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## Information and Notices

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<sup>(1)</sup> Text with EEA relevance

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## I

*(Information)*

## COMMISSION

Ecu <sup>(1)</sup>

11 August 1998

(98/C 253/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,6147	Finnish markka	5,98833
Danish krone	7,50250	Swedish krona	8,99525
German mark	1,96954	Pound sterling	0,675591
Greek drachma	326,452	United States dollar	1,10419
Spanish peseta	167,152	Canadian dollar	1,68079
French franc	6,60347	Japanese yen	162,569
Irish pound	0,784278	Swiss franc	1,64579
Italian lira	1943,07	Norwegian krone	8,40230
Dutch guilder	2,22052	Icelandic krona	79,1149
Austrian schilling	13,8575	Australian dollar	1,85952
Portuguese escudo	201,569	New Zealand dollar	2,20133
		South African rand	7,05022

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789,
- give their own telex code,
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu,
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic fax answering service (No 296 10 97/296 60 11) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

<sup>(1)</sup> Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ 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 253/02)

(Text with EEA relevance)

- Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 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	Echeance (†)
98/316/F	Draft order on the inspection during operation of safety valves for steam or gas pressure vessels	12.10.1998
98/318/NL	Draft regulation amending the Buildings Decree Regulation on conditions for connection, following the coming into force of the model conditions for connection to Gas 1996	19.10.1998
98/319/NL	Bill from member M. Vos amending the act on environmental protection (sustainably produced wood)	19.10.1998
98/323/NL	Draft decree amending the decree on the waste-dumping ban	26.10.1998
98/324/FIN	RAMO track technology regulations and guidelines, section 12 — 'Superstructure Welding'	28.10.1998
98/326/D	Approval regulation Reg TP 321 ZV 009 for repeaters in mobile phone network C	23.10.1998

(\*) 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.

## UNIFORM APPLICATION OF THE COMBINED NOMENCLATURE (NC)

## (Classification of goods)

(98/C 253/03)

*Explanatory notes adopted in accordance with Article 10(1) of Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Custom Tariff<sup>(1)</sup> as last amended by Regulation (EC) No 1048/98<sup>(2)</sup>*

The Explanatory Notes to the Combined Nomenclature of the European Communities<sup>(3)</sup> shall be amended as follows:

*Page 55*

Chapter 9 — General

Insert the following paragraph:

‘The expression “crushed or ground” used in various headings of this Chapter does not cover products cut into pieces.’

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 151, 21.5.1998, p. 1.

<sup>(3)</sup> OJ C 342, 5.12.1994, p. 1.

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**Non-opposition to a notified concentration**  
**(Case No IV/M.1172 — Fortis AG/Generale Bank)**

(98/C 253/04)

(Text with EEA relevance)

On 24 June 1998, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the ‘CEN’ version of the CELEX database, under document number 398M1172. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,  
Information, Marketing and Public Relations (OP/4B),  
2, rue Mercier,  
L-2985 Luxembourg.  
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

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**Non-opposition to a notified concentration**  
**(Case No IV/M.1124 — Maersk Air/LFV Holdings)**

(98/C 253/05)

(Text with EEA relevance)

On 6 July 1998, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 398M1124. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

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Information, Marketing and Public Relations (OP/4B),  
2, rue Mercier,  
L-2985 Luxembourg.  
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

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**Non-opposition to a notified concentration**  
**(Case No IV/M.1126 — Cargill/Vandemoortele)**

(98/C 253/06)

(Text with EEA relevance)

On 20 July 1998, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 398M1126. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,  
Information, Marketing and Public Relations (OP/4B),  
2, rue Mercier,  
L-2985 Luxembourg.  
Tel. (352) 29 29-42455, fax (352) 29 29-42763.

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**Prior notification of a concentration**  
**(Case No IV/M.1276 — NEC/PBN)**

(98/C 253/07)

(Text with EEA relevance)

1. On 4 August 1998, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertaking NEC Corporation (NEC) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Packard Bell NEC Inc. (PBN).

2. The business activities of the undertakings concerned are:

— NEC: personal computers,

— PBN: personal computers.

