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Information and Notices

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(1) Text with EEA relevance

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I

(Information)

COUNCIL

List of appointments made by the Council (January, February and March 1998)

(Social field)

(98/C 141/01)

Committee	End of term of office	Published in OJ	Person replaced	Death/resignation	Member/alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Advisory Committee on Freedom of Movement for Workers	8.6.1999	C 194, 25.6.1997	Mr F. Soriano González	Resignation	Member	Workers	Spain	Mr F. Galán Lozoya	Secretario confederal de migraciones de Comisiones Obreras	9.3.1998
Advisory Committee on Freedom of Movement for Workers	8.6.1999	C 194, 25.6.1997	Mr F. Friehs	Resignation	Member	Workers	Austria	Ms E. Regner	Österreichischer Gewerkschaftsbund	9.3.1998
Advisory Committee on Safety, Hygiene and Health Protection at Work	6.7.2000	C 220, 19.7.1997	Ms G. Deakins	Resignation	Member	Government	United Kingdom	Ms J. Cruickshank	Health and Safety Executive	12.2.1998
Advisory Committee on Safety, Hygiene and Health Protection at Work	6.7.2000	C 220, 19.7.1997	Ms J. Soave	Resignation	Alternate	Government	United Kingdom	Ms J. White	Health and Safety Executive	12.2.1998
Advisory Committee on Safety, Hygiene and Health Protection at Work	6.7.2000	C 220, 19.7.1997	Mr T. Wall	Resignation	Member	Trade unions	Ireland	Mr F. Whelan	ICTU	16.3.1998
Advisory Committee on Safety, Hygiene and Health Protection at Work	6.7.2000	C 220, 19.7.1997	Mr N. O'Neill	Resignation	Alternate	Trade unions	Ireland	Mr E. Devoy	District Secretary, TEEU	16.3.1998

Committee	End of term of office	Published in OJ	Person replaced	Death/resignation	Member/alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Advisory Committee on Safety, Hygiene and Health Protection at Work	6.7.2000	C 220, 19.7.1997	Mr H. Schramhauser	Resignation	Alternate	Trade unions	Austria	Mr E. Steiner	Bundeskammer für Arbeiter und Angestellte, Abteilung Arbeitnehmerschutz und Arbeitsgestaltung	23.3.1998
Advisory Committee on Safety, Hygiene and Health Protection at Work	6.7.2000	C 220, 19.7.1997	Mr J. Jensen	Resignation	Alternate	Government	Denmark	Mr K. Overgaard-Hansen	Direktoratet for Arbejdstilsynet	30.3.1998
Advisory Committee on Social Security for Migrant Workers	23.7.1999	C 241, 7.8.1997	Mr R. Leutner	Resignation	Member	Trade unions	Austria	Ms E. Regner	Österreichischer Gewerkschaftsbund	9.3.1998
Administrative Board of the European Agency for Safety and Health at Work (Bilbao)	4.10.1998	C 296, 10.11.1995	Ms G. Deakins	Resignation	Alternate	Government	United Kingdom	Ms J. Cruickshank	Health and Safety Executive	12.2.1998
Administrative Board of the European Agency for Safety and Health at Work (Bilbao)	4.10.1998	C 296, 10.11.1995	Mr M. Biagi	Resignation	Alternate	Government	Italy	Mr M. Lepore	Docente di diritto sindacale e del lavoro comparato presso l'Università degli studi di Roma	23.3.1998

COMMISSION

Rate of interest applied by the European Monetary Institute for its operations in ecus: 4,25 % for May 1998

Ecu ⁽¹⁾

5 May 1998

(98/C 141/02)

Currency amount for one unit:

Belgian and Luxembourg franc	40,6559	Finnish markka	5,99201
Danish krone	7,51710	Swedish krona	8,48093
German mark	1,97097	Pound sterling	0,670757
Greek drachma	341,966	United States dollar	1,11386
Spanish peseta	167,491	Canadian dollar	1,60140
French franc	6,60931	Japanese yen	147,475
Irish pound	0,784242	Swiss franc	1,65018
Italian lira	1944,98	Norwegian krone	8,18353
Dutch guilder	2,22092	Icelandic krona	79,4293
Austrian schilling	13,8687	Australian dollar	1,73878
Portuguese escudo	201,943	New Zealand dollar	2,02630
		South African rand	5,63446

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).

Information procedure — technical regulations

(98/C 141/03)

(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 L 109, 26.4.1983, p. 8).
- Directive 88/182/EEC of 22 March 1988 amending Directive 83/189/EEC (OJ 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 L 100, 19.4.1994, p. 30).

Notifications of draft national technical regulations received by the Commission.

Reference (*)	Title	End of three-month standstill period (‡)
98/113/A	Draft Act amending the 1997 Carinthian Act on public events	24.6.1998
98/118/UK	Environment Agency (EA) national fisheries by law 4: otter guards	15.6.1998
98/117/I	Draft amendment to Presidential Decree No 412 of 26 August 1993: Regulation containing standards for the design, installation, operation and maintenance of heating installations for buildings for the purposes of containing energy consumption, in implementation of Article 4, subparagraph 4 of Law No 10 of 9 January 1991	15.6.1998
98/119/F	Draft Decree amending Decree No 97-1328 of 30 December 1997 relating to the placing on the market and disposal of batteries and accumulators containing certain dangerous substances	17.6.1998
98/134/NL	Decree of ... amending the Weights and Measures Regulation (measuring instruments for direct mass measurement; adjusting and correcting devices; withdrawal of the periodic reinspection of weights)	1.7.1998
98/107/NL	Delegation decree on new, non-returnable plastic bottles 1998	15.6.1998

(*) 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 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* C 324 of 30 October 1996.

