

English edition

## Information and Notices

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## I

*(Information)*

## COMMISSION

Ecu <sup>(1)</sup>

10 June 1997

(97/C 177/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,3985	Finnish markka	5,89225
Danish krone	7,45357	Swedish krona	8,90407
German mark	1,95757	Pound sterling	0,697499
Greek drachma	311,842	United States dollar	1,14257
Spanish peseta	165,844	Canadian dollar	1,58361
French franc	6,62178	Japanese yen	128,517
Irish pound	0,755370	Swiss franc	1,64839
Italian lira	1938,15	Norwegian krone	8,17796
Dutch guilder	2,20231	Icelandic krona	80,2314
Austrian schilling	13,7771	Australian dollar	1,49865
Portuguese escudo	198,305	New Zealand dollar	1,65279
		South African rand	5,14672

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.

<sup>(1)</sup> 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).

## Information procedure — technical regulations

(97/C 177/02)

(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).
- Directive 94/10/EC of the European Parliament and the Council of 23 March 1994 materially amending for the second time Directive 83/189/EEC (OJ No L 100, 19. 4. 1994, p. 30).

Notifications of draft national technical regulations received by the Commission.

Reference (1)	Title	End of three-month standstill period (2)
97/214/A	RVS 7B — Performance specifications for bridge constructions RVS 8B — Technical conditions of contract for bridge constructions	7. 8. 1997
97/215/A	Act to amend the Garages Order and the Foundations of Buildings Act	6. 8. 1997
97/216/A	Order of the provincial government on the protection of livestock at the time of slaughtering or killing	6. 8. 1997
97/217/NL	Regulation in respect of provisions which deviate from NEN 7087 and identifying sign for mud trap holes and oil traps	6. 8. 1997
97/218/NL	Regulation of the Minister for Home Affairs of ... 1997, No EA97/... establishing the requirements for back-up vehicles used by mobile units (Appendix 1)	6. 8. 1997
97/219/NL	Draft Ordinance of the Retail Trade Principal Marketing Board to withdraw the Ordinance on the arrangement of fish retailers 1961	6. 8. 1997
97/220/NL	Draft Ordinance of the Retail Trade Principal Marketing Board to withdraw the Ordinance, arrangement of game and fowl retailers 1991	6. 8. 1997
97/221/FIN	5D-2 Road blocks and warning devices	7. 8. 1997
97/222/UK	MPT 1384 Performance specification: analogue cordless telephones operating in the 31 and 39 MHz frequency bands	13. 8. 1997
97/223/FIN	Regulation concerning the type-approval requirements for frequency-modulated ULA broadcasting transmitters, THK 8A/97 M	8. 8. 1997
97/224/FIN	Regulation concerning the type-approval requirements for certain radio relay equipment, THK 10/97 M	8. 8. 1997
97/225/A	RVS 11.062 Principles — test methods — stone material: Point 9. Determining permeability using the pour test and outflow measuring equipment	14. 8. 1997

Reference (1)	Title	End of three-month standstill period (2)
97/226/A	Order of the provincial government on the keeping of animals (Tyrolean Animal Husbandry Order)	14. 8. 1997
97/227/I	Regulation of the production and sale of bread	13. 8. 1997
97/229/NL	Draft Food and Drugs Act Regulation on the exemption in respect of the Food and Drugs Act Decree governing irradiated commodities	15. 8. 1997
97/230/UK	British Pharmacopoeia 1993, Amendments No 6	18. 8. 1997
97/231/UK	The Motor Vehicles (authorization of special types) General Order 1997	18. 8. 1997
97/233/E	Technical specifications relating to payphones for connection to the switched telephone network	21. 8. 1997
97/234/E	Regulations governing gambling and amusement machines	21. 8. 1997
97/232/UK	The Motor Vehicles (type-approval) (Great Britain) Regulations 1997	18. 8. 1997
97/235/E	Ministerial Order relating to the maximum waste limits for phytosanitary products by which Annex II of Royal Decree 280/1994 is amended	21. 8. 1997
97/236/E	Safety standards for the installation of lifting platforms intended for cargo and not for persons	14. 8. 1997
97/237/DK	Order on oil tanks and pipelines	1. 9. 1997
97/239/A	RVS 5.233 Road equipment — vertical traffic guidance equipment — concrete barriers, design and installation	25. 8. 1997
97/240/A	RVS 8.08.21 — Technical conditions of contract — plastic delineators	25. 8. 1997
97/241/A	Draft Order of the Styrian Provincial Government, amending the Implementation Order on the 1993 Styrian Housing Construction Support Act	25. 8. 1997
97/242/DK	TB 94 043 Rev. A — low power radio systems for the detection of movements (room alarms)	27. 8. 1997
97/243/DK	TB 94 045 Rev. A — radio-based cordless microphone systems	27. 8. 1997
97/244/DK	Draft of TB 94 046 Rev. B — radio systems for use for personal alarm calls	27. 8. 1997
97/245/DK	Draft of TB 94 047 Rev. A — radio systems for medical telemetry	27. 8. 1997
97/246/DK	Draft of TB 94 048 Rev. A — radio systems for remote control	27. 8. 1997
97/247/DK	Draft of TB 94 056 Rev. A — low power radio systems with coiled antennas	27. 8. 1997

Reference (*)	Title	End of three-month standstill period (†)
97/248/DK	Draft of TB 94 060 Rev. A — low power radio systems with integrated antennas for use in certain frequency bands between 6 MHz and 5 875 MHz	27. 8. 1997
97/249/DK	Draft of TB 96 084 — low power radio equipment for transmission of alarm signals in connection with motor vehicles	27. 8. 1997
97/250/DK	Draft of TB 96 085 — low power radio systems for remote control of models and for alarm purposes	27. 8. 1997
97/251/F	Order authorizing the use of road marking products which are visible during the night and in the rain	25. 8. 1997
97/252/FIN	Decision of the Ministry of Social Affairs and Health on the safe erection and dismantlement of work and protective scaffolding and their use in construction work	27. 8. 1997
97/253/D	Amendments to building regulation list A and list C — version 97/1 for 97/2 edition	27. 8. 1997

(\*) Year — registration number — Member State of origin.

(†) Period during which the draft may not be adopted.

(‡) No standstill period since the Commission accepts the grounds of urgent adoption invoked by the notifying Member State.

(§) No standstill period since the measure concerns technical specifications or other requirements linked to fiscal or financial measures, pursuant to the third indent of the second paragraph of Article 1 (9) of Directive 93/189/EEC.

(¶) Information procedure closed.

The Commission draws attention to the judgment given on 30 April 1996 in the 'CIA Security' case (C-194/94), in which the Court of Justice ruled that Articles 8 and 9 of Directive 83/189/EEC are to be interpreted as meaning that individuals may rely on them before the national court which must decline to apply a national technical regulation which has not been notified in accordance with the Directive.

This judgment confirms the Commission's communication of 1 October 1986 (OJ No C 245, 1. 10. 1986, p. 4).

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable, so that they are unenforceable against individuals.

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 324 of 30 October 1996.

**Notice of initiation of an examination procedure concerning an obstacle to trade, within the meaning of Council Regulation (EC) No 3286/94, consisting of trade practices maintained by the United States of America in relation to cross-border music licensing**

(97/C 177/03)

On 21 April 1997, the Commission received a complaint, pursuant to Article 4 of Council Regulation (EC) No 3286/94 <sup>(1)</sup> (hereinafter 'the Regulation').

### 1. Complaint

The complaint was lodged by the Irish Music Rights Organization (IMRO) which is a company limited by guarantee formed in 1988 under the laws of Ireland. IMRO is a music licensing and collecting society which represents and acts on behalf of its members (more than 1 500 authors, composers, arrangers of music, lyricists and music publishers), which are mainly based in Ireland.

The complaint is unanimously supported by the Groupement européen des sociétés d'auteurs et compositeurs (Gesac), Gesac is an economic grouping of 24 of the largest licensing and collecting societies in Europe, representing nearly 480 000 authors and composers from all Member States.

### 2. Subject

The complaint concerns the obstacles to trade allegedly encountered in the United States of America for the licensing of music works. The complaint contends that such obstacles adversely affect the cross-order licensing by IMRO of its members' works in this country.

### 3. The service

The complaint notes that the licensing of music works by authors and composers traditionally takes place through licensing and collecting societies. IMRO has concluded crossborder licensing agreements with 59 collective licensing societies worldwide. Such agreements concern the reciprocal authorization for the licensing of the music works of each other's members (notably for the performing of these works) and, as a result, the collection and administration of payments due for such

licensed performing. IMRO has concluded this type of agreement with several US societies.

