

English edition

Information and Notices

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I

(Information)

COMMISSION

Ecu ⁽¹⁾

25 November 1996

(96/C 357/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,8808	Finnish markka	5,82635
Danish krone	7,42849	Swedish krona	8,46505
German mark	1,93509	Pound sterling	0,760429
Greek drachma	304,425	United States dollar	1,27813
Spanish peseta	162,744	Canadian dollar	1,71435
French franc	6,54722	Japanese yen	143,777
Irish pound	0,760339	Swiss franc	1,63204
Italian lira	1917,18	Norwegian krone	8,15830
Dutch guilder	2,17103	Icelandic krona	84,5994
Austrian schilling	13,6185	Australian dollar	1,57308
Portuguese escudo	195,221	New Zealand dollar	1,79010
		South African rand	5,89218

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 fax answering service (No 296 10 97/296 60 11) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

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

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

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

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

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

**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL
DURING THE PERIOD 11 TO 15. 11. 1996**

(96/C 357/02)

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

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(96) 535	CB-CO-96-543-EN-C	Opinion of the Commission pursuant to Article 189 b (2) (d) of the EC Treaty, on the European Parliament's amendments to the Council's common position regarding the proposal for a European Parliament and Council Directive on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of open network provision (ONP) ⁽¹⁾	11. 11. 1996	11. 11. 1996	23
COM(96) 566	CB-CO-96-563-EN-C	Report from the Commission to the Council and the European Parliament on the impact on EAGGF Guarantee Section expenditure of movements of the dollar/ECU exchange rate and increases in the correcting factor resulting from monetary realignments within the European Monetary System — 1996 financial year	8. 11. 1996	11. 11. 1996	12
COM(96) 572	CB-CO-96-574-EN-C	Proposal for a Council Decision approving the conclusion by the Commission of a cooperation agreement between the European Atomic Energy Community and the Republic of Kazakstan in the field of nuclear safety	12. 11. 1996	12. 11. 1996	15
COM(96) 581	CB-CO-96-580-EN-C	Opinion of the Commission pursuant to Article 189 b (2) (d) of the EC Treaty, on the European Parliament's amendments to the Council's common position regarding the proposal for a European Parliament and Council Decision adopting a programme of Community action on health monitoring in the context of the framework for action in the field of public health (1997-2001) ⁽²⁾	11. 11. 1996	12. 11. 1996	27
COM(96) 331	CB-CO-96-355-EN-C	Proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures ⁽²⁾	10. 7. 1996	13. 11. 1996	61

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(96) 548	CB-CO-96-552-EN-C	Proposal for a Council Directive amending Council Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding movement and monitoring of such products (?)	13. 11. 1996	13. 11. 1996	10
COM(96) 565	CB-CO-96-563-EN-C	Proposal for a Council Decision on the common position of the Community within the EC-Turkey Association Council relating to the arrangements applicable to certain processed agricultural products	12. 11. 1996	13. 11. 1996	8
COM(96) 569	CB-CO-96-570-EN-C	Communication from the Commission — a common platform: Guidelines for European Union preparation for the United Nations General Assembly Special Session to be held in New York in June 1997 to review Agenda 21 and related outcomes of the United Nations Conference on Environment and Development held in Rio de Janeiro in June 1992	12. 11. 1996	13. 11. 1996	13
COM(96) 571	CB-CO-96-571-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 2262/84 laying down special measures in respect of olive oil	12. 11. 1996	13. 11. 1996	8
COM(96) 573	CB-CO-96-572-EN-C	Report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the response to the Resolution of the Council and the Ministers for Health of the Member States meeting within the Council on banning smoking in places open to the public (?)	14. 11. 1996	14. 11. 1996	14
COM(96) 575	CB-CO-96-576-EN-C	Report from the Commission on the application of the Community rules for State aid to the coal industry in 1994	14. 11. 1996	14. 11. 1996	20
COM(96) 577	CB-CO-96-577-EN-C	Proposal for a Council Regulation (EC) temporarily suspending all or some of the autonomous Common Customs Tariff duties on certain fishery products (1997)	14. 11. 1996	14. 11. 1996	7
COM(96) 591	CB-CO-96-586-EN-C	Amended proposal for a Council Decision on a third multiannual programme for small and medium-sized enterprises (SMEs) in the European Union (1997-2000) (?)	14. 11. 1996	14. 11. 1996	12