Prior notification of a concentration
(Case No IV/M.1161 — Alcoa/Alumax)

(98/C 141/04)

(Text with EEA relevance)

1. On 22 April 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertaking Aluminium Company of America (Alcoa) enters into a full merger within the meaning of Article 3(1)(a) of the Regulation, with the undertaking Alumax Inc. (Alumax) by way of conversion of shares.

2. The business activities of the undertakings concerned are:

— Alcoa: mining of bauxite, production of aluminium and aluminium products,

— Alumax: production of aluminium and aluminium products.

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.1161 — Alcoa/Alumax, 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.1179 — Tech Data/Computer 2000)

(98/C 141/05)

(Text with EEA relevance)

1. On 27 April 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertaking Tech Data Corporation acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the undertaking Computer 2000 AG.

2. The business activities of the undertakings concerned are:

— Tech Data Corporation: wholesalers of computer hardware and software products and services,

— Computer 2000 AG: wholesalers of computer hardware and software products and services.

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.1179 — Tech Data/Computer 2000, 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.1175 — Magna/Steyr)

(98/C 141/06)

(Text with EEA relevance)

1. On 22 April 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾ by which the undertaking Magna International Inc. (Magna) acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the undertakings Steyr-Daimler-Puch Fahrzeugtechnik AG & Co. KG and Steyr-Daimler-Puch Fahrzeugtechnik AG (Steyr) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Magna: supplier to the car industry,
- Steyr: specialised supplier to the car industry.

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.1175 — Magna/Steyr, 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.1158 — Elf Atochem/Atohaas)

(98/C 141/07)

(Text with EEA relevance)

1. On 24 April 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the undertaking Elf Atochem (belonging to the group Elf) acquires within the meaning of Article 3(1)(b) of the Regulation sole control of the undertaking Atohaas.

2. The business activities of the undertakings concerned are:

— Elf Atochem: chemical products,

— Atohaas: polymer materials.

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.1158 — Elf Atochem/Atohaas, 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, p.1. Corrigendum: OJ L 257, 21.9.1990, p. 13.

II

(Preparatory Acts)

COMMISSION

Amended proposal for a European Parliament and Council Directive on connected telecommunications equipment and the mutual recognition of the conformity of equipment⁽¹⁾

(98/C 141/08)

(Text with EEA relevance)*COM(1998) 176 final — 97/0149(COD)**(Submitted by the Commission pursuant to Article 189a(2) of the EC Treaty on 27 March 1998)*

⁽¹⁾ OJ C 248, 14.8.1997, p. 4.

ORIGINAL TEXT

AMENDED TEXT

Recital 3a (new)

Whereas, given the increasing importance of telecommunications terminal equipment and networks using radio transmission and networks using radio transmission besides equipment connected through wired links, any regulation on the manufacturing, marketing and use of R&TTE should cover both classes of such equipment;

Recital 5

Whereas the electromagnetic compatibility related essential requirements laid down by Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of Member States relating to electromagnetic compatibility⁽¹⁾, as last amended by Directive 93/68/EEC, are sufficient to cover connected telecommunications equipment;

Whereas the electromagnetic compatibility related essential requirements laid down by Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of Member States relating to electromagnetic compatibility⁽¹⁾, as last amended by Directive 93/68/EEC, are sufficient to cover radio and telecommunications terminal equipment;

Recital 6

Whereas the provisions of Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits⁽²⁾, as last amended by Directive 93/68/EEC, are sufficient to cover connected telecommunications equipment, whatever the operating voltage limits;

Whereas the provisions of Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits⁽²⁾, as last amended by Directive 93/68/EEC, are sufficient to cover radio and telecommunications terminal equipment, whatever the operating voltage limits;

⁽¹⁾ OJ L 139, 23.5.1989, p. 19.

⁽²⁾ OJ L 77, 26.3.1973, p. 29.

⁽¹⁾ OJ L 139, 23.5.1989, p. 19.

⁽²⁾ OJ L 77, 26.3.1973, p. 29.

ORIGINAL TEXT

AMENDED TEXT

Recital 8

Whereas unacceptable degradation of service to other than the user of connected telecommunications equipment should be prevented;

Whereas unacceptable degradation of service to other than the user of radio and telecommunications terminal equipment should be prevented;

Recital 10

Whereas connected telecommunications equipment can occupy an excessive proportion of limited resources such as radio frequency spectrum;

Whereas the most efficient possible use according to the state of the art of limited resources such as the radio frequency spectrum is to be ensured and promoted;

Recital 12

Whereas the essential requirements relevant to a class of connected telecommunications equipment should depend on the nature and the needs of that class of equipment; whereas these requirements must be applied with discernment in order not to inhibit technological innovation or the meeting of the needs of a free-market economy;

Whereas the essential requirements relevant to a class of radio and telecommunications terminal equipment should depend on the nature and the needs of that class of equipment; whereas these requirements must be applied with discernment in order not to inhibit technological innovation or the meeting of the needs of a free-market economy;

Recital 13

Whereas care should be taken that connected telecommunications equipment should not represent an avoidable hazard to health;

Whereas care should be taken that radio and telecommunications terminal equipment should not represent an avoidable hazard to health;

Recital 14

Whereas telecommunications are important to the well-being and employment of people with disabilities who represent a substantial and growing proportion of the population of Europe;

Whereas telecommunications are important to the well-being and employment of people with disabilities who represent a substantial and growing proportion of the population of Europe; whereas telecommunications equipment should therefore whenever possible be designed in such a way that disabled people may use it without or with only minimal adaptation;

