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Information and Notices

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I

(Information)

COMMISSION

Ecu (1)

21 November 1995

(95/C 310/01)

Currency amount for one unit:

Belgian and Luxembourg franc	38,5042	Finnish markka	5,59796
Danish krone	7,25782	Swedish krona	8,70447
German mark	1,87267	Pound sterling	0,855114
Greek drachma	310,027	United States dollar	1,32842
Spanish peseta	161,044	Canadian dollar	1,79443
French franc	6,46010	Japanese yen	134,901
Irish pound	0,828863	Swiss franc	1,51334
Italian lira	2114,26	Norwegian krone	8,26875
Dutch guilder	2,09704	Icelandic krona	85,7096
Austrian schilling	13,1766	Australian dollar	1,78431
Portuguese escudo	195,982	New Zealand dollar	2,03589
		South African rand	4,84375

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).

Standing invitation to tender pursuant to Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs

(95/C 310/02)

(See notice in Official Journal of the European Communities No L 55 of 1 March 1988, page 31)

Tender No: 172

Date of Commission Decision: 17 November 1995

(ECU/100 kg)

Formula			A/C—D		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—		—	
		Concentrated	—		—	
Maximum aid amount	Butter ≥ 82 %		125	121	—	121
	Butter < 82 %		—	116	—	—
	Concentrated butter		154	150	154	150
	Cream		—	—	54	—
Processing security	Butter		145	—	—	—
	Concentrated butter		180	—	180	—
	Cream		—	—	61	—

Communication of Decisions under sundry tendering procedures in agriculture (milk and milk products)

(95/C 310/03)

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

(ECU/100 kg)

Standing invitation to tender	Tender No	Date of Commission Decision	Maximum aid	End-use security
Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community (OJ No L 45, 21. 2. 1990, p. 8)	132	17. 11. 1995	179	203

Information procedure — technical regulations

(95/C 310/04)

(Text with EEA relevance)

- Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations.
(OJ No L 109, 26. 4. 1983, p. 8).
- Directive 88/182/EEC of 22 March 1988 amending Directive 83/189/EEC.
(OJ No L 81, 26. 3. 1988, p. 75).

Notifications of draft national technical regulations received by the Commission.

Reference ⁽¹⁾	Title	End of three-month standstill period ⁽²⁾
95/293/F	B 11-21 A: CT2/CAI cordless telephone terminals (units for both public and private use)	11. 12. 1995
95/294/F	B 11-22 A: private base CT2/CAI and associated cordless telephone terminals (optional)	11. 12. 1995
95/295/UK	Measuring Equipment (Measures of Length) (Amendment) Regulations	15. 12. 1995
95/296/GR	Market decree prohibiting the use of the terms 'fur' and 'ecological' when referring to synthetic clothing	13. 12. 1995
95/297/F	Order consolidating the rules on the conformity of gas equipment with the standards relating thereto when this equipment is located inside residential buildings and their outbuildings, as well as in caravans, motor caravans and fitted lorries	14. 12. 1995

⁽¹⁾ Year — registration number — Member State of origin.

⁽²⁾ Deadline for comments from Commission and Member States.

⁽³⁾ The usual information procedure does not apply to 'Pharmacopoeia'.

⁽⁴⁾ No standstill period as the Commission has accepted the grounds for urgent adoption.

The Commission would point out that, under the terms of its communication of 1 October 1986 (OJ No C 245, 1. 10. 1986, p. 4), it considers that if a Member State adopts a technical regulation which comes under the provisions of Directive 83/189/EEC without communicating the draft to the Commission or respecting the standstill obligation, that regulation cannot be enforced against third parties under the terms of the legal system of the Member State in question. The Commission therefore considers that litigants have a right to expect national courts to refuse to implement national technical regulations that have not been notified as required by Community law.

Information on these notifications can be obtained from the national administrations, a list of which was published in *Official Journal of the European Communities* No C 67 of 17 March 1989.