The complaint specifically concerns the licensing by IMRO of its members' music works to users of these works in the USA. Such licensing of music works is a cross-border service within the meaning of Article 2 (8) of the Regulation.

### 4. Allegation of obstacles to trade

The complaint contends that the authorization for the use of IMRO's repertoire in the USA is covered by the cross-border licensing agreements which IMRO has concluded with US societies. Nevertheless, according to IMRO, such licensing agreements (and the income resulting from them) are seriously hindered by the exemption contained in section 110 (5) of the USA 1976 Copyright Act.

The complaint notes that the exemption contained in section 110 (5) covers the use of a home type apparatus of radio or television in a shop, bar, restaurant, factory and in any other place frequented by the public. It alleges that a significant number of locations in the USA avail themselves of this exemption in order to avoid obtaining licences for the performing of music works and thus paying appropriate remuneration to their authors.

IMRO contends that this practice constitutes an obstacle to trade within the meaning of Article 2 (1) of the Regulation. Furthermore, the complaint claims that the USA is in breach of its international obligations under the TRIPs Agreement (notably Article 9 therein) and the Berne Convention for the Protection of Literary and Artistic Works (notably Article 11 (a) therein).

In addition, the complaint alleges that new US legislative proposals <sup>(2)</sup> currently before the US senate, which would replace section 110 (5) bringing more music users within the scope of the exemption and, therefore, resulting in substantial loss to IMRO and its members, would increase the impact of existing obstacles to trade even further.

<sup>(1)</sup> Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (OJ No L 349, 31. 12. 1994, p. 71), as last amended by Regulation (EC) No 356/95 (OJ No L 41, 23. 2. 1995, p. 3).

<sup>(2)</sup> Draft 'Fairness in music licensing Act' submitted by Senators Thurmond and Helms.

### 5. Allegation of adverse trade effects and material impact on the Community

IMRO claims that it and its members suffer and are threatened to suffer adverse trade effects within the meaning of Article 2 (4) of the Regulation.

Given a relatively high degree of market penetration of Irish music in other countries' markets, cross-border licensing of music works is essential for IMRO and its members. IMRO's income from overseas societies amounted in 1996 to £/Irl 1,3 million. In this respect, in 1996, IMRO obtained US \$ 1,3 million equivalent (i.e. US \$ 0,022 per capita) from the UK, but it only obtained US \$ 0,04 million (i.e. US \$ 0,0002 per capita) from the USA.

The complaint contends that section 110 (5) deprives IMRO of the possibility of licensing and administering the performing right in its members' works, either directly or by means of a reciprocal agreement with a US licensing and collecting society. As a result, the music works of IMRO's members are claimed to be performed in the USA without their authorization and without remuneration in the situations in which section 110 (5) applies. The complainant estimates losses to IMRO's members caused by section 110 (5) at ECU 1,21 million per annum.

Furthermore, since section 110 (5) applies equally to all Community authors, IMRO estimates total Community loss caused by this provision at ECU 27 million per annum. In addition, current proposals before the US Senate to expand the scope of this section are alleged to be an additional and serious threat to all European music authors.

The alleged US trade practices directly concern the possibility of providing the service of cross-border music licensing (and obtained appropriate income there from) and are alleged to be of economic importance for Ireland and the Community, as well as of vital significance for a whole sector of the Irish and the Community's economy, i.e. music authors and composers. Therefore, there appears to be *prima facie* evidence of a material impact as set out in Article 2 (4) of the Regulation.

In addition to the adverse trade effects on IMRO and its members, and since the trade practices alleged in the complaint are not restricted in their scope to the latter, these practices may also adversely affect other Community authors and composers as well as the economy of other Member States.

### 6. Community interest

The Community interest in this matter is *prima facie* shown by the unanimous support given by the General Assembly of Gesac to IMRO's complaint. Under such circumstances, it is considered to be in the Community's interest to initiate an examination procedure.

Furthermore, given the allegedly unique character of the US trade practices challenged, it is in the interest of the Community to examine whether such practices constitute a dangerous precedent and example which could be adopted by other third countries to the detriment of European authors and composers.

### 7. Procedure

Having decided, after consultation of the Advisory Committee established by the Regulation, that there is sufficient evidence to justify initiating an examination procedure for the purpose of considering the legal and factual issues involved, and that this is necessary in the interest of the Community, the Commission has commenced an examination in accordance with Article 8 of the Regulation.