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.1276 — NEC/PBN, to the following address:

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

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

**Prior notification of a concentration**  
**(Case No IV/M.1270 — KNP BT/Allium)**

(98/C 253/08)

(Text with EEA relevance)

1. On 3 August 1998, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertaking KNP BT Distribution (KNP BT), recently renamed Buhrmann, acquires within the meaning of Article 3(1)(b) of the Regulation control of the whole of the undertaking Allium by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- KNP BT: paper merchant, distribution of office products, graphic systems and information systems,
- Allium: joint venture between KNP BT and Société Générale, active in the distribution of professional personal computers, mainly in France.

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.1270 — KNP BT/Allium, to the following address:

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

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

## STATE AID

C 51/90 (ex NN 100/90)

France

(98/C 253/09)

(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 which France has granted to the Pari Mutuel Urbain**

The Commission has sent the French Government the following letter, informing it that it has decided to extend the proceedings initiated pursuant to Article 93(2) of the EC Treaty in respect of aid which France has granted to the Pari Mutuel Urbain.

**1. Background**

On 7 April 1989, seven companies belonging to the Ladbroke group lodged a complaint with the Commission against aid granted by the French authorities to the economic interest grouping Pari Mutuel Urbain (PMU). Subsequently, the Commission concluded that the PMU had benefited and was continuing to benefit from a series of facilities granted by the French State. Such facilities consisted of tax exemptions or reliefs under which the Treasury waived certain revenue payable to it or granted deferrals of payment. After having examined the measures, the Commission initiated Article 93(2) proceedings in respect of them<sup>(1)</sup>. Seven measures were involved:

1. cash resources facility represented by the deferring of the periods for the payment of the Treasury levy, as from 1980 and 1981;
2. waiving of FRF 180 million of the levies for 1986;
3. exemption from the one-month delay rule for VAT payments;
4. use of unclaimed winnings to pay an additional redundancy allowance in 1985;
5. exemption from the employers' contribution to building and construction work;

6. waiving from 1982 to 1985 of amounts deriving from the practice of rounding better's winnings down to the lower 10 centimes;

7. exemption from corporation tax.

In June 1991, in response to an application by Ladbroke, the Commission took a second decision requiring the French authorities to suspend three of the measures, namely the first, third and fifth. On 22 September 1993, having examined the information received both from the French authorities and from third parties, the Commission adopted a final decision<sup>(2)</sup> terminating the proceedings initiated against France and stipulating that three of the seven aid measures against which proceedings had been initiated constituted aid, namely:

- the waiving from 1982 to 1985 of amounts deriving from the rounding-down of better's winnings to the nearest 10 centimes,
- exemption from the one-month delay rule for the deduction of VAT prior to 1989,
- exemption from the employers' contribution to building and construction work.

The aid referred to in the first two indents, and the aid referred to in the third indent granted before 1 January 1989, were declared compatible with the common market pursuant to Article 92(3)(c) of the Treaty. However, the aid referred to in the third indent granted since 1 January 1989 was declared incompatible with the common market. The French authorities were asked to calculate and recover the amount of unlawful aid granted as from 11 January 1991, the date on which proceedings were initiated. France was also required to abolish forthwith the aid in the form of exemption from

<sup>(1)</sup> OJ C 38, 14.2.1991, p. 3; Case C-51/90.

<sup>(2)</sup> OJ L 300, 7.12.1993, p. 15.

the employers' contribution to building and construction work referred to in the third indent of Article 1.

The other measures covered by the initiation of proceedings were not deemed to be aid within the meaning of Article 92(1) of the Treaty, since the Commission considered that:

- in a context of heavy and special taxation, such as that to which the PMU is subject, the State could properly contribute to the restructuring of the undertakings concerned so as to guarantee its own revenue in future,
- the relevant measures were permanent in character,
- the measures were not intended to finance *ad hoc* operations,
- the measures constituted only a reduction in the rate of the levies.

In an action brought before the Court of First Instance on 4 February 1994, Ladbroke lodged an appeal<sup>(3)</sup> against the decision and contested all of the Commission's findings. Ladbroke argued that the measures which the Commission had deemed not to be aid were in fact aid which was incompatible with the Treaty and that the aid declared compatible did not meet the exemption criteria provided for in Article 93(3)(c). Lastly, it argued that the repayment requirement should have covered the whole of the aid, irrespective of the date on which it was disbursed, and that the Commission itself should have determined the amount of the aid rather than leaving it up to the French authorities to do so.

France intervened in support of the Commission to defend the decision.

## 2. Judgment of the Court of First Instance

On 27 January 1998, the Court of First Instance delivered its judgment in the application for annulment of the Commission Decision of 22 September 1993 concerning aid granted by the French authorities to the Pari Mutuel Urbain (PMU) and to the racecourse undertakings. The operative part of the decision annuls Commission Decision 93/625/EEC in so far as it found that various advantages granted to the PMU, through (a) the amendment in 1985 and 1986 of the allocation of the levies, (b) cash-flow benefits granted to it by the authorisation to defer payment of certain levies on betting,

(c) access to unclaimed winnings, and (d) exemption from the one-month delay rule for the deduction of VAT, after 1 January 1989, do not constitute State aid for the purposes of Article 92(1) of the Treaty, and also in so far as it decided that the obligation on the French State to require repayment of the aid deriving from the PMU's exemption from the housing levy applies not as from 1989, but as from 11 January 1991. The remainder of the action was dismissed.

The Court's judgment can be consulted in full on the CELEX server and at the website of the Court of Justice of the European Communities (Case T-67/94).

## 3. Need for further examination

- (a) The Commission must take the measures required in order to implement the Court's judgment.

The Commission notes that its final decision of 22 September 1993 continues to apply as far as the points not annulled by the Court are concerned. However, as regards the points in the decision annulled by the judgment, i.e.

- (i) the amendment of the allocation of the levies in 1985 and 1986, involving the waiving of FRF 180 million of the levies for 1986;
- (ii) the cash-flow benefits granted in the form of authorisation to defer payment of certain charges levied on betting, as from 1980 and 1981;
- (iii) use of unclaimed winnings to pay an additional redundancy allowance in 1985;
- (iv) exemption from the one-month delay rule for the deduction of VAT, as from 1 January 1989;
- (v) the waiving of recovery, for the period between 1989 and 1991, of the aid deriving from exemption from the housing levy,

the proceedings should be resumed at the stage immediately preceding the adoption of the decision which has been partially annulled, i.e. at the stage of the decision to initiate proceedings in Case C-51/90 (ex NN 100/90) "Pari Mutuel Urbain".

<sup>(3)</sup> Case T-67/94.

The proceedings as originally initiated in the *Official Journal of the European Communities* published on 14 February 1991 were fairly general in scope, since they stemmed from a lack of information available for assessing the nature of the aid and its exact amount. Examination of the file in preparation for the final decision adopted on 22 September 1993 established a sufficient body of information, focusing in many cases on the fact that the measures were not aid within the meaning of Article 92(1) of the EC Treaty.

- (b) As regards points (i) to (iii), the arguments on which the Commission based its view that the measures did not constitute aid have been rejected by the Court, and the Commission does not at the present stage see any other arguments that would allow the measures to be regarded as general measures. Furthermore, the Commission does not have any evidence to show that the French Government acted as a private market-economy investor towards an undertaking which it controlled.

Article 92(2) of the Treaty provides that certain forms of aid are compatible with the common market. However, given the nature and purpose of the aid and the geographical location of the investment, Article 92(2)(a)(b) and (c) are not applicable to the case in point.

Article 92(3) lists the types of aid which may be considered to be compatible with the common market. It would seem that the only derogation that might apply is that provided for in Article 92(3)(c), which stipulates that aid to facilitate the development of certain economic activities (...) may be considered compatible, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.

As far as this aspect is concerned, the Commission is not able, at the present stage, to establish with certainty that the measures are compatible with the Treaty. In particular, it has difficulty in identifying who exactly are the recipients (the PMU and/or the racecourse undertakings) of the aid and in establishing the total amount of the aid and how it is allocated among the recipient(s). Similarly, it cannot rule out the possibility that the measures distort competition.

- (c) As regards point (iv), the Court's judgment confirmed that exemption from the one-month delay rule for the deduction of VAT constitutes State aid. However, on the basis of its current information, the Commission doubts that the deposit with the Treasury was sufficient, as from 1989, to offset the advantage thus obtained. In this respect, taking account of the development of competition and trade as from 1989 following the setting-up of the PMI, the Commission is not in a position to establish with certainty that this advantage does not affect trade to

an extent contrary to the common interest and that, consequently, the aid measure is compatible with the Treaty.

