Tenderers are bound to mention the names and professional qualifications of the personnel responsible for carrying out the service.
5. **Division into lots:** The contract will be divided into 5 lots, see tender documents.
Companies may tender for 1, several or all lots (each lot in its entirety).
6. **Variants:** Not permitted.
7. **Contract duration or final date for execution of the service:** 1 year from the date of contract signature, renewable twice for 1-year periods subject to budget availability and the services being satisfactory.
8. **Tenders will lapse after:** 11 months from the final date for receipt of tenders in 10.
9. a) **Requests for documents:** As in 1.
 - b) **Final date for requests:** 40 days from the date of publication of this notice in the Official Journal of the European Communities, as evidenced by the postmark.
- c) **Payment:** Nil.
10. **Final date for receipt of tenders:** At the latest 52 days (17.00) from the date of publication of this notice in the Official Journal of the European Communities, as evidenced by the postmark.
11. a) **Persons authorized to be present at the opening of tenders:** Competent Eurostat services, in camera.
 - b) **Date, time and place:** 7 days after the final date for receipt of tenders. Place: L-Luxembourg (as in 1) at 10.00.
12. **Deposits and guarantees:** See tender documents.
13. **Financing and payment procedures:** See tender documents.
14. Tenderers may elect to submit an individual tender or in association with third parties. Should a joint tender be presented by different associates, 1 of them is to be designated principal contracting party for contractual requirements.
15. **Selection criteria (minimum conditions):** Companies wishing to be considered will apply in writing.
Tenderers shall provide:
 - the list of services similar to the services involved in this notice provided over the past 3 years,
 - a statement on the overall turnover realized during the past 3 financial years.
16. **Award criteria:** The contract will be awarded to the economically most advantageous tender based on the:
 - technical quality of the tender,
 - prices.
17. **Other information:**
 - carrying out the services requires frequent contact with Eurostat services in L-Luxembourg and participation in work sessions in L-Luxembourg,
 - tenders shall must be summarized in the tables specified in the tender documents.
18. **Date of dispatch of the notice:** 27. 7. 1995.
19. **Date of receipt by the Office for Official Publications of the European Communities:** 28. 7. 1995.

Research activities relating to the authorization of plant-protection products**Call for tender****Restricted procedure**

(95/C 203/11)

1. **Adjudicating body:** Commission of the European Community, General-Directorate for Agriculture, VI/B II.1, rue de la Loi/Wetstraat 84, B-1049 Bruxelles/Brussel, for the attention of Dr G. Hudson, tel. (0032) 295 60 51, facsimile (0032) 296 59 63.
2. **Service category and description:** The Directorate-General for Agriculture (DG VI) is interested in obtaining proposals for the coordination of the review programme for existing and new plant-protection products in the context of Council Directive 91/414/EEC concerning the placing of plant-protection products on the market, Commission Regulation (EEC) No 3600 /92 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8 (2) of Council Directive 91/414/EEC concerning the placing of plant-protection products on the market and Commission Regulation (EEC) 933/94 laying down the active substances of plant-protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92. The work will involve organizing and reporting on meetings of a highly technical and scientific nature with experts of the competent authorities of the Member States and will require a significant scientific and technical input into these meetings. The objective of the meetings will be twofold:
 - a) To develop guideline and criteria documents relating to the evaluation of plant-protection products. The meetings could relate to any of the diverse scientific disciplines relating to the evaluation of plant-protection products and/or active substances therein, e.g. operator exposure, residues in agricultural products and the environment, etc.
 - b) To peer review with experts of the competent authorities of the 15 Member States the reports of Member States in order to prepare the necessary technical and scientific dossiers for the decision-making procedure in the Standing Committee on Plant Health (SCPH).
 - c) In addition, frequent coordination meetings with the Commission services will be necessary. In order to perform the abovementioned services, provisions will have to be made for the secure storage and frequent retrieval of dossiers relating to the plant-protection products and/or the active substances under examination.
3. **Place of delivery:** As (1) above.
4. a), b), c), not relevant.
5. Proposals must cover all elements specified in the tender documentation.
6. The envisaged number of service providers will be 15.
7. Not relevant.
8. **Duration of contract:** The contract may extend over a 36-month period with separate sub-projects of 3 to 12 months' duration.
9. No specific requirements.
10. a) The accelerated procedure is justified as all 15 potential contractors are familiar with the work involved and each is receiving directly this call for tender at the time of its publication.
 - b) **Final date receipt of requests to participate:** 5. 9. 1995.
 - c) Address to which they must be sent as (1) above.
 - d) Tenders may be drawn up in any official language of the European Community.
11. Final date for dispatch by the Commission of invitations to tender is 21. 9. 1995 with a deadline for receipt of tenders of 12 working days from dispatch of the invitation to tender.
12. Not relevant.
13. In order to ensure the required close cooperation between Member States, applications shall be restricted to the competent authorities of Member States or official bodies directly involved in the scientific evaluation and decision-making process with regard to the authorization of plant-protection products in Member States.
14. See point 13 and further details in the tender documentation.
- 15.
16. **Date of dispatch of notice:** 28. 7. 1995.
17. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 28. 7. 1995.

Study on the impact of internal market integration

Contract notice

Reference number: XV/95/138/A

Study on effectiveness of approaches implemented with a view to dismantling technical barriers to intra-Community trade

(Restricted accelerated procedure)

(95/C 203/12)

1. **Name and address of the awarding authority:** European Commission, DG XV, Internal Market and Financial Services, Unit A/1, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

Tel. (32-2) 295 08 09. Facsimile 296 09 50.

2. **Category of service and description:** The Commission proposes to finance an analysis of the effectiveness of measures taken to remove barriers to intra-Community trade resulting from differences in national technical specifications and conformity assessment.

