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Information and Notices

<u>Notice No</u>	Contents	Page
	<i>I Information</i>	
	Commission	
95/C 298/01	Ecu.....	1
95/C 298/02	Communication of Decisions under sundry tendering procedures in agriculture (cereals).....	2
95/C 298/03	Authorization for State aid pursuant to Articles 92 and 93 of the EC Treaty — Cases where the Commission raises no objections ⁽¹⁾	3
95/C 298/04	Non-opposition to a notified concentration (Case No IV/M.599 — Noranda Forest/Glunz) ⁽¹⁾	6
95/C 298/05	Prior notification of a concentration (Case No IV/M.660 — RTZ/CRA) ⁽¹⁾	6
95/C 298/06	Non-opposition to a notified concentration (Case No IV/M.630 — Henkel/Schwarzkopf) ⁽¹⁾	7
95/C 298/07	Prior notification of a concentration (Case No IV/M.666 — Johnson Controls/Roth Frères) ⁽¹⁾	7
95/C 298/08	Notification of a joint venture (Case No IV/35.734 — Bayer/Monsanto) ⁽¹⁾	8
95/C 298/09	Approval of a State aid pursuant to Article 92 and 93 of the EC Treaty — Cases where the Commission does not raise objections — State aid N 396/94 ⁽¹⁾	9

EN

2

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Court of Auditors

95/C 298/10	Report by the external auditor on the accounts of the Court of Auditors for the financial year 1994	12
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II Preparatory Acts**Commission**

95/C 298/11	Proposal for a Council Regulation on the safety management of ro-ro passenger vessels ⁽¹⁾	23
95/C 298/12	Amended proposal for a Council Regulation on the safety management of ro-ro passenger vessels ⁽¹⁾	31

III Notices**Commission**

95/C 298/13	TACIS — various supplies	34
95/C 298/14	Phare — various equipment — Notice of invitation to tender issued by the Government of Romania for works financed by the European Community in the framework of the Phare Programme	35
95/C 298/15	Supply, installation and maintenance of photographic equipment — Open procedure	35
95/C 298/16	Supply, installation and maintenance of audiovisual equipment — Open procedure	37
95/C 298/17	Cost-effective control of acidification and ground-level ozone in Europe — Environment, nuclear safety and civil protection — Open procedure	38
95/C 298/18	Guard services	40
95/C 298/19	The impact of employment on structural changes affecting financial services: analysis and trade union responses — Open procedure	42

I

(Information)

COMMISSION

Ecu ⁽¹⁾

10 November 1995

(95/C 298/01)

Currency amount for one unit:

Belgian and Luxembourg franc	38,5452	Finnish markka	5,63169
Danish krone	7,27271	Swedish krona	8,81678
German mark	1,87479	Pound sterling	0,842784
Greek drachma	310,274	United States dollar	1,32823
Spanish peseta	161,765	Canadian dollar	1,79377
French franc	6,47578	Japanese yen	133,288
Irish pound	0,823044	Swiss franc	1,50980
Italian lira	2120,16	Norwegian krone	8,27885
Dutch guilder	2,09913	Icelandic krona	85,5777
Austrian schilling	13,1920	Australian dollar	1,79928
Portuguese escudo	197,401	New Zealand dollar	2,03497
		South African rand	4,82871

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).

Communication of Decisions under sundry tendering procedures in agriculture (cereals)

(95/C 298/02)

(See notice in Official Journal of the European Communities No L 360 of 21 December 1982, page 43)

Standing invitation to tender	Weekly invitation to tender	
	Date of Commission Decision	Maximum refund
Commission Regulation (EC) No 1088/95 of 15 May 1995 opening an invitation to tender for the refund for the export of common wheat to all third countries (OJ No L 109, 16. 5. 1995, p. 13)	—	No tenders received
Commission Regulation (EC) No 1089/95 of 15 May 1995 opening an invitation to tender for the refund for the export of barley to all third countries (OJ No L 109, 16. 5. 1995, p. 16)	9. 11. 1995	Tenders rejected
Commission Regulation (EC) No 1090/95 of 15 May 1995 opening an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries (OJ No L 109, 16. 5. 1995, p. 19)	9. 11. 1995	ECU 7,45/tonne
Commission Regulation (EC) No 1091/95 of 15 May 1995 opening an invitation to tender for the refund for the export of rye to all third countries (OJ No L 109, 16. 5. 1995, p. 22)	9. 11. 1995	ECU 33,24/tonne
Commission Regulation (EC) No 2428/95 of 16 October on an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 249, 17. 10. 1995, p. 19)	9. 11. 1995	Tenders rejected
Commission Regulation (EC) No 2429/95 of 16 October on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries (OJ No L 249, 17. 10. 1995, p. 22)	9. 11. 1995	Tenders rejected
Commission Regulation (EC) No 2430/95 of 16 October opening an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 249, 17. 10. 1995, p. 25)	9. 11. 1995	ECU 333,00/tonne

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

Cases where the Commission raises no objections

(95/C 298/03)

(Text with EEA relevance)

Date of adoption: 1. 3. 1995

Member State: Netherlands. Provinces of Flevoland, Friesland, Groningen; NUTS III of Zuidoost-Drenthe and the municipalities of Eelde and Hoogeveen, NUTS III of Twente and in NUTS III of Zuid-Limburg: the municipalities of Born, Sittard, Stein, Geleen, Beek, Heerlen, Kerkrade, Maastricht, Eijsden and Valkenburg

Aid No: N 48/95

Title: Regional aid map, Netherlands 1995-1999

Objective: Regional development

Aid intensity: 15 %, 20 % or 25 % gross of the investment according to region

Duration:

— 5 years: 1995-1999

— 2 years: 1995-1997 (Twente and Zuid-Limburg)

Date of adoption: 5. 7. 1995

Member State: Spain (Galicia)

Aid No: N 21/95

Title: Aid scheme for economic development and the support of business activity

Objective: Regional development

Legal basis: Decreto de la Xunta de Galicia

Budget: ECU 108,636 million

Aid intensity:

— Investment aid: 75 % gge

— Building rental aid: 75 % of the rent for 2 years

— Aid for the transfer of establishments: 100 % capital goods, 75 % other

— Temporary aid and reconstruction aid: maximum Pta 500 million (ECU 3,02 million)

— R&D aid: 70 %/50 % gge

— Aid for standardization, type-approval and quality control or improvement: 70 % gge

— Aid for training and recruitment of specialized staff: 50 %/70 % gge

— Aid for cooperation between firms: 75 % gge

Duration: 1994-1999

Conditions: Annual report

Date of adoption: 26. 7. 1995

Member State: The Netherlands

Aid No: NN 110/94

Title: Telematics in transportsector (1992, 1993)

Objective: Research and development projects in the transport sector.

Legal basis: Tweede structuurschema verkeer en vervoer van 26 juni 1990

Budget: ECU 1 663 272

Aid intensity:

— Basic R&D: 50 %

— Applied R&D: 35 %

— Information: 100 %

— Weighted: 34,33 %

Duration: Two tenders, 1992 and 1993

Date of adoption: 26. 7. 1995

Member State: Spain (Cantabria)

Aid No: N 350/95

Title: Measures to promote employment and training

Objective: Grants for job-creation, training and regional development

Legal basis: Proyecto de decreto por el que se establecen y regulan los programas de ayudas al empleo y a la formación profesional cofinanciadas por el FSE y la Diputación Regional de Cantabria

Budget:

— Employment: Pta 1,553 million (some ECU 9,56 million)

— Training: Pta 286 million (some ECU 1,7 million)

These amounts will be provided by the ESF. National funding will depend on available budget resources

Aid intensity: Employment: up to Pta 640 000 per job (some ECU 3 950)

Duration: 1994-1999

Date of adoption: 26. 7. 1995

Member State: Spain (Andalusia)

Aid No: N 532/95

Title: Employment promotion measures for 1995

Objective: To promote employment

Legal basis: Decreto por el que se establecen los programas de fomento del empleo de la Junta de Andalucía

Budget: Pta 3 500 million (some ECU 21,5 million)

Aid intensity:

- Job-creation premium, wage and social security subsidies: variable
- Interest subsidy: 8 percentage points
- Technical assistance: 50 % gross
- Training: variable (100 % maximum)

Duration: 1995

Date of adoption: 1. 8. 1995

Member State: Spain (Castile-Leon)

Aid No: N 269/95 and 270/95

Title: Measures to assist SMEs in the business sector

Objective: Regional development, promotion of SMEs in the business sector

Legal basis:

- Proyecto de orden de la Consejería de Fomento por la que se establecen ayudas a pequeñas y medianas empresas del sector comercial destinadas a la financiación de inversiones y de su capital circulante y se efectúa convocatoria para su otorgamiento
- Proyecto de orden de la Consejería de Fomento por la que se establecen ayudas destinadas a la promoción de entidades asociadas con fines comerciales y se efectúa convocatoria para su otorgamiento

Budget:

- Measure 1: Aid for SMEs in the business sector: Pta 76 million (some ECU 470 000)
- Measure 2: Promotion of business associations: Pta 25 million (some ECU 153 750)

Duration: 1995

Date of adoption: 1. 8. 1995

Member State: Spain (Cantabria)

Aid No: N 349/95

Title: Measures to assist craft businesses

Objective:

- Regional development
- Grants for craft industries and centres and for associations and bodies producing and marketing craft products

Legal basis: Proyecto de decreto por el que se regula la concesión de subvenciones al sector artesano de Cantabria

Budget: Pta 467,3 million (some ECU 2,88 million) provided by the ERDF. National funding will be determined in the light of available budget resources

Aid intensity: 30 % nge

Duration: 1995-1999

Date of adoption: 14. 8. 1995

Member State: Italy (Friuli-Venezia Giulia)

Aid No: N 389/95

Title: Three-year programme (1995-1997) to promote employment

Objective: To provide jobs for certain categories of unemployed persons:

- investment aid: ceilings laid down in SME guidelines
- recruitment: up to Lit 1 million a month for a maximum of 2 years

Legal basis: Legge regionale del 7. 8. 1985, n. 32

Budget: 1995: Lit 3 300 million (ECU 1,6 million)

Duration: 1995-1997

Date of adoption: 5. 9. 1995

Member State: Germany (Berlin)

Aid No: N 663/95

Title: Janeba Bau GmbH

Legal basis: *Ad hoc*

Budget: 80 % guarantee on DM 2,1 million (ECU 1,1 million)

Duration: Five years

Date of adoption: 12. 9. 1995

Member State: Germany

Aid No: N 591/95

Title: Integration techniques

Objective: Broadening the scientific basis for integration techniques

Legal basis: Haushaltsgesetz

Budget: 140 million DM (ECU 75 million)

Aid intensity:

- 50 % for basic industrial research
- 10 % bonus in the territory of the former GDR
- 10 % bonus for SMEs
- Maximum bonus 15 %

Duration: 1995-1999

Conditions:

- Annual report
- Notification of modifications

Date of adoption: 20. 9. 1995

Member State: Germany (Bavaria)

Aid No: N 650/95

Title: Winterling Porzellan AG

Objective: Subsidized loan of DM 4,5 million (ECU 2,4 million)

Legal basis: *Ad hoc*

Duration: Four years

Conditions: Annual reports

Date of adoption: 20. 9. 1995

Member State: Sweden (Jämtland)

Aid No: N 664/95

Title: Härjedalens Mineral AB

Legal basis: *Ad hoc*

Budget: Conversion of guarantees amounting to Skr 147 million (ECU 15,6 million) into grants

Conditions: Annual reports

Date of adoption: 20. 9. 1995

Member State: Spain (Castile-Leon)

Aid No: NN 80/95

Title: Aid to firms for improvements in environmental quality

Objective: To improve the quality of the environment in the region

Legal basis: Orden de 8 de febrero de 1994 de la Consejería de Medio Ambiente y Ordenación del Territorio por la que se anuncia una convocatoria de ayuda a empresas industriales y ganaderas que acometen actuaciones encaminadas a mejorar la calidad ambiental

Budget: Pta 148 119 165 (some ECU 0,9 million)

Aid intensity: 30 % gross; in exceptional cases, a higher figure may be authorized but must not exceed the ceilings authorized by the Commission for the region

Duration: 1994-1995

Non-opposition to a notified concentration
(Case No IV/M.599 — Noranda Forest/Glunz)

(95/C 298/04)

(Text with EEA relevance)

On 8 September 1995, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6 (1) (b) of Council Regulation (EEC) No 4064/89 ⁽¹⁾. Third parties showing a sufficient interest can obtain a copy of the decision by making a written request to:

Commission of the European Communities,
Directorate-General for Competition (DG IV),
Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1049 Brussels,
fax No: (32 2) 296 43 01.