- (d) Lastly, as regards point (v), the Commission would merely note that the Court's judgment upheld its own analysis as to the compatibility of the aid with the common market up to 1989 and its incompatibility after 1989. However, the Court rejected the argument on the basis of which the Commission decided to require recovery of the aid only as from 11 January 1991 (the date on which the decision to initiate proceedings was notified).

#### 4. Conclusion

Consequently, the Commission informs the French Government that it has decided to extend the Article 93(2) proceedings initiated against the measures taken by the French State in support of the PMU (Case C-51/90), in respect of which the Court's judgment of 27 January 1998 annulled the Commission Decision of 22 September 1993, which found that the measures did not constitute State aid within the meaning of Article 92(1).

As part of the proceedings, the Government is hereby requested to present to the Commission, within one month of notification of this letter, information on:

- the breakdown of the effects of each measure as between the PMU and racecourse undertakings as recipients,
- the markets on which, at the relevant time, the PMU and the racecourse undertakings operated and the nature and volume of trade between Member States on each of those markets,
- any cross-subsidisation between the PMU and the racecourse undertakings,
- precise figures for the relevant period on the difference between the special taxation arrangements applicable to the PMU and the normal rule applied for corporation tax purposes,
- the differences in levies for racecourse undertakings in Europe,
- neutralisation of the effects of the exemption from the one-month delay rule for VAT payments through a deposit lodged with the Treasury as from 1989,
- development of the activities of the PMU as from 1989,

and any comments and any other information it deems relevant to assessment of the aid.

The Commission reminds the French Government that, under Article 93(3) of the Treaty, no aid measure may be put into effect until the procedure provided for in Article 93(2) of the Treaty has resulted in a final Commission decision. The Commission draws the French Government's attention in this respect to the letter it sent all Member States on 3 November 1983 regarding their obligations under Article 93(3) of the Treaty and to the communication published in the *Official Journal of the European Communities* C 318 of 24 November 1983, in which it was made clear that any aid granted unlawfully, i.e. without awaiting the final decision adopted by the Commission on completion of the Article 93(2) proceedings, may have to be recovered.

The Commission hereby requests the French authorities to inform the recipient firm without delay of the initiation of proceedings and of the fact that it may have to repay any aid unlawfully received. Any repayment will have to be made in accordance with the procedures and provisions of French law, including interest up to the date of actual repayment, running from the date on which the aid was granted and calculated at a rate equal to the percentage value on such date of the reference rate used for calculating the net grant equivalent of regional aid in France.

The Commission hereby also informs the French Government that it will be publishing this letter in the *Official Journal of the European Communities*, giving other Member States and interested parties notice to submit their comments. The Commission asks to be informed within seven days of receipt of this letter if it contains sensitive information which is not to be published, setting out the reasons for the request. If the Commission does not receive any comments by the deadline set, it will assume agreement to publication of the full text of this letter. Comments should be sent by registered letter or by fax to:

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

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

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

*The comments will be communicated to the French Government.*

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

### Cases where the Commission raises no objections

(98/C 253/10)

(Text with EEA relevance)

**Date of adoption:** 18.9.1997

**Member State:** Austria

**Aid No:** N 287/97

**Title:** ERP — technology programme

**Objective:** Support of research and development projects

**Legal basis:** Richtlinien für das ERP-Technologieprogramm; ERP-Fonds-Gesetz 1962

**Budget:**

— no fixed budget for this ERP-programme

— expected loan amount: ATS 2 000 million (ECU 145 million) corresponding to interest rate subsidies of ATS 300 million (ECU 22 million)

**Aid intensity:**

— not exceeding 25 % gross

— in case of accumulation including bonuses up to 75 % gross for industrial research and 50 % for precompetitive development

**Duration:** Indefinite

**Date of adoption:** 18.11.1997

**Member State:** Spain

**Aid No:** N 396/97

**Title:** Aid for continuous training

**Objective:** Training

**Legal basis:** Orden de 7 de mayo de 1997 por la que se establecen las bases reguladoras y los criterios para la concesión de ayudas de formación continua

**Budget:** ESP 84 000 million (ECU 507 million) per year

**Aid intensity:**

— SMEs:

- 50 % for non-assisted regions
- 75 % for Article 92(3)(c) regions
- 100 % for Article 92(3)(a) regions

— Large enterprises:

- 40 % for non-assisted regions
- 65 % for Article 92(3)(c) regions
- 85 % for Article 93(3)(a) regions

**Duration:** 1997 to 2000

**Conditions:** Notification of change in the content of the aid

**Date of adoption:** 5.12.1997

**Member State:** Finland

**Aid No:** N 343/97

**Title:** Grants and loans for technological research and development

**Objective:** To promote R&D activities

**Legal basis:** Valtioneuvoston päätös/Råd för statliga beslut

**Budget:** FIM 895 million (ECU 151 million) for 1997

**Aid intensity:**

- 50 % for fundamental and industrial research
- 25 % for precompetitive development

**Duration:** Indefinite

**Conditions:** Annual report

**Date of adoption:** 6.5.1998

**Member State:** Ireland

**Aid No:** N 704/97

**Title:** Extension of the Irish natural gas network

**Objective:** Extension of the natural gas network by the provision of a high pressure pipeline from Dublin to the midland and western areas of Ireland

**Legal basis:** Decision of the Exchequer

**Budget:** Maximum IEP 153,8 million (in 1999 prices) ECU 195,1 million

**Aid intensity:** Maximum 54 % gross

**Duration:** 20 years

**Date of adoption:** 6.5.1998

**Member State:** Italy (Emilia-Romagna)

**Aid No:** N 54/98

**Title:** Intervention programmes in favour of waste recycling and disposal. Approval of public announcement to grant aid to private entrepreneurs

**Objective:** Environmental protection

**Legal basis:** Risoluzione della Giunta Regionale n. 1992 del 4.11.1997

**Budget:** ITL 15 billion

**Aid intensity:**

- up to 40 % gross for SMEs
- up to 30 % gross for the other undertakings

**Duration:** One year

**Date of adoption:** 20.5.1998

**Member State:** Germany (Thüringen)

**Aid No:** N 484/97

**Title:** Stahlwerk Thüringen GmbH

**Objective:** R&D (steel sector)

**Legal basis:** Innovationsförderprogramm des Landes Thüringen

**Aid intensity:** DEM 934 952 (35 %)

**Duration:** 1996 to 1998

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

**Cases where the Commission raises no objections**

(98/C 253/11)

(Text with EEA relevance)

**Date of adoption:** 21.1.1997

**Member State:** The Netherlands

**Aid No:** N 861/96

**Title:** Measures for energy efficiency

**Objective:** Grants to companies to encourage energy efficiency by supporting investments in combined heat and power projects

**Legal basis:** Subsidieregeling nieuwe energie-efficiënte combinaties met w/k-systemen (NEWS)

**Budget:** 8 million NLG (ECU 3,8 million)

**Aid intensity:** 30 % gross (SME's 40 %)

**Duration:** 1997

**Conditions:** Annual report

**Date of adoption:** 21.2.1997

**Member State:** Netherlands

**Aid No:** N 908/96 and N 909/96

**Title:** Refinancing of ADTT (N 908/96) and JESSI (N 909/96) projects

**Objective:** To promote R&D into microelectronics, integrated circuits and electronic components

**Legal basis:** Beslissing van het Ministerie van Economische Zaken

**Budget:**

— ADTT: NLG 45 million (ECU 20,6 million) for 1996 to 1998

— JESSI: NLG 29 million (ECU 13,3 million) for 1996

**Aid intensity:**

— 50 % gross (industrial research)

— 25 % gross (precompetitive development)

**Duration:**

— ADTT: 1996 to 1998

— JESSI: 1996

**Date of adoption:** 5.3.1997

**Member State:** Austria (Steiermark)

**Aid No:** N 756/E/96

**Title:** State aid programme of the Styrian Economic Promotion Agency

**Objective:** To improve the overall conditions for the Styrian economy

**Legal basis:** Beschluß der Steiermärkischen Landesregierung vom 13.12.1993 (GZ WF-11 Wi 2-93/65 bis 30.6.1997)

**Budget:** ATS 60 million (ECU 4,50 million)

**Aid intensity:** For a single project grants may amount up to maximum ATS 7,5 million (ECU 573 000) per project. In regional assisted areas up to 20 % with the exception of east Obersteiermark where up to 25% may be granted. SMEs can get a bonus of 10 % gross, but not more than 30 % net. Outside the assisted areas the grant for SMEs is up to 15 % (gross), for medium-sized enterprises up to 7,5 % (gross)