The analysis shall be organized in 2 parts, corresponding to 2 of the approaches applied by the Community in recent years in removing technical barriers to intra-Community trade:

1. the 'new approach' to technical harmonization;
2. the non-harmonization option, otherwise referred to as the 'mutual recognition' doctrine.

The analysis should assess the effectiveness of these approaches in overcoming any legal or administrative stipulations regarding product specifications or assessment of conformity to a given set of specifications which prevent the placing of products on another Member State market. The analysis should identify all factors which have conditioned the effectiveness of these measures.

In the event that technical barriers having their origin in legal requirements have been effectively removed, the analysis should identify any additional barriers to placing products on the market which have their origins in voluntary arrangements or market preferences.

The study should also consider the extent to which measures taken to eliminate technical barriers within the Community affect the free circulation within the Community of products manufactured in third countries.

The analysis should result in a report and executive summary, accompanied by all data and material gathered during the exercise and presented in the

form of relevant annexes. The tender specifications provide a detailed description of the structure and content which is required of the study.

3. **Place of delivery of the final report referred to in 7:** The awarding authority, the address of which is indicated in 1 above.
4. **Provisions reserving execution of the service to a particular profession:** Not applicable.
5. **Division into lots:** In order to ensure that all interactions between the issues outlined in the terms of reference are taken into account in a coherent fashion, tenderers are not allowed to tender for part of the work.
6. **Number of candidates to be invited to tender:** All candidates meeting the selection criteria will be invited to tender.
7. **Variants:** The Commission is willing to consider variants as regards the focus and methodology in respect of part 1 of the work, as outlined in the terms of reference. Work required under part 2 of the terms of reference must be performed as specified in the terms of reference.
8. **Time limits for the completion of the study:**
 - a) submission of the final report and summary: a final version of the report and executive summary which has received the approval of the Commission must be submitted before 31.5.1996. Bidders should base their offers on the basis that they will be required to complete the work in a period not exceeding 7 months.
 - b) Submission of work during the preparatory period: bearing in mind that the detailed work schedule (timetable) can be fixed definitively only once the date of signature of the contract is known, the selected contractor will be required to present such a work schedule, based on the work programme proposed in the tender, to the Commission 6 weeks after the signing of the contract. A progress report and draft interim report shall be supplied to the Commission and any party acting on its behalf within 4 months of presentation of the initial work schedule. The Commission or a party appointed by the

Commission is entitled to pursue discussions with the contracted parties on the basis of these progress and interim reports, with a view to ensuring compliance with the methodology and research orientations laid down in the tender specifications and to ensure the quality and delivery of the work on time.

9. Interested parties may, after forming an association for that purpose, submit a joint tender, provided that their cooperation stems directly from the tender and that it is clearly indicated that the rules governing free competition are observed.
10. a) **Justification for use of accelerated procedure:** Following failure of a previous open invitation to tender to elicit appropriate tenders, the period of time available for completion of this work has been considerably reduced if the Commission is to respect deadlines for the presentation of its report on the effectiveness and impact of the Internal Market programme to the Council and Parliament. The present study constitutes an important element in this overall analysis. Recourse to an accelerated procedure is necessary to ensure that completion of this work coincides with completion of work in respect of 37 other study contracts, launched in the framework of this exercise, for which work is already under way.
- b) **Final date for requests to participate:**
- c) Requests for documents (i.e. invitations to tender together with the terms of reference) may be sent either by post or facsimile as indicated in 1.
- d) All documents submitted during the tender procedure must be drawn up in an official language of the European Community.
11. **Final date for dispatch of invitation to tender:** 23. 8. 1995.
12. **Deposits and guarantees:** The Commission reserves the right, prior to the conclusion of a contract, to require the proposed contractor to furnish a bank guarantee/performance bond for a sum up to the value of the proposed contract.
13. **Information necessary for an appraisal of the minimum economic and technical standards required of the services provider:** The tenderer must provide (...) information about the natural persons who will carry out the work, whether these be the tenderer himself, his employees, subcontractors or other agents, which will be used by the Commission in the process of selecting the successful candidate, concerning each of the following points:
- a) the academic, professional and career qualifications relevant to the subject matter of the study;
 - b) familiarity with Community and national legal, administrative and other arrangements having a bearing on the removal of technical barriers to intra-Community trade as demonstrated by previous research and/or project work relating to these issues;
 - c) knowledge of the theory of economic integration and the economic and legal framework resulting from the Internal Market programme as evidenced by previous publications or research carried out in relation to Internal Market integration;
 - d) expertise with relevant market research, statistical and analytical tools for carrying out the required work.
14. **Criteria for awarding contracts:** Subject to the specifications of the present call for tender the contract will be awarded to the most economically advantageous offer, having regard to:
- the price;
 - the breadth and depth of the analysis, and in particular its geographical and sectoral coverage and number of relevant case-studies, as proposed by the tenderer;
 - level of access to relevant data and statistical sources, and practicability of any proposed methods for data gathering;
 - soundness of the conceptual framework for presentation of the analysis, and degree to which tenderers demonstrate capacity to provide separate analysis on the different categories of technical barrier concerned;
 - the reliability, practicability and robustness of the proposed analytical methodology for tackling the various issues outlined in the terms of reference.
- The Commission reserves the right not to select any firm if the amounts tendered exceed the budget earmarked for this project.
15. **Other information:** This notice contains all the information on the basis of which interested service providers are invited to submit their request for documents in accordance with the procedure described in 8 above.
16. **Date of dispatch of the notice to the Office for Official Publications of the European Communities:** 1. 8. 1995.
17. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 1. 8. 1995.