Approval of a State aid pursuant to Articles 92 and 93 of the EC Treaty**Cases where the Commission does not raise objections****State Aid N 135/95**

(95/C 310/05)

(Text with EEA relevance)

Summary of the Commission's decision not to oppose the R&D, environmental and training aid which the Austrian Government intends to provide to Opel Austria in support of its expenditure on the Family-0-engine project

By letter dated 3 February the EFTA Surveillance Authority transferred a proposal of the Austrian authorities to award State aid on the basis of the Financial Guarantee Act of 1977 to Opel Austria, a wholly owned subsidiary of General Motors Corp. Detroit, of which it had been notified on 4 November 1994, to the Commission. The proposal concerns aid for R&D, environmental protection and employee training linked to the development and implementation of the new Family-0 engine at Opel Austria's plant in Aspern/Vienna.

The R&D, environmental and training expenditure originate from Opel's decision to develop a new small size petrol engine Family (Family-0), which forms part of an new overall approach to the powertrain design. The engine, which is developed in a three-cylinder and a four-cylinder version, will have lower fuel consumption and reduced emissions and would also be more easily recyclable. It will incorporate a completely new generation of an engine management system.

The process development expenditure concerns new processes in crankshaft and con-rod machining and the use of new materials for the con-rod. Furthermore, new logistics, layout and production control systems will be employed. The innovations result in new modular production.

Although part of the development work will be undertaken at Opel's Technical Development Centre in Rüsselsheim, Germany, it will be paid for by Opel Austria and the intellectual property rights of all results relating to the Family-0 engine will be transferred to Opel Austria. The latter will be the sole owner of these rights and will benefit from royalty payments, should production of the engine in the future be undertaken in other plants of the General Motors Group.

The environmental projects involve investments in the cleaning and washing processes of the engine components, which will reduce fluid emissions and noise pollution significantly beyond legal standards.

The training expenditure covers costs of trainers material and travel for basic non-company specific training related to quality control, basic hydraulics and pneumatics as well as EDP-related knowledge. On-the-job training concerns problem solving, maintenance and repair techniques required by new production processes.

The project takes place over the period of 1994 to 1998 at a total cost of öS 4 913 million (ECU 375,4 million). Of these, öS 3 421 million (ECU 261,4 million) concern normal investment, which is not eligible for aid. The Family-0 engine will be exclusively produced in Aspern with an annual capacity of 500 000 units. At the same time capacity of the Family-1 engine will be reduced to 160 000 units from the present 452 000 p.a. Employment in Aspern will rise from 2 700 to 3 000 people.

The proposed aid for product related R&D will amount to öS 93,8 million (ECU 7,2 million) at an intensity of 15 %, while the proposed intensity on process related R&D and innovative investment is 10 % resulting in an amount of öS 72,8 million (ECU 5,6 million). For the environmental expenditure a grant of 30 % will be given, leading to an aid amount of öS 29,7 million (ECU 2,3 million). Finally, aid for basic training will be öS 8 million (ECU 0,6 million), i.e. 50 % intensity, while aid for on-the-job training is set at öS 6 million (ECU 0,5 million) at an intensity of 25 %. In relation to the total project cost of öS 4 913 million, the total proposed aid reaches an intensity of 4,3 %.

The responsible administrations have employed independent auditors to monitor the correct execution of the aided projects including the expenditure, which takes place in Germany.

The proposed aid is granted by application of existing aid schemes (Financial Guarantee Act of 1977 and R&D scheme of the City of Vienna) and is notifiable under the Community framework for State aid to the motor vehicle industry. As there is a substantial intra-Community trade

in passenger cars, the aid measures which relieve the company concerned from part of the costs of its R&D, environmental and training activities, clearly threaten to distort competition among vehicle manufacturers and to affect trade within the Community within the meaning of Article 92 (1) of the EC Treaty and Article 61 (1) of the EEA Agreement.

As outlined in the framework on State aids to the motor vehicle industry and the framework on R&D aid ⁽¹⁾, the Commission recognizes the potential beneficial effects of R&D activity on economic development and takes a favourable view of aid to such activity, provided that it is not likely to adversely affect trading conditions to an extent contrary to the EC Treaty. The assessment of such aid takes into consideration several factors such as the nature of the project, whether it really relates to genuinely innovative products or processes, the technical and financial risk involved and the risk of distortion of competition.