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

Prior notification of a concentration
(Case No IV/M.660 — RTZ/CRA)

(95/C 298/05)

(Text with EEA relevance)

1. On 6 November 1995, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertakings the RTZ Corporation plc and CRA Limited enter into binding agreements which result in the full combination of their businesses and management.
2. The business activities of the undertakings concerned are mining and metal production.
3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax No (32 2) 296 43 01) or by post, under reference number IV/M.660 — RTZ/CRA, to the following address:

Commission of the European Communities,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1049 Brussels.

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

Non-opposition to a notified concentration
(Case No IV/M.630 — Henkel/Schwarzkopf)

(95/C 298/06)

(Text with EEA relevance)

On 31 October 1995, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6 (1) (b) of Council Regulation (EEC) No 4064/89 ⁽¹⁾. Third parties showing a sufficient interest can obtain a copy of the decision by making a written request to:

Commission of the European Communities,
Directorate-General for Competition (DG IV),
Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1049 Brussels,
fax No: (32 2) 296 43 01.

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

Prior notification of a concentration
(Case No IV/M.666 — Johnson Controls/Roth Frères)

(95/C 298/07)

(Text with EEA relevance)

1. On 3 November 1995, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertaking Johnson Controls Inc. acquires within the meaning of Article 3(1)(b) of Regulation (EEC) No 4064/89 control of the whole of the undertakings Roth Frères SA and Société Industrielle Roth Frères by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Johnson Controls: parts and seats for automobiles; batteries,
- Roth Frères: parts and seats automobiles; headliners.

3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax No (32 2) 296 43 01) or by post, under reference number IV/M.666 — Johnson Controls/Roth Frères, to the following address:

Commission of the European Communities,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1049 Brussels.

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

Notification of a joint venture
(Case No IV/35.734 — Bayer/Monsanto)

(95/C 298/08)

(Text with EEA relevance)

1. On 28 September 1995, the Commission received a notification, pursuant to Article 4 of Council Regulation No 17⁽¹⁾ concerning a joint venture formed by the Monsanto Company, an undertaking incorporated under the laws of Delaware (USA) with subsidiaries in the EC, and the Germany company, Bayer AG. Pursuant to the notified agreements, the parties undertake to develop commercial products based on a new chemical substance having a certain bio-efficiency as a wheat herbicide. The new joint venture will be responsible for the manufacture and the marketing, on a worldwide level, of the products resulting from the joint activities in research and development.
2. After 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 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) 236 42 73) or by post under reference No IV/35.734 — Bayer/Monsanto, to the following address:

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

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

Approval of a State aid pursuant to Article 92 and 93 of the EC Treaty**Cases where the Commission does not raise objections****State aid N 396/94**

(95/C 298/09)

(Text with EEA relevance)

Summary of the Commission's decision not to oppose the aid which the Italian Government intends to provide to Sevel, SpA in support of an investment project

By letter dated 1 July 1994 from its Permanent Representation, the Italian Government informed the Commission of its intention to award State aid, under the Italian regional aid scheme (Law 64/86), to Sevel SpA, a company owned by Fiat Auto (50 %), Automobiles Peugeot SA (25 %) and Automobiles Citroën SA (25 %), for an investment project for the production of the new X2/30 van series in its plant of Val di Sangro (Abruzzo).

The notification is subject to the provision of the Community framework on State aid to the motor vehicle industry, as it concerns an investment programme by a producer of motor vehicles, the cost of which exceeds ECU 12 million.

Sevel's Val di Sangro (VdS) investment plans originate from its decision to launch a new range of medium vans, codename X2/30, to replace in 1994 the X2/12 range which had been introduced in the late 1970s, and thus to improve its competitiveness in this specific market segment. The new X2/30 van will be produced in a significantly increased range of models.

Production of the X2/30 will take place in Sevel's plant located at Val di Sangro. The existing plant has been modernized, rationalized and expanded with the introduction of radical structural transformations, including the whole technological cycle and the complete organizational structure (integrated manufacturing). With the modernization and expansion of the Sevel plant at Val di Sangro, many technological innovations have been introduced with the objective to improve quality, ergonomics of work methods and environment, to develop highly flexible robotized automation (capable to cope with the increased complexity of the production mix) and to offset higher costs due to the larger material content of the X2/30. The most important features of the innovation introduced at Sevel VdS are to be seen in the production system as a whole, which brings to the commercial vehicle segment — a less technologically advanced segment of the motor vehicle industry — innovative technology which has been established on the most advanced lines of volume passengers cars. This includes

the extensive use of robotized operations in the body and paint shops and in the semi-automated assembly line. Investment was also allocated to improve the environment making important improvements in the use of energy for manufacturing processes and introducing innovations in the paint shop with a resulting favourable impact on the environment.

The investment project started in 1989 and will end in 1995. The total cost of the industrial programme for Sevel VdS is Lit 1 617,8 billion of which Lit 1 180,4 billion is eligible for regional aid following the Commission's criteria, which apart from the expenditure on inventory coincides with the definition of the national authorities.

The proposed regional aid to be granted on the basis of the laws 218/78 and 64/86 will take the form of a grant of Lit 177 billion and of interest subsidies up to a maximum of Lit 275 billion. The grant will be paid by the Italian Government in four instalments from 1995. The national authorities (interministerial committee CIPI) decided upon these aids already in December 1990 for the grants and March 1992 for the interest subsidies.

While the main justification of the aid has been the regional development contribution by the investment located in an Article 92 (3) (a) area, the notification also highlighted the environmental and industrial innovations at national level for which parts of the grants are being reserved, i.e. Lit 7,8 billion for environmental protection and Lit 20,4 billion for specific industrial innovations with a high risk element.

The overall aid intensity of all aid measures serving a regional objective (thus excluding the environmental and innovation grants) amounts to 19 % gge. Considering that the social aid, which is expected to be very limited, could as a result of final reduction on the social aid

system augment, the Italian authorities have provided an undertaking to limit the effective aid intensity to the notified level.

The Lit 452 billion aid to be awarded to Sevel's investment plan is granted by application of an approved aid scheme (Law 64/86) and is notifiable under the Community framework for State aid to the motor vehicle industry. As there is substantial intra-Community trade in medium vans, the aid measures which relieve the company concerned from part of the investment costs, clearly threaten to distort competition among vehicle manufacturers and affect trade within the Community in the meaning of Article 92 (1) of the EC Treaty and Article 62 (1) of the EEA Agreement.

The Community framework acknowledges the valuable contribution to regional development which can be made by investment in motor vehicle or engine production facilities in disadvantaged areas. This position is in keeping with the Commission's generally positive attitude towards investment aid granted in order to help overcome structural handicaps in disadvantaged parts of the Community.

However, in cases of investment aid for the expansion of existing plants in disadvantaged regions, the Commission policy is to have a positive attitude towards investments that involve changes in product and production processes that are so drastic that they are considered by the company as a mobile investment. To verify the mobility, the Commission would therefore ask evidence of cost-benefit studies for the alternative location examined by the company, which would prove that without regional aid the company would delocalize the production covered by the investment.

The Sevel plant, where the aided investment plan is being realized, is located in the Abruzzo region which suffers from an increasing unemployment problem. The general unemployment rate was 11,5 % in 1992 and 15,5 % for young population (aged between 14 and 29). The investment for Sevel's Val di Sangro plant is expected to create at least 1 130 new direct jobs by 1998 and may more indirect jobs in the Mezzogiorno. At the moment when the location of investment and the State aid was decided upon by respectively the company and the national authorities, the region concerned — Abruzzo — was still considered as a least developed area in the Community eligible for regional aid under Article 92 (3) (a) while since August 1992 the region is only eligible for regional aid under Article 92 (3) (c).

The 19 % regional aid intensity of Sevel's VdS investment project falls significantly below the regional aid ceiling of 59 % nge in the Abruzzo region, applicable until August 1992, as well as the new regional aid ceiling for large companies of 25 % nge. This low aid intensity is due to the considerable timelag between the timing of investment (1990 to 1995) and of the aid payments (1995 to 2006).

However, as it is stressed in the motor vehicle framework, in evaluating proposals to grant regional aid in the automobile sector, the Commission has to assess the benefits for regional development against possible adverse effects on the sector as a whole, such as the creation of important overcapacity. Consequently, it has to be ensured that the aid is in proportion to the problem it seeks to resolve, so that it does not give rise to unwarranted distortions of competition.

The Commission carried out a comparative cost-benefit analysis of Sevel's investment plan with a view to ascertain to what extent the aid proposed under the Law 64/86 is in proportion with the regional problems it seeks to redress. This analysis attempted firstly to identify all the additional costs and benefits arising for Sevel from its decision to locate the production of the new X2/30 series in Val di Sangro as opposed to a central non-assisted region, thereby identifying the region-specific handicaps facing the investor. The analysis related to additional investment costs and operating costs over three years of operation.

The result of the Commission's analysis, which draws in large part on data originating from Sevel and submitted by the Italian authorities, is that the proposed regional aid in discounted terms slightly exceeds the net regional handicaps facing Sevel at Val di Sangro. However, in line with previous Commission decisions in this sector, the difference of aid intensity between the intended regional aid and the additional costs associated with locating the investment in that region can be allowed as an additional incentive, ensuring hereby that the investment takes place in Val di Sangro instead of in a central non-assisted area, because the absence of any negative sectorial effects. In fact, an overall increase in production capacity for Sevel of less than 5 % is compatible with the forecasted growth of the medium van market (+ 17 %) and does not contribute to the creation of overcapacity in the relevant market of the European Economic Area (EEA).