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(96) 549	CB-CO-96-553-EN-C	<p>Report from the Commission to the Council and the European Parliament under Article 8 (6) of Council Directive 92/81/EEC, on the situation with regard to the exemptions or reductions for specific policy considerations as set out in Article 8 (4) of Directive 92/81/EEC and concerning the obligatory exemption of mineral oils used as fuel for the purpose of air navigation other than private pleasure flying and the exemptions or reductions possible for navigation on inland waterways other than for private pleasure craft as set out in Articles 8 (1) (b) and 8 (2) (b) of the same Directive</p> <p>Proposal for a Council Decision authorizing Member States to continue to apply to certain mineral oils, when used for specific purposes, existing reduced rates of excise duty or exemptions from excise duty, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC</p>	14. 11. 1996	15. 11. 1996	71

(¹) This document contains an impact assessment on business, and in particular on SMEs.

(²) This document will be published in the *Official Journal of the European Communities*.

(³) Text with EEA relevance.

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

STATE AID

C 18/96 (N 246/96)

France

(96/C 357/03)

(Text with EEA relevance)

*(Articles 92 to 94 of the Treaty establishing the European Community)***Commission notice pursuant to Article 93 (2) of the EC Treaty to other Member States and interested parties concerning aid granted by France to the textile, clothing and leather/footwear industries**

By letter reprinted below, the Commission informed the French Government of its decision to extend the procedure of Article 93 (2):

'On 15 May 1996 the Commission decided to initiate the procedure provided for in Article 93 (2) of the EC Treaty in respect of "Experimental measures to reduce social security contributions for the textile, clothing and leather/footwear industries" notified by the French authorities on 27 March 1996.

The French Government was informed on 31 May 1996 that the procedure had been initiated. Its reply reached the Commission on 16 July 1996.

The main purpose of the measures notified was to create jobs, particularly for young people. Employment was to be further boosted by the sectors concerned undertaking to reduce working hours and to encourage part-time working, but no details were given as to what these commitments would entail. The notification concluded by estimating the number of jobs created or maintained at 35 000.

On examining the French Government's reply to the Commission's letter initiating the procedure, it became clear that the reduction in social security contributions was designed to offset (in whole or in part, depending on the individual case) the extra costs involved in reorganizing and reducing working time under the sectoral agreements referred to above.

According to your authorities, the agreements signed by the sectors concerned will generate considerable costs for the enterprises. The costs are due to the fact that the agreement between the two sides of industry provides for the payment of an extra 25 % for overtime after the 39th hour, although this is not a statutory requirement.

Furthermore, the cost of hours worked after the 44th hour will be increased by 10 % and 20 % after the 48th hour. The latter increases must be granted to employees in the form of paid leave. The total reduction in working time can amount to some six to seven days of extra leave.

Again according to your authorities, past experience has shown that cost is an important factor in any reorganization of working time, and that it is this factor which the reduction in contributions is intended to soften in order to dispel reluctance to accept changes in working hours.

The information and figures received by the Commission are intended to show that the cost is in proportion to income, but that the reduction will be of less benefit to larger enterprises as the proportion of persons earning up to one and a half times the SMIC in the total wage bill is lower the larger the enterprise.

As the smaller enterprises (between 50 and 199 workers) would receive aid that is under the *de minimis* threshold and the larger enterprises would not benefit from the two-tier operation, the measure in question is not, it is claimed, liable to distort competition.

Protecting and creating employment may be regarded as the final aim of the measure, the immediate aim being to encourage enterprises in the industries concerned to carry out the necessary reorganization constructively and on the basis of negotiations, and to create the right conditions for youth employment in the future.