**Duration:** 1.1.1997 to 30.6.1997

**Date of adoption:** 2.7.1997

**Member State:** Denmark

**Aid No:** N 917/96

**Title:** Measures in the cultural sector

**Objective:** To promote film production

**Legal basis:** Lov om film

**Budget:** DK 22,2 million (ECU 3 million) per year for the period 1997 to 1998

**Aid intensity:** 60 % gross. The aid will not exceed DK 5 million (ECU 0,67 million) per project

**Duration:** Indefinite

**Date of adoption:** 16.9.1997

**Member State:** The Netherlands

**Aid No:** N 265/97

**Title:** Reinsurance scheme for investments

**Objective:** The scheme is aimed at stimulating enterprises to invest in rising markets

**Legal basis:** Kaderwet financiële verstrekkingen financiën

**Budget:** The guarantee ceiling is fixed at NLG 1 billion (ECU 455 million)

**Duration:** Indefinite

**Conditions:** Annual report

**Date of adoption:** 13.11.1997

**Member State:** The Netherlands

**Aid No:** N 436/97

**Title:** Grants for projects of technological collaboration

**Objective:** Regional scheme aimed at stimulating R&D efforts by SMEs, collaboration between enterprises and collaboration with public research institutes

**Legal basis:**

- Doelstelling 2-programma Brabant 1997-1999
- Subsidieregeling technologische samenwerkingsprojecten — Stimulus Clusterregeling

**Budget:** NLG 80 million (ECU 36 million)

**Aid intensity:** Up to 45 %

**Duration:** 1997 to 2001

**Conditions:** Annual report

**Date of adoption:** 4.12.1997

**Member State:** The Netherlands

**Aid No:** N 722/97

**Title:** Measures for energy efficiency

**Objective:** Grants to companies to encourage energy efficiency by supporting investments in combined heat and power projects

**Legal basis:** Ministerieel Besluit

**Budget:** NLG 8 million (ECU 3,6 million)

**Aid intensity:** 30 % gross (SMEs 40 %)

**Duration:** Tendering till 3.3.1998

**Conditions:** Annual report

**Date of adoption:** 11.12.1997

**Member State:** The Netherlands

**Aid No:** N 337/97

**Title:** Modification of the Decision on export financing

**Objective:** To eliminate the distortion of competition induced by foreign enterprises from OECD countries competing with Dutch exporting companies

**Legal basis:** Besluit van het Ministerie van Economische Zaken

**Budget:** Annual budget for the years 1997 and 1998: NLG 81 million (ECU 36,5 million)

**Aid intensity:** up to 35 % of the export part of an order

**Duration:** 1997 to 2002

**Date of adoption:** 7.4.1998

**Member State:** France (Provence-Alpes-Côte d'Azur)

**Aid No:** NN 146/95

**Title:** Aid to modernise collective landing facilities and to build the fish auction market at Saumaty

**Legal basis:** Loi n° 72-619 du 5 juillet 1972 modifiée portant création et organisation des régions

**Budget:** FRF 16 million (about ECU 2,4 million at the January 1994 exchange rate)

**Aid intensity:** In accordance with the rates laid down in Annex IV to Council Regulation (EC) No 3699/93

**Duration:** 1994 to 1998

EUROPEAN ECONOMIC AREA  
STANDING COMMITTEE OF THE EFTA STATES

**National reference laboratory for the analysis and testing of milk and milk-based products  
designated by Norway in accordance with Article 27 of Council Directive 92/46/EEC <sup>(1)</sup>**

(98/C 253/12)

The Norwegian Food Control Authority has designated the following laboratory as the national reference laboratory for the analysis and testing of milk and milk-based products:

Norwegian Institute for Food and Environmental Analysis  
PO Box 174, Økern  
N-0609 Oslo  
Tel. (47) 23 17 26 50  
Fax (47) 23 17 26 51

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<sup>(1)</sup> OJ L 268, 14.9.1992, p. 1.