Interested parties may make themselves known and make known their views in writing, in particular by addressing the specific issues raised by the complaint, and by providing supporting evidence.

Furthermore, the Commission will hear parties who so request in writing when making themselves known, provided that they are a party primarily concerned by the result of the procedure.

This notice is published in accordance with Article 8 (1) (a) of the Regulation.

### 8. Time limit

Any information relating to the matter and any requests for hearings should reach the Commission not later than 37 days following the publication of this notice and should be sent in writing to:

European Commission,  
Directorate-General I (External Relations: Commercial Policy and Relations with North America, the Far East, Australia and New Zealand),  
Mr Alistair Stewart, DG I/E/3,  
MDB, 06/18,  
Rue de la Loi/Wetstraat 200,  
B-1049 Brussels.  
Telex: COMEU B 21877  
Fax: (32-2) 295 65 05.



**Completion of a notification****(Case No IV/M.922 — VIAG/Goldschmidt)**

(97/C 177/04)

**(Text with EEA relevance)**

1. On 23 April 1997 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup> by which the undertaking VIAG AG acquires within the meaning of Article 3 (1) (b) of the Regulation control of the whole of the undertaking Th. Goldschmidt AG by way of purchase of shares.
2. This notification was declared incomplete on 25 April 1997. The notification became complete within the meaning of Article 10 (1) of Regulation (EEC) No 4064/89 on 29 May 1997.
3. The Commission invites interested third parties to submit their possible observations on the proposed operation.
4. Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax ((32-2) 296 43 01/296 72 44) or by post, under reference IV/M.922 — VIAG/Goldschmidt, 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.

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<sup>(1)</sup> OJ No L 395, 30. 12. 1989; corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a European Parliament and Council Decision establishing a programme of Community action to reinforce the functioning of the indirect taxation systems of the internal market (Fiscalis programme)**

(97/C 177/05)

*COM(97) 175 final — 97/0128(COD)**(Submitted by the Commission on 29 April 1997)*

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Acting in accordance with the procedure laid down in  
Article 189b of the Treaty,

- (1) Whereas in an internal market, the effective, uniform and efficient application of Community law is essential for the functioning of the indirect taxation systems, in particular for the protection of national and Community financial interests through the combating of tax avoidance and tax evasion, the avoidance of distortion of competition and the continuing reduction of compliance burdens on administrations and taxpayers;
- (2) Whereas achieving this effective, uniform and efficient application is the responsibility of the Community in partnership with the Member States; whereas, although the Member States carry the greater responsibility in terms of resources, there is a significant role for the Community to provide an infrastructure and the necessary stimulus;

- (3) Whereas a high common standard of understanding of Community law (and its implementation in the Member States) by indirect taxation officials is essential to its uniform application; whereas this can only be achieved through effective initial and continuous training by the Member States; whereas supplementary Community action is needed to coordinate and stimulate this training;

- (4) Whereas efficient, effective and extensive cooperation among the Member States and between them and the Commission is essential to the functioning of the indirect taxation systems of the internal market; whereas a Community infrastructure for communication and information exchange is indispensable to achieve this; whereas without a Community stimulus, sufficient cooperation would not be achieved;

- (5) Whereas the continuing improvement of administrative procedures is essential to the functioning of the indirect taxation systems of the internal market; whereas, although the primary responsibility for achieving this rests with the Member States, supplementary Community action is needed to coordinate and stimulate this continuing improvement;

- (6) Whereas, therefore, in accordance with the principles of subsidiarity and of proportionality set out in Article 3b of the Treaty, the objectives of the measures laid down in this decision cannot be adequately achieved by the Member States and can therefore be better achieved by the Community; whereas this decision confines itself to the minimum required and does not go beyond what is necessary for this purpose;

