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I

(Information)

EUROPEAN PARLIAMENT

RULES OF PROCEDURE OF THE CONFERENCE OF COMMUNITY AND EUROPEAN AFFAIRS COMMITTEES
OF PARLIAMENTS OF THE EUROPEAN UNION

(2000/C 175/01)

These Rules of Procedure are designed to facilitate and improve the work of the Conference of Community and European Affairs Committees of Parliaments of the European Union, hereinafter referred to as COSAC, established in Paris 16 and 17 November 1989.

COSAC enables a regular exchange of views, without prejudicing the competencies of the parliamentary bodies of the European Union. The Protocol on the Role of National Parliaments in the European Union to the Amsterdam Treaty amending the Treaty on the European Union, the Treaties establishing the European Communities and certain related acts, empower COSAC to make any contribution it deems appropriate for the attention of the institutions of the European Union and to examine Union legislative activities, proposals and initiatives. Contributions made by COSAC shall in no way bind national parliaments or prejudice their position.

These Rules of Procedure, adopted in the XXI COSAC of Helsinki on 11 and 12 October 1999, replace the Rules elaborated on 6 and 7 May 1991 in the IV COSAC of Luxembourg, adopted on 4 and 5 November 1991 in the V COSAC of The Hague and modified on 9 and 10 May 1994 in the X COSAC of Athens and on 24 and 25 June 1996 in the XIV COSAC of Rome.

1. FREQUENCY AND DATES OF MEETINGS

1.1. Ordinary meetings

One ordinary meeting of COSAC shall be held during each Presidency of the Council of the European Union taking account of different parliamentary practices of Member States, of election periods and of the dates of public holidays in Member States. The date of the next meeting shall be fixed and announced by the date of the preceding meeting at the latest.

1.2. Extraordinary meetings

Extraordinary meetings of COSAC shall be held, if deemed necessary, by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the national parliaments and of the appropriate body of the European Parliament.

1.3. Preparatory meetings of the Chairpersons

A preparatory meeting of the Chairpersons of the Community and European Affairs Committees and of the representative of the European Parliament shall be held prior to meetings of COSAC, if proposed by the Parliament of the Member State holding the Presidency,

after consulting the Presidential Troika. The Presidential Troika of COSAC consists of the Presidency, the preceding Presidency, the next Presidency, and the European Parliament.

1.4. Extraordinary meetings of the Chairpersons

Extraordinary meetings of the Chairpersons of the Community and European Affairs Committees and the appropriate body of the European Parliament shall be held, if proposed, by the Presidency, after consulting the Presidential Troika, or, if deemed necessary, by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the National Parliaments and of the appropriate body of the European Parliament.

1.5. Working groups

COSAC may decide to set up a working group to study a particular issue linked with the activities of the European Union. Such a working group shall also be set up, if deemed necessary, by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the national parliaments and of the appropriate body of the European Parliament. The Chairperson of the Community and European Affairs Committee of the Parliament of the Member State holding the Presidency shall act as the Chairperson of the working group. The Secretariat of the Parliament of the Member State holding the Presidency shall provide the secretariat for the working group.

2. PLACE OF MEETINGS

Meetings shall take place in the Member State holding the Presidency. Extraordinary meetings, meetings of the Chairpersons and of Working Groups may be held elsewhere.

3. DURATION OF MEETINGS

The duration of ordinary and extraordinary meetings of COSAC shall be one and a half days.

4. COMPOSITION

4.1. Ordinary and extraordinary meetings

Each national parliament shall be represented by a maximum of six members of its Community and European Affairs Committee(s). The European Parliament shall be represented by six Members. Each Parliament shall determine the composition of its own delegation.

4.2. Observers from the parliaments of applicant countries

Three observers from the parliaments of each applicant country shall be invited to ordinary meetings, and may be invited to extraordinary meetings, provided that the European Union has officially opened discussions and/or negotiations aimed at accession with the country concerned and that the parliament concerned has made an official request to participate in COSAC. These observers shall have the right to participate in debates on specific items on the agenda determined by the meeting.