The Commission can thus approve the total proposed regional aid to the company of Lit 425,8 billion to the extent that the effective aid intensity does not exceed 19 %. The undertaking, provided by the Italian auth-

orities in their letter of 2 December 1994 that the aid amounts will be adjusted in order to guarantee the notified aid intensity, satisfies this requirement.

As concerns innovation, the motor vehicle framework provides that aid should only be authorized where it 'really relates to the introduction of genuinely innovative products or processes at Community level'. To this end, the Commission has examined the investments in innovative production technologies by Sevel in the manufacturing of light vans, which so far have only been used in car plants. These technologies, which permit automation and flexibility capable of coping with the complexity of the production mix, are considered by the Commission's motor expert as innovative at European level and represent a new standard for van production at EEA level. The technology investments which represent Lit 157 billion or 13,3 % of the total project cost will be aided by a grant of Lit 20,4 billion corresponding to an aid intensity of 8 % gge. Therefore, the aid to innovation which in its intensity is comparable to other cases in the sector is compatible with the guidelines of the framework in this respect.

As concerns environmental protection, Lit 25,4 billion investments in emission reduction of paint facilities, energy saving and recyclable packaging are aided by a Lit 7,8 billion grant corresponding to an aid intensity of 30 % gge for the paint investments and 15 % gge for

the other environmental investments. Aid is only granted for the extra environmental costs within the investment plan. The investment in emission reduction for the paint facilities contributes to achieve levels of pollution far beyond the national norms in operation for such emissions while the other environmental investments contribute to important energy savings and reduction in solid waste. The aid intensity (15 % gge) is in proportion to the positive effects on the environment and takes into account the beneficial effects for the company. Therefore, this aid is compatible with the new environmental aid guidelines and with the guidelines of the motor vehicle framework in that respect.

In conclusion the regional aid proposed by the Italian authorities for Sevel, SpA is compatible with Article 92 (3) (c) of the EC Treaty and Article 61 (3) (c) of the EEA Agreement as it complies with the criteria for regional aid set out in the Community framework on State aid to the motor vehicle industry.

Accordingly the Commission has decided, on the basis of Article 92 (3) (c) of the EC Treaty and Article 61 (3) (c) of the EEA Agreement, not to raise any objections to the proposal of the Italian authorities to award of a grant of Lit 177 billion and of interest subsidies up to a maximum of Lit 275 billion regional aid under the assumption that the notified aid conditions are respected.

COURT OF AUDITORS

REPORT BY THE EXTERNAL AUDITOR ON THE ACCOUNTS OF THE COURT OF AUDITORS FOR THE FINANCIAL YEAR 1994

(95/C 298/10)

NOTE TO THE READER

Without prejudice to the provisions of Article 188c of the Treaty establishing the European Community, which confer upon the Court of Auditors the responsibility for examining all revenue and expenditure of the Community, or to the provisions of Article 206 of the said Treaty relating to the granting of discharge, the Court of Auditors has, since the end of the financial year 1987, had its internal administrative management accounts inspected by an external auditor.

The reports which the Court of Auditors' external auditor drew up on the Court's accounts for the financial years 1987 to 1991 were notified only to the Chairman of the European Parliament's Committee on Budgetary Control.

In accordance with a decision taken by the Members of the Court of Auditors at the Court meeting of 8 July 1993, all reports by the external auditor, with effect from the financial year 1992, are to be published in the *Official Journal of the European Communities*.

The financial statements annexed to the report attached hereto are based on the accounting data which the Court of Auditors forwarded to the Commission for the purpose of drawing up the revenue and expenditure account and the balance sheet of the European Communities for the financial year 1994. The data in question will be made available to any person who submits a written request for them to the Court of Auditors' Department of External Affairs and Public Relations.

For the Court of Auditors

André J. MIDDELHOEK

President

Certificate concerning the regularity and fairness of the financial statements as at 31 December 1994

*To the Members of the
European Court of Auditors*

Following the instructions given to us by the European Court of Auditors, we have examined, in accordance with generally accepted auditing standards:

- the accounting data sent by the European Court of Auditors to the Commission for the purpose of drawing up the revenue and expenditure account and the balance sheet of the European Communities for the financial year 1994,
- the financial statements of the European Court of Auditors as at 31 December 1994, which have been drawn up on the basis of these same accounting data and prepared for the purpose of publication in the *Official Journal of the European Communities*.

In our opinion, the accounting data and the financial statements attached hereto are fairly and regularly presented and have been drawn up in accordance with the Financial Regulation and its implementing rules, and with the applicable accounting principles and internal rules of the European Court of Auditors. They give a true and fair view of the financial position of the European Court of Auditors as at 31 December 1994, as well as of its revenue and expenditure for the financial year ending on that date.

Luxembourg, 7 July 1995.

Coopers & Lybrand SC
Réviseurs d'Entreprises

represented by

Marie-Jeanne CHÈVREMONT

Pascal RAKOVSKY

FINANCIAL STATEMENTS AS AT 31 DECEMBER 1994

Revenue and expenditure accounts for the financial years ending on 31 December 1994 and 1993

	Note	1994	1993
		(in 1 000 ECU)	
Revenue			
Contribution accruing from the general revenue of the EC		35 473	32 247
Own resources of the Court of Auditors:	1 (b)		
— Community levies and dues deducted from salaries		5 697	5 272
— Revenue accruing from the administrative operation of the institution	2	132	210
— Miscellaneous revenue		4	38
<i>Total revenue</i>		41 306	37 767
Expenditure			
Expenditure relating to persons working for the institution			
— Members of the institution		3 977	3 446
— Staff in active employment		30 203	28 733
— Allowances and miscellaneous contributions relating to termination of service		620	691
— Missions and duty travel		1 256	1 168
— Other		1 336	359
		37 392	34 397
Operating expenditure			
— Expenditure on immovable property		1 111	1 127
— Expenditure on data-processing		718	524
— Movable property and associated costs		509	497
— Current administrative expenditure		342	340
— Publishing and information		836	618
— Other		312	313
		3 828	3 419
<i>Total expenditure</i>		41 220	37 816
Balance for the financial year	7	86	(49)

The notes attached hereto form an integral part of these financial statements.

Balance sheets as at 31 December 1994 and 1993

	Note	1994	1993
		(in 1 000 ECU)	
ASSETS			
Fixed assets	1 (d)		
Building		24 264	23 838
Furniture and equipment		4 806	4 418
Other fixed assets		236	235
		29 306	28 491
Circulating assets			
Supplies	1 (e)	125	121
Sundry accounts receivable	4	304	135
Cash accounts		283	247
		712	503
<i>Total assets</i>		30 018	28 994
LIABILITIES			
Fixed capital			
Own capital	3	29 195	28 377
Guarantees received		—	—
Balance carried forward from previous financial years	7	221	270
Balance for the financial year	7	86	(49)
		29 502	28 598
Current liabilities			
Sundry accounts payable	5	435	349
Payments in hand	6	81	47
		516	396
<i>Total liabilities</i>		30 018	28 994

The notes annexed hereto form an integral part of these financial statements.

Notes to the financial statements as at 31 December 1994

ACCOUNTING PRINCIPLES

1. (a) *Accounting rules*

The accounts of the European Court of Auditors are kept and the financial statements drawn up in accordance with the provisions of the Financial Regulation of 21 December 1977, as last amended by Council Regulation (EC) No 2730/94 of 31 October 1994, and with the provisions of the Commission Regulation of 9 December 1993 laying down detailed rules for the implementation of certain provisions of the Financial Regulation.

In accordance with Article 136 of the detailed rules for the implementation of the Financial Regulation, the financial statements are set out according to generally accepted accounting principles, including, in particular, the principles laid down in Council directives, except where otherwise provided for by a Community regulation.

(b) *Own resources of the Court of Auditors*

The Court of Auditors' own resources are entered in the accounts on the basis of the amounts actually received during the financial year.

Amounts owing but not yet received by the end of the financial year are entered on the assets side of the balance sheet under the heading 'Sundry accounts receivable' in the item 'Revenue to be collected'. They have a counterpart entry on the liabilities side of the balance sheet in an item with the same title under the heading 'Sundry accounts payable'. These entries are reversed once the amounts have been collected.

(c) *Expenditure*

The expenditure of the financial year, which is shown in the 'Statement of revenue and expenditure', represents the payments made against the appropriations specific to the financial year and against the appropriations carried over from the previous financial year in accordance with the provisions of the regulations applicable in this field.

In accordance with Article 6 (6) of the Financial Regulation, expenditure for which authorization reached the

Financial Controller not later than 31 December and the accounting officer not later than the following 10 January, and for which payment was effected by the accounting officer not later than the following 15 January, is entered in the accounts for this financial year.

(d) *Fixed assets*

The Court's building and equipment and furniture are valued at purchase price. Where this is expressed in national currency, it is converted into ecus at the accounting rate in force at the time of purchase. Since the purchase cost is charged in full to the corresponding expenditure account at the time of acquisition, no depreciation is made. The total value of these tangible assets is entered on the assets side for the entire period of their use, with a counterpart entry for an equivalent amount on the liabilities side under the heading 'Own capital'.

For furniture and equipment, as of 1 January 1994, only goods of a value of ECU 350 or more are entered in fixed-asset accounts.

(e) *Supplies*

The supplies comprise a stock of office supplies and other consumable materials, valued at the most recent known price and at their purchase cost respectively, with a counterpart entry, for an equivalent amount, on the liabilities side under the heading 'Own capital'. Where the purchase cost is expressed in national currency, it is converted into ecus at the accounting rate used for drawing up the balance sheet.

REVENUE ACCRUING FROM THE ADMINISTRATIVE OPERATION OF THE INSTITUTION

2. The heading 'Revenue accruing from the administrative operation of the institution' comprises mainly:

- the revenue accruing from the publication of the Court of Auditors' reports and opinions in the *Official Journal of the European Communities*;
- the payment of actuarial reserves by the national pension bodies and provident societies by way of transfer of officials' pension rights.

OWN CAPITAL

3. The amount of own capital determined according to the principles described in 1 (d) and (e) can be broken down as follows at the year-end:

	1994	1993
	(in 1 000 ECU)	
Fixed assets		
— Building	24 264	23 838
— Furniture and equipment	4 806	4 418
Circulating assets		
— Supplies	125	121
Own capital	29 195	28 377

SUNDRY ACCOUNTS RECEIVABLE

4. The heading 'Sundry accounts receivable' can be broken down as follows at the year-end:

	1994	1993
	(1 000 ECU)	
Claims on the staff of the institution	167	133
Revenue to be collected	37	1
Expenditure to be charged	97	—
Other	3	1
	304	135

The item 'Claims on the staff of the institution' relates mainly to advances paid on mission expenses already incurred by the Members and the staff of the institution.

The item 'Revenue to be collected' comprises amounts owing but not yet collected and has a counterpart entry in the suspense account of the same title under the heading 'Sundry accounts payable'.

The item 'Expenditure to be charged' comprises amounts which were invoiced by the Commission at the year-end

and which it was not materially possible to charge to the budget.