- (7) Whereas the experience of the operation of the VAT information exchange system (VIES) established by Council Regulation (EEC) No 218/92<sup>(1)</sup> has shown the value of information technology in protecting revenue while minimizing administrative burdens; whereas it has proved itself to be an essential tool of cooperation that has also stimulated wider cooperation among Member States;
- (8) Whereas communication and information exchange systems should be established and have their functioning assured as the needs of the indirect taxation systems evolve to secure further cooperation;
- (9) Whereas the experience gained by the Community from the Matthaesus-tax programme established by Council Decision 93/588/EEC<sup>(2)</sup> and from the organization of multilateral control exercises has shown that exchanges, seminars and multilateral control exercises can, by bringing officials from different administrations together in work activities, achieve the objectives of the programme; whereas those activities should therefore be extended and continued;
- (10) Whereas the experience gained from the Matthaesus-tax programme has indicated that the coordinated development and implementation of a common training programme established by Commission Decision 95/279/EC<sup>(3)</sup> can achieve the objectives of this programme, in particular in achieving a higher common standard of understanding of Community law, whereas such programmes should be developed further; whereas the Member States should therefore ensure that all of their officials receive the initial training and regular continuous training envisaged by the common training programmes;
- (11) Whereas a sufficient standard of linguistic competence on the part of indirect taxation officials has proved to be essential to facilitate cooperation; whereas the Member States should therefore provide the necessary language training for their officials;
- (12) Whereas the programme should be open to the participation of the associated countries of Central and Eastern Europe; whereas the programme should also be open to the participation of Cyprus;
- (13) Whereas the financing of the programme should be shared between the Community and the Member States, and the Community contribution should appear in the budget of the Commission;
- (14) Whereas this Decision lays down, for the entire duration of the programme, a financial framework constituting the principal point of reference, within the meaning of point 1 of the declaration of the European Parliament, the Council and the Commission of 6 March 1995 on the incorporation of financial provisions and legislative acts<sup>(4)</sup>, for the budgetary authority during the annual budgetary procedure;

HAVE ADOPTED THIS DECISION:

*Article 1*

**Fiscalis programme**

A multiannual Community action programme (Fiscalis programme), hereinafter referred to as 'the programme', is hereby established for the period 1 January 1998 to 31 December 2002 to reinforce the functioning of the indirect taxation systems of the internal market.

It shall comprise the areas of action referred to in Article 4, 5 and 6.

*Article 2*

**Definitions**

For the purpose of this Decision:

- (a) 'indirect taxation' shall mean those indirect taxes which are the subject of Community legislation;
- (b) 'administration' shall mean the public authorities in the Member States responsible for indirect taxation, and the Commission;
- (c) 'official' shall mean an official responsible for the application of Community or national law, regulations or procedures relating to indirect taxation;
- (d) 'exchange' shall mean a work-based visit in the Community interest of an official from one administration to another, organized under the programme;

<sup>(1)</sup> OJ No L 24, 1. 2. 1992, p. 1.

<sup>(2)</sup> OJ No L 280, 13. 11. 1993, p. 27.

<sup>(3)</sup> OJ No L 172, 22. 7. 1995, p. 24.

<sup>(4)</sup> OJ No C 102, 4. 4. 1996, p. 4.

- (e) 'bilateral and multilateral control exercises' shall mean joint collaboration of two or more administrations to integrate their controls of taxable persons having indirect tax obligations in each of the Member States concerned, within the Community legal framework for cooperation;
- (f) 'the Community legal framework for cooperation' shall mean the body of Community legislation which provides for mutual assistance and administrative cooperation between Member States on indirect taxation.

### Article 3

#### Objectives

The objectives of the programme shall be to reinforce, through Community action, the efforts of the Member States:

- (a) to achieve a high common standard of understanding of Community law and of its implementation in the Member States among officials;
- (b) to secure efficient, effective and extensive cooperation among the Member States and between them and the Commission;
- (c) to ensure the continuing improvement of administrative procedures to take account of the needs of administrations and taxpayers through the development and dissemination of administrative best practice.

### Article 4

#### Communication and information exchange systems, manuals and guides

1. The Commission and the Member States shall establish and ensure the functioning of necessary communication and information exchange systems, manuals and guides.
2. The Community elements of the communication and information exchange system shall be the equipment, software and network links between Member States, required to be common to all Member States in order to ensure the overall interconnection and interoperability of the systems, whether they be installed in the premises of the Commission (or a designated subcontractor) or in the premises of the Member States (or a designated subcontractor).
3. The non-Community elements of the communication and information exchange systems shall include national databases forming a part of these systems,

network links between the Community and non-Community elements and such software and hardware applications as each Member States shall deem appropriate for the full exploitation of these systems throughout their administration.

### Article 5

#### Exchanges, seminars and multilateral control exercises

1. The Commission and the Member States shall organize exchanges. The exchanges shall vary in length, as appropriate, but shall not be longer than one year. Each exchange shall be targeted on a particular work activity and shall be sufficiently prepared beforehand, and evaluated afterwards, by the officials concerned.