4.3. Other observers, specialists and special guests

The Presidency shall invite observers from the General Secretariat of the Council of the European Union and the European Commission, and it may invite observers from the embassies of the Member States of the European Union, and, after consulting the Presidential Troika, specialists and special guests.

4.4. Public access to meetings

Meetings of COSAC shall be public, unless otherwise determined.

5. CONVOCATION

Ordinary meetings and meetings of the Chairpersons and of working groups shall be convened by the Secretariat of the Parliament of the Member State holding the Presidency.

Extraordinary meetings shall be convened by the Secretariat of the Parliament of the Member State where the meeting takes place.

6. DESIGNATION OF MEETINGS

The designation of ordinary and extraordinary meetings shall be 'Conference of the Community and European Affairs Committees (of the European Union's national parliaments of the Member States and the European Parliament) — COSAC', with the name preceded by the number of the meeting in sequence, followed by the date and place of the meeting.

7. AGENDA

7.1. Before the last ordinary meeting of each year the delegations shall indicate the subjects they propose be dealt with the following year. This matter shall be discussed at the end of the meeting. The Presidential Troika, paying due account to the provisions of Part II of the Protocol to the Amsterdam Treaty on the Role of National Parliaments in the European Union, proposes, at the beginning of each Presidency, one or several subjects drawn from the working programme of the Council of the European Union, the European Parliament, and the European Commission, or from proposals made during the meeting referred to above.

7.2. A draft agenda shall be drawn up by the Chairperson of the European Community and Affairs Committee of the host parliament, after consulting Chairpersons of the Community and European Affairs Committees and the representative of the European Parliament. National delegations may propose to the Presidency that a specific item is put on the agenda.

7.3. The meeting itself shall decide on its final agenda.

8. PREPARATION OF MEETINGS

8.1. The national delegations may send documents relating to items on the agenda to the secretariat of the host parliament.

8.2. The national delegation of the Member State holding the Presidency may draw up discussion documents for the conference.

9. LANGUAGES

9.1. Each delegation is responsible for translating any document which it submits into English or French.

9.2. Participating parliaments will receive conference documents in English or French. Each parliament is responsible for translation into its national language.

9.3. Simultaneous translation into the official languages of the EU is provided in the meetings.

9.4. The contributions of COSAC are drawn up in a single original in English and French, each of these texts being equally authentic.

10. COSAC CONTRIBUTIONS

10.1. COSAC may address contributions to the institutions of the European Union pursuant to the Amsterdam Treaty Protocol on the Role of National Parliaments in the European Union.

10.2. Each national delegation may propose that a contribution be adopted by COSAC. A draft contribution shall be drawn up if proposed by the Presidency, after consulting the Presidential Troika, or if deemed necessary by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the national parliaments and of the appropriate body of the European Parliament, or if decided in a meeting of COSAC.

10.3. The draft of a contribution shall be communicated to the delegations in good time before the relevant meeting of COSAC to give them a reasonable period for scrutiny and remarks.

10.4. The final draft of a contribution shall be prepared at the preparatory meeting of the Chairpersons preceding the relevant meeting of COSAC. It shall embrace the observations and remarks by all delegations, including possible declarations concerning the vote.

10.5. Adoption of the contribution requires unanimity between the delegations present at the meeting. Abstentions by delegations shall not prevent the adoption of the contribution.

11. ROLE OF THE PRESIDENCY

11.1. The Community and European Affairs Committee of the Member State holding the Presidency of the Council of the European Union shall hold the Presidency of COSAC during that Presidency.

11.2. The Secretariat of the host parliament shall prepare the documents for the meeting.

11.3. The Chairperson of the Community and European Affairs Committee of the host parliament shall open the debate.

11.4. The Chairperson of the Community and European Affairs Committee of the host parliament shall propose a timetable for the meeting and the length of speeches which shall be four minutes, unless the meeting determines otherwise.

11.5. The Secretariat of the host parliament shall draw up brief minutes of the meeting.

11.6. The Chairperson of the Community and European Affairs Committee of the host parliament shall present the debate's conