

English edition

Information and Notices

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EN

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(1) Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Information)

COUNCIL

Communication relating to the opening of the quotas laid down by decision of the Representatives of the Governments of the Member States, meeting within the Council, of 15 December 1997 for the import of certain ECSC steel products originating in the Republic of Kazakhstan

(97/C 390/01)

1. Steel products falling within the tariff headings set out in the decision of the Representatives of the Governments of the Member States meeting within the Council and originating in the Republic of Kazakhstan may be imported between 1 January and 30 June 1998 within the following limits:

flat-rolled products	(tonnes)
SA1 (coils)	14 629
SA2 (heavy plate)	5 123
SA3 (other flat products)	4 140

2. Applications for licences may be sent to the competent authorities of the Member States as listed in the Annex.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
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LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
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LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
LISTA ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER
LIST OF THE COMPETENT NATIONAL AUTHORITIES

BELGIQUE/BELGIË

Administration des relations économiques
Quatrième division: Mise en œuvre des politiques
commerciales internationales — Service «Licences»
Rue Général Leman 60
B-1040 Bruxelles
Télécopieur: (32 2) 230 83 22

Bestuur van de Economische Betrekkingen
Vierde Afdeling: Toepassing van het Internationale
Handelsbeleid — Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
Fax: (32-2) 230 83 22

DANMARK

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Fax: (45) 87 20 40 77

DEUTSCHLAND

Bundesamt für Wirtschaft, Dienst 01
Postfach 51 71
D-65762 Eschborn 1
Fax: (49) 6196 40 42 12

ΕΛΛΑΔΑ

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία ΔΟΣ
Διεύθυνση Διαδικασιών Εξωτερικού Εμπορίου
Κορνάρου 1
GR-105 63 Αθήνα
Φαξ: (301) 328 6029/328 6059/328 6039

ESPAÑA

Ministerio de Economía y Hacienda
Dirección General de Comercio Exterior
Paseo de la Castellana 162
E-28046 Madrid
Fax: (34 1) 563 18 23/349 38 31

FRANCE

Setice
8 Rue de la Tour-des-Dames
F-75436 Paris Cedex 09
Télécopieur: (33 1) 44 63 26 59

IRELAND

Licensing Unit
Department of Tourism and Trade
Kildare Street
IRL-Dublin 2
Fax: (353 1) 676 61 54

ITALIA

Ministero del Commercio con l'Estero
Direzione generale per la politica commerciale e per la
gestione del regime degli scambi
Viale America 341
I-00144 Roma
Telefax: (39 6) 59 93 22 35-59 93 26 36

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
Boîte postale 113
L-2011 Luxembourg
Télécopieur: (352) 46 61 38

NEDERLAND

Centrale Dienst voor In- en Uitvoer
Postbus 30003
Engelse Kamp 2
9700 RD Groningen
Nederland
Fax: (31-50) 526 06 98

ÖSTERREICH

Bundesministerium für wirtschaftliche Angelegenheiten
Außenwirtschaftsadministration
Landstrasser Hauptstraße 55-57
A-1030 Wien
Fax: (43-1) 715 83 47

PORTUGAL

Direcção-Geral do Comércio Externo
Avenida da República, 79
P-1000 Lisboa
Telefax: (351-1) 793 22 10

SUOMI

Tullihallitus
PL 512
FIN-00101 Helsinki
Telekopio: (358 9) 614 2852

SVERIGE

Kommerskollegium
Box 6803
S-113 86 Stockholm
Fax: (46 8) 30 67 59

UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House, West Precinct
Billingham TS23 2NF
Cleveland
Fax: (44) 1642 53 35 57

COMMISSION

Ecu ⁽¹⁾

22 December 1997

(97/C 390/02)

Currency amount for one unit:

Belgian and Luxembourg franc	40,7969	Finnish markka	5,97985
Danish krone	7,53417	Swedish krona	8,65312
German mark	1,97716	Pound sterling	0,666056
Greek drachma	311,308	United States dollar	1,10952
Spanish peseta	167,359	Canadian dollar	1,59094
French franc	6,61827	Japanese yen	144,858
Irish pound	0,762869	Swiss franc	1,59493
Italian lira	1938,50	Norwegian krone	8,09337
Dutch guilder	2,22802	Icelandic krona	79,6966
Austrian schilling	13,9111	Australian dollar	1,70250
Portuguese escudo	202,165	New Zealand dollar	1,91659
		South African rand	5,39391

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).

**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL
DURING THE PERIOD 8 TO 12. 12. 1997**

(97/C 390/03)

*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(97) 651	CB-CO-97-658-EN-C	Proposal for a Council Directive on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (consolidated version)	5. 12. 1997	8. 12. 1997	155
COM(97) 652	CB-CO-97-660-EN-C	Proposal for a Council Regulation (EC, Euratom), implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (codified version)	5. 12. 1997	8. 12. 1997	29
COM(97) 653	CB-CO-97-668-EN-C	Amended proposal for a Council Directive on the approximation of the laws of the Member States relating to collective redundancies (codified version) ⁽¹⁾	5. 12. 1997	8. 12. 1997	16
COM(97) 660	CB-CO-97-677-EN-C	Proposal for a Council Decision on the position to be taken by the Community within the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, which entered into force on 1 February 1995, concerning the export of certain steel products from the Czech Republic to the European Community Proposal for a Council Regulation (EC) concerning the export of certain ECSC and EC steel products from the Czech Republic to the European Community for the period 1 January to 31 December 1998 (renewal of the double-checking system established by Decision No 2/96 of the Association Council as extended by Decision No 4/96)	5. 12. 1997	8. 12. 1997	33
COM(97) 668	CB-CO-97-685-EN-C	Amended proposal for a Council Regulation (Euratom, ECSC, EC) determining the powers and obligations of agents authorized by the Commission to carry out Community own resources controls and inspections ⁽²⁾	5. 12. 1997	8. 12. 1997	4
COM(97) 671	CB-CO-97-692-EN-C	Proposal for a Council Regulation (EC) amending Council Regulation (EC) No 3070/95 on the establishment of a pilot project on satellite tracking in the NAFO Regulatory Area ⁽²⁾ ⁽³⁾	5. 12. 1997	8. 12. 1997	5
COM(97) 672	CB-CO-97-694-EN-C	Proposal for a Council Regulation (EC) extending the definitive anti-dumping duty imposed by Regulation (EC) No 1490/96 on polyester staple fibre originating in Belarus to imports of polyester filament tow from Belarus and levying the extended duty on the latter imports as registered under Commission Regulation (EC) No 693/97	8. 12. 1997	8. 12. 1997	26

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(97) 644	CB-CO-97-661-EN-C	Proposal for a Council Directive amending Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels ⁽²⁾ ⁽¹⁾	8. 12. 1997	9. 12. 1997	172
COM(97) 665	CB-CO-97-683-EN-C	Annual report from the Commission to the Council on the implementation of the programme for restructuring the system of agricultural surveys in Greece — 1996	8. 12. 1997	9. 12. 1997	10
COM(97) 666	CB-CO-97-687-EN-C	Report from the Commission to the Council on the implementation of Council Decisions 85/360/EEC, 90/386/EEC and 92/582/EEC concerning the restructuring of the system of agricultural surveys in Greece (1986-1996)	8. 12. 1997	9. 12. 1997	18
COM(97) 667	CB-CO-97-684-EN-C	Annual report from the Commission to the Council on the implementation of the programme for restructuring the system of agricultural surveys in Greece — 1995	8. 12. 1997	9. 12. 1997	6
COM(97) 673	CB-CO-97-689-EN-C	Second report from the Commission on the operation of the inspection arrangements for traditional own resources (1993—1996)	8. 12. 1997	9. 12. 1997	31
COM(97) 695	CB-CO-97-713-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must ⁽²⁾ Proposal for a Council Regulation (EC) amending Regulation (EEC) No 1873/84 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87 ⁽²⁾	8. 12. 1997	9. 12. 1997	12
COM(97) 561	CB-CO-97-620-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 1408/71 as regards its extension to nationals of third countries ⁽²⁾ ⁽¹⁾	12. 11. 1997	10. 12. 1997	16
COM(97) 675	CB-CO-97-695-EN-C	Proposal for a Council Regulation (EC) amending for the seventh time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound ⁽²⁾ ⁽¹⁾	10. 12. 1997	10. 12. 1997	6
COM(97) 680	CB-CO-97-699-EN-C	Proposal for a European Parliament and Council Directive amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting ⁽²⁾ ⁽¹⁾	10. 12. 1997	10. 12. 1997	29
COM(97) 669	CB-CO-97-693-EN-C	Proposal for a Council Regulation (EC) fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽²⁾ ⁽¹⁾	11. 12. 1997	11. 12. 1997	89

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(97) 686	CB-CO-97-708-EN-C	Proposal for a Council Decision amending Decision 95/514/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries	11. 12. 1997	11. 12. 1997	6
COM(97) 726	CB-CO-97-743-EN-C	Proposal for a Council Decision concerning the signing and conclusion of an International Agreement in the form of Agreed Minutes between the European Community and the United States of America on humane trapping standards (*)	11. 12. 1997	11. 12. 1997	23
COM(97) 633	CB-CO-97-665-EN-C	Report pursuant to Article 7 (3) of Regulation (EC) No 1404/96 — LIFE (*)	12. 12. 1997	12. 12. 1997	18
COM(97) 661	CB-CO-97-678-EN-C	Communication from the Commission concerning the evaluation of the IDA programme and a second phase of the IDA programme (*) (*) Proposal for a European Parliament and Council Decision on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administration (IDA) (*) (*) Proposal for a Council Decision adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administration (IDA) (*) (*)	12. 12. 1997	12. 12. 1997	58
COM(97) 687	CB-CO-97-709-EN-C	Proposal for a Council Regulation (EC) laying down, for 1998, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of the Faeroer (*)	12. 12. 1997	12. 12. 1997	14
COM(97) 688	CB-CO-97-710-EN-C	Proposal for a Council Regulation (EC) allocating for 1998 catch quotas between Member States for vessels fishing in Estonian waters (*)	12. 12. 1997	12. 12. 1997	8
COM(97) 689	CB-CO-97-711-EN-C	Proposal for a Council Regulation (EC) laying down for 1998 certain measures for the conservation and management of fishery resources applicables to vessels flying the flag of Estonia (*)	12. 12. 1997	12. 12. 1997	12
COM(97) 691	CB-CO-97-715-EN-C	Proposal for a European Parliament and Council Directive approximating the legal arrangements for the protection of inventions by utility model (*) (*)	12. 12. 1997	12. 12. 1997	45
COM(97) 692	CB-CO-97-714-EN-C	Proposal for a Council Regulation (ECSC, EC, Euratom) laying down the weightings applicable from 1 July 1997 to the remuneration of officials of the European Communities serving in third countries	12. 12. 1997	12. 12. 1997	16

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(97) 694	CB-CO-97-712-EN-C	Proposal for a Council Regulation (EC) specifying conditions under which herring may be landed for industrial purposes other than direct human consumption ⁽¹⁾	12. 12. 1997	12. 12. 1997	7
COM(97) 697	CB-CO-97-717-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EEC) No 3482/92 imposing a definitive anti-dumping duty on imports of certain large electrolytic aluminium capacitors originating in Japan	11. 12. 1997	12. 12. 1997	17
COM(97) 698	CB-CO-97-718-EN-C	Report from the Commission on the implementation in 1993—1994 of Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport (18th report by the Commission on the implementation of the social legislation relating to road transport) ⁽²⁾	12. 12. 1997	12. 12. 1997	37
COM(97) 700	CB-CO-97-719-EN-C	Proposal for a Council Regulation (EC) laying down for 1998 certain measures for the conservation and management of fishery resources applicable in vessels flying the flag of certain non-member countries in the 200 nautical mile zone off coast of the French department of Guyana ⁽³⁾	12. 12. 1997	12. 12. 1997	12
COM(97) 701	CB-CO-97-720-EN-C	Proposal for a Council Regulation (EC) allocating for 1998 catch quotas between Member States for vessels fishing in Icelandic waters ⁽²⁾ ⁽³⁾	12. 12. 1997	12. 12. 1997	6
COM(97) 702	CB-CO-97-721-EN-C	Proposal for a Council Regulation (EC) allocating, for 1998, catch quotas between Member States for vessels fishing in the zone of the Russian Federation ⁽²⁾ ⁽³⁾	12. 12. 1997	12. 12. 1997	6
COM(97) 703	CB-CO-97-722-EN-C	Proposal for a Council Regulation (EC) laying down, for 1998, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of the Russian Federation ⁽²⁾ ⁽³⁾	12. 12. 1997	12. 12. 1997	11
COM(97) 704	CB-CO-97-723-EN-C	Proposal for a Council Regulation (EC) allocating, for 1998, catch quotas between Member States for vessels fishing in Polish waters ⁽²⁾ ⁽³⁾	12. 12. 1997	12. 12. 1997	6
COM(97) 705	CB-CO-97-724-EN-C	Proposal for a Council Regulation (EC) laying down, for 1998, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Poland ⁽²⁾ ⁽³⁾	12. 12. 1997	12. 12. 1997	12

⁽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.

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

(97/C 390/04)

(See notice in Official Journal of the European Communities L 55 of 1 March 1988, page 31)

Tender No: 220

Date of Commission Decision: 15 December 1997

(ECU/100 kg)

Formula			A/C—D		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—		—	
		Concentrated	—		—	
Maximum aid amount	Butter ≥ 82 %		117	113	—	113
	Butter < 82 %		107	108	—	—
	Concentrated butter		144	140	144	140
	Cream		—	—	50	—
Processing security	Butter		129	—	—	—
	Concentrated butter		158	—	158	—
	Cream		—	—	55	—

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

(97/C 390/05)

(See notice in Official Journal of the European Communities L 360 of 21 December 1982, page 43)

(ECU/100 kg)

Standing invitation to tender	Tender No	Date of Commission Decision	Minimum selling price	Processing security
Commission Regulation (EEC) No 3398/91 of 20 November 1991 on the sale by invitation to tender of skimmed-milk powder for the manufacture of compound feed-stuffs and amending Regulation (EEC) No 569/88 (OJ L 320, 22. 11. 1991, p. 16)	99	15. 12. 1997	201,52	45,00

COMMUNICATION FROM THE COMMISSION PURSUANT TO ARTICLE 4 (1) (a) OF
COUNCIL REGULATION (EEC) No 2408/92

Imposition of public service obligations in respect of scheduled air services within France

(97/C 390/06)

(Text with EEA relevance)

1. Pursuant to Article 4 (1) (a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, France has decided to impose public service obligations in respect of scheduled air services operated between Reims (Reims-Champagne) and Bordeaux (Mérignac).

2. The public service obligations are as follows:

— *Minimum frequency*

The services must comprise at least two outward and two return journeys daily, morning and evening, from Monday to Friday, excluding holidays, at least 47 weeks a year.

The services may be operated with a stopover between Reims and Bordeaux.

— *Type of aircraft used and capacity provided*

The services must be operated using a pressurized aircraft with a minimum capacity of 11 seats.

— *Timetables*

Timetables must be such as to enable passengers on business trips to make a round trip, on weekdays, within the day, with sufficient time in Bordeaux to conduct their business:

— an arrival in Bordeaux from Reims no later than 09.30,

— a departure from Bordeaux for Reims no earlier than 18.00.

— *Marketing of flights*

Flights must be marketed using at least one computerized reservation system.

— *Continuity of service*

Except in cases of *force majeure*, the number of flights cancelled for reasons directly attributable to the carrier must not exceed 3 % of the number of flights scheduled in any IATA scheduling season.

The carrier must give at least six months notice before discontinuing these services.

COMMUNICATION FROM THE COMMISSION PURSUANT TO ARTICLE 4 (1) (a) OF
COUNCIL REGULATION (EEC) No 2408/92

Changes made by France to public service obligations imposed on scheduled airline services within France

(97/C 390/07)

(Text with EEA relevance)

1. France has decided to alter the public service obligations concerning scheduled airline services between Reims (Champagne) and Lyon (Satolas) published in *Official Journal of the European Communities* C 227 of 1 September 1995 under No 95/C 227/06 pursuant to Article 4 (1) (a) of Council Regulation (EEC) No 2408/92.

2. The public service obligations are altered as follows:

— *Minimum frequencies:*

The services must comprise at least two outward and two return journeys daily, morning and evening, from Monday to Friday, excluding holidays, at least 47 weeks a year.

The services must operate without stopover between Reims (Champagne) and Lyon (Satolas).

— *Type of aircraft used:*

The services must be operated by a pressurised aircraft having a minimum seating capacity of 11.

— *Timetables:*

The timetables must be such as to enable passengers on business trips during the working week to make an outward and a return journey within the day.

Prior notification of a concentration

(Case No IV/M.1081 — Dow Jones/NBC — CNBC Europe)

(97/C 390/08)

(Text with EEA relevance)

1. On 11 December 1997, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾ by which the undertakings Dow Jones & Company Inc ('Dow Jones') and National Broadcasting Company Inc ('NBC') (controlled by General Electric Company) acquire within the meaning of Article 3 (1) (b) of the Regulation joint control of the undertakings EBN and CNBC Europe by way of acquisition of interests in a newly created partnership constituting a joint venture.

2. The business activities of the undertakings concerned are:

- Dow Jones: financial information, media and publishing,
- NBC: television broadcasting and related activities,
- EBN and CNBC: television news programming services, especially business and financial news.

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 or 296 72 44) or by post, under reference IV/M.1081 — Dow Jones/NBC — CNBC Europe, to:

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.

STATE AID

C 62/97 (ex N 494/97)

Austria

(97/C 390/09)

(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 for Actual Maschinenbau AG, Austria**

The Commission has sent the Austrian Federal Government the following letter, informing it that it has decided to initiate proceedings pursuant to Article 93 (2) of the EC Treaty.

1. BACKGROUND INFORMATION

By letter dated 12 August 1996 the Austrian authorities informed the Commission that they intended to grant restructuring aid to the above-mentioned firm. On 25 October 1996 they also notified R&D. By letter dated 17 December 1996 they withdrew both notifications and notified instead rescue aid in the form of a six-month Ös 15 million rescue loan with an interest rate of 6,87 %.

On 5 February 1997 the Commission decided not to raise any objections to the planned rescue aid. The Austrian authorities were informed of this decision by letter dated 25 February 1997⁽¹⁾. The aid was disbursed as follows: an initial instalment of Ös 8 million on 27 January 1997, and a second instalment of Ös 7 million on 13 February 1997.

At a meeting on 9 June 1997 the Austrian authorities informed the Commission that, instead of restructuring aid, they intended to notify an extension of the rescue aid. They explained that, before a final restructuring plan could be worked out, a number of very important decisions still had to be taken, in

connection with the transfer of shares in their Hungarian subsidiary and a settlement with its present owners. Clarification of both questions was of fundamental importance for the continued operation of the firm. The Commission officials pointed out at the meeting that extensions can be approved only in exceptional cases. By letter dated 18 July 1997 the Austrian authorities notified the extension of the rescue aid until 31 October 1997.

2. THE FIRM

According to the definition in the Commission Recommendation of 3 April 1996⁽²⁾, the firm is a large enterprise, and it is located in Ansfelden, which is not an assisted area. The privately owned firm produces machine tools for the production of plastic sections, extrusion and the assembly of plastic windows. It has several subsidiaries and shares in other companies. Its turnover was broken down as follows in 1995: Austria 14 %, other EU countries 39 %, eastern Europe 7 %, United States 13 %, Asia and Australia 27 %.