SUNDRY ACCOUNTS PAYABLE

5. The heading 'Sundry accounts payable' can be broken down as follows at the year-end:

	1994	1993
	(in 1 000 ECU)	
Sums owing to a credit card organization	209	171
Revenue available for reuse	91	87
Revenue to be collected	37	2
Accident insurance to be paid	46	41
Other	52	48
	435	349

The suspense account 'Revenue available for reuse' corresponds to the counterpart which has not yet been used of the amounts entered on the assets side for refunds of insurance payments, tax refunds or proceeds from the sale of fixed assets. The revenue available for reuse is allocated to new items of expenditure of the same kind and has to be used by the end of the following financial year at the latest.

PAYMENTS IN HAND

6. According to the Financial Regulation, payments which are made between 1 and 15 January of the following financial year and which are authorized before the year-end are entered in the accounts as expenditure of the financial year and are shown on the liabilities side of the balance sheet as payments in hand.

BALANCE TO BE CARRIED FORWARD TO THE FOLLOWING FINANCIAL YEAR

7. The balance for the financial year is the difference between the total revenue of the year and the expenditure against appropriations specific to the year and appropriations carried forward from the previous year.

The changes in the balance to be carried forward to the following financial year are as follows:

	1994	1993
	(in 1 000 ECU)	
Balance carried forward from previous years	221	270
Balance for the financial year	86	(49)
Balance to be carried forward to the following year	307	221

IMPLEMENTATION OF THE BUDGET

8. The implementation of the budget for the financial year 1994 can be divided up into the implementation of appropriations brought forward and the implementation of appropriations for the financial year.

- (a) Appropriations brought forward represent, on the one hand, all the commitments, chargeable to the Court, which have been entered into but not settled before the year-end, and, on the other, appropriations which the budgetary authority has decided to carry forward. Appropriations brought forward from the previous year and not used during the following year are cancelled.

	Appropriations carried forward from 1993 to 1994	Payments	Appropriations cancelled
(in 1 000 ECU)			
Expenditure relating to persons working for the institution			
— Members of the institution	249	194	55
— Staff in active employment	131	93	38
— Allowances and miscellaneous contributions relating to termination of service	—	—	—
— Missions and duty travel	225	214	11
— Other	110	101	9
	715	602	113
Operating expenditure			
— Expenditure on immovable property	115	114	1
— Expenditure on data-processing	249	248	1
— Movable property and associated costs	115	109	6
— Current administrative expenditure	108	106	2
— Publishing and information	585	569	16
— Other	74	46	28
	1 246	1 192	54
<i>Total</i>	1 961	1 794	167

(b) The implementation of the appropriations for the financial year represents the payments made against appropriations committed. The unpaid balance of the commitments may be carried forward to the following financial year. Appropriations still uncommitted at the end of the year are generally cancelled.

	Appropriations for the financial year	Commitments chargeable to the financial year	Payments	Appropriations carried forward to 1995	Appropriations cancelled
(in 1 000 ECU)					
Expenditure relating to persons working for the institution					
— Members of the institution	3 957	3 801	3 783	18	156
— Staff in active employment	32 193	30 253	30 110	142	1 941
— Allowances and miscellaneous contributions relating to termination of service	738	620	620	—	118
— Missions and duty travel	1 270	1 262	1 042	220	8
— Other	1 475	1 392	1 235	157	83
	39 633	37 328	36 790	537	2 306
Operating expenditure					
— Expenditure on immovable property	1 148	1 146	997	149	2
— Expenditure on data-processing	500	500	470	30	—
— Movable property and associated costs	505	505	400	105	—
— Current administrative expenditure	360	356	236	120	4
— Publishing and information	750	747	267	481	2
— Other	358	341	266	75	17
	3 621	3 595	2 636	960	25
<i>Total</i>	43 254	40 923	39 426	1 497	2 331

Total payments made against appropriations carried forward (ECU 1 794 190) and against appropriations for the financial year (ECU 39 425 922) amount to ECU 41 220 112 and correspond to the total expenditure shown in the statement of revenue and expenditure for the financial year 1994.

Report on the administrative and accounting procedures, the soundness of the financial management and the internal control system

*To the Members of the
European Court of Auditors*

As part of our audit of the revenue and expenditure account and the balance sheet of the European Court of Auditors drawn up as at 31 December 1994, we have examined the Court's administrative and accounting procedures and internal control system.

I. OBJECTIVE AND APPROACH

The objective of our examination was to verify whether the rules for internal control, as specified in the relevant regulations and reference texts, were being properly applied in such a way as to enable the Court's various departments to ensure that:

- the control system was both regular and consistent,
- the budgetary procedure was systematically complied with,
- the Court's financial statements were reliable.

These internal control rules result from the express provisions of the relevant regulations and reference texts and also represent the practical application of the general principles upon which sound management is based.

The main regulations and reference texts were:

- the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities, as last amended by Regulation (EC) No 2730/94 of 31 October 1994,
- the Commission Regulation of 9 December 1993 laying down detailed rules for the implementation of certain provisions of the Financial Regulation of 21 December 1977,
- the Internal Rules of the Court of Auditors of 13 October 1989, as last amended by Decision No 94-75 of 20 December 1994.

Our audit was therefore based first and foremost on understanding and documenting the Court of Auditors' accounting systems and main administrative procedures and then on analysing and assessing internal control and the relevant EDP controls. It also involved discussions with the various heads of departments and their staff as well as tests on a sample basis of the supporting documents for the transactions recorded in the Court's accounts.

The nature and extent of the tests carried out were determined on the basis of our assessment of the quality of internal control at the Court of Auditors and did not, therefore, necessarily enable us to detect all the weaknesses that might have been present. Nevertheless, we consider that the work undertaken provided reasonable grounds for the conclusions we reached as a result of our examination of the Court of Auditors' system of control and sound financial management.

II. CONCLUSION

Our detailed examination, which was carried out in accordance with the approach described above, enables us to conclude that:

- the reliability of the accounts was of a high standard: this was reflected in the fact that we proposed no corrections or amendments,
- the information systems functioned in compliance with the rules of internal control as we understand them, on the one hand, and as they are laid down in the aforesaid regulatory framework, on the other.

Luxembourg, 7 July 1995.

Coopers & Lybrand SC
Réviseurs d'Entreprises

represented by

Marie-Jeanne CHÈVREMONT

Pascal RAKOVSKY

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation on the safety management of ro-ro passenger vessels

(95/C 298/11)

(Text with EEA relevance)*COM(95) 28 final — 95/0028(SYN)**(Submitted by the Commission on 17 February 1995)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, in particular Article 84 (2) thereof, and acting in accordance with the procedure referred to in Article 189c of the Treaty,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

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

Whereas the Community is seriously concerned by shipping casualties with loss of life;

Whereas the International Safety Management Code providing for the safe operation of ships and for pollution prevention (IMO Resolution A.741 (18)) was adopted by the IMO on 4 November 1993 in the presence of the Member States, and, through its incorporation into the International Convention on the Safety of Life at Sea 1974, will apply to ro-ro passenger vessels from 1 July 1998;

Whereas the International Safety Management Code is not yet of a mandatory but of a recommendatory nature;

Whereas safety of human life at sea may be effectively enhanced by applying the International Safety Management Code strictly and on a mandatory basis;

Whereas the Community's most urgent concern is for the safety management of ro-ro passenger vessels;

Whereas in its resolution of 22 December 1994 on the safety of ro-ro passenger ferries, the Council has invited the Commission to submit a proposal on the mandatory and anticipated implementation of the International Safety Management Code for all ro-ro passenger ferries operating regular services to or from European ports, in compliance with international law;

Whereas strict and mandatory application is required to ensure the establishment and proper maintenance of safety management systems by companies operating seagoing ro-ro passenger ferries both at company and at ship level;

Whereas the safety of ships is the primary responsibility of flag States and Member States can ensure compliance with adequate safety management rules by ferries flying their flag and companies operating them; whereas the only way to ensure the safety of all ro-ro ferries irrespective of their flag operating or wishing to operate on a regular service from their ports is for the Member States to require their effective compliance with safety rules as a condition to operate on a regular service from their ports;

Whereas a Member State must have the possibility of suspending the operation of certain ro-ro ferries from its ports where it considers that they pose a serious threat to safety or environment, subject to a decision of the Commission assisted by an advisory committee;

Whereas verification of compliance with the safety rules every year should guarantee continued efforts by companies to maintain the required safety management level;

Whereas Member States might find necessary to delegate or rely upon specialized bodies in order to fulfil their obligations under this Regulation; whereas the appropriate way of ensuring a uniform and adequate level of control is to require that such bodies should comply with the requirements of Council Directive 94/57/EC⁽¹⁾ on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations;

Whereas recourse to a committee of a consultative nature is necessary in order to assist the Commission to ensure that the standards set by the Regulation, including the requirements for recognized organizations, remain adequate and as far as possible in line with international standards;

Whereas action at Community level is the best way to ensure mandatory and anticipated enforcement of the provisions of the Code and effective control of its application, while avoiding distortion of competition between different Community ports and ro-ro ferries; whereas only a Regulation, which is of direct applicability, can ensure anticipated and mandatory enforcement of the provisions of the Code; whereas anticipated implementation requires that the Regulation be applicable as from 1 July 1996,

HAS ADOPTED THIS REGULATION:

Article 1

The purpose of this Regulation is to enhance the safe management, operation, and pollution prevention of ro-ro ferries operating to or from ports of the European Community on a regular service by ensuring:

- the establishment and proper maintenance of shipborne and shorebased safety management systems by Companies, and
- the control thereof by flag and port State administrations.

Article 2

For the purpose of this Regulation and of the ISM Code:

- 'ro-ro ferry' means a seagoing passenger vessel with arrangements to enable road and rail vehicles to roll-on and roll-off the vessel, and carrying more than 12 passengers;
- 'company' means the owner of a ro-ro ferry or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ro-ro ferry from the owner;

- 'recognized organization' means a body recognized in compliance with the provisions of Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations;

- 'ISM Code' means the International Management Code for the safe operation of ships and for pollution prevention as adopted by the International Maritime Organization through Assembly Resolution A.741 (18) of 4 November 1993, and annexed to this Regulation;

- 'administration' means the Government of the State whose flag the ro-ro ferry is entitled to fly;

- 'document of compliance' means the document issued to companies in conformity with this Regulation;

- 'safety management certificate' means the certificate issued to ro-ro ferries in conformity with this Regulation.

Article 3

The Regulation shall apply to Companies, irrespective of their place of incorporation, establishment or business, which operate at least one ro-ro ferry operating to or from a port of the European Community on a regular service regardless of its flag.

Article 4

All Companies shall comply with all the provisions of paragraphs 1.2 to 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory and not only of a recommendatory nature, as a condition to provide regular services to or from a port of the European Community.

Article 5

1. Member States shall comply with the provisions of paragraphs 13.2, 13.4 and 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory and not only of a recommendatory nature, in relation to companies and ro-ro ferries.

2. For the purposes of this Regulation, Member States may only authorize, or rely upon, fully or in part, a recognized organization.

3. For the purposes of paragraph 13.2 of the ISM Code as amended hereby, a document of compliance issued by the authorities of a Member State in the territory of which a company conducts its business or by a recognized organization acting on their behalf shall be accepted by other Member States.

⁽¹⁾ OJ No L 319, 12. 12. 1994, p. 20.

4. For the purposes of paragraph 13.5 of the ISM Code, as amended hereby, a periodical verification shall take place at least once every year.

Article 6

1. Member States shall satisfy themselves of the effective compliance with the provisions of this Regulation prior to allowing companies to provide regular ro-ro ferry services to or from their ports.

2. For the purposes of paragraph 1, each Member State shall accept certificates issued by the authorities of any other Member State.

3. Each Member State shall recognize the documents of compliance and safety management certificates issued by the administrations of third countries or by recognized organizations acting on their behalf if it is satisfied that they guarantee the observance of the provisions of this Regulation.

Article 7

Where a Member State considers that a company, notwithstanding the fact that it holds a document of compliance, cannot operate on a regular service to or from its ports for reasons of serious danger to safety of life or property, or environment, the operation of such service may be suspended until such time as the danger is removed.

In the above circumstances the following procedure shall apply:

- (a) the Member State shall inform the Commission and the other Member States of its decision without delay, giving substantiated reasons therefor;
- (b) the Commission shall examine whether the suspension is justified for reasons of serious danger to safety and environment;
- (c) acting in accordance with the procedure laid down in Article 9 (2), the Commission shall inform the Member State whether or not its decision to suspend the authorization is justified for reasons of serious danger to safety or environment and, if it is not justified, decide to revoke the suspension decision taken by the Member State.

Article 8

In order to take account of developments at international level:

1. the definition of 'ISM-Code' in Article 2;
2. the Annex;
3. the definition of 'recognized organization' in Article 2;

may be amended, in particular to introduce into the Annex guidelines for administrations for the implementation of the ISM Code, in accordance with the procedure laid down in Article 9 (2).

Article 9

1. The Commission shall be assisted by the Committee established by Article 12 (1) of Council Directive 93/75/EEC⁽¹⁾, concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods.

2. Where reference is made to this paragraph the following procedure shall apply:

- (a) the representative of the Commission shall submit to the Committee referred to in paragraph 1 a draft of the measures to be taken;
- (b) the Committee shall deliver its opinion within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote;
- (c) the opinion shall be recorded in the minutes; in addition each Member State shall have the right to have its position recorded in the minutes;
- (d) the Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 10

This Regulation shall enter into force on 1 January 1996. It shall be applicable as from 1 July 1996.

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

⁽¹⁾ OJ No L 247, 5. 10. 1993, p. 19.

ANNEX

INTERNATIONAL MANAGEMENT CODE FOR THE SAFE OPERATION OF SHIPS AND FOR POLLUTION PREVENTION (INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE)**Safety and pollution prevention management requirements**

PREAMBLE

1. The purpose of this Code is to provide an international standard for the safe management and operation of ships and for pollution prevention.
2. The assembly adopted resolution A.443 (XI) by which it invited all Governments to take the necessary steps to safeguard the shipmaster in the proper discharge of his responsibilities with regard to maritime safety and the protection of the marine environment.
3. The assembly also adopted resolution A.680 (17) by which it further recognized the need for appropriate organization of management to enable it to respond to the need of those on board ships to achieve and maintain high standards of safety and environmental protection.
4. Recognizing that no two shipping companies or shipowners are the same, and that ships operate under a wide range of different conditions, the Code is based on general principles and objectives.
5. The Code is expressed in broad terms so that it can have a widespread application. Clearly, different levels of management, whether shore-based or at sea, will require varying levels of knowledge and awareness of the items outlined.
6. The cornerstone of good safety management is commitment from the top. In matters of safety and pollution prevention it is the commitment, competence, attitudes and motivation of individuals at all levels that determines the end result.

1. GENERAL

1.1. Definitions

- 1.1.1. 'International Safety Management (ISM) Code' means the International Management Code for the safe operation of ships and for pollution prevention as adopted by the assembly, as may be amended by the organization.
- 1.1.2. 'Company' means the owner of the ship or any other organization or person such as the Manager, or the Bareboat Charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the duties and responsibility imposed by the Code.
- 1.1.3. 'Administration' means the Government of the State whose flag the ship is entitled to fly.

1.2. Objectives

- 1.2.1. The objectives of the Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular, to the marine environment, and to property.
- 1.2.2. Safety management objectives of the Company should, *inter alia*:
 1. provide for safe practices in ship operation and a safe working environment;

2. establish safeguards against all identified risks; and
3. continuously improve safety management skills of personnel ashore and aboard ships, including preparing for emergencies related both to safety and environmental protection.

1.2.3. The safety management system should ensure:

1. compliance with mandatory rules and regulations; and
2. that applicable codes, guidelines and standards recommended by the organization, administrations, classification societies and maritime industry organizations are taken into account.

1.3. Application

The requirements of this Code may be applied to all ships.

1.4. Functional requirements for a safety management system (SMS)

Every Company should develop, implement and maintain a safety management System (SMS) which includes the following functional requirements:

1. a safety and environmental protection policy;
2. instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag State legislation;
3. defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
4. procedures for reporting accidents and non-conformities with the provisions of this Code;
5. procedures to prepare for and respond to emergency situations; and
6. procedures for internal audits and management reviews.

2. SAFETY AND ENVIRONMENTAL PROTECTION POLICY

- 2.1. The Company should establish a safety and environmental protection policy which describes how the objectives, given in paragraph 1.2, will be achieved.
- 2.2. The Company should ensure that the policy is implemented and maintained at all levels of the organization both ship based as well as shore based.

3. COMPANY RESPONSIBILITIES AND AUTHORITY

- 3.1. If the entity who is responsible for the operation of the ship is other than the owner, the owner must report the full name and details of such entity to the administration.
- 3.2. The Company should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.
- 3.3. The Company is responsible for ensuring that adequate resources and shore based support are provided to enable the designated person or persons to carry out their functions.

4. DESIGNATED PERSON(S)

To ensure the safe operation of each ship and to provide a link between the company and those on board, every company, as appropriate, should designate a person or persons ashore having direct access to the highest level of management. The responsibility and authority of the

designated person or persons should include monitoring the safety and pollution prevention aspects of the operation of each ship and to ensure that adequate resources and shore based support are applied, as required.

5. MASTER'S RESPONSIBILITY AND AUTHORITY

5.1. The Company should clearly define and document the master's responsibility with regard to:

1. implementing the safety and environmental protection policy of the Company;
2. motivating the crew in the observation of that policy;
3. issuing appropriate orders and instructions in a clear and simple manner;
4. verifying that specified requirements are observed; and
5. reviewing the SMS and reporting its deficiencies to the shore based management.

5.2. The Company should ensure that the SMS operating on board the ship contains a clear statement emphasizing the master's authority. The Company should establish in the SMS that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the Company's assistance as may be necessary.

6. RESOURCES AND PERSONNEL

6.1. The company should ensure that the master is:

1. properly qualified for command;
2. fully conversant with the company's SMS; and
3. given the necessary support so that the master's duties can be safely performed.

6.2. The company should ensure that each ship is manned with qualified, certificated and medically fit seafarers in accordance with national and international requirements.

6.3. The company should establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarization with their duties. Instructions which are essential to be provided prior to sailing should be identified, documented and given.

6.4. The company should ensure that all personnel involved in the company's SMS have an adequate understanding of relevant rules, regulations, codes and guidelines.

6.5. The company should establish and maintain procedures for identifying any training which may be required in support of the SMS and ensure that such training is provided for all personnel concerned.

6.6. The company should establish procedures by which the ship's personnel receive relevant information on the SMS in a working language or languages understood by them.

6.7. The company should ensure that the ship's personnel are able to communicate effectively in the execution of their duties related to the SMS.

7. DEVELOPMENT OF PLANS FOR SHIPBOARD OPERATIONS

The company should establish procedures for the preparation of plans and instructions for key shipboard operations concerning the safety of the ship and the prevention of pollution. The various tasks involved should be defined and assigned to qualified personnel.

8. EMERGENCY PREPAREDNESS

- 8.1. The company should establish procedures to identify, describe and respond to potential emergency shipboard situations.
- 8.2. The company should establish programmes for drills and exercises to prepare for emergency actions.
- 8.3. The SMS should provide for measures ensuring that the company's organization can respond at any time to hazards, accidents and emergency situations involving its ships.

9. REPORTS AND ANALYSIS OF NON-CONFORMITIES, ACCIDENTS AND HAZARDOUS OCCURENCES

- 9.1. The SMS should include procedures ensuring that non-conformities, accidents and hazardous situations are reported to the company, investigated and analysed with the objective of improving safety and pollution prevention.
- 9.2. The company should establish procedures for the implementation of corrective action.

10. MAINTENANCE OF THE SHIP AND EQUIPMENT

- 10.1. The company should establish procedures to ensure that the ship is maintained in conformity with the provisions of the relevant rules and regulations and with any additional requirements which may be established by the company.
- 10.2. In meeting these requirements the company should ensure that:
 1. inspections are held at appropriate intervals;
 2. any non-conformity is reported with its possible cause, if known;
 3. appropriate corrective action is taken; and
 4. records of these activities are maintained.
- 10.3. The company should establish procedures in SMS to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The SMS should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.
- 10.4. The inspections mentioned in 10.2 as well as the measures referred to 10.3 should be integrated in the ship's operational maintenance/routine.

11. DOCUMENTATION

- 11.1. The company should establish and maintain procedures to control all documents and data which are relevant to the SMS.
- 11.2. The company should ensure that:
 1. valid documents are available at all relevant locations;
 2. changes to documents are reviewed and approved by authorized personnel; and
 3. obsolete documents are promptly removed.

- 11.3. The documents used to describe and implement the SMS may be referred to as the 'safety management manual'. Documentation should be kept in a form that the company considers most effective. Each ship should carry on board all documentation relevant to that ship.

12. COMPANY VERIFICATION, REVIEW AND EVALUATION

- 12.1. The company should carry out internal safety audits to verify whether safety and pollution prevention activities comply with the SMS.
- 12.2. The company should periodically evaluate the efficiency and when needed review the SMS in accordance with procedures established by the company.
- 12.3. The audits and possible corrective actions should be carried out in accordance with documented procedures.
- 12.4. Personnel carrying out audits should be independent of the areas being audited unless this is impracticable due to the size and the nature of the company.
- 12.5. The results of the audits and reviews should be brought to the attention of all personnel having responsibility in the area involved.
- 12.6. The management personnel responsible for the area involved should take timely corrective action on deficiencies found.

13. CERTIFICATION, VERIFICATION AND CONTROL

- 13.1. The ship should be operated by a company which is issued a document of compliance relevant to that ship.
- 13.2. A document of compliance should be issued for every company complying with the requirements of the ISM Code by the administration, by an organization recognized by the administration or by the Government of the country, acting on behalf of the administration, in which the company has chosen to conduct its business. This document should be accepted as evidence that the company is capable of complying with the requirements of the Code.
- 13.3. A copy of such a document should be placed on board in order that the master, if so asked, may produce it for the verification of the administration or organizations recognized by it.
- 13.4. A certificate, called a safety management certificate, should be issued to a ship by the administration or organization recognized by the administration. The administration should, when issuing the certificate, verify that the company and its shipboard management operate in accordance with the approved SMS.
- 13.5. The administration or an organization recognized by the administration should periodically verify the proper functioning of the ship's SMS as approved.
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Amended proposal for a Council Regulation on the safety management of ro-ro passenger vessels

(95/C 298/12)

(Text with EEA relevance)

COM(95) 286 final — 95/0028(SYN)

(Submitted by the Commission pursuant to Article 189a (2) of the EC Treaty on 15 June 1995)

ORIGINAL PROPOSAL

AMENDED PROPOSAL

Recital 2a (new)

Whereas this represents one of a series of measures to improve safety at sea;

Fifth recital (new)

Whereas only a uniform and coherent implementation of the International Safety Management Code in all Member States can constitute a step towards the safety management of ro-ro passenger vessels;

Article 2

Article 2

For the purpose of this Regulation and of the ISM Code,

For the purpose of this Regulation and of the ISM Code,

— 'ro-ro ferry' means a seagoing passenger vessel with arrangements to enable road and rail vehicles to roll-on and roll-off the vessel, and carrying more than 12 passengers;

— 'ro-ro ferry' means a seagoing passenger vessel with arrangements to enable road and rail vehicles to roll-on and roll-off the vessel, and carrying more than 12 passengers;

— 'regular service' means a series of ro-ro ferry voyages operating so as to serve traffic between the same two or more points either:

(i) according to published timetable; or

(ii) with voyages so regular or frequent that they constitute a recognizable systematic series;

ORIGINAL PROPOSAL

- 'company' means the owner of a ro-ro ferry or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ro-ro ferry from the owner;
- 'safety management certificate' means the certificate issued to ro-ro ferries in conformity with this Regulation;

Article 4

All Companies shall comply with all the provisions of paragraphs 1.2 to 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory and not only of a recommendatory nature, as a condition to provide regular services to or from a port of the European Community.

Article 5

1. Member States shall comply with the provisions of paragraphs 13.2, 13.4 and 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory and not only of a recommendatory nature, in relation to companies and ro-ro ferries.

2. For the purposes of this Regulation, Member States may only authorize, or rely upon, fully or in part, a recognized organization.

3. For the purposes of paragraph 13.2 of the ISM Code as amended hereby, a document of compliance issued by the authorities of a Member State in the territory of which a company conducts its business or by a recognized organization acting on their behalf shall be accepted by other Member States.

AMENDED PROPOSAL

- 'company' means the owner of a ro-ro ferry or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ro-ro ferry from the owner;
- 'safety management certificate' means the certificate issued to ro-ro ferries in conformity with this Regulation;
- 'sheltered waters' means areas with annual probability smaller than 10% of exceeding 1,5 m significant wave height, in the course of which a ro-ro ferry is at no time more than six miles from a place of refuge, where shipwrecked persons can land.

Article 4

1. All Companies shall comply with all the provisions of paragraphs 1.2 to 13.5 of the ISM Code, as if the provisions were mandatory, as a condition to provide regular services to or from a port of the European Community.

2. By derogation, the provision of the previous paragraph may not apply until 1 July 1977 to companies operating one or more ro-ro vessels on a regular service exclusively on sheltered waters between ports situated in the same Member State.

Article 5

1. Member States shall comply with the provisions of paragraphs 13.2, 13.4 and 13.5 of the ISM Code, as amended hereby, as if the provisions thereof were mandatory in relation to companies and ro-ro ferries.

2. For the purposes of this Regulation, Member States may only authorize, or rely upon, fully or in part, a recognized organization.

3. For the purposes of paragraph 13.2 of the ISM Code as amended hereby, a document of compliance issued by the authorities of a Member State in the territory of which a company conducts its business or by a recognized organization acting on their behalf shall be accepted by other Member States.

ORIGINAL PROPOSAL

4. For the purposes of paragraph 13.5 of the ISM Code, as amended hereby, a periodical verification shall take place at least once every year.

Article 8

In order to take account of developments at international level:

1. the definition of 'ISM Code' in Article 2;
2. the Annex;
3. the definition of 'recognized organization' in Article 2;

may be amended, in particular to introduce into the Annex guidelines for Administrations for the implementation of the ISM Code, in accordance with the procedure laid down in Article 9 (2).

Article 10

This Regulation shall enter into force on 1 January 1996. It shall be applicable as from 1 July 1996.

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

AMENDED PROPOSAL

4. The document of compliance shall only be valid for five years from the date of its issue provided always that a verification shall take place once every year in order to confirm the proper functioning of the safety management system and to confirm that possible modifications introduced since the latest verification satisfy the provisions of the ISM Code.

5. The safety management certificate shall only be valid for five years from the date of its issue provided always that a verification shall take place once every year, in order to confirm the proper functioning of the safety management system and to confirm that possible modifications introduced since the latest verification satisfy the provisions of the ISM Code.

Article 7a (new)

In order to take account of the general terms of the 'ISM Code', the Commission shall examine the implementation of this Regulation after three years of its entry into force and propose any appropriate measure.

Article 8

In order to take account of developments at international or European Community level including the results of the abovementioned monitoring of the ISM Code's implementation:

1. the definition of 'ISM Code' in Article 2;
2. the Annex;
3. the definition of 'recognized organization' in Article 2;

may be amended, in particular to introduce into the Annex the guidelines for Administrations for the implementation of the ISM Code, in accordance with the procedure laid down in Article 9 (2).

Article 10

This Regulation shall enter into force on 1 January 1996. It shall be applicable as from 1 July 1996.

By way of derogation, this Regulation shall not apply until 31 December 1997 to companies which are incorporated under Greek law, which have their principal place of business in Greece, and which operate ro-ro ferries registered in and flying the flag of Greece providing regular services exclusively between ports situated in Greece.

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

III

(Notices)

COMMISSION

TACIS — various supplies

(95/C 298/13)

Notice of invitation to tender No, issued by Sodeteg on behalf of the European Commission for a project identified for financing by the European Community (EC)

1. **Project identification and financing**
 - a) Title: Support Services to Private Farmers
 - b) Number: UZB 92 001
 - c) Source of financing: European Commission
 - d) Status of financing: approved
2. **Contract identification**
 - a) Type of contract: supplies.
 - b) Subject:
 - lot 1: tedder and rake machine,
 - lot 2: mill and mixer, conservation products,
 - lot 3: scales,
 - lot 4: milking equipment and products,
 - lot 5: quality testing and control equipment,
 - lot 6: milk-processing equipment,
 - lot 7: small dairy plant,
 - lot 8: flail choppers and tools,
 - lot 9: shredders for organic waste and tools,
 - lot 10: well driller.
 - c) Number of lots: 10 (with sub-lots).
3. **Eligibility, origin and evaluation criteria**
 - a) Eligibility and origin: EU and CIS Member States.
 - b) Evaluation: see tender documents.
4. **Location and deadline**
 - a) Project location: UZBEKISTAN.
 - b) Place of delivery, installation or performance: CIF UZBEKISTAN, see tender documents.
 - c) Delivery or performance period: 8 to 12 weeks.
- d) Tender validity period: 90 days.
5. **Project authorities**
 - a) Contracting authority: Sodeteg on behalf of the European Commission.
6. **Tender documents**
 - a) Type of tender: open invitation to tender.
 - b) Terms on which tender documents may be obtained: free of charge, at the addresses given in c) and d).
 - c) Inspection of the tender documents in the country of the contracting authority: TACIS Coordinating Unit, Tashkent.
 - d) Inspection of the tender documents in the Member States: Offices of the European Commission.
7. **Language, receipt and opening of the tenders**
 - a) Language: any official language of the EU.
 - b) Date and time (local) for receipt of tenders: 18. 12. 1995 (17.00).
 - c) Address for the receipt: Sodeteg, 147, rue Yves Le Coz, F-78000 Versailles.
 - d) Date and time (local) for opening of tenders: 18. 12. 1995 (17.00).
Notice: tenders shall be opened in public session at 18. 12. 1995 (17.00).
 - e) Address for the opening: Sodeteg, 147, rue Yves Le Coz, F-78000 Versailles.
8. **Deposit and guarantees**
 - a) Tender guarantee:
 - b) Performance guarantee:
 - c) Other:
9. **Further information**

Sodeteg, Agriculture and Rural Development Department, 147, rue Yves Le Coz, F-78000 Versailles, facsimile (33-1) 30 84 20 55.

Phare — various equipment**Notice of invitation to tender issued by the Government of Romania for works financed by the European Community in the framework of the Phare Programme**

(95/C 298/14)

1. Title

Procurement of equipment for customs, border police and national administration of roads in 5 lots for Bors, Nadlac and Calafat border crossing offices - Romania.

2. Participation

Participation is open on equal terms to all natural and legal persons of the Member States and Albania, Poland, Hungary, Romania, Bulgaria, the Czech Republic, the Slovak Republic, Slovenia, Lithuania, Latvia and Estonia.

3. Subject

The project includes the supply, delivery, installation and commissioning of equipment in 5 lots as follows:

Lot 1: computer equipment for Bors, Nadlac and Calafat.

(computers (124), printers, PABX, etc.)

Lot 2: enforcement equipment for Bors, Nadlac and Calafat.

(X-ray screening, videopectral comparison, forklift, etc.)

Lot 3: radiocommunication equipment for Nadlac and Calafat.

(mobile (5), portable (50))

Lot 4: structural cabling system for Calafat.

Lot 5: national administration of roads equipment for Calafat.

(weighbridges (2), computers (2), printers, authenticating currency m/c.)

4. Invitation to tender dossier

The complete tender dossier may be obtained on and from today at IPCM SA, 218 Calea Victoriei, for the attention of Mr Ghrethge Tomoiala, RO-Bucharest, tel./ facsimile (40-1) 312 95 47 for all information.

5. Tender

Tenders shall be received not later than 7. 12. 1995 (15.00), local time, at IPCM SA, 218 Calea Victoriei, RO-Bucharest.

The tenders will be opened in public session on 8. 12. 1995 (10.00), local time, at IPCM SA, 218 Calea Victoriei, Room 503, RO-Bucharest.

Supply, installation and maintenance of photographic equipment**Open procedure**

(95/C 298/15)

1. Directorate-General X (Information, Communication, Culture, Audiovisual) of the European Commission, Authorizing department: DG X/B.2, Audiovisual Production, 120 rue de Trèves (2/107), B-1049 Brussels.

Tel. (02) 299 90 01. Facsimile (02) 299 93 01.

2. a) Open call for tenders No PO/95-103/B2.

b) It is the Commission's intention to establish 1 or more general contracts for the supply, installation and maintenance of photographic equipment.

The contract will initially be for 1 year. It may be renewed 4 times giving a maximum total duration of 5 years.

3. a) The place of delivery of supplies and services will be B-Brussels and L-Luxembourg.

b) *Description of the equipment and services covered by the invitation to tender:*

I. Supply and installation of photographic equipment:

a) cameras, with accessories, for professional use;

b) automatic color developer/printer system and consumable items;

c) automatic black and white developer/printer system and consumable items;

d) multimedia software for photographic applications.

