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Information and Notices

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⁽¹⁾ Text with EEA relevance

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I

(Information)

COMMISSION

Ecu ⁽¹⁾

12 September 1997

(97/C 278/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,6253	Finnish markka	5,89870
Danish krone	7,49259	Swedish krona	8,51305
German mark	1,96763	Pound sterling	0,687639
Greek drachma	309,748	United States dollar	1,10380
Spanish peseta	166,122	Canadian dollar	1,53638
French franc	6,61694	Japanese yen	133,637
Irish pound	0,732399	Swiss franc	1,62722
Italian lira	1921,74	Norwegian krone	8,09581
Dutch guilder	2,21643	Icelandic krona	79,7605
Austrian schilling	13,8472	Australian dollar	1,52987
Portuguese escudo	200,008	New Zealand dollar	1,73744
		South African rand	5,17958

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 L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ L 349, 23. 12. 1980, p. 34).

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

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ L 345, 20. 12. 1980, p. 23).

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

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ L 311, 30. 10. 1981, p. 1).

Prior notification of a concentration
(Case No IV/M.986 — Agfa-Gevaert/DuPont)

(97/C 278/02)

(Text with EEA relevance)

1. On 8 September 1997, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertaking Agfa-Gevaert AG and Agfa-Gevaert NV ('Agfa'), both controlled by Bayer AG, acquire within the meaning of Article 3 (1) (b) of the Regulation, control of the worldwide graphic arts and offset printing plates businesses conducted by affiliates belonging to the undertaking E. I. DuPont de Nemours & Company ('DuPont'), by way of purchase of assets and/or shares.

2. The business activities of the undertakings concerned are:

- Agfa: photographic products, technical imaging systems and graphic systems, including the production of graphic arts film and offset printing plates,
- DuPont: chemicals and engineering, as well as graphic systems, including the production of graphic arts film and offset printing plates.

3. On 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.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32 2) 296 43 01/296 72 44) or by post, under reference IV/M.986 — Agfa-Gevaert/DuPont, 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 L 395, 30. 12. 1989; corrigendum: OJ L 257, 21. 9. 1990, p. 13.

Prior notification of a concentration**(Case No IV/M.990 — Hagemeyer/ABB Asea Skandia)**

(97/C 278/03)

(Text with EEA relevance)

1. On 5 September 1997, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertaking Hagemeyer NV ('Hagemeyer'), controlled by First Pacific Company Limited ('First Pacific') acquires within the meaning of Article 3 (1) (b) of the Regulation control of ASK Holding, which holds the electrical wholesale operations in Finland, Sweden, Norway, Russia and The Baltic States, as presently conducted by affiliates of the undertaking ABB Asea Brown Boveri AB ('ABB') by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Hagemeyer: international marketing, sales and distribution in the fields of consumer and professional products, distribution of electrical products, automotive and technical products and speciality foods,
- ASK Holdings: electrical wholesale activities.

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.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32 2) 296 43 01/296 72 44) or by post, under reference IV/M.990 — Hagemeyer/ABB Asea Skandia, 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 L 395, 30. 12. 1989; corrigendum: OJ L 257, 21. 9. 1990, p. 13.

Notice inviting exporting producers to submit evidence warranting the initiation of an interim review of the anti-dumping measures applicable to imports of leather handbags originating in the People's Republic of China

(97/C 278/04)

1. Possibility of a review

On request by Member States, the Commission has undertaken to obtain and examine information to establish whether the initiation of an interim review, pursuant to Article 11 (3) of Council Regulation (EC) No 384/96⁽¹⁾ (hereinafter referred to as the 'Basic Regulation') as last amended by Regulation (EC) No 2331/96⁽²⁾, of the definitive anti-dumping measures concerning imports of leather handbags originating in the People's Republic of China⁽³⁾ is warranted. Any such review would be limited to the issue of individual treatment of exporting producers, which constitutes an exception to the general rule of Article 9 (5) of the Basic Regulation providing for a country-wide duty with respect to non-market economy countries.

During the investigation leading to the adoption of the measures concerned, only two exporters, representing a small share of total exports, made sufficiently substantiated requests for individual treatment for these requests to be granted. At the end of this investigation, however, a large number of exporting producers in the People's Republic of China contacted the Commission applying for individual treatment. Although these applications could not be considered, since they were made well beyond the time limit for their submission, they were made by exporters possibly responsible for a material proportion of imports into the Community of leather handbags originating in the People's Republic of China.

In view of the above circumstances, the Commission invites the exporting producers concerned to submit the information listed below in point 2 of this notice which will be used by the Commission to consider whether there is sufficient evidence warranting, exceptionally, an early interim review of the measures in force with regard to the issue of individual treatment.

It should be noted that information submitted pursuant to this notice will be used only for the purpose of determining whether a review is warranted and, in the event that a review is initiated, requests for individual treatment will have to be made in accordance with the procedures applicable to that review.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 208, 2. 8. 1997, p. 31.

2. Procedure

Exporting producers are invited to submit the following information, which will be treated as confidential by the Commission. All documents submitted should be provided together with a translation in English. The information should relate to the period 1 April 1995 to 31 July 1997 and should only concern handbags with an outer surface made of leather, classifiable within CN code 4202 21 00.

- number of handbags (pieces) sold for export to the European Community and physical description of the handbags concerned (catalogues to be added),
- legal structure of the manufacturing operation in the People's Republic of China: ownership of the manufacturing facilities and production assets, etc.,
- type of company and ownership structure of the exporter (list of names and addresses of all shareholders),
- how the workforce of the manufacturing facilities in the People's Republic of China was recruited, is managed (supervision, including possible dismissal) and is paid,
- how the raw materials and all other relevant inputs for the manufacturing of leather handbags are procured and how the handbags are sold for export to the European Community (diagram with physical (inputs and products) and financial flows (invoices and payments)),
- for manufacturing facilities in the People's Republic of China which are owned or rented by a foreign company or a joint-venture with a foreign company, explanation of the steps to be taken to repatriate profit and capital invested,
- how export prices and quantities produced are determined,
- details of sales of leather handbags in the domestic market of the People's Republic of China, including

how sales volumes on the domestic market are determined,

- a copy of the business licence, inward processing agreement (if applicable), export licence, manufacturing rental agreement or any other documents which authorizes the company concerned to manufacture and export leather handbags in and from the People's Republic of China as well as a copy of the full audited accounts (balance sheet, profit and loss accounts and notes to the financial statements) for the most recent financial year.

Such information should be submitted within 60 days from the date of publication of this notice at the following address:

European Commission,
Directorate-General for External Economic Relations,
Directorate I-C (Unit I-C-3),
Cort 100, 4/30,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels,
Fax: (32 2) 295 65 05,
Telex: COMEU B 21877.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive amending Directive 77/388/EEC on the common system of value-added tax (the Value-added Tax Committee)

(97/C 278/05)

COM(97) 325 final — 97/0186(CNS)

(Submitted by the Commission on 26 June 1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 99 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas experience with the operation of the transitional arrangements for charging VAT in intra-Community trade has demonstrated a need for a more uniform application of Community legislation, in particular to avoid double taxation or non-taxation;

Whereas the Commission in its programme for introducing the new common system of VAT has included changing the status of the VAT Committee from an advisory into a regulatory Committee;

Whereas the Council in its Decision of 13 July 1987⁽¹⁾ has laid down the procedures for the exercise of powers of implementation conferred on the Commission,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*Council Directive 77/388/EEC⁽²⁾ is hereby amended as follows:

1. Article 29 is replaced by the following:

'Article 29

1. The measures required for the application of the provisions of this Directive, with the exception of provisions relating to VAT rates, shall be adopted by the Commission in accordance with the procedures laid down in paragraphs 2 to 4. In addition, the Commission shall, under the same procedure, adopt the provisions necessary for the adjustment of Article 15 (10).

2. The Commission shall be assisted by a committee on value-added tax, hereinafter referred to as "the Committee". The Committee shall be composed of the representatives of the Member States and chaired by the Commission representative.

3. 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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighed in the manner set out in that Article. The chairman shall not vote.

4. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by qualified majority.

⁽¹⁾ Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 197, 18. 7. 1987, p. 33).

⁽²⁾ OJ L 145, 13. 6. 1977, p. 1.

(c) If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

5. In addition to the measures referred to in paragraph 1, the Committee shall examine the points subject to the consultation provided for pursuant to this Directive and the matters referred to it by its chairman, either on his own initiative or at the request of the representative of a Member State, concerning the application of Community provisions on value-added tax.

2. In Article 15 (10), the second paragraph is replaced by the following:

'The scope of this exemption can be adjusted, subject to conditions established in accordance with the procedure provided for in Article 29.

This exemption shall be subject to limitations laid down by the host Member State until common Community tax rules are adopted. The information necessary to carry out this exemption shall be exchanged by means of a uniform document. The form and contents of this document shall be established according to the procedure provided for in Article 29.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1998. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the provisions of domestic law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

III

(Notices)

COMMISSION

Notice of invitation to tender for the refund for the export of oats from Finland and Sweden to all third countries

(97/C 278/06)

I. Subject

1. Tenders are invited for the refund for the export to all third countries of oats falling within CN code 1004 00 00.
2. The invitation to tender will be conducted in accordance with the provisions of:
 - Council Regulation (EEC) No 1766/92 ⁽¹⁾,
 - Commission Regulation (EC) No 1501/95 ⁽²⁾, as last amended by Regulation (EC) No 1259/97 ⁽³⁾,
 - Commission Regulation (EC) No 1773/97 ⁽⁴⁾.

II. Time limits

1. The period for the receipt of tenders for the first of the weekly awards will begin on 12. 9. 1997 and will expire at 10 a.m. on 18. 9. 1997.
2. For the subsequent weekly awards, the period for the receipt of tenders will expire at 10 a.m. on the Thursday of each week.

For the second and subsequent weekly awards, the period for the receipt of tenders will begin on the first working day following the expiry of the preceding period.

However, for the periods 19. 12. 1997 to 1. 1. 1998, 3. 4. 1998 to 9. 4. 1998 and 15. 5. 1998 to 21. 5. 1998, the invitation to tender is suspended.

3. The notice is published only for the purposes of the present invitation to tender. Until such time as it is amended or replaced, its terms will apply to each weekly award held during the period of validity of this invitation.

III. Tenders

1. Tenders must be submitted in writing and may be delivered personally against a receipt or sent by

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽³⁾ OJ L 174, 2. 7. 1997, p. 10.

⁽⁴⁾ OJ L 250, 13. 9. 1997, p. 1.

registered post or by telex, telefax or telegram, but must in any event arrive not later than the time and date indicated in heading II above at one of the following addresses:

— Statens Jordbruksverk, Vallgatan 8
S-551 82 Jönköping (telex: 709 91 SJV-S,
telefax: 36 19 05 46),

— Maa- ja metsätalousministeriö, interventioyksikkö
PL 232, FIN-00171 Helsinki (telefax: 09-
160 97 60, 09-160 97 90).

Tenders not submitted by telex or telegram must be inclosed in a sealed envelope marked: 'Tender under invitation to tender for the refund for the export of oats from Finland and Sweden to all third countries — Regulation (EC) No 1773/97 — Confidential', itself inclosed in a further sealed envelope addressed as above.

Once submitted, no tender may be withdrawn before the Member State concerned has informed the tenderer of the result of the tender.

2. Every tender and the accompanying proof and undertaking mentioned in Article 5 (3) of Regulation (EC) No 1501/95 and Article 3 of Regulation (EC) No 1773/97, must be in the official language or in one of the official languages, of the Member State of the competent authority to which it is submitted.

IV. Security for tender

The security for tender must be made out in favour of the competent authority concerned.

V. Award of contracts

The award will:

- (a) give the party concerned the right to be issued, in the Member State in which the tender was submitted, with an export licence for the quantity in question indicating the export refund specified in the tender;
- (b) oblige the party concerned to apply in the Member State mentioned in (a) for an export licence for that quantity.