For basic industrial research the level of aid should, as a general rule, not exceed 50 % of the eligible costs. As the activity being aided gets nearer to the market, involving the areas of product and process development, the Commission looks for progressively lower levels of aid. The development expenditure follows applied research, which was executed before the approval of the aid and which was not aided. As the product development expenditure is closer to the market, the Austrian authorities proposed to limit the aid intensity to 15 %, which, in the Commission's view, is an acceptable level.

As concerns the process development for this project, it is a mixture of development expenditure and innovative investment. In past cases ⁽²⁾, the Commission has never approved more than an aid intensity of 8 to 10 % for such expenditure. As the proposal of the Austrian authorities is limited to such an intensity, its level is acceptable.

The development expenditure has been examined by an independent expert and considered to be genuinely innovative on a European level. The innovative character of the engine lies in the need to combine a great number of different and often non-related technologies to compensate for the inherent handicaps of a three-cylinder layout. Three-cylinder layouts have not been used for a long time in Europe. Its introduction carries a considerable risk with regard to its smoothness and

balance and thus market acceptance. Apart from the general design, the specific innovative aspects of the engine concern the electronic engine management system.

As concerns the process development, various elements of the production process have to be considered innovative on a European level. They also involve considerable risks for the company as to their efficiency and practicability. This relates to the new sinuous layout concept resulting from the parallel production of the Family-0 and 1 engines, specific grinding and drilling processes in the machining of various engine components and the con-rod cracking process using a completely new material. Furthermore, the employment of the Andon system for production control and improvement is a first application on a European level. Finally, an innovative system for the removal of coolant from the machine lines is employed.

The aid proposed by the Austrian authorities is limited to an intensity of 15 % gross for the product development expenditure and to 10 % for process development, and is thus within the limits permitted by the motor vehicle and R&D frameworks and in line with the intensities approved in other cases in the motor vehicle industry. The eligible costs upon which the calculation of these intensities is based, conform to the categories set out in Annex II to the R&D framework. As outlined above, both the product and the new processes involve a considerable degree of risk to the company. The aid provides an incentive to the company to undertake an additional effort in this field of engine development over and above its normal operations.

The framework on State aid to the motor vehicle industry also accepts aid for general pollution control in line with the Community guidelines on State aid for environmental protection. The latter ⁽³⁾ specifies that extra investment costs necessary 'to reduce or eliminate pollution and nuisances or to adapt production methods in order to protect the environment' may be subsidized up to 15 % in gross terms if the investments lead to compliance with new standards and up to 30 % if standards are significantly exceeded or if there are no standards.

The investment in new cleaning and washing processes for the engine components lead to a significant reduction in effluent emission and to the recycling of these effluents. The investments either go beyond national standards or are voluntary measures in the sense that no standards exist. Furthermore, the new 'cold' end function and leak test leads to emission reductions. Finally, new vapour extraction systems in the buildings lead to a

⁽¹⁾ OJ No C 83, 11. 4. 1986.

⁽²⁾ See aid to VW Bruxelles (C 12/90) and to Sevel Val di Sangro (N 396/94).

⁽³⁾ OJ No C 72, 10. 3. 1994.

reduction in oil mist far beyond legal standards, while ventilation systems reduce noise pollution beyond legal standards.

The eligible costs are limited specific investments necessary to meet environmental objectives and do not include general investment costs not attributable to environmental protection or investment to create or to replace capacity. Furthermore, the aid proposed by the Austrian authorities is limited to an intensity of 30 % gross, which is within the limits foreseen by paragraph 3.2.3.B and 3.2.3.C of the guidelines. Accordingly, the aid is in proportion to the improvement of the environment achieved.

In relation to the development of the new products and production processes and the introduction of a new assembly work structure, the project foresees measures for training of the company's workforce. The expenditure excludes trainee's wages and is split into basic and on-the-job training, as explained above. In view of the innovative nature of the project, it is considered that the vocational training measures will correspond to genuinely qualitative changes in the required skills of the

workforce. The basic training elements are not company specific. On this basis and since the level of aid is within reasonable limits, the proposed aid for training is considered acceptable according to the rules on aid for vocational training as specified in the framework on State aid to the motor vehicle industry.

In conclusion, the R&D, environmental and training aid proposed by the Austrian authorities for Opel Austria 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 R&D, environmental and training aids set out in the Community framework for State aid to the motor vehicle industry.

Accordingly, the Commission has decided, on the basis of Article 92 (3) (c) of the EC Treaty not to raise any objections to the proposal by the Austrian authorities to award aid for product related R&D of öS 93,8 million, for process related R&D and innovative investment of öS 72,8 million, for environmental expenditure of öS 29,7 million and for training expenditure of öS 14 million under the assumption that the notified aid intensities are respected.

Recapitulation of current tenders, published in the *Supplement to the Official Journal of the European Communities*, financed by the European Community under the European Development Fund (EDF) or the European Communities budget

(week: 14 to 18 November 1995)

(95/C 310/06)

Invitation to tender No	Number and date of 'S' Journal	Country	Subject	Final date for submission of bids
4075	S 219, 16. 11. 1995	Ethiopia	ET-Addis Ababa: vehicles and heavy equipment (<i>additional information</i>)	4. 1. 1996
4029	S 220, 17. 11. 1995	Mauritius	MU-Rose Hill: furniture, miscellaneous equipment and computer network	16. 2. 1996

II

(Preparatory Acts)

COUNCIL

ASSENT No 7/95

given by the Council, pursuant to Article 55 (2) (c) of the Treaty establishing the European Coal and Steel Community, to enable the Commission to grant ECU 18 500 000 from the levies provided for in Article 50 of that Treaty as financial aid to 29 projects of technical coal research 1995

(95/C 310/07)

In a letter dated 19 June 1995, the Commission of the European Communities requested the assent of the Council of the European Union to the allocation of ECU 18 500 000 as financial aid to 29 projects of technical coal research 1995, pursuant to Article 55 (2) (c) of the Treaty establishing the European Coal and Steel Community.

The aid is broken down as follows:

- Community coal research programme: ECU 18 349 000,
- dissemination of information and ancillary costs: ECU 150 200.

At its 1 875th meeting held on 23 October 1995, the Council gave its assent as requested by the Commission.

*For the Council**The President*

J. SAAVEDRA ACEVEDO

ASSENT No 8/95

given by the Council, acting unanimously pursuant to the second paragraph of Article 54 of the Treaty establishing the European Coal and Steel Community with a view to granting loans under the 12th programme for the financing of housing for workers in the ECSC industries

(95/C 310/08)

Under cover of a letter dated 4 July 1995, the European Commission requested the assent of the Council of the European Union, pursuant to the second paragraph of Article 54 of the ECSC Treaty, with a view to granting loans under the 12th programme for the financing of housing for workers in the ECSC industries.

The Council gave the assent requested at its 1 880th meeting on 6 November 1995.

*For the Council**The President*

J. M. EGUIAGARAY

ASSENT No 9/95

given by the Council, pursuant to Article 55 (2) (c) of the Treaty establishing the European Coal and Steel Community, for the adoption of a reserve list of projects for technical steel research

(95/C 310/09)

Under cover of a letter dated 21 September 1995, the European Commission requested the assent of the Council of the European Union, pursuant to Article 55 (2) (c) of the ECSC Treaty, to the adoption of a reserve list of projects for technical steel research.

The Council gave the assent requested at its 1 880th meeting on 6 November 1995.

For the Council

The President

J. M. EGUIAGARAY

ASSENT No 10/95

given by the Council, acting unanimously pursuant to Article 95 of the Treaty establishing the European Coal and Steel Community, to the granting of a loan to Sidex SA, Galati, Romania

(95/C 310/10)

Under cover of a letter dated 8 September 1995, the European Commission requested the assent of the Council of the European Union, pursuant to Article 95 of the ECSC Treaty, to the granting of a loan to Sidex SA, Galati (Romania).

The Council gave the assent requested at its 1 880th meeting on 6 November 1995.

For the Council

The President

J. M. EGUIAGARAY

ASSENT No 11/95

given by the Council, acting unanimously pursuant to Article 95 of the Treaty establishing the European Coal and Steel Community, in respect of a State aid (Austria) to Voest Alpine Erzberg GmbH

(95/C 310/11)

In a letter dated 9 October 1995 the European Commission requested the assent of the Council of the European Union, in accordance with Article 95 of the ECSC Treaty, in respect of a State aid (Austria) to Voest Alpine Erzberg GmbH.

The Council gave the assent requested at its 1 800th meeting on 6 November 1995.

For the Council

The President

J. M. EGUIAGARAY

ASSENT No 12/95

given by the Council, acting unanimously pursuant to the second paragraph of Article 54 of the Treaty establishing the European Coal and Steel Community, for the joint financing of work for the construction of a high-speed railway line between Rome and Naples

(95/C 310/12)

By letter dated 10 July 1995, the European Commission requested the assent of the Council of the European Union, pursuant to the second paragraph of Article 54 of the ECSC Treaty, for the joint financing of work for the construction of a high-speed railway line between Rome and Naples.

The Council gave its assent as requested at its 1 880th meeting on 6 November 1995.

For the Council

The President

J. M. EGUIAGARAY

COMMISSION

Proposal for a Council Regulation (EC) adopting a multiannual programme to promote international cooperation in the energy sector — Synergy programme

(95/C 310/13)

COM(95) 197 final — 95/0126(CNS)

(Submitted by the Commission on 8 September 1995)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Community's accession to the European Energy Charter Treaty and the Convention on Climate Change commits it to cooperation in the energy field;

Whereas according to the Green Paper 'For a European Union energy policy' presented by the Commission international energy cooperation is essential owing to the increase in pollution due to the growth of consumption in the developing countries, the role of energy in the stability of society, whether in consumer or producer countries, the increasing energy dependence of the Community and the growth of world markets in production, transport, distribution and consumption technologies;

Whereas this need for international energy cooperation can be satisfied by the creation of a cooperation and assistance programme on the formulation and implementation of energy policy in non-member countries; whereas in view of the Community's experience in this area and, in particular, of the steps it has taken since 1980, these activities should be based on a legal instrument capable of adjusting them to the various Community policies;

Whereas the objectives of the programme envisaged cannot be attained, by reason of their wide-ranging nature, other than at a Community level;

Whereas it is necessary to establish a multiannual framework for the activities carried out under the Community's international energy cooperation programme for the next five years;

Whereas the objectives of the energy cooperation under the programme should be to promote sustainable development, to enhance security of supply and to improve energy efficiency; whereas effect may be given to such cooperation by the provision of grants for financing projects;

Whereas such aid should be anchored in a multiannual indicative programme and annual programmes and may be the subject of agreements with the countries concerned or with international networks of study and research centres;

Whereas since the aid in question is external aid it is governed by the special provisions laid down in Title IX of the Financial Regulation applicable to the general budget of the European Communities⁽¹⁾, as last amended by Regulation (EC) No 2730/94⁽²⁾;

Whereas it is appropriate that the Commission be assisted, in the implementation of Community aid, by a committee made up of Member States' representatives;

Whereas it is necessary to coordinate this programme with other activities of the Community, Member States, non-member countries and international institutions;

Whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235 of the EC Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

A Community programme of assistance and cooperation with non-member countries in the field of the formulation and implementation of energy policy, hereinafter called 'Synergy', is hereby adopted.

Article 2

Synergy shall be addressed to all non-member countries.

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽²⁾ OJ No L 293, 12. 11. 1994, p. 7.

Article 3

1. Synergy shall be implemented from 1 January 1996 to 31 December 2000.

2. The budgetary authority shall determine the appropriations available for each financial year with due regard for the financial perspectives and budget discipline.

Article 4

1. The purpose of Synergy is to provide assistance and cooperation with the definition, formulation and implementation of energy policy for non-member countries in areas of mutual interest.

2. The objectives of Synergy shall be in accordance with the detailed rules set out in Article 6, in particular:

- to promote sustainable development, notably by reducing emissions of greenhouse gases and of pollutants linked to energy consumption,
- to enhance the security of energy supplies, and
- to improve energy efficiency.

These objectives shall be attained in accordance with the rules set out in Article 6. To that end, the Community may maintain relations with international organizations in the energy sector.

3. In order to achieve the objectives referred to in paragraph 2, the Community shall contribute, in particular, to the financing of activities concerning:

- technical assistance and training,
- energy planning,
- the organization of conferences and seminars,
- the creation of institutions such as the energy centres.

Funding shall also cover costs related to the preparation, implementation, monitoring and evaluation of these operations, as well as costs concerning information and its dissemination. Taxes, duties and the purchase of immovable property shall not be funded.

No funding may be granted to research, development and demonstration projects.

The programme's resources may also be used temporarily to support the operation of the Secretariat of the European Energy Charter Treaty.

Article 5

1. Community funding shall take the form of grants which shall be released in tranches as projects materialize.

2. The grants may cover the whole of a specific project or supplement funding by Member States, non-member countries, international organizations or on the basis of another Community programme.

3. Financing decisions and any contracts resulting therefrom shall expressly provide, *inter alia*, for acceptance by the beneficiaries of supervision by the Commission and the Court of Auditors, to be carried out on the spot if necessary.

Article 6

1. An indicative programme covering the period referred to in Article 3 (1) shall be established in accordance with the procedure laid down in Article 8 (2), without this being a multiannual budget commitment.

This programme shall define the principal objectives, guidelines and priorities of Community assistance in the indicative areas referred to in Article 4 (2). It shall indicate the objectives considered to have priority.

The programme may be modified in accordance with the same procedure during the period of its application.

2. Action programmes based on the indicative programme shall be adopted each year in accordance with the procedure laid down in Article 8 (2).

These action programmes shall include a list of the main projects to be financed within the indicative areas referred to in Article 4 (2). The content of the programmes shall be determined in detail so as to provide the Member States with the relevant information to enable the committee referred to in Article 8 (1) to deliver its opinion.

3. Specific agreements may be concluded with the non-member countries, in the framework and for the duration of the indicative programme referred to in paragraph 1, in order to define the main lines of cooperation with the countries concerned and the annual consultation procedures regarding the implementation of the programme.

4. Contracts may also be concluded with international networks of study and research centres in order to define the contribution of these networks to the achievement of the objectives described in the indicative programme.

Article 7

1. The Commission shall implement operations in accordance with the annual programmes referred to in Article 6 (2).

2. Supply contracts shall be awarded by means of open invitations to tender, except in the cases provided for in Article 116 of the Financial Regulation.

Service contracts shall, as a general rule, be awarded by restricted invitations to tender in conformity with Article 118 of the Financial Regulation.

Negotiated contracts may be awarded for operations involving an amount of up to ECU 50 000. This amount may be revised by the Council on the basis of a Commission proposal, account being taken of experience gained in similar cases.

Participation in invitations to tender and private contracts shall be open on equal terms to all natural and legal persons in the Member States and in the beneficiary non-member countries.

Participation by natural and legal persons from other countries may be authorized by the Commission on a case-by-case basis if the programmes or projects concerned require specific forms of assistance specifically available in these countries, subject to reciprocity being granted by those countries.

3. In the case of co-financing, the participation of undertakings from the non-member countries concerned in invitations to tender and contracts may be authorized by the Commission on a case-by-case basis. The Commission shall render account thereof in the report provided for in Article 10.

Article 8

1. The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission ('Synergy' Committee).

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

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.

3. The Committee may examine any question relating to the implementation of this Regulation which may be put to it by its chairman, possibly at the request of the representative of a Member State and, in particular, any question relating to general implementation, the administration of the programme, co-financing and the coordination referred to in Article 9.

Article 9

1. The Commission shall, together with the Member States, ensure the effective coordination of the technical assistance efforts undertaken in the beneficiary non-member countries by the Community and individual Member States on the basis of the information supplied by the Member States.

2. Coordination and cooperation with the international financial institutions and other sources of funds shall be encouraged.