Member States shall take the necessary steps to enable exchange officials to play an effective part in the host administration's activities, and to this end such officials shall be authorized to carry out the tasks relating to the duties entrusted to them by the host administration in accordance with its legal system.

During the exchange, the civil liability of the official in the performance of his duties shall be treated in the same way as that of officials of the host administration.

Exchange officials shall be bound by the same rules of professional secrecy as national officials.

2. Seminars shall be organized by the Commission and the Member States.

3. The Commission and the Member States shall organize, on a pilot basis, bilateral and multilateral control exercises within the Community legal framework for cooperation.

### Article 6

#### Common training initiative

1. The Commission and the Member States shall develop existing and new common training programmes to provide a common core of training for officials. Member States shall ensure that their officials receive initial training as set out in the common training programmes; that all these officials shall receive regular continuous training as set out in the common training programmes.

2. Member States shall provide the necessary language training for their officials to ensure that they attain a sufficient standard of linguistic competence.

3. The Commission and the Member States shall develop the Community tools for indirect taxation training, including linguistic training tools.

#### *Article 7*

##### **Participation of the associated countries**

The programme shall be open to the participation of the associated countries of Central and Eastern Europe in accordance with the conditions laid down in Europe Agreements or their additional Protocols relating to their participation in Community programmes and in so far as Community law on indirect taxation so permits. The programme shall also be open to the participation of Cyprus in accordance with the common resolution on the establishment of a structured dialogue between the EU and Cyprus and in so far as Community law on indirect taxation so permits.

#### *Article 8*

##### **Expenditure**

1. The expenditure necessary for the implementation of the programme shall be shared between the Community and the Member States as provided for in paragraphs 2 and 3.

2. The Community shall pay the following:

- (a) the travel and subsistence expenses for officials participating in another Member State in the activities provided for in Article 5 as well as the costs relating to the organization of the seminars provided for in Article 5 (2);
- (b) the cost of the development of the Community indirect taxation training tools provided pursuant to Article 6 (3) and the manuals and guides provided pursuant to Article 4 (1);
- (c) the costs of the development, purchase, installation and maintenance necessary of the Community elements of the communication and information exchange systems defined in Article 4 (2) and the cost of the day-to-day operation of the Community elements installed in the premises of the Commission (or a designated subcontractor).

3. Member States shall pay the following:

- (a) the costs relating to the initial and continuing training of their officials as provided for in Article 6 (1) and to the language training of their officials as

provided for in Article 6 (2). Member States shall pay the costs relating to the participation of their officials in any extra activities organized within the framework of Article 5, in addition to those paid for by the Community;

- (b) the costs relating to the establishment and functioning of the non-Community elements of the communication and information exchange systems defined in Article 4 (3) and the cost of the day-to-day operation of the Community elements of these systems installed in their premises (or those of a designated subcontractor).

#### *Article 9*

##### **Financial framework**

The financial framework for the implementation of the present programme for the period 1 January 1998 to 31 December 2002 is hereby set at ECU 45 million. The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

#### *Article 10*

##### **Implementation**

The rules necessary for the implementation of this Decision shall be determined by the Commission in accordance with the procedure laid down in Article 11.

#### *Article 11*

##### **Committee**

1. In carrying out its tasks, the Commission shall be assisted by the Standing Committee on Administrative Cooperation in the field of Indirect Taxation established by Article 10 of Regulation (EEC) No 218/92, acting in an advisory capacity.

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.

*Article 12***Evaluation**

1. This programme shall be subject to continuous evaluation, carried out in partnership between the Commission and the Member States. The evaluation shall be pursued by means of the reports referred to in paragraphs 2 and 3.

2. Member States shall forward to the Commission:

(a) by 30 June 2000 at the latest, an interim report, and

(b) by 31 December 2002 at the latest, a final report

on the implementation and the impact of this programme.

3. The Commission shall submit to the European Parliament and to the Council:

(a) by 30 June 2001 at the latest, a communication, on the basis of the Member States' interim reports, on the desirability of continuing this programme, accompanied, if necessary, by a suitable proposal;

(b) by 30 June 2003 at the latest, a final report on the implementation of this programme.

The reports shall also be forwarded to the Economic and Social Committee and to the Committee of the Regions for information.

*Article 13***Entry into force**

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

It shall apply from 1 January 1998.

*Article 14***Addressees**

This Decision is addressed to the Member States.

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## III

(Notices)

## COMMISSION

## Operation of seasonal scheduled air services

## Invitation to tender issued by France under Article 4 (1) (d) of Council Regulation (EEC) No 2408/92 in respect of the operation of seasonal scheduled air services between Belle-Île and Lorient-Lann Bihoué

(97/C 177/06)

**1. Introduction**

In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23. 7. 1992 on access for Community air carriers to intra-Community air routes, France has decided to impose public service obligations in respect of seasonal scheduled air services operated between Belle-Île and Lorient-Lann Bihoué. The standards required by these public service obligations were published in *Official Journal of the European Communities* No C 176 of 10. 6. 1997, under the reference number 97/C 176/05.

In so far as by 1. 7. 1997 no air carrier has commenced or is about to commence seasonal scheduled air services between Belle-Île and Lorient-Lann Bihoué in accordance with the public service obligations imposed and without requesting financial compensation, France has decided, in accordance with the procedure laid down by Article 4(1)(d) of that Regulation, to limit access to only 1 air carrier and to offer by public tender the right to operate such services from 1. 8. 1997.

**2. Object of invitation to tender**

Operation from 1. 8. 1997 of seasonal scheduled air services between Belle-Île and Lorient-Lann Bihoué in accordance with the public service obligations imposed on that route and published in *Official Journal of the European Communities* o C 176 of 10. 6. 1997.

**3. Participation**

Participation is open to all air carriers holding a valid operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23. 7. 1992, on licensing of air carriers.

**4. Procedure**

This invitation to tender is subject to points d, e, f, g, h and i of Article 4(1) of Regulation (EEC) No 2408/92.

**5. Tender dossier**

The complete tender dossier, comprising the specific rules governing the invitation to tender and the public service delegation agreement, together with its technical annex (text of the public service obligations published on 10. 6. 1997 in the *Official Journal of the European Communities*), may be obtained free of charge from:

Conseil général du Morbihan, direction des services techniques, hôtel du département, rue Saint-Tropez, BP 400, F-56009 Vannes Cedex, tel. 2 97 54 82 15, facsimile 2 97 54 83 83.

**6. Financial compensation**

The tenders submitted will indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). The exact amount of compensation finally granted will be determined each year *ex-post* on the basis of the costs and revenue actually generated by the service, within the limits of the amount given in the tender. This maximum limit may be revised only in the event of an unforeseen change in the operating conditions.

The annual payments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in point 8 below.

In the event of termination of the contract before its normal expiry date, point 8 will be applied as soon as possible to allow payment to the carrier of the balance due, the maximum amount referred to in the first subparagraph being reduced, where appropriate, in proportion to the actual duration of the service.

#### **7. Duration of contract**

The duration of the contract (public service delegation agreement) is 3 years from the date scheduled for the beginning of the services mentioned in point 2 of this invitation to tender.

#### **8. Verification of the operation of the service and of the carrier's accounts**

The operation of the service and the carrier's cost accounting for the route in question will be the subject of at least an annual examination in cooperation with the carrier.

#### **9. Termination of contract and notice**

The contract may be terminated by either party before its normal expiry date only if 6 months' notice is given. If the carrier fails to respect a public service obligation, it shall be deemed to have terminated the contract without notice if it does not resume the service in accordance with the public service obligations within 1 month of the serving of formal notice.

#### **10. Penalties**

Failure by the carrier to observe the period of notice referred to in point 9 will be subject to a penalty. This is calculated by applying a coefficient of 3 to the average

monthly deficit recorded over the previous year or, failing that, to the average monthly amount of the compensation required for the first year of operation multiplied by the number of months of default.

In the event of cancellation of the contract for failure to perform public service obligations, the carrier will be liable to the penalty referred to in the preceding paragraph, the number of months of default being fixed at a flat rate of 6.

#### **11. Submission of tenders**

Tenders must be sent by registered letter with acknowledgement of receipt, the postmark serving as proof, or delivered by hand with receipt, at the earliest 1 month and at the latest 5 weeks from the date of publication of this invitation to tender in the *Official Journal of the European Communities*, before 17.00 (local time), to the following address:

Conseil général du Morbihan, direction des services techniques, hôtel du département, rue Saint-Tropez, BP 400, F-56009 Vannes Cedex, tel. 2 97 54 82 15, facsimile 2 97 54 83 83.