In support of the abovementioned argument that the aid is aimed at offsetting the extra costs involved in reorganizing working time, the French authorities provided the Commission with certain data they regard as confidential, at least in their present form.

According to your authorities, the impact of the measure can be calculated by subtracting from the positive effect of the aid the negative effect of reorganizing the enterprise, and comparing the result with the labour costs (wage bill) of each enterprise.

On the one hand, the effect of the measure can be estimated by wage bracket, on the basis of the average for all recipients of the aid; on the other hand, the effect differs according to the wage structure of the enterprise

	text.-cloth. (50-99) average: 71	text.-cloth. (100-199) average: 150	text.-cloth. (200-499) average: 372	text.-cloth. > 500 average: 1 000
Total	3,64	3,28	2,53	2

The total shows, for average-sized enterprises in each category, the effect of the aid as a percentage of the enterprise's total wage bill. Thus, for example, an average enterprise employing 71 persons (category: 50 to 99 employees) would benefit from a reduction of 3,64 % in its labour costs as a result of the aid.

Your authorities also estimated the extra cost of reorganizing and reducing working time at six extra days of leave. The six days, according to their calculations, represent 48 working hours; or 2,71 % of the annual 1 768 % hours of work.

The result of those calculations is that the net impact of the measure would be equal to the difference between the benefit of the aid as a percentage of the wage bill and the cost of reorganizing working time. It is possible in this way to assess the gain or loss in FF due to the measure for an average enterprise in each of the different categories as follows:

[...]

According to your authorities, this table shows that the advantage enjoyed by the enterprises with between 50 and 200 workers is below the *de minimis* threshold, and that the measure does not benefit enterprises employing more than 200 persons.

Even taking account of the fact that the aid in question will last only 18 months, the benefit to the first two categories of enterprise (50-99 and 100-199) would not exceed the *de minimis* threshold since they would amount to only FF 146 273 and FF 198 669, or ECU 22 650 and ECU 30 763.

The Commission concludes that the purpose of the aid which the French Government proposes to grant to the enterprises in the sectors concerned differs from that originally notified: the aid described in the notification

owing to the degressive nature of the measure. Your authorities therefore identified the distribution of the wage bill by wage bracket and size of enterprise (in number of workers).

By appropriately juxtaposing the two sets of figures, it is possible to calculate the benefit obtained from the measure by wage bracket in relation to the wage bill by size of enterprise:

was intended to assist job creation, whereas the aid as it now stands appears to be aimed at enabling enterprises to tailor their resources to the requirements of the market.

First, the measure notified by the French authorities and the relevant data concern only the textile and clothing sectors: no data have been supplied concerning the leather and footwear industries.

As regards the methodology used to calculate the impact of the measure, both the calculation of the aid and the cost to enterprises raise questions that are likely to modify the result obtained.

With regard to the calculation of the aid, it is not clear whether the average labour costs, used to calculate the aid intensity by wage bracket, take account of the reduction of FF 1 166 provided for under Article 113 of Law No 96/1346 of 30 December 1995. The provision in question is a general measure on which the Commission has no comments to make, but the calculation of aid intensity by wage bracket must be based on costs actually borne by enterprises and not on the nominal cost of which part is borne by the State. In addition, unless the French authorities can demonstrate that the wage structure of the two sectors is similar, the textile sector should be analysed separately from the clothing sector. The same is true of the leather and footwear industries.

In any event, the Commission considers at this stage that the costs incurred by enterprises as a result of agreements concluded by both sides of industry in a given sector, whether concerning the reorganization of

working time or other areas, which result in wage increases or extra paid leave not required by law, constitute costs which should normally be covered by enterprises' budgets. Consequently, any direct or indirect reduction in such costs which is authorized by the public authorities could constitute State aid that is prohibited in principle in Article 92 (1).

The Court of Justice has consistently held that Article 92 (1) of the Treaty does not distinguish between State aid measures on the basis of their purpose or target but defines such measures in terms of their effects. In this instance, the reduction in social security contributions enjoyed by the firms concerned is likely to place them at an advantage compared with competitors that have reorganized working time or taken similar measures without State support.

Your authorities estimate the cost involved in reorganizing working time in the textile and clothing industry at 2,71 %. This figure is obtained by calculating the number of hours of additional paid leave, due to certain extra overtime payments, as a proportion of the number of annual working hours, i.e. 48 to 1 768.

As only increases in overtime are converted into days of leave, the latter should be calculated as a proportion of hours actually worked (statutory hours + overtime) and not simply of statutory hours, as your authorities have done ⁽¹⁾.

Furthermore, according to the comments of the French Government on the initiation of the procedure, only increases in overtime after the 44th hour are converted into additional leave, overtime after the 39th hour simply being eligible for an increase. It thus seems that a value based on hours of work ($48 : 1\,768 = 2,71\%$) cannot be converted into costs without introducing a margin of error which might be significant, the different hours worked not being paid in the same way.

Lastly, it must be pointed out that, as the figure of 2,71 % is an average for the textile-clothing sector as a whole, to calculate it as a proportion of the gains obtained from the reduction, broken down by category of enterprise, can produce only an approximate result. The value of the cost of adjusting working time is dependent both on the number and the distribution of

overtime hours, values which are normally higher in larger firms. The cost should thus vary according to the size of firm.

A realistic comparison would involve comparing two homogeneous values by calculating an average aid intensity as a percentage of the wage bill for the entire sector, which is possible as the aid intensity by category of enterprise, the wage bill by average enterprise in each category and the number of enterprises by category are known. This would give an average aid intensity of 2,83 %, indicating that all enterprises, irrespective of size, would benefit from the measure.

The conclusion reached by your authorities is that the measure is virtually neutral, that the smallest firms receive support below the *de minimis* threshold and the larger firms do not receive anything. The Commission, however, quite apart from its reservations as to methodology outlined above, is not satisfied with that analysis at this stage.

First, it notes that the employers have agreed to sign an agreement that is, on the whole, relatively favourable to the workforce. Furthermore, according to your authorities, the aid in question would diminish and even disappear as the size of firm increases. The Commission therefore questions the employer's reasons for signing such an agreement. One reason might be an increase in the competitive position of the enterprises.

A characteristic of the textile and clothing industry is its seasonal nature: firms cannot function with only the statutory working week of 39 hours and must be able to arrange their own working time. It would be reasonable to assume that a reorganization of working time that helps a firm to tailor its resources to the market becomes more efficient. This would appear to be confirmed by press reports indicating that the recipient firms will improve their competitive position by some 12 % to 13 % ⁽²⁾.

When it initiated the procedure, the Commission asked your authorities to confirm that this would be a consequence of the measure, but the reply received did not clarify the matter.

⁽¹⁾ In the examples showing the calculation as applied to real but unidentified enterprises, the extra cost of reorganizing working time varies from 2,63 % to 2,64 % of the wage bill, which corresponds roughly to $48 / (48 + 1\,768) = 2,6432\%$. The average real value will, however, be lower as this figure does not take account of overtime.

⁽²⁾ Industries, April 1996, No 16.

If the measure enables the firms concerned to improve their efficiency or competitive position, such improvements must be taken into account when calculating the real impact of the measure as they are a direct consequence thereof. Such effects can, for example, be measured in terms of variations in turnover and variation in the ratio of net profit margin to turnover.

Secondly, it seems that the measure is likely to have a certain dynamic effect on firms' labour costs. By making overtime more costly even without subsidizing low wages, it is possible to produce some substitution between overtime worked by existing employees and new recruits. The low-wage subsidy should further increase such substitution.

It is difficult to quantify this aspect without data on the probability or elasticity of such substitution by category of enterprise, and on the commitments made by enterprises in specific agreements concluded with the State. Nevertheless, although the degree of substitution is significant since it produces net job creation, the greater it is the greater the decrease in the wage bill, and hence labour costs, thus benefiting the firms concerned.