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Regulation (EC) amending Council Regulation (EC) No 1734/94 of 11 July 1994 on financial and technical cooperation with the Occupied Territories**

(98/C 253/13)

*COM(1998) 392 final — 98/0220(SYN)**(Submitted by the Commission on 29 June 1998)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure referred to in Article 189c of the Treaty in cooperation with the European Parliament,

Whereas Council Regulation (EC) No 1734/94 of 11 July 1994 on financial and technical cooperation with the Occupied Territories<sup>(1)</sup>, amended by Regulation (EC) No .../. . . lays down detailed arrangements and rules for administering the Community programme for aid and assistance to the Palestinian population in the West Bank and Gaza Strip;

Whereas according to that Regulation the Community shall implement financial and technical cooperation with the West Bank and Gaza Strip under a five-year programme; whereas this programme expires by the end of 1998;

Whereas the persistent deadlock in the peace process that prevails is the worst crisis since the Middle East peace process was launched in 1991; whereas international economic assistance has nevertheless succeeded in keeping the peace process alive and providing support for the Palestinian Authority;

Whereas the objective is to prevent any further deterioration of the Palestinian economy by minimising and cancelling out the effects of closures and other obstacles to development as well as to contribute to a sound

management and fiscal balance of the Palestinian Authority and to consolidate it by means of institutional reinforcement;

Whereas the ultimate aim is the achievement of sustainable economic and social development and to foster democracy, human rights and the development of the civil society;

Whereas given the present situation the Community should pursue its aid effort; whereas to this end an eight-year period of assistance (1999 to 2006) should be launched and Regulation (EC) No 1734/94 should be amended accordingly; the Regulation should be reviewed by the Council within two years and not later than 31 December 2000 in order to take into account recent development and bring it into line with the reviewed Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership<sup>(2)</sup>.

Whereas 'the Occupied Territories' should be replaced by 'the West Bank and Gaza Strip' throughout the text of Regulation (EC) No 1734/94;

Whereas Article 4 of Regulation (EC) No 1734/94 provides that all financing decisions on projects and operations shall be adopted in accordance with the procedure laid down in Article 5; whereas in order to allow for rapid and flexible reactions and to increase expediency only financing decisions exceeding ECU 2 000 000 other than those relating to interest-rate subsidies on Bank loans shall be adopted in accordance with that procedure;

<sup>(1)</sup> OJ L 182, 16.7.1994, p. 4.

<sup>(2)</sup> OJ L 189, 30.7.1996, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1734/94 is hereby amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

1. The Community shall implement financial and technical cooperation with the West Bank and the Gaza Strip under an eight-year period (1999 to 2006) with the aim of aiding their achievement of sustainable economic, political and social development.

2. Within two years and not later than 31 December 2000, the Council shall review the Regulation in order to take into account recent development in the area and to bring it into line with Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (\*).

(\*) OJ L 189, 30.7.1996, p. 1.

2. Article 2 is amended as follows.

(a) In paragraph 1 the words 'and the development of civil society' is added after '... human rights'.

(b) In paragraph 3 the following subparagraph is added:

'The above actions aim i.a. at the promotion of employment and the creation of employment by improving the social services and combating poverty'.

(c) In paragraph 5 and paragraph 6 'the Occupied Territories' is replaced by 'the West Bank and the Gaza Strip'.

3. In Article 3 'the Occupied Territories' is replaced by 'the West Bank and the Gaza Strip'.

4. Article 4 is amended as follows:

'1. Financing decisions on projects and operations under this Regulation exceeding ECU 2 000 000 other than those relating to interest-rate subsidies on Bank loans shall be adopted in accordance with the procedure laid down in Article 5.

2. Financing decisions on overall allocations for technical cooperation, training and trade promotion shall be adopted in accordance with the procedure laid down in Article 5. Within an overall allocation, the Commission shall adopt financing decisions not exceeding ECU 2 000 000.

The Committee referred to in Article 5 shall be informed systematically and promptly and in any event before the next meeting, of financing decisions for measures not involving more than ECU 2 000 000.

3. Decisions amending financing decisions adopted in accordance with the procedure laid down in Article 5 shall be taken by the Commission where they do not entail any substantial amendments or additional commitments in excess of 20 % of the original commitment. The Commission shall inform the Committee referred to in Article 5 immediately of any such decisions.'

5. Article 5(1) is amended as follows:

'(1) The Commission shall be assisted by the MED Committee set up pursuant to Article 11 of Regulation (EC) No 1488/96'

*Article 2*

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.