#### **12. Validity of invitation to tender**

In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier presents by 1.7.1997 a programme for the seasonal operation of the route in question as from 1.8.1997, in accordance with the public service obligations imposed, without receiving any compensation, and without requiring that access to this route is restricted to 1 single carrier.



### Operation of seasonal scheduled air services

#### Invitation to tender issued by France under Article 4 (1) (d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Belle-Île and Nantes-Atlantique

(97/C 177/07)

#### 1. Introduction

In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, France has decided to impose public service obligations in respect of seasonal scheduled air services operated between Belle-Île and Nantes-Atlantique. The standards required by these public service obligations were published in *Official Journal of the European Communities* No C 176 of 10.6.1997, under the reference number 97/C 176/04.

In so far as by 1.7.1997 no air carrier has commenced or is about to commence seasonal scheduled air services between Belle-Île and Nantes-Atlantique in accordance with the public service obligations imposed and without requesting financial compensation, France has decided, in accordance with the procedure laid down by Article 4(1)(d) of that Regulation, to limit access to only 1 air carrier and to offer by public tender the right to operate such services from 1.8.1997.

#### 2. Object of invitation to tender

Operation from 1.8.1997 of seasonal scheduled air services between Belle-Île and Nantes-Atlantique in accordance with the public service obligations imposed on that route and published in *Official Journal of the European Communities* o C 176 of 10.6.1997.

#### 3. Participation

Participation is open to all air carriers holding a valid operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23.7.1992, on licensing of air carriers.

#### 4. Procedure

This invitation to tender is subject to points d, e, f, g, h and i of Article 4(1) of Regulation (EEC) No 2408/92.

#### 5. Tender dossier

The complete tender dossier, comprising the specific rules governing the invitation to tender and the public service delegation agreement, together with its technical annex (text of the public service obligations published on

10.6.1997 in the *Official Journal of the European Communities*), may be obtained free of charge from:

Conseil général du Morbihan, direction des services techniques, hôtel du département, rue Saint-Tropez, BP 400, F-56009 Vannes Cedex, tel. 2 97 54 82 15, facsimile 2 97 54 83 83.

#### 6. Financial compensation

The tenders submitted will indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). The exact amount of compensation finally granted will be determined each year ex-post on the basis of the costs and revenue actually generated by the service, within the limits of the amount given in the tender. This maximum limit may be revised only in the event of an unforeseen change in the operating conditions.

The annual payments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in point 8 below.

In the event of termination of the contract before its normal expiry date, point 8 will be applied as soon as possible to allow payment to the carrier of the balance due, the maximum amount referred to in the first subparagraph being reduced, where appropriate, in proportion to the actual duration of the service.

#### 7. Duration of contract

The duration of the contract (public service delegation agreement) is 3 years from the date scheduled for the beginning of the services mentioned in point 2 of this invitation to tender.

#### 8. Verification of the operation of the service and of the carrier's accounts

The operation of the service and the carrier's cost accounting for the route in question will be the subject of at least an annual examination in cooperation with the carrier.

### 9. Termination of contract and notice

The contract may be terminated by either party before its normal expiry date only if 6 months' notice is given. If the carrier fails to respect a public service obligation, it shall be deemed to have terminated the contract without notice if it does not resume the service in accordance with the public service obligations within 1 month of the serving of formal notice.

### 10. Penalties

Failure by the carrier to observe the period of notice referred to in point 9 will be subject to a penalty. This is calculated by applying a coefficient of 3 to the average monthly deficit recorded over the previous year or, failing that, to the average monthly amount of the compensation required for the first year of operation multiplied by the number of months of default.

In the event of cancellation of the contract for failure to perform public service obligations, the carrier will be liable to the penalty referred to in the preceding paragraph, the number of months of default being fixed at a flat rate of 6.

### 11. Submission of tenders

Tenders must be sent by registered letter with acknowledgement of receipt, the postmark serving as proof, or delivered by hand with receipt, at the earliest 1 month and at the latest 5 weeks from the date of publication of this invitation to tender in the *Official Journal of the European Communities*, before 17.00 (local time), to the following address:

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### 12. Validity of invitation to tender

In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier presents by 1.7.1997 a programme for the seasonal operation of the route in question as from 1.8.1997, in accordance with the public service obligations imposed, without receiving any compensation, and without requiring that access to this route is restricted to 1 single carrier.