In view of the foregoing, there is no evidence at this stage that the measure in question is neutral in effect, as claimed by your authorities. Taking account of the abovementioned factors (improved efficiency, dynamic reduction in labour costs), there may be some categories of enterprises for which the cost of reducing working time will be offset by the gain in efficiency. The aid would thus constitute additional support that is easy to quantify:

	text.-cloth. (50-99) average: 71	text.-cloth. (100-199) average: 150	text.-cloth. (200-499) average: 372	text.-cloth. > 500 average: 1 000
Gain from aid as % of wage bill	3,64	3,28	2,53	2
Net gain or loss in FF per annum (*)	381 672	724 038	1 439 978	2 956 200
Net gain or loss in FF during life of measure	572 507	1 086 057	2 159 966	4 434 300

(*) According to Commission estimates based on data supplied by the French authorities.

It will be seen from this table that even a firm employing only a few more workers than the average in the first category of enterprise (between 50 and 99 employees) would receive aid in excess of the *de minimis* threshold (some FF 650 000). Furthermore, even smaller firms with a wage bill distribution by wage bracket which differs from the average in that category could be eligible for aid above the threshold in question. The comments made by the Commission when it initiated the procedure are still applicable: the aid could constitute sectoral aid to maintain jobs or even operating aid.

The Commission also considers that, in principle, the fact that benefits enjoyed by the firms are intended to

compensate for the agreements concluded by them does not automatically mean that they do not constitute aid.

Lastly, there is the question of whether, should the French authorities fail to demonstrate that the measure is neutral, the Commission could authorize aid aimed at improving the organization of a firm by enabling it to adjust to market requirements when firms in other Member States are making the same adjustments without the help of State aid.

This question is of particular concern to the textile producers associations in many Member States which presented comments to the Commission as part of the procedure and stressed that, in their own countries,

severe restructuring had taken or was taking place, in most instances without assistance from the State.

The Commission would remind you that the reservations already expressed in the initiation of the procedure do not concern your authorities' objectives in the area of job creation (for young people in particular) or that of tailoring firms' resources to market conditions but rather the arrangements which they plan to introduce in order to attain those objectives and their consequences.

The information forwarded by your Government to the Commission under the present procedure is aimed at demonstrating that the measure designed to reduce social charges simply offsets the extra costs involved in reorganizing working time.

The Commission for its part does not regard the measure's allegedly neutral effect (according to which, in practice, large enterprises do not benefit from the measure and the benefit to smaller ones is under the *de minimis* threshold) as clearly and indisputably proven and is therefore unable to terminate the procedure initiated. Indeed, in view of the substantial change in the nature of the aid, it seems essential that the other Member States and interested parties should have the opportunity to submit their comments on the aid measure which the French authorities propose to introduce.

To enable the Commission to complete its assessment of the measures in question under Articles 92 and 93 of the EC Treaty, it requires a number of additional details. The information and documents required are listed in the annex to this letter.

The Commission would accordingly inform your Government that it has decided to modify the Article 93 (2) procedure initiated on 15 May 1996 in respect of the aid provided for in "Experimental measures to reduce social security contributions for the textile, clothing and leather/footwear industries".

Your authorities are hereby requested to present, within one month of receipt of this letter, their comments and any information they consider relevant to the assessment of the aid in question. In view of the fact that this letter will be published in the *Official Journal of the European Communities*, the French authorities should inform the Commission within 15 working days from the date of this letter of any information contained herein which they consider to be confidential.

The Commission would remind you of the suspensory effect of Article 93 (3) of the Treaty and would draw your attention to the communication it published in *Official Journal of the European Communities* No C 318 of 24 November 1983 and to the letters sent to all Member States on 4 March 1991, 22 February and 30 May 1995 in which it reminded Member States that, where they grant aid unlawfully, the Commission may require them to recover it.

The Commission would also request your Government to inform the recipient firms forthwith of the modification of the procedure and the fact that they might have to repay any aid improperly received.

Any negative decision concerning the aid will in principle entail its repayment by the recipient firms in accordance with the provisions and procedures of French law, including interest based on the reference rate used to calculate regional aid, with interest starting to run on the date on which the aid was granted.

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

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

The comments will be communicated to the French Government.

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

Cases where the Commission raises no objections

(96/C 357/04)

Date of adoption: 2. 5. 1996

Member State: Denmark

Aid No: N 140/96

Title: Subsidies for consultancy services in the agricultural sector

Objective: To facilitate better knowledge and better guidance for all the types of holding and to improve the spread of subsidies among consultants

Legal basis: Lov nr. 813 af 21. 12. 1988 om tilskud til jordbrugets konsulentvirksomhed

Budget: Included each year in the Finance Bill — for 1996: Dkr 132,5 million

Aid intensity: 70 %, with possibility of subsidies of more than 70 % if the consultancy service is carried out under difficult conditions or if the aim is to promote certain activities

Duration: Unspecified

Date of adoption: 2. 5. 1996

Member State: Italy (Bolzano)

Aid No: N 191/96

Title: Circular applying provincial law 9/91 in the agri-industrial sector

Objective: Investments in the processing and marketing of agricultural products

Legal basis: Delibera della Giunta provinciale n. 556 del 12. 2. 1996

Budget: Lit 16 000 million (approximately ECU 8 million) a year

Aid intensity: Varies between 30 and 40 % of the investment

Duration: Undetermined

Conditions: This is a general aid scheme which covers products for which specific sectoral restrictions exist, and therefore the Commission has requested the Italian Government to submit an annual report giving information on all grants of aid during the year, in particular information enabling the Commission to determine without further inquiry that each of the conditions referred to in point 2 of the annex to Commission Decision 94/173/EC has actually been met

Date of adoption: 29. 5. 1996

Member State: Netherlands

Aid No: N 718/95

Title: Aid to the Provinces for environmental policy — rollover of two existing aid schemes

Objective:

- Research projects of a general nature and aimed at dissemination of information with a view to making agricultural production more compatible with protection of the soil
- Partial compensation for the removal of agricultural holdings from sensitive areas from the point of view of the environment

Legal basis: Bijdragenbesluit openbare lichamen milieubeheer

Budget: Fl 134 million (approximately ECU 64 million) a year in 1996 to 1999

Aid intensity: Up to 100 % of eligible costs

Duration: 1996 to 1999

Date of adoption: 29. 5. 1996

Member State: Italy

Aid No: N 1035/95

Title: National programme of AIMA — Programme for dairy producers; continuation of the scheme

Objective: Improvement of the quality of hard and semi-hard traditional cheeses with protected designation of origin (research, investment and promotion)

Legal basis: Delibera CIPE (Comitato interministeriale per la programmazione economica) dell'8. 8. 1995

Budget: Lit 9,180 billion (about ECU 4,59 million)

Aid intensity: Various

Duration: One year

Conditions:

- The research projects should not involve more than 3,9 % of producers of the cheeses concerned and are to be carried out in the general interest of operators in the dairy sector
- The programme should not give rise to any intellectual property rights, the results of research are to be disseminated to operators in the sector and should be made available to all Community companies on a non-discriminatory basis

- The prototype resulting from research should be made available free of charge to all the operators concerned
- The investment aid should be granted in conformity with the rules on State aid for investment in processing and marketing of agricultural products (OJ No C 29, 2. 2. 1996)
- The aid for advertising is to be granted in accordance with the Community rules on advertising aid (OJ No C 302, 12. 11. 1987)

Date of adoption: 29. 5. 1996

Member State: Netherlands

Aid No: N 73/96

Title: Aid and parafiscal charges in the seed potato sector — amendment of existing aid scheme

Objective:

- System of guaranteed prices to stabilize production of seed potatoes
- Collective promotion and research projects of a general nature and of dissemination to improve production, the processing and the marketing of the seeds of the potatoes

Legal basis:

- Heffingsverordening poot aardappelen 1995
- Verordening heffingen poot aardappelen 1995

Budget: Undetermined

Aid intensity: Up to 100 %

Duration: Unspecified

Conditions: Seed potatoes are covered by Annex II of the Treaty but are not subject to a common organization of the market. Consequently, the Treaty does not allow the Commission to raise an objection to national aid in this sector.

With regard to the aid for advertising, the Commission took into consideration the assurance of the Dutch authorities that the Community rules on State aid for advertising of agricultural and similar products will be complied with (OJ No C 302, 12. 11. 1987, p. 6).

With regard to the aid for applied research, the Commission took account of the information supplied by the Netherlands authorities to the effect that the research will be carried out in the general interest of the sector and that the results of this research will be published

Date of adoption: 25. 6. 1996

Member State: United Kingdom

Aid No: N 212/96

Title: Sugar Beet Research and Education Programme — annual renatification

Objective: Promoting research and education in connection with the growing of sugar beet

Legal basis: Subsection 1 of Section 68 of the Food Act 1984 as implemented by the Sugar Beet (Research and Education) Order 1996

Budget: Approximately £ 2 million (approximately ECU 2,4 million) in 1996/97

Aid intensity: 100 % of the eligible costs

Duration: Unlimited

Date of adoption: 28. 6. 1996

Member State: Spain (Castile-Leon)

Aid No: N 167/96

Title: Measures to support the agri-food industry

Objective: Supporting promotional schemes for agricultural products

Legal basis: Proyecto de Orden sobre apoyo en materia de promoción comercial a las industrias agrarias y alimentarias

Budget: Pta 500 million (approximately ECU 3 million)

Aid intensity: 25 % of expenditure

Duration: Unspecified

Conditions: Compliance with the rules on national aid for advertising of agricultural products (OJ No C 302, 12. 11. 1987)

Date of adoption: 28. 6. 1996

Member State: United Kingdom

Aid No: N 319/96

Title: Amendments to the programme of aid in the timber sector

Objective: To improve neglected woodland

Legal basis:

- The 1967 and 1979 Forestry Acts (United Kingdom)
- The 1953 Forestry Act (Northern Ireland)

Budget: Approximately £ 44 million (approximately ECU 56 million) per year

Aid intensity: Indefinite (open calls for tender)

Duration: Unlimited

Date of adoption: 28. 6. 1996

Member State: Spain (Valencia)

Aid No: N 345/96

Title: Compensatory measures to assist bee-keepers

Objective: Maintenance of the bee-keeping sector

Legal basis: Proyecto de Orden por la que se establece una ayuda compensatoria de la renta de las explotaciones apícolas

Budget: Pta 65 million (about ECU 403 000)

Aid intensity: Pta 1 500 (about ECU 9) per hive

Duration: Unspecified

Conditions: Since honey is not subject to a common organization of the market, the provisions of Regulation No 26 (OJ No 30, 20. 4. 1962) apply. Only the provisions of Article 93 (1) and (3), first sentence, of the Treaty are applicable; the Commission can consequently only make comments

Date of adoption: 28. 6. 1996

Member State: Italy (Emilia Romagna)

Aid No: N 384/96

Title: Measures for the promotion of regional wine-growing products. Modification of an existing aid scheme

Objective: The promotion of winegrowing products

Legal basis: Disegno di legge regionale di modifica della legge regionale n. 46/93 che stabilisce dei contributi per la promozione dei prodotti enologici regionali

Budget: Amount established annually

Aid intensity: 90 % (50 % for publicity aid)

Duration: Unspecified

Conditions: The Commission reminded the Italian authorities of their commitment, made during examination of Regional Law No 46/93, to comply with the Community rules on national aid for advertising of agricultural products (OJ No C 302, 12. 11. 1987, p. 6)

Notification of an agreement

(Case No IV/36.266 — Mannesmann/DB)

(96/C 357/05)

(Text with EEA relevance)

1. On 22 October 1996 the Commission received notification of an agreement pursuant to Article 4 of Council Regulation No 17⁽¹⁾ signed between Mannesmann AG and Deutsche Bahn AG (DB) relating to their joint venture under the name DBKom Gesellschaft für Telekommunikation mbH & Co. KG (DBKom)⁽²⁾. Under the agreement, DBKom acquires an exclusive right to use the ground alongside DB's tracks for the construction of telecommunications infrastructure until 31 December 2015.
2. Upon preliminary examination, the Commission finds that the notified agreement falls within the scope of Regulation No 17.
3. The Commission invites interested third parties to submit their possible observations on the proposed exclusivity agreement to the Commission.