- II. Maintenance of photographic equipment:
- a) cameras, with accessories, for professional use;
 - b) automatic colour developer/printer system;
 - c) automatic black and white developer/printer system;
 - d) multimedia software for photographic applications.
- c) The tender is divided into 18 lots as defined in 3 (b). Tenderers may include 1, more or all the lots in their submission, following the methods shown in the specifications.
- 4.
5. a) **A written request (by facsimile) for documents may be sent to:**
- Mr Luis Irurzun-Gascue, European Commission, Directorate-General X: Information, Communication, Culture, Audiovisual, rue de la Loi/Wetstraat 200 (T 120, 02/102), B-1049 Bruxelles/Brussel.
- Facsimile (32-2) 299 93 01.
- b) **Deadline for requests for documents:** 22. 12. 1995.
- c)
6. a) **Deadline for submission of offers:** 3. 1. 1996.
- b) **Address for the submission of completed tenders:** Directorate-General for Information, Communication, Culture, Audiovisual, Unit X/B.2 'Audiovisual Production', for the attention of Mrs Nicole Cauchie, T 120 building 2/107, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
- c) **Language:** 1 of the 11 official languages of the European Union.
7. **Persons permitted to be present at the opening of the offers:**
- a) the Commission officials concerned.
 - b)
- 8.
9. **Payment methods:** Payment shall be made within 60 days following the delivery of the supplies and the receipt by the Commission of the detailed invoice together with a copy of the corresponding order form.
10. A consortium of suppliers is permitted, provided that the contractual and legal liabilities are assumed by only 1 principal contractor.
11. **Minimum conditions:** Candidates have to justify their technical and financial standing by the following references:
- a list of the executive officers and their role within the company (or an extract of the company statute);
 - a suitable banking statement;
 - a description of the human resources and technical equipment available;
 - a copy of the assessments and operating accounts of the past 3 years;
 - a list of references of similar contracts undertaken in the past 3 years.
12. **Period of validity of the offers:** 6 months from the date in 6. a).
13. **Criteria for the award of the contract:** The contract will be awarded to the economically most advantageous offer on the basis of the following criteria:
- technical quality of the offer and of the experience;
 - delivery time;
 - proposed after-sales service;
 - price.
- 14., 15., 16.
17. **Date of dispatch of the notice:** 31. 10. 1995.
18. **Date of receipt by the Office for Official Publications of the European Communities:** 31. 10. 1995.

Supply, installation and maintenance of audiovisual equipment

Open procedure

(95/C 298/16)

1. Directorate-General X (Information, Communication, Culture, Audiovisual) of the European Commission, Authorizing Department: DG X/B.2, Audiovisual Production, rue de Trèves 120 (2/107), B-1049 Bruxelles.
Tel. (02) 299 90 01. Facsimile (02) 299 93 01.
2. a) Open call for tenders No PO/95-104/B2.
b) It is the Commission's intention to establish 1 or more general contracts for the supply, installation and maintenance of audiovisual equipment.
The contract will initially be for 1 year. It may be renewed 4 times, giving a maximum total duration of 5 years.
3. a) The place of delivery of supplies and services will be Brussels and Luxembourg.
b) **Description of the equipment and services covered by the invitation to tender:**
 - I. Supply and installation of audiovisual equipment:
 - a) video-tape recording
 - b) broadcast TV monitors
 - c) video switching/editing
 - d) video distribution
 - e) broadcast cameras and ancillary equipment
 - f) graphics/special effects
 - g) audio mixers and processing, both analogue and digital
 - h) miscellaneous: time code, video processing, test equipment
 - i) CD-I/CD-ROM multimedia equipment.
 - II. Maintenance of audiovisual equipment (already installed or not):
 - a) video-tape recording
 - b) broadcast TV monitors
 - c) video switching/editing
 - d) video distribution
 - e) broadcast cameras and ancillary equipment
 - f) graphics/special effects
 - g) audio mixers and processing, both analogue and digital
 - h) miscellaneous: time code, video processing, test equipment
 - i) CD-I/CD-ROM multimedia equipment.
- c) The tender is divided into 18 lots as defined under point 3 (b). Tenderers may include 1, more or all of the lots in their submission, following the methods shown in the specifications.
- 4.
5. a) **A written request (by facsimile) for documents may be sent to:**
Mr Luis Irurzun-Gascue, European Commission, Directorate-General X: Information, Communication, Culture, Audiovisual, rue de la Loi/Wetstraat 200 (T 120, 02/102), B-1049 Bruxelles/Brussel.
Facsimile (32-2) 299 93 01.
b) **Deadline of requests for documents:** 22. 12. 1995.
c)
6. a) **Deadline of submission of completed tenders:** 3. 1. 1996.
b) **Address for the submission of completed tenders:** Directorate-General for Information, Communication, Culture, Audiovisual, Unit X/B.2 'Audiovisual Production', for the attention of Mrs Nicole Cauchie, T 120 building 2/107, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
c) **Language:** One of the 11 official languages of the European Union.
7. **Persons permitted to the opening of the offers:**
 - a) The officials concerned of the Commission.
 - b)
- 8.
9. **Payment methods:** Payment shall be made within 60 days following the delivery of the supplies and the receipt by the Commission of the detailed invoice, together with a copy of the corresponding order form.
10. A consortium of suppliers is permitted provided that the contractual and legal liabilities are assumed by only 1 principal contractor.
11. **Minimum conditions:** Candidates have to justify their technical and financial standing by the following references:
 - a list of the executive officers and their role within the company (or an extract of the company statute);

- a suitable banking statement;
 - a description of the human resources and technical equipment available;
 - a copy of the assessments and operating accounts of the past 3 years;
 - a list of references of similar contracts undertaken in the past 3 years.
12. **Period of validity of the offers:** Six months from the deadline of consignment of the offers given under 6. a).
13. **Criteria for the award of the contract:** The contract will be awarded to the economically most advantageous offer on the basis of the following criteria:
- technical quality of the offer and of the experience;
 - delivery time;
 - proposed after-sales service;
 - price.
- 14., 15., 16.
17. **Date of dispatch of the notice:** 31. 10. 1995.
18. **Date of receipt by the Office for Official Publications of the European Communities:** 31. 10. 1995.

Cost-effective control of acidification and ground-level ozone in Europe

Environment, nuclear safety and civil protection

Open procedure

(95/C 298/17)

1. **Awarding authority:** European Commission, DG XI - Environment, Nuclear Safety and Civil Protection, Unit B.1 - Economic analysis and environmental forward studies, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
2. **Award procedure:** Open invitation to tender reference XI/BI/1223.
3. **Reason for the invitation to tender:** The EU is currently planning an acidification policy. Simultaneously the EU is preparing a number of changes in air-pollution legislation such as a revision of the Large Combustion Plants Directive and the preparation of directives for: organic solvents, VOC emissions from filling-stations, non-road mobile sources, light-duty vehicles and the sulphur content of heavy fuel oil, bunker fuel, domestic fuel and kerosene. With a view to contributing to a cost-effective EU policy on acidification and ground-level ozone, this study should analyse the least-cost solutions for meeting a set of critical loads for acidification and critical levels for ground-level ozone in Europe.
4. **Contents:** The assessment of the cost-effectiveness of effect-oriented and source-based strategies to control acidification and ground-level ozone can be subdivided into 3 related exercises:

Evaluation of source-based strategies and least-cost solution for acidification

The first exercise should determine the annual costs and environmental impacts (in relation to critical

loads and levels) of a number of source-based scenarios for each country. In addition, the least-cost solution for meeting the critical loads for acidification (and nitrogen) in Europe should be determined, if feasible. Otherwise alternative target loads have to be set. The least-cost solution is to be determined with and without source-based (policy) constraints. The purpose is to obtain first insights in costs and environmental impacts of current policies, planned policies and other alternatives so as to guide EU policy decisions.

Least-cost solution for meeting ozone critical levels

The second exercise should determine the least-cost solution for meeting a set of (possible) critical levels for ozone across Europe, looking at both VOC and NO_x emissions. The exercise should be carried out with and without constraints on national policies and source-based strategies. The purpose is to guide the EU in taking decisions on effect-based strategies towards ozone.

Least-cost solution for meeting ozone critical levels and critical loads for acidification

The final exercise has to determine the least-cost solution for meeting critical levels for ozone and critical loads for acidification simultaneously. Again the exercise has to be carried out with and without constraints. The exercise should lead to indications on the extent to which national emission reduction

and source-based strategies are cost-effective from an acidification and ozone point of view.

Area of analysis

The countries to be analysed should be all EU countries as well as the 19 non-EU countries in Europe that are included in UN-ECE activities in this field. Where needed, countries might be subdivided into subregions. Transport matrices should be country-to-grid, where the relevant grid size is 150 by 150 km. The same grid size should be used for critical loads and levels and the estimation of effects.

Period of analysis

The time horizon of the study will be 10 years, starting in 2000. The base year for expressing any country-specific emission reductions should be 1990, using official emission data as reference point. The analysis should be performed for time steps of 5 years (2000, 2005, 2010). For optimization purposes 1 point in time is sufficient (2010).

5. **Duration:** The entire study is to be completed within 15 months from the date on which the contract is signed.
6. **Organization:**
 - 1 intermediate report 3 months after the signing of the contract,
 - 1 intermediate report 9 months after the signing of the contract,
 - draft final report 14 months after the signing of the contract,
 - final report 15 months after the signing of the contract.
7. **Requests for documentary material (tender notice dossier):**
 - a) Obtainable from the European Commission, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, for the attention of Mr B. Sinnott, DG XI.A.2, Budget, finance and contracts (internal address: TRMF 4/87), facsimile (32-2) 299 44 49.
 - b) Deadline for requesting this information: 35 calendar days following the publication of this invitation to tender in 'Supplement to the Office Journal of the European Communities'.
 - c) Documentation is free of charge.
8. **Submission of tenders:**
 - a) Postal address: European Commission, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, for the attention of Mr B. Sinnott, DG XI.A.2,

Budget, finance and contracts (internal address: TRMF 4/87).

- b) Languages: the tender must be submitted in 3 copies in 1 of the official languages of the European Union.
- c) Deadline for submission: 52 calendar days following the publication of this invitation to tender in 'Supplement to the Official Journal of the European Communities'.

9. Price and payment terms:

- a) Prices must be quoted in ecus and be fixed amounts; estimated travel and subsistence expenses must be indicated separately.
- b) Terms of payment figure in the tender notice dossier and are those which are in force at the Commission for study contracts.

10. Selection criteria:

1. Tenderers should be individual or legal entities (giving registration numbers from official registers).
2. Evidence of the tenderer's financial and economic viability must be furnished by (extracts from) financial statements of the past 3 years.
3. Experience in analysis of costs of controlling acidifying and ozone-producing emissions.
4. Experience in atmospheric transport modelling, integrated assessment modelling and optimization techniques.
5. Access to information in Member States.