According to figures provided by the Austrian authorities, the firm has the following market shares in machine tools for the manufacture of sections, extrusion and the assembly of plastic windows:

Market shares of Actual Maschinenbau AG					
	EU	Eastern Europe	United States	Near/Far East	Total
Sections	5-6 %	14 %	13-14 %	11-12 %	9 %
Extrusion	6 %	15 %	10 %	12 %	10 %
Assembly	7 %	10 %	15 %	8 %	8-9 %

⁽¹⁾ SG(97) D/1422.⁽²⁾ OJ L 107, 30. 4. 1996.

According to the Austrian authorities, the financial difficulties of the firm were caused mainly by losses incurred on a large-scale order in 1995 and by incorrect inventory valuation in 1994. The firm has also been affected by the recession which has been prevailing in the building industry since the second half of 1995. In 1996 the owners, creditors and the firm itself took financial measures which have so far allowed the firm to remain in business.

3. ASSESSMENT

3.1. Existence of State aid

The market for machine tools for the production of plastic sections, extrusion and the assembly of plastic windows is highly competitive internationally and has a high export content. The manufacturers, mainly SMEs and fairly large firms, are concentrated mainly in central Europe. According to the Austrian authorities, the main competitors of Actual Maschinenbau AG are Greiner GmbH, TOP and Technoplast in Austria, IDE in Italy and Schwarz in Germany.

The rescue aid is being granted through State resources. The purpose of such support provided by the State is to maintain the firm on the market and is thus liable to affect the market position of its competitors from other Member States. According to the Community guidelines on state aid for rescuing and restructuring firms in difficulty^(*), "State aid for rescuing... firms in difficulty will, by its very nature, tend to distort competition and affect trade between Member States". The extension of the rescue aid is thus State aid within the meaning of Article 92 (1) of the EC Treaty and Article 61 (1) of the EEA Agreement.

3.2. A firm in difficulty

In 1995 the firm employed an average of 345 persons and achieved a turnover of Ös 504 million (ECU 37,6 million) with a balance sheet total of Ös 330 million (ECU 24,7 million) at the end of the year. The net loss operating result on normal business activity) in 1995 amounted to Ös 86,8 million (ECU 6,3 million). This resulted by the end of the year in an equity capital deficit of Ös 55,5 million (ECU 4,0 million). The figures for the 1996 annual accounts are not yet available. The losses of Ös 14 million (ECU 1,0 million) incurred in the

first half of 1997 are evidently in line with the forecasts. For 1997 as a whole, the firm expects losses of Ös 7,3 million (ECU 0,5 million).

The Austrian authorities presented a business plan and weekly cash-flow input/output figures, covering the period up to August 1997, which showed that the firm was still in difficulty. Its financial situation continues to be dominated by an acute liquidity crisis making it impossible for the firm to repay the loan from its own resources by the end of July 1997.

Accordingly, the case must be examined under the Community guidelines for firms in difficulty.

3.3. Conditions for the approval of rescue aid

In the Commission's view, rescue aid can contribute to the development of economic activities, without adversely affecting trading conditions to an extent contrary to the common interest, where the following conditions are met:

- I. the loan must be granted at normal commercial interest rates;
- II. it must be restricted to the amount needed to keep the firm in business;
- III. it must be warranted on the grounds of serious social difficulties and have no undue adverse effects on the industrial situation in other Member States;
- IV. it must be paid only for the time needed to devise the recovery plan, generally a maximum of six months.

The conditions laid down in the guidelines stipulating that a rescue loan must bear normal commercial interest rates, be restricted to the amount needed to keep a firm in business and be warranted on the grounds of serious social difficulties are met. The interest rate of 6,78 % is above the current Austrian reference interest rate of 6,1 %. The extension of the loan will not result in a liquidity surplus, since the firm is not in a position to pay back the loan or parts of it from its own resources by the end of July 1997. The Austrian authorities have moreover shown that employment in the Linz area has declined since 1990. Unemployment has risen by 54 % since 1989. Over the same period, the number of job vacancies fell by 43 %. Unemployment among older people and long-term unemployment are the main problems in the region. If the company becomes bankrupt, 345

^(*) OJ C 368, 23. 12. 1994.

employees, and a large number of upstream employees in this and other regions, will lose their jobs.

However, the condition regarding the six-month period for devising the necessary and feasible recovery plan has not been complied with. Since the Austrian authorities had already disbursed the first part of the rescue aid at the end of January 1997 and the Commission approved the aid for a period of six months, it should be repaid by the end of July 1997 at the latest. Extending the aid until the end of October 1997 therefore amounts to a second rescue aid.

Point 3.1 of the guidelines stipulates in this respect that "the rescue should be a one-off operation. A series of rescues that effectively, merely maintain the status quo, postpone the inevitable and in the meantime transfer the attendant industrial and social problems to other, more efficient producers and other Member States is clearly unacceptable".

An extension of the rescue aid would therefore be possible only in specific, properly justified exceptional circumstances. The Austrian authorities have argued that the extension is justified because of the need to clarify the two above-mentioned questions regarding the transfer of the Hungarian subsidiary's shares and the settlement with its present owners. These two interrelated aspects are part of the efforts to find a new investor in order to increase the company's equity capital to a sufficient level and improve its strategic position. These factors are consequently of key importance to allowing the company to remain in business, and they are a precondition for the devising of a viable restructuring plan that would return the company to health within an appropriate period. The Austrian authorities and the company have not, however, been able to demonstrate why these questions were not clarified in good time. It must be borne in mind here that the questions did not arise just recently, but were evident before the rescue aid was applied for. Furthermore, the Austrian authorities have not been able to provide any information on when these questions can be clarified. The Commission cannot determine whether this will occur within the next few months and whether the Austrian authorities will consequently be in a position to notify restructuring aid.

In addition, it cannot be ruled out that these important questions cannot be settled at all. Lastly, the company is confronted with a serious deterioration in its financial situation which has resulted in

an acute liquidity crisis since at least the end of 1995. Even if the company argues that it has already made some progress and will probably suffer lower losses in 1997, it is a fact that it has not yet been able to devise an appropriate restructuring plan to restore its profitability. The Commission cannot therefore exclude the possibility that a second rescue aid would merely maintain the status quo.

The Commission must also take the market situation and the interests of the company's competitors into consideration. Demand for the relevant machine tools is influenced to a high degree by market developments in the construction industry and inner-city renewal and by the share of plastic windows in the overall market for windows. The market for plastic windows grew as from 1980 mainly as a result of its increasing share in the overall market and the boom in the building industry. Since the second half of 1995, the market for windows has been suffering from the recession in the building industry, the central European market appears to be saturated, and there is probably already excess capacity. Consequently, a renewal of the rescue aid might transfer the problems associated with structural change to other, more efficient firms and might thus have an undue adverse effect on the industrial situation in other Member States.

4. CONCLUSION

In view of the fact that an extension of the rescue aid is clearly in conflict with the principle of a one-off measure and that a second rescue measure might merely maintain the status quo and transfer the problems associated with structural change to other, more efficient firms, the Commission doubts that an extension of the rescue aid can be deemed compatible with the common market.

Pursuant to Article 93 (3) of the EC Treaty, the Commission must without delay initiate the procedure provided for in Article 92 (2) if it considers that any plan to grant or alter aid is not compatible with the common market having regard to Article 92. The Commission consequently informs the Austrian authorities that it has decided to initiate proceedings under Article 93 (2) of the EC Treaty.

The Commission calls on the Austrian authorities to present any comments on the aid within one month of receiving this letter.

The Commission would remind your authorities of the suspensory effect of Article 93 (3) of the EC Treaty and would draw their attention to the communication published in *Official Journal of the European Communities* C 318 of 24 November 1983, p. 3, which states that any aid granted unlawfully — i. e. without prior notification or without awaiting the Commission's final decision in the proceedings pursuant to Article 93 (2) of the EC Treaty — may have to be recovered from the recipient firms.

The Commission would also ask the Austrian authorities to inform the recipient firm forthwith of the initiation of proceedings and the fact that it may be required to reimburse any aid illegally received.

The Commission will be publishing a notice in the *Official Journal of the European Communities* inviting other Member States and interested parties to submit their comments.'

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

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

The comments will be communicated to the Austrian authorities.

III

(Notices)

COMMISSION

Outcome of the invitation to tender (Community food aid)

(97/C 390/10)

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 L 204, 25 July 1987, page 1)

16 December 1997

Regulation (EC) No/ Decision	Lot	Action No	Recipient	Product	Quantity (t)	Delivery	Successful tenderer	Awarded price (ECU/t)
2388/97	A	507/96	Euronaïd/Rwanda	CBR/M/L	1 180	EMB	n.a.	(¹)
	B	30/97	WFP/Afghanistan	BLT	22 500	EMB	Soufflet Négoce — Nogent-sur-Seine (F)	128,95
	C	70/97	WFP/Afghanistan	BLT	2 500	EMB	Soufflet Négoce — Nogent-sur-Seine (F)	128,95
	D	71/97	WFP/Rwanda	MAI	25 000	EMB	Soufflet Négoce — Nogent-sur-Seine (F)	110,90
	E	31/97	WFP/Afghanistan	FBLT	2 116	EMB	Grandi Molini — Rovigo (I)	189,30
2389/97	A	69/97	WFP/North Korea	PISUM	2 093	EMB	n.a.	(²)

n.a. No contract was awarded.

(¹) Second invitation to tender: 6. 1. 1998.

(²) Regulation amended; second invitation to tender: 6. 1. 1998.

BLT:	Common wheat	B:	Butter	BPJ:	Beef in its own juice
FBLT:	Common wheat flour	GMAI:	Maize groats	CB:	Corned beef
CBL:	Long grain milled rice	SMAI:	Maize meal	COR:	Currants
CBM:	Medium grain milled rice	LENP:	Whole milk powder	BABYF:	Babyfood
CBR:	Round grain milled rice	LDEP:	Semi-skimmed milk powder	LHE:	High-energy milk
BRI:	Broken rice	LEP:	Skimmed-milk powder	Lsub1:	Infant milk
FHAF:	Oat flakes	LEPv:	Vitaminized skimmed-milk powder	Lsub2:	Follow-on milk
FROF:	Processed cheese	CT:	Tomato concentrate	PAL:	Pasta
WSB:	Wheat soya blend	CM:	Tinmeat mackerel	PISUM:	Split peas
SUB:	Sugar	BISC:	High protein biscuits	FEQ:	Horse beans (<i>Vicia faba equina</i>)
ORG:	Barley	BO:	Butteroil	FABA:	Broad beans (<i>Vicia faba major</i>)
SOR:	Sorghum	HOLI:	Olive oil	SAR:	Sardines
DUR:	Durum wheat	HCOLZ:	Refined rape or colza oil	DEB:	Free at port of landing, landed
GDUR:	Durum wheat groats	HPALM:	Semi-refined palm oil	DEN:	Free at port of landing — ex ship
MAI:	Maize	HSOJA:	Refined soya-bean oil	EMB:	Free at port of shipment
FMAI:	Maize flour	HTOUR:	Refined sunflower oil	DEST:	Free at destination

**Amendment to notice of invitation to tender for the refund for the export of milled round grain
rice to certain third countries**

(97/C 390/11)

(Official Journal of the European Communities C 324 of 25 October 1997)

On page 10 the text of paragraph 2 under heading I 'Subject', is amended as follows:

- '2. The total quantity in respect of which there may be fixed a maximum export refund as provided in Article 1 (2), of Commission Regulation (EEC) No 584/75 ⁽¹⁾, as last amended by Regulation (EEC) No 299/95 ⁽²⁾, is approximately 20 000 tonnes.'
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