Observations must reach the Commission not later than 20 days following the date of this publication. Observations may be sent to the Commission by fax (fax No (32 2) 296 70 81) or by mail, stating the reference number IV/36.266, to the following address:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B,
Office 3/81,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ Case No IV/M.827 — DBKom (OJ No C 285, 28. 9. 1996, p. 12).

Prior notification of a concentration**(Case No IV/M.862 — AXA/UAP)**

(96/C 357/06)

(Text with EEA relevance)

1. On 19 November 1996, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertaking AXA SA acquires within the meaning of Article 3 (1) (b) of that Regulation control of the whole of the undertaking Compagnie UAP by way of public bid for shares announced on 12 November 1996.

2. The business activities of the undertakings concerned are:

— for AXA: insurance,

— for Compagnie UAP: insurance.

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 01/296 72 44) or by post, under reference number IV/M.862 — AXA/UAP, to the following address:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

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

III

(Notices)

COUNCIL
COMMISSION
EUROPEAN PARLIAMENT
COURT OF JUSTICE
ECONOMIC AND SOCIAL COMMITTEE
COMMITTEE OF THE REGIONS

Notice concerning the organization of open competitions

(96/C 357/07)

The General Secretariat of the Council, the European Commission, the European Parliament, the Court of Justice, the Economic and Social Committee and the Committee of the Regions are organizing the following open competition:

EUR/C/120: Secretaries of Greek mother tongue (*).

The deadline for submitting applications is 22 January 1997.

(*) OJ No C 357 A, 26. 11. 1996 (Greek edition).

COMMISSION

Outcome of the invitation to tender (Community food aid)

(96/C 357/08)

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

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

18 and 19 November 1996

Regulation (EC) No/ Decision	Lot	Action No	Recipient	Product	Quantity (tonnes)	Delivery	Successful tenderer	Awarded price (ECU/ tonnes)
2101/96	A	29/96	Sao Tomé and Príncipe	CB	50	DEST	IN.AL.CA. SPA — Modena (I)	1 570,00
2102/96	A	26/96	Sao Tomé and Príncipe	SUB	1 500	DEST	Mutual Aid — Antwerp (B)	455,15
2114/96	A	1125/95	WFP/Guatemala	HTOUR	300	DEB	Alfred C. Toepfer — Hamburg (D)	749,07
2115/96	A	28/96	Sao Tomé and Príncipe	FBLT	1 500	DEST	UBEMI — Antwerp (B)	282,49
2009/96	A	372/95	UNHCR/ Nigeria	CBR/M/L	260	DEST	n.a.	(¹)
14. 11. 1996	A	1072 + 1082/95	Euroaid/Cuba	LENP	240	EMB	Francexpa — Paris (F)	1 628,40
14. 11. 1996	A	1090/95	Euroaid/Cuba	BPJ	95	EMB	IN.AL.CA. SPA — Modena (I)	848,00
14. 11. 1996	A	1074/95	Euroaid/Cuba	HCOLZ	105	EMB	Cebag — Antwerp (B)	642,00

n.a. No contract was awarded

(¹) The invitation to tender is closed

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

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

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



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Applications should include:

- a detailed *curriculum vitae* with publications list,
- a sample of the most important recent publications,
- a detailed description of research proposed at the Institute (five to ten pages in one of the languages of the European Union, with a translation into French or English),
- the names and addresses of at least two referees,
- indications of language knowledge.

They should be sent by **31 January 1997** to:

Dominique Delaunay, Adviser for Academic Affairs, European University Institute, Badia Fiesolana.

I-50016 San Domenico di Fiesole (FI) Italy;

fax: (0039) 55 4685 405;

Tel.: (0039) 55 4685 320;

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