11. Award criteria

1. Price of the proposal.
2. Proposal showing a thorough understanding of the technical requirement of the work to be done.
3. Expertise as evidenced by composition of the team proposed.
4. Availability of knowledge concerning the costs associated with the different emission control technologies for SO₂, NO_x, NH₃ and VOCs.
5. Availability of the required modelling tools.

12. **Notice postmarked:** 31. 10. 1995.

13. **Notice received by the Office for Official Publications of the European Communities:** 31. 10. 1995.

Guard services

(95/C 298/18)

1. **Name, address, telephone, telegraph, telex and facsimile addresses of the awarding authority:** European Commission, Joint Research Centre, Institute for Reference Materials and Measurement (IRMM), Purchasing Office, Retieseweg, B-2440 Geel.

Tel. (014) 57 12 11. Telex 33589 EURAT B.
Facsimile (014) 58 42 73.
2. **Category of service and description thereof. CPC reference No:**

— CPV reference No 74.60.15.00-7.

— Guard services of the IRMM's site and buildings.
3. **Place of delivery:** Delivery to the IRMM in B-Geel (address as in 1).
4. a) **Indication of whether the execution of the service is reserved by law, regulation or administrative provision to a particular profession:**

b) **Reference of the law, regulation or administrative provision:**

c) **Indication of whether legal persons should indicate the names and professional qualifications of the staff to be responsible for the execution of the service:** The names and professional qualifications of the staff to be responsible for the execution of the services must be mentioned.
5. **Indication of whether service providers can tender for part of the services concerned:** Service providers may only tender for the services in their entirety.
6. **Where applicable, non-acceptance of variants:** Variants are not authorized.
7. **Contract duration or time limit for completion of the service:** 1-year contract as of 1. 4. 1996.

Annual renewal by written agreement is possible (4 times, maximum).
8. a) **Name and address of the service from which the necessary documents may be requested:** As in 1.

b) **Final date for making such requests:** 6. 12. 1995.
- c) **Where applicable, the amount and terms of payment of any sum payable for such documents:**
9. a) **Final date for receipt of tenders:** 8. 1. 1996.

b) **Address to which they must be sent:** As in 1.

c) **The language(s) in which they must be drawn up:** A Community language.
10. a) **Persons authorized to be present at the opening of tenders:** Tenderers or any other person appointed by them.

b) **Date, time and place of the opening:** 10. 1. 1996 (11.00). As in 1.
11. **Where applicable, any deposits and guarantees required:** To be specified in the tender documents.
12. **Main terms concerning financing and payment and/or references to the relevant provisions in which these are contained:** To be specified in the tender documents.
13. **Where applicable, the legal form to be taken by the grouping of service providers winning the contract:**
14. **Information on the service provider's own position, and information and formalities necessary for an appraisal of the minimum economic and technical standards required of him:**

The economic and financial capacity will be established by the production of the following supporting documents:
 1. balance sheets or extracts from balance sheets for the past 3 financial years,
 2. a statement concerning the turnover and the number of persons employed in the guard services field, both for the whole of the firm and for the subsidiary where the execution of the service will be managed.
The candidate's technical capacity will be established in the following manner:
 - all tenderers must have a minimum of 3 years' experience in the field of nuclear plant guard services,

— all tenderers must satisfy the laws on nuclear plant guarding in force in the Member State in which the tenderer is established.

The following documents are to be enclosed:

1. the certificate of enrolment of the company on the professional register or national trade register,
2. the list of the principal services carried out over the past 3 years in the field of guard services and especially in the field of nuclear plant guard services,
3. a certified copy of the authorization to carry out guard duties in similar installations in accordance with the laws in force in the Member State in which the tenderer is established,
4. an indicative list detailing the persons likely to be called upon to participate in the provision of services, with the standard curriculum vitae indicating the various qualifications and training certificates obtained as well as the elements of professional experience in the field of nuclear plant guard services,
5. a description of the measures taken by the tenderer to ensure the quality of the services rendered.

Furthermore, the tenderer must formally guarantee to replace personnel when absent for any reason within 24 hours of notification of their absence.

15. **Period during which the tenderer is bound to keep open his tender:** 9 months from 8. 1. 1996 (09.00).
16. **Contract award criteria and, if possible, their order of importance. Criteria other than lowest price will be mentioned if they do not appear in the contract document:** The award will take into consideration the economically and technically most advantageous tender in accordance with the tender documents and taking account of the following criteria:
 1. the tenderer's experience in nuclear plant guard services,

2. the professional qualifications of executive as well as managerial staff,
3. the price tendered per tenderer.

17. **Other information:**

1. In order that candidates may collect together all the elements necessary for the contract, a site visit is envisaged on 15. 12. 1995 (09.00).

To facilitate access to the establishment authorized persons (a maximum of 1 per tender) must send details of their civil status (photocopy of their identity card) to the purchasing office (at the address in 1) by:

— 13. 12. 1995, at the latest for the site visit,

— 8. 1. 1996, at the latest for the opening of tenders.

2. Tenderers are advised of the existence in Belgium of legislative, regulatory or administrative provisions in force for the execution of the service:

Law of 29. 7. 1934 prohibiting private militia.

Law of 10. 4. 1990 on guard service companies, security companies and internal guard services.

Law of 30. 1. 1991 modifying the Law of 3. 1. 1933 relating to the manufacture, commerce and carriage of weapons and to the munitions trade.

3. Tenderers are also advised about the labour agreement of 14. 6. 1993, made obligatory by Royal Decree of 1. 3. 1995 for the execution of the service.

18. **Date of dispatch of the notice:** 31. 10. 1995.

19. **Date of receipt by the Office for Official Publications of the European Communities:** 31. 10. 1995.

The impact of employment on structural changes affecting financial services: analysis and trade union responses

Open procedure

(95/C 298/19)

1. **Awarding authority:** European Commission, Directorate-General V, 'Employment, Industrial Relations and Social Affairs', European Social Fund, Unit V/B/5, 'Adaptation to industrial change', rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

Tel. (32-2) 296 61 77. Facsimile (32-2) 296 97 71.

Person to contact: Claude Gaspart.

2. **Category of service and description thereof:** The financial services⁽¹⁾ do not escape economic and social transformations which affect most sectors of activity in the European Union, in particular the financial sector, which is, in fact, at the very heart of current changes, and these transformations continue to gather speed. 3 main factors have brought about these changes: i) globalization of markets and services; ii) deregulation of national financial structures; iii) increasing tendency towards disintermediation which has modified the role of banks. Furthermore, new forms of financial products have appeared in recent years, thanks to ever more sophisticated instruments stemming from information technologies. The financial services environment has also been modified under the effect of factors such as disinflation, competition, etc. None of these factors may be considered in isolation in so far as their convergence is at the base of the changes the sector is experiencing. The impact of these factors, however, has not produced the same effects in all Member States. All the bank, insurance and other financial services are nevertheless involved in a vast change whose effects will be felt in their human resource management policies.

In fact, the structural changes affecting the sector have greatly modified the employment situation of the men and women who work therein, both quantitatively and qualitatively: the jobs in financial services are changing, new jobs are appearing, recruitment and training policies are developing. Furthermore, it should be added that the financial services represented a main source of employment

for women, in the 1980s, but that they saw themselves, in general, as being assigned the less qualified and less well-paid functions. Faced with these new situations what is the trade-union response in the sectors where trade-unionism varies but can reach high percentages.

In the abovementioned framework, which will be covered more fully in the specification and in which the selected tenderer may, if necessary, go into in detail, the European Commission is putting out an invitation to tender involving conducting a study describing and analysing the structural changes in the 15 Union Member States which affect the financial services at the human resource level, and the trade-union response applied to it in the past and today.

The study will comprise 2 parts.

- a) The first part involves identifying and analysing the change factors at work in what can globally be called 'industry and financial services'.
- i) The structural changes affecting financial services in the following fields:
- deregulation policies,
 - information and communication technologies,
 - globalization and internationalization,
 - mergers and takeovers,
 - cultural changes (in the sense of 'company culture') in banking and finance,
 - proposed market and financial products.
- ii) The impact of the structural changes on employment:
- employment (quantitative and qualitative aspects): data available according to sex,
 - restructuring of the work and work-stations,

⁽¹⁾ The 'financial services' comprise the following services: credit institutions (banks, savings banks, etc.) identified by NACE code 81 in the standard classification of economic activities, insurance (NACE 82) and part of NACE 83 (financial intermediaries: NACE 831, 832 and real estate NACE 833, 834 and 835). Within the context of this study, real estate will not be included.

- flexibility,
- training and job prospects,
- new strategies regarding human resources in the financial services,
- impact according to which the job is occupied by a woman or a man.

This list is not exhaustive. It is for the selected tenderer to propose, within the context of his methodology, other change factors which he deems relevant, if necessary.

- b) The second part of the study will comprise analysing, in detail, negotiations conducted in response to the structural changes identified in the first part, both in terms of salary and working conditions. It is advisable to examine, in this context, the possible specific contribution of women to these structural changes.
3. **Place of delivery:** European Commission, Directorate-General V, 'Employment, Industrial Relations and Social Affairs', Unit V/B/5 'Adaptation to industrial change', J27 3/105, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
 4. Legal persons are bound to provide the names and professional qualifications (curriculum vitae) of the personnel responsible for performing the service.
 5. The study must cover all the points in 2.
 6. **Final date for execution of the service:** The contract will run for a maximum of 6 months from the date on which it is signed by both parties.
 7. a) **Requests for documents:** The tender documents must be requested in writing from the address in 1.
b) **Final date for requests:** The Commission must be in receipt of the requests for tender documents at the latest 30 days from the date of publication.
 8. a) **Final date for receipt of tenders:** 22. 12 1995.
b) **Address to which they must be sent:** As in 3.
 - c) **Language(s) in which they must be drawn up:** 1 of the 11 Community languages.
 9. a) **Persons authorized to be present at the opening of tenders:** The opening of tenders will be the responsibility of the competent Commission services.
b) **Date, time and place of the opening:** Within 2 weeks of the final date for receipt of tenders, as in 8 (a) in B-Brussels.
 10. **Main financing and payment terms:** The study will be 100 % financed:
 - 30 % following contract signature by both parties,
 - 40 % following submission and approval of an intermediary report,
 - 30 % following receipt and approval of a final report.
 11. **Legal form in the case of the grouping of tenderers:** Tenders may be presented jointly or severally by legal or natural persons. If 2 or more candidates submit a joint tender, 1 candidate must be designated lead contractor and authorized agent.
 12. **Information on the supplier's own situation and the information and formalities necessary for an appraisal of the minimum economic and technical standards required of him:** The tenderer must provide the economic and technical information with a view to an appraisal. This will be supported by criteria detailed in the tender documents, showing sound experience and knowledge in the fields to be covered by the study as described in 2.
 13. **Period during which the tenderer is bound to keep open his tender:** 6 months from the final date for receipt of tenders.
 14. **Criteria for selection and contract award:** The contract will be awarded on the basis of the economically most advantageous tender, taking account at the same time of quality and price. The criteria for selection and contract award are detailed in the tender documents.
 15. **Date of dispatch of the notice:** 31. 10. 1995.
 16. **Date of receipt by the Office for Official Publications of the European Communities:** 31. 10. 1995.