Recital 15

Whereas connected telecommunications equipment can provide certain functions required by emergency and security services;

Whereas radio and telecommunications terminal equipment can provide certain functions required by emergency and security services;

Recital 16

Whereas connected telecommunications equipment should not permit the infringement of individual privacy;

Whereas radio and telecommunications terminal equipment should not permit the infringement of individual privacy;

Recital 18

Whereas it is desirable to have harmonized standards at European level to safeguard the public interest in connection with the design and manufacture of connected telecommunications equipment; whereas such harmonized standards may be used to demonstrate conformity to the essential requirements;

Whereas it is desirable to have harmonized standards at European level to safeguard the public interest in connection with the design and manufacture of radio and telecommunications terminal equipment; whereas such harmonized standards may be used to demonstrate conformity to the essential requirements;

ORIGINAL TEXT

AMENDED TEXT

Recital 19

Whereas Community law provides that obstacles to the free movement of goods within the Community, resulting from disparities in national legislation relating to the marketing of products, can only be justified where any national requirements are necessary and proportionate; whereas, therefore, the harmonization of laws must be limited only to those requirements necessary to satisfy the essential requirements relating to connected telecommunications equipment; whereas these requirements must replace the relevant national requirements;

Whereas Community law provides that obstacles to the free movement of goods within the Community, resulting from disparities in national legislation relating to the marketing of products, can only be justified where any national requirements are necessary and proportionate; whereas, therefore, the harmonization of laws must be limited only to those requirements necessary to satisfy the essential requirements relating to radio and telecommunications terminal equipment; whereas these requirements must replace the relevant national requirements;

Recital 20

Whereas connected telecommunications equipment which complies with the relevant essential requirements should be permitted to circulate freely and be put into service in all Member States; whereas connected telecommunications equipment which does not comply with the applicable essential requirements should be regarded as defective products within the meaning of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products⁽¹⁾;

Whereas radio and telecommunications terminal equipment which complies with the relevant essential requirements should be permitted to circulate freely and be put into service in all Member States; whereas radio and telecommunications terminal equipment which does not comply with the applicable essential requirements should be regarded as defective products within the meaning of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products⁽¹⁾;

Recital 20a (new)

Whereas this Directive does not restrict the non-commercial building, transformation or use of R&TTE in Amateur Radio and Satellite services by licensed radio amateurs;

*Article 1***Scope and aim**

This Directive establishes a European Community regulatory framework for the placing on the market, free circulation and putting into service of connected telecommunications equipment (CTE) which complies with the essential requirements.

This Directive establishes a European Community regulatory framework for the placing on the market, free circulation and putting into service of Radio and Telecommunications Terminal Equipment (R&TTE) which complies with the essential requirements.

*Article 2***Definitions**

For the purpose of this Directive the following definitions shall apply:

(a) Connected Telecommunications Equipment (CTE)

Equipment capable of communication by means of radio transmission utilizing spectrum allocated to terrestrial/space radio communication excluding equipment which is intended for exclusive public security use,

For the purpose of this Directive the following definitions shall apply:

(a) Radio and Telecommunications Terminal Equipment (R&TTE)

Equipment capable of communication by means of radio transmission utilizing spectrum allocated to terrestrial/space radio communication excluding equipment which is intended for exclusive public security use,

⁽¹⁾ OJ L 210, 7.8.1985, p. 29.

⁽¹⁾ OJ L 210, 7.8.1985, p. 29.

ORIGINAL TEXT

AMENDED TEXT

or

the relevant components of equipment to be connected to an Open Network Termination Point, allowing this equipment to interwork with the relevant network;

(b) Open Telecommunications Network Termination Point (ONTP)

A termination point of a telecommunications network at which users of the network may connect any conforming Connected Telecommunications Equipment of a type supported at that ONTP. Connection may be by wire, radio, optical or other electromagnetic means. An ONTP supports one or more types of CTE. In exceptional cases in the public interest, ONTP types can be termination points of other than public networks;

(c) CTE Type

The CTE type identifies the type of Open Network Termination Point to which the equipment is to be connected by wire, radio, optical or other electromagnetic means;

(d) Technical specification

A specification contained in a document which describes those characteristics of a product which implement the applicable essential requirements;

(e) Harmonized standard

A technical specification adopted by a recognized standards body under a mandate from the Commission in conformity with the procedures laid down in Council Directive 83/189/EEC⁽¹⁾ for the purpose of establishing a European requirement, compliance with which is not compulsory.

or

the relevant components of equipment to be connected to an Open Network Termination Point, allowing this equipment to interwork with the relevant network;

(b) Open Telecommunications Network Termination Point (ONTP)

A termination point of a telecommunications network at which users of the network may connect any conforming Radio and Telecommunications Terminal Equipment of a type supported at that ONTP. Connection may be by wire, radio, optical or other electromagnetic means. An ONTP supports one or more types of R&TTE. In exceptional cases in the public interest, ONTP types can be termination points of other than public networks;

(c) R&TTE Type

The R&TTE type identifies the type of Open Network Termination Point to which the equipment is to be connected by wire, radio, optical or other electromagnetic means;

(d) Technical specification

A specification contained in a document which describes those characteristics of a product which implement the applicable essential requirements;

(e) Harmonized standard

A technical specification adopted by a recognized standards body under a mandate from the Commission in conformity with the procedures laid down in Council Directive 83/189/EEC⁽¹⁾ for the purpose of establishing a European requirement, compliance with which is not compulsory.

Article 3

Essential requirements

1. The following general essential requirements are applicable to all CTE:

1. The R&TTE referred to in Article 2 shall be so constructed that:

- (a) the equipment, when properly used, does not endanger the health or the safety of the user or any other person;

⁽¹⁾ OJ L 109, 26.4.1983, p. 8.

⁽¹⁾ OJ L 109, 26.4.1983, p. 8.

ORIGINAL TEXT

- (a) the essential requirements contained in Directive 73/23/EEC with respect to safety whatever the voltage limits of the CTE;
- (b) the essential requirements contained in Directive 89/336/EEC with respect to electromagnetic compatibility.

2. The specific essential requirements applicable to each type of CTE may be selected in accordance with the provisions of Article 4 from the following list:

- (a) prevention of misuse of network resources causing an unacceptable degradation of service to other than the user of the CTE;
- (b) interworking via network(s) and Community-wide portability between ONTPs of the same type;
- (c) effective use of spectrum allocated to terrestrial/space radio communication.

AMENDED TEXT

- (a) the equipment meets the essential requirements contained in Directive 73/23/EEC with respect to safety whatever the voltage limits of the R&TTE;
- (b) the equipment meets the essential requirements contained in Directive 89/336/EEC with respect to electromagnetic compatibility.

2. Radio equipment shall be so constructed that the equipment effectively uses the spectrum allocated to terrestrial/space radio communication and orbital resources, in accordance with ITU Radio Regulations.

3. In accordance with the procedure laid down in Article 12, the Commission may decide that Terminal Equipment within certain Equipment Class shall be so constructed that:

- (a) misuse of network resources causing an unacceptable deterioration of service is prevented;
and/or that
- (b) it interworks via network(s) and can be ported between ONTPs of the same type in the Community;
and/or that
- (c) it contains safeguards to ensure that the individual privacy of the user is protected;
and/or that
- (d) it supports certain features ensuring access to safety and emergency services;

4. In the interest of people with special needs and in accordance with the procedure laid down in Article 12, the Commission may decide that Terminal equipment, which may be used by people with special needs shall support certain features.

ORIGINAL TEXT

*Article 4***Identification of relevant specific essential requirements**

1. The Commission shall identify the specific essential requirements applicable to each CTE type in accordance with the procedure laid down in Article 12. In selecting the applicable essential requirements, the Commission shall give, as appropriate, due consideration to:

- (a) protection of health,
- (b) features for users with disabilities,
- (c) features for emergency and security services,
- (d) protection of individual privacy,

The applicable specific essential requirements shall be published in the *Official Journal of the European Communities*.

2. Member States shall notify the Commission of the types of ONTP which are available or due to become available as soon as they are aware of them. In turn, the Commission shall inform the Committee referred to in Article 12 (hereinafter referred to as 'the Committee') of existing and planned ONTP types.

3. Member States shall ensure that the operators of all networks publish and regularly update accurate and adequate technical specifications of the available ONTPs and the CTE types supported. The specifications should be in sufficient detail to permit the design of compatible CTE.

AMENDED TEXT

*Article 4***Publication of specifications of interface points**

1. Member States shall notify the Commission of the radio interfaces they have regulated unless they have been notified pursuant to the provisions of Directive 83/189/EEC. After consulting the Committee provided for in Article 12, the Commission shall establish the equivalence between the interfaces notified and shall determine an equipment category indicator, which shall be published in the *Official Journal of the European Communities*.

2. Member States shall notify the Commission of the types of ONTP which are used by networks offering services to the public. Member States shall ensure that the operators of networks offering services to the public publish and regularly update accurate and adequate technical specifications concerning these network termination points. These specifications should be in sufficient detail to permit the design of compatible terminal equipment.

*Article 5***Harmonized standards**

1. When CTE meets the relevant harmonized standards whose reference numbers have been published in the *Official Journal of the European Communities*, Member States shall presume compliance with those of the essential requirements referred to in Article 3 and Article 4 as are covered in these standards. At the choice of the manufacturer and, in particular, in the absence of a harmonized standard, compliance with the relevant essential requirements can be demonstrated by means of compliance with a technical specification appropriate to the relevant essential requirements.

1. When R&TTE meets the relevant harmonized standards whose reference numbers have been published in the *Official Journal of the European Communities*, Member States shall presume compliance with those of the essential requirements referred to in Article 3 and Article 4 as are covered in these standards. At the choice of the manufacturer compliance with the relevant essential requirements can be demonstrated by means of compliance with a technical specification appropriate to the relevant essential requirements in accordance with the procedures provided for in Article 9(4).

ORIGINAL TEXT

2. Where a Member State or the Commission considers that a harmonized standard referred to in paragraph 1 does not conform to the selected specific essential requirements referred to in Article 3(2) and Article 4(1), the Commission or the Member State concerned shall bring the matter before the Committee and initiate the procedures described in Article 12.

AMENDED TEXT

2. Where a Member State or the Commission considers that a harmonized standard or a specification referred to in paragraph 1 does not conform to the selected specific essential requirements referred to in Article 3, which it intends to cover, the Commission or the Member State concerned shall bring the matter before the Committee.

After consulting the Committee, and in accordance with the procedure provided for in Article 12, the Commission may circulate guidelines concerning the interpretation of the harmonized standard and may publish a list of the corrections made to the harmonized standard, pending formal correction thereof. After consulting the Committee, and in accordance with the procedure provided for in Article 12, the Commission may withdraw the harmonized standards from publication in the *Official Journal of the European Communities*.

Article 6

Placing on the market and putting into service

1. Member States shall ensure that CTE which complies with the appropriate essential requirements identified in Article 3(1) and (2) and Article 4(1) is permitted to circulate freely and is not subject to further national regulation. Where the specific essential requirements for a type of CTE have not yet been determined, a manufacturer shall not be subject to national regulation and may place the CTE on the market provided he complies with the general essential requirements identified in Article 3(1). CTE which complies with the essential requirements applicable at the time of first placing on the market can continue to be placed on the market.

2. Member States shall ensure that connection of CTE to appropriate ONTPs is not refused on the grounds of technical incompatibility when the CTE complies with the requirements of Article 3.

3. Member States shall ensure that, when placed on the market, CTE is accompanied by documentation informing the potential purchaser or user of the CTE that the equipment complies with the relevant essential requirements and of any usage conditions resulting from the selection of essential requirements. These usage conditions should include, *inter alia*, the ONTP type(s) to which the CTE may be connected and any limitations on use made necessary by lack of harmonization of radio spectrum.

1. Member States shall ensure that R&TTE which complies with the appropriate essential requirements identified in Article 3 is permitted to circulate freely and is not subject to further national regulation. Where the specific essential requirements for a type of R&TTE have not yet been determined, a manufacturer shall not be subject to national regulation and may place the R&TTE on the market provided he complies with the general essential requirements identified in Article 3(1). R&TTE which complies with the essential requirements applicable at the time of first placing on the market can continue to be placed on the market.

2. Member States shall ensure that network operators do not refuse connection of R&TTE to appropriate ONTPs on technical grounds when the equipment complies with the requirements of Article 3.

3. Member States shall ensure that, when placed on the market, R&TTE is accompanied by documentation informing the potential purchaser or user of the R&TTE that the equipment complies with the relevant essential requirements and of any usage conditions resulting from the selection of essential requirements. These usage conditions should include, *inter alia*, the ONTP type(s) to which the R&TTE may be connected and any limitations on use made necessary by lack of harmonization of radio spectrum.

ORIGINAL TEXT

AMENDED TEXT

4. Where a telecommunications operator can demonstrate that Apparatus, declared to be in conformity with this Directive causes damage to his network or is not being used properly, the surveillance authority may authorize him to refuse connection of his equipment to his network. Member States shall notify the Commission of such authorizations.

*Article 7***Non-compliance**

1. Where a Member State finds that CTE being placed on the market in its territory does not comply with the essential requirements relevant to the CTE type, it shall take all appropriate measures to withdraw such products from the market and prohibit their being placed on the market.

2. The Member State concerned shall immediately notify the Commission of all decisions relating to non-compliance indicating the reasons for its decision and whether non-compliance is due to:

- (a) incorrect application of the harmonized standards referred to in Article 5,
- (b) shortcomings in the harmonized standards referred to in Article 5,
- (c) use of an inappropriate technical specification.

1. Where a Member State ascertains that equipment within the scope of this Directive does not comply with the requirements referred to in Article 3, it shall take all appropriate and proportionate measures in its territory to avoid the consequences of such non-compliance, such as authorizing the operators to refuse to connect the equipment from their networks, withdrawing the equipment from the market, prohibiting its placement on the market or restricting its free movement.

2. The Member State concerned shall immediately notify the Commission and other Member States of any such measures indicating the reasons for its decision and whether non-compliance is due to:

- (a) incorrect application of the harmonized standards referred to in Article 5,
- (b) shortcomings in the harmonized standards referred to in Article 5,
- (c) failure to satisfy the requirements referred to in Article 3, where the equipment does not meet the standards referred to in Article 5(1).

3. Where the decision referred to in paragraph 1 is attributed to incorrect application of the harmonized standards referred to in Article 5 or a failure to satisfy those requirements, when the equipment does not meet the standards referred to in Article 5(1), the Commission shall consult the parties concerned as soon as possible. If the Commission finds, after such consultations, that the action is justified, it shall immediately inform the Member State that took the action and the other Member States accordingly.

ORIGINAL TEXT

3. Where the non-compliance referred to in paragraph 2 is attributed to shortcomings in the harmonized standards applicable, the Commission shall bring the matter before the Committee within two months of the date of notification by the Member State.

4. The Commission shall keep the Member State informed of the progress and outcome of any procedure initiated pursuant to paragraph 3.

AMENDED TEXT

Where the decision referred to in paragraph 1 is attributed to shortcomings in the harmonized standards, the Commission shall bring the matter before the Committee within two months. The Committee shall deliver an opinion in accordance with the procedure laid down in Article 12. If the Commission finds, after such consultations, that the action is justified, it shall immediately inform the Member State that took the action and other Member States and shall initiate the procedures referred to in Article 5(2).

4. The Commission shall keep the Member State informed of the progress and outcome of any procedure initiated pursuant to paragraph 3.

5. The Commission shall maintain a record of the cases notified by Member States.

*Article 8***Liability for non-compliance**

1. Manufacturers or their authorized representatives established within the Community who place products on the Community market which do not comply with the applicable essential requirements shall be liable for damage as described in Article 9 of Directive 85/374/EEC and for direct economic damage suffered as a consequence of the non-compliance. The economic damage shall not include any anticipated profits.

2. Manufacturers or their authorized representatives established within the Community shall not be liable for the damages referred to in paragraph 1 if they can prove that the essential requirement(s) with which their product does not comply had not been identified pursuant to Article 4 at the time when the equipment was placed on the market.

1. Manufacturers, their authorized representatives established within the Community or, in their absence, the responsible persons who place products on the Community market which do not comply with the applicable essential requirements shall be liable for damage as described in Article 9 of Directive 85/374/EEC and for direct economic damage suffered as a consequence of the non-compliance. The economic damage shall not include any anticipated profits.

2. Manufacturers, their authorized representatives established within the Community or, in their absence, the responsible persons who place products on the Community market shall not be liable for the damages referred to in paragraph 1 if they can prove that the essential requirements(s) with which their product does not comply had not been identified pursuant to Article 4 at the time when the equipment was placed on the market.

*Article 9***Conformity assessment procedures**

1. The conformity assessment procedures identified in this Article will be used to demonstrate the compliance of the CTE with all the relevant essential requirements identified in Article 3(1) and (2) and Article 4(1).

1. The conformity assessment procedures identified in this Article will be used to demonstrate the compliance of the R&TTE with all the relevant essential requirements identified in Article 3.

ORIGINAL TEXT

2. CTE which does not make use of the spectrum allocated to terrestrial/space radio communication shall be subject to internal production control, as described in Annex I.

3. CTE which does make use of the spectrum allocated to terrestrial/space radio communication shall be subject to internal production control and specific product tests, as described in Annex II.

4. The records and correspondence relating to the production control procedures referred to in paragraphs 2 and 3 shall be in an official language of the Member State where the said procedure will be carried out, or in a language accepted by the notified body involved.

AMENDED TEXT

2. R&TTE which does not make use of the spectrum allocated to terrestrial/space radio communication shall be subject to internal production control, as described in Annex I.

3. R&TTE which does make use of the spectrum allocated to terrestrial/space radio communication shall be subject to internal production control and specific product tests, as described in Annex II.

4. The records and correspondence relating to the production control procedures referred to in paragraphs 2 and 3 shall be in an official language of the Member State where the said procedure will be carried out, or in a language accepted by the notified body involved.

*Article 11***CE marking**

1. CTE complying with the relevant essential requirements shall bear the CE conformity marking referred to in Annex IV. It shall be affixed by the manufacturer or his authorized representative within the Community. Where appropriate, it shall be accompanied by the identification number of the notified body referred to in Article 10(2). Any other marking may be affixed to the equipment provided that the visibility and legibility of the CE marking is not thereby reduced.

2. No CTE, whether it complies with the relevant essential requirements or not, may bear any other marking which is likely to deceive third parties as to the meaning and form of the CE marking specified in Annex IV.

3. The competent Member State shall take appropriate action against any person who has affixed marking not in conformity with paragraphs 1 and 2. If the person who affixed the marking is not identifiable, the action shall be taken against the holder of the CTE when non-compliance was discovered.

1. R&TTE complying with all the relevant essential requirements and all the Directives applicable to it shall bear the CE conformity marking referred to in Annex IV. It shall be affixed by the manufacturer or his authorized representative within the Community. Where appropriate, it shall be accompanied by the identification number of the notified body referred to in Article 10(2) and of an equipment class identifier. Any other marking may be affixed to the equipment provided that the visibility and legibility of the CE marking is not thereby reduced.

2. No R&TTE, whether it complies with the relevant essential requirements or not, may bear any other marking which is likely to deceive third parties as to the meaning and form of the CE marking specified in Annex IV.

3. The competent Member State shall take appropriate action against any person who has affixed marking not in conformity with paragraphs 1 and 2. If the person who affixed the marking is not identifiable, the action shall be taken against the holder of the R&TTE when non-compliance was discovered.

ORIGINAL TEXT

4. CTE shall be identified by the manufacturer by means of type, batch and/or serial numbers and by the name of the manufacturer and/or supplier responsible for placing it on the market.

AMENDED TEXT

4. R&TTE shall be identified by the manufacturer by means of type, batch and/or serial numbers and by the name of the manufacturer and/or supplier bearing liability in the event of non-compliance with essential requirements.

*Article 12***Constitution and procedures**

1. The Commission shall be assisted by a Committee, the Telecommunication Conformity Assessment and Market surveillance committee (TCAM), of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

1. The Commission shall be assisted by a Committee, the Telecommunication Conformity Assessment and Market surveillance committee (TCAM), of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission. The Commission shall consult the representatives of the telecommunications network providers, the consumers and the manufacturers on a continuous basis. It shall keep the Committee regularly informed of the outcome of such consultations.

2. The Committee shall be consulted on the matters covered by Articles 4, 5 and 7.

2. The Committee shall be consulted on the matters covered by Articles 3, 4, 5 and 6.

3. The Committee may be consulted, where necessary, on the effectiveness of the surveillance tasks related to the operation of this Directive.

3. The Committee may be consulted, where necessary, on the effectiveness of the surveillance tasks related to the operation of this Directive.

4. 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.

4. 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 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 and decide within one month after having received the opinion of the Committee.

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 and decide within one month after having received the opinion of the Committee.

5. The Commission shall periodically consult the representatives of the telecommunications networks providers, the consumers and the manufacturers. It shall keep the Committee regularly informed of the outcome of such consultations.

ORIGINAL TEXT

AMENDED TEXT

*Article 13***Review and reporting**

The Commission shall review the operation of this Directive and report thereon to the European Parliament and to the Council, on the first occasion not later than [31 December 1999] and every third year thereafter. This review shall *inter alia* assess whether the scope of the Directive should be maintained or should be reduced taking account of technical development. The report shall cover progress on drawing up the relevant standards, as well as any problems that have arisen in the course of implementation. The report shall also outline the activities of the Committee, and assess progress in achieving an open competitive market for CTE at Community level. It shall in particular examine whether essential requirements are still necessary for all categories of terminal equipment covered.

The Commission shall review the operation of this Directive and report thereon to the European Parliament and to the Council, on the first occasion not later than [31 December 1999] and every third year thereafter. This review shall *inter alia* assess whether the scope of the Directive should be maintained or should be reduced taking account of technical development and how the regulatory framework for placing on the market and putting into service of radio and telecommunications terminal equipment should be developed to

- (a) ensure that a coherent system is achieved at Community level for all radio and telecommunications terminal equipment;
- (b) allow for convergence of telecommunications, audio-visual and information technology sectors;
- (c) enable harmonization of regulatory measures at an international level.

The report shall cover progress on drawing up the relevant standards, as well as any problems that have arisen in the course of implementation. The report shall also outline the activities of the Committee, and assess progress in achieving an open competitive market for R&TTE at Community level. It shall in particular examine whether essential requirements are still necessary for all categories of terminal equipment covered.

*Article 14***Transitional provisions**

1. The harmonized standards or parts thereof identified through Common Technical Regulations adopted under Directive 91/263/EEC or Directive 93/97/EEC may be used as the basis for a presumption of conformity with the specific essential requirements referred to in Article 3(2) and Article 4(1) until such time as the Commission indicates, by publication in the *Official Journal of the European Communities*, that they are no longer applicable.

2. Any measure adopted by Member States in accordance with Directive 91/263/EEC or Directive 93/97/EEC shall continue to be valid.

1. The harmonized standards or parts thereof identified through Common Technical Regulations adopted under Directive 91/263/EEC or Directive 93/97/EEC may be used as the basis for a presumption of conformity with the specific essential requirements referred to in Article 3. The Commission shall publish a list of references to these standards in the *Official Journal of the European Communities* immediately after this Directive comes into force.

2. Any measure adopted by Member States in accordance with Directive 91/263/EEC or Directive 93/97/EEC shall continue to be valid.

*Article 16***Repeal**

Directive 91/263/EEC, Directive 93/97/EEC and Article 11 of Directive 93/68/EEC are hereby repealed.

From the entry into force of the present Directive 91/263/EEC, Directive 93/97/EEC and Article 11 of Directive 93/68/EEC shall no longer be applicable.

Proposal for a Council Decision concerning Exceptional Assistance for the Heavily Indebted ACP countries

(98/C 141/09)

COM(97) 129 final

(Submitted by the Commission on 25 March 1997)

THE COUNCIL OF THE EUROPEAN UNION,

the European Community's role as a major development partner of the countries concerned,

Having regard to the Internal Agreement on the financing and administration of Community aid within the framework of the Fourth ACP-CEE Convention, signed on 16th July 1990, hereinafter referred to as 'the Internal Agreement', and in particular Article 9, paragraph 1 thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the proposal from the Commission,

Article 1

Whereas Article 9, first paragraph, of the Internal Agreement stipulates that the payments made to the Bank in respect of special loans, together with the proceeds and income from risk capital operations, shall be credited to the Member States in proportion to their contributions, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other operations, and whereas it is appropriate to use this possibility in order to allocate these payments to support for structural adjustment and debt relief in heavily indebted ACP States,

The European Community shall participate in the HIPC initiative by providing exceptional assistance with a view to reducing the net present value of the Community exposure to the ACP countries defined as eligible for this initiative. For this purpose, the Community shall make available grant resources to be utilised to meet debt service obligations on outstanding Community claims. These grant resources shall primarily be used by the beneficiary countries to meet debt service obligations on special loans, including the possibility of prepayment on a net present value basis. If such action is not sufficient to attain the agreed level of debt relief, the beneficiary country shall use the allocated grant resources to meet outstanding risk capital obligations towards the Community.

Whereas a debt initiative for the Heavily Indebted Poor Countries, hereinafter referred to as the HIPC Initiative, was presented by the International Monetary Fund and the World Bank at their April 1996 Meetings and subsequently endorsed by the Interim and Development Committees at the Autumn 1996 Annual Meetings of the International Monetary Fund and the World Bank,

Article 2

Whereas the Council recognizes the importance of the HIPC initiative as a way to ensure that the debt burdens of the HIPCs, implementing economic reform programmes, are reduced to sustainable levels, with the assistance of coordinated and comprehensive action by all creditors,

The Commission shall take, on a case-by-case basis, specific decisions for each eligible ACP country, providing for the amount of assistance in accordance with the rules and procedures laid out in Chapter IV of the Internal Agreement. The Commission's decisions on the amount of assistance to be provided in each case shall be guided by the level of resources necessary to permit a reduction of the net present value of that country's debt to the Community. This assistance, together with resources provided by all multilateral creditors, would allow the eligible country to achieve the debt sustainability targets, taking into account the debt relief to be provided by Paris Club creditors and at least comparable action by other official bilateral and commercial creditors under the initiative. The country specific decisions should further take into account the structure of the country's debt to the Community, the desire for administrative simplicity in the case-specific proposals chosen, the objective of securing full repayment of outstanding special loans and the need to ensure equitable and fair treatment between countries.

Whereas the Council recognizes the need for continued adequate levels of external assistance to the HIPCs and

The Monetary Committee will be kept informed, on a regular basis, on the implementation of this assistance.

Article 3

The ACP countries eligible for receiving this exceptional assistance shall be the countries which have been identified according to the procedures laid out in Chapter IV of the Internal Agreement. The grant assistance referred to in Article 1 shall be provided from an interest bearing single account to be opened for this purpose with the European Investment Bank, hereinafter referred to as the 'debt relief account'.

Article 4

From the payments, proceeds and income referred to in Article 9, paragraph 1 of the Internal Agreement, 25 million ECU shall be allocated in each of the years 1997, 1998, 1999 and 2000 for financing the grants referred to in Article 1. These amounts shall be transferred to 'the debt relief account', mentioned in Article 3.

Article 5

1. The Commission shall report regularly to the Council and inform the Parliament on the implementation of the present decision within the context of the HIPC initiative.

2. At the end of the period of four years, mentioned in Article 4, or earlier if the Commission considers it appropriate, the Commission shall present a report to the Council containing a review of the possible needs for additional financing.

3. If, at the end of the period of four years, as mentioned in Article 4, no decision has been taken to continue the financing, aimed at in the present decision, for a longer period, the Commission may decide to close the account, mentioned in Article 4. Any remaining funds in the account shall be redistributed to the Member States.

Amended proposal for a Council Decision concerning Exceptional Assistance for the Heavily Indebted ACP countries

(98/C 141/10)

COM(1998) 210 final — 98/0132(CNS)

(Submitted by the Commission pursuant to Article 189a(2) of the EC Treaty on 7 April 1998)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Internal Agreement on the financing and administration of Community aid within the framework of the Fourth ACP-EEC Convention, signed on 16 July 1990, hereinafter referred to as 'the Internal Agreement', and in particular its Article 9,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Council on 12 February 1998 adopted the conclusions of the report to the COREPER of 18 December 1997 on the European Community's contribution to the debt initiative for the Heavily Indebted Poor Countries,

Whereas a debt initiative for the Heavily Indebted Poor Countries (hereinafter referred to as the 'HIPC

Initiative'), was presented by the International Monetary Fund and the World Bank at their April 1996 Meetings and subsequently endorsed by the Interim and Development Committees at the Autumn 1996 Annual Meetings of the International Monetary Fund and the World Bank,

Whereas the Community and its Member States are firmly committed to participating in the HIPC initiative by providing exceptional assistance to the countries which implement economic reform programmes and qualify for this initiative,

Whereas, all the countries, to which there is Community exposure eligible for HIPC debt relief, are ACP States,

Whereas the implementation of this decision shall be in accordance with the Financial Regulation of 29 July 1991 applicable to cooperation for the financing of development according to the Fourth ACP-Lomé Convention.

HAS DECIDED AS FOLLOWS:

Article 1

The European Community shall fully participate in the HIPC initiative by assisting the countries which will qualify for this initiative, with a view to helping them reduce the net present value of their external financial obligations towards the Community. For this purpose, the Community shall make available grant resources to be utilised by the eligible countries to meet outstanding debt and debt service obligations towards the Community. This assistance, together with resources provided by other creditors, shall allow the eligible countries to achieve their country-specific debt sustainability target agreed within the framework of the HIPC initiative.

Article 2

The assistance referred to in Article 1 shall primarily be used by the beneficiary countries to prepay outstanding special loans on a net present value basis. If such action is not sufficient to attain the agreed level of net present value debt reduction, the beneficiary country shall use the allocated grant to meet any outstanding risk capital obligations towards the Community.

Article 3

The Commission shall take, on a case-by-case basis, specific decisions providing assistance to each eligible ACP country, in accordance with the rules and procedures laid down in Chapter IV of the Internal Agreement. The Commission's decision on the amount of assistance to be provided in each case shall allow for the necessary reduction in the net present value of that country's outstanding external financial obligations toward the Community and be consistent with the HIPC initiative methodology. The country-specific decisions shall also take into account the structure of the country's exposure towards the Community, the desire for administrative simplicity in the case-specific proposals chosen and the need to ensure an equitable and fair treatment between the eligible countries. Each country decision shall make explicit the modalities, terms and conditions for the implementation of this decision.

Article 4

1. The grant assistance referred to in Article 1 shall be financed from interest accrued on the funds deposited with the paying agents in Europe referred to in Article 319(4) of the Convention, to the extent such revenue is available and after due account has been taken of the need to reserve such revenue for the purposes foreseen in Article 9(2) of the Internal Agreement. An initial amount of 40 million ECU shall be reserved from this interest for the purpose of financing this assistance, primarily for the countries which reach their decision points in 1997 and 1998. This amount can be supplemented by further allocations from interest, following approval of the EDF Committee in accordance with Article 9 of the Internal Agreement.

2. To the extent that such revenue is not sufficient to cover the decisions referred to in Article 3, and awaiting possible further resources made available under future agreements with the ACP States, the Member States shall examine whether resources could be provided from the payments made to the accounts held in the name of the Member States at the European Investment Bank in respect of special loans and risk capital operations. The allocation of such payments for the purpose of financing this exceptional assistance shall, on the basis of a Commission proposal, be subject to a unanimous decision by the Council, in accordance with Article 9(1) of the Internal Agreement.

Article 5

1. In the course of 1998, the Commission shall present, in due time, a report to the Council and to the Parliament containing a review of the remaining financing needs arising from the Community's participation in this initiative. On the basis of this report, the Council shall take a decision regarding the Community's further participation in the HIPC Initiative.

2. The Commission shall report regularly to the Council and to the Parliament on the implementation of the present decision.

3. The Monetary Committee will be kept informed on the implementation of this decision.

Article 6

This decision will enter into force on the day of its adoption.

CORRIGENDA

Corrigendum to the Draft Notice pursuant to Article 19(3) of Council Regulation No 17 (1) concerning Case IV/36.533/F-3 — Yves Saint Laurent Parfums

(Official Journal of the European Communities C 120 of 18 April 1998)

(98/C 141/11)

On page 2 in the title:

for: 'Draft Notice pursuant to Article 19(3) of Council Regulation No 17 (1) concerning Case IV/36.533/F-3 — Yves Saint Laurent Parfums',

read: 'Notice pursuant to Article 19(3) of Council Regulation No 17 (1) concerning Case IV/36.533/F-3 — Yves Saint Laurent Parfums'.