3. The Commission shall examine the various ways in which co-financing involving the Synergy programme, the bilateral assistance of the Member States and other Community programmes might be promoted. It shall, in particular, ensure that any duplication of effort between Synergy and these other programmes is avoided.

Article 10

The Commission shall, by 30 June 1998, present a progress report on the implementation of the programme in the previous financial years. This report shall be addressed to the European Parliament, the Council and the Economic and Social Committee.

Article 11

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

Proposal for a Council Regulation (EC) on aid for population policies and programmes in the developing countries

(95/C 310/14)

COM(95) 295 final — 95/0166(SYN)

(Submitted by the Commission on 8 September 1995)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Whereas high rates of population growth seriously limit the capacity of most developing countries to achieve social and economic development; whereas these countries have adopted national birth-spacing programmes;

Whereas the Council, in its resolutions of 11 November 1986 and 18 November 1992 respectively concerning population and development and family-planning and cooperation with the developing countries, recognized the urgent need to satisfy unmet demand for family-planning services, at the same time stressing the need to help the developing countries implement broad-based population programmes encompassing all the different factors determining control over fertility;

Whereas the Community has been helping finance specific measures and pilot schemes in pursuit of these objectives since 1990; whereas it is time for the Community to step up its cooperation in this particular area, in accordance with the action plan of the Cairo International Conference on Population and Development;

Whereas the Community has undertaken to follow up the Cairo conference, notably by increasing its financial support for population programmes in the developing countries;

Whereas the recipient countries must be helped to introduce balanced population programmes that are compatible with sustainable development, and to develop strategies for the emancipation of women, which is a determining factor in birth control, through measures in a variety of social, economic and cultural sectors, and in particular the key sectors of education and health;

Whereas new operations of this kind are conducive to the sustainable economic and social development of the developing countries and their harmonious and progressive integration into the world economy;

Whereas this programme must be funded by grants from the Community budget;

Whereas administrative rules and procedures must be laid down for cooperation in this field,

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall conduct cooperation in support of population policies in the developing countries.

Article 2

1. In operations funded in the course of the cooperation referred to in Article 1, account shall be taken of the following priority objectives:

- enabling women and men to make a free and informed choice about the number and spacing of their children,
- contributing to the creation of a sociocultural, economic and educational environment conducive to the full exercise of that choice, especially for women,
- helping develop or reform health systems in order to improve the accessibility and quality of reproductive health care, thereby appreciably reducing the risks to the health of women and children.

2. Community aid may be granted to projects involving activities in the following areas:

- support for the establishment and development of family-planning services as part of policies implemented by governments, international bodies and

NGOs, particularly targeting marginal groups for whom the issue is especially important,

- help with the drafting, application or financing of policies in the sectors of the education of women and health,
- the improvement of reproductive health care infrastructure, equipment, supplies or training,
- support for information, education and awareness campaigns aimed, in particular, at promoting understanding of the wider social benefits of speeding up the demographic transition,
- the development of grassroots structures, the voluntary sector, local NGOs and South-South cooperation for the implementation of programmes, the exchange of experience and support for cooperation networks between partners.

Article 3

The recipients of aid and cooperation partners shall include not only states and regions, but local services, regional organizations, government agencies, traditional or local communities, private operators and industries, including cooperatives, NGOs and grassroots associations.

Article 4

1. Community assistance in the implementation of the operations referred to in Article 2 shall include studies, technical assistance, training or other services, supplies and works, and evaluation and monitoring missions and audits.
2. According to the needs of the operations concerned, Community financing may cover both capital investment, other than the purchase of real estate, and operating costs in foreign or local currency. However, with the exception of training programmes, operating costs may normally be covered only during the start-up phase and on a degressive basis.
3. A systematic effort shall be made to obtain a contribution, and in particular a financial contribution, from the ultimate beneficiaries (countries, local

communities, firms or others), according to their means and the nature of the operation concerned.

4. Opportunities shall be sought for cofinancing, in particular with the Member States or with multilateral, regional or other organizations. The requisite measures shall be taken to highlight the Community character of aid granted under this Regulation.

5. The Commission shall take all coordination measures necessary to maximize overall efficiency by enhancing the consistency and complementarity of operations financed by the Community and the Member States, and in particular:

- (a) the setting-up of a standard system for exchanges of information on the operations financed or considered for financing by the Community and the Member States;
- (b) on-the-spot coordination of operations through regular meetings and exchanges of information between the representatives of the Commission and the Member States in the recipient country.

Article 5

Financial support under this Regulation shall take the form of grants.

Article 6

1. The Commission shall be responsible for appraising, approving and managing operations covered by this Regulation in accordance with the budgetary and other procedures in force, and in particular those laid down in the Financial Regulation applicable to the general budget of the European Communities.
2. Decisions relating to grants of more than ECU 2 million for individual operations financed under this Regulation and any changes resulting in an increase of more than 20 % in the sum initially approved for such an operation shall be adopted under the procedure laid down in Article 7.
3. All financing agreements or contracts concluded under this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks according to the usual procedures laid down by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.

4. Where operations are the subject of financing agreements between the Community and the recipient country, such agreements shall stipulate that the payment of taxes, duties or any other charges is not to be covered by the Community.

5. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural and legal persons of the Member States and of the recipient country. It may be extended to other developing countries.

6. Supplies shall originate in the Member States, the recipient country or other developing countries. In exceptional cases, where circumstances warrant, supplies may originate elsewhere.

Article 7

1. The Commission shall be assisted by an advisory committee made up of representatives from the Member States and chaired by a representative of the Commission, namely, depending on the recipient country or region:

- in the case of the ACP countries, the EDF Committee set up by Article 21 of Internal Agreement 91/401/EEC on the financing and administration of Community aid under the fourth Lomé Convention, adopted on 16 July 1990 by the representatives of the Member States meeting with the Council,
- in the case of the Mediterranean countries, the MED Committee set up by Article 6 of Council Regulation (EEC) No 1762/92⁽¹⁾ of 29 June 1992,
- in the case of the Asian and Latin American countries, the ALA Committee set up by Article 15 of Council Regulation (EEC) No 443/92⁽²⁾ of 25 February 1992.

2. The Commission representative shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a

time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

3. The committee shall meet once a year, during a joint meeting of the three committees mentioned in the first paragraph, to discuss general guidelines presented by the Commission representative for operations in the year ahead.

Article 8

At the end of each budget year, the Commission shall present a report to Parliament and the Council summarizing the operations financed in the course of that year and evaluating the implementation of this Regulation over that period.

The summary shall in particular contain information about those with whom contracts have been concluded.

The report shall also summarize any independent evaluations conducted of specific operations.

Article 9

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

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 1.

⁽²⁾ OJ No L 32, 27. 2. 1992, p. 1.

CORRIGENDA

VM/UNIX

(Official Journal of the European Communities No C 284 of 28. 10. 1995, p. 20)

(95/C 310/15)

European Commission, Informatics Directorate/Logistical Support and Training, Mr G. Gascard, IMCO
1/1, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

instead of:

6. a) **The final date for receipt of tenders:** The closing date for the receipt of tenders is set on
22. 11. 1995 (16.00).

read:

6. a) **The final date for receipt of tenders:** The closing date for the receipt of tenders is set on
29. 11. 1995 (16.00).

Development and maintenance of application software for the new chemicals database and the existing
chemicals database

(Official Journal of the European Communities No C 279 of 25. 10. 1995, p. 30)

(95/C 310/16)

The European Commission, Joint Research Centre, Environment Institute, The European Chemicals
Bureau, Attention: Ole Nørager, I-21020 Ispra (VA).

Tel. (39) 332 78 96 94. Facsimile (39) 332 78 58 62. E mail: ole.norager@jrc.it.

instead of:

5.

v) Development of software for data entry for the new chemicals databank.

9. a) **Date for opening of the tenders:** 1. 1. 1996.

read:

5.

v) Development of software for data entry for the new chemicals data bank.

vi) Development of the new chemicals data bank software.

9. a) **Date for opening of the tenders:** 10. 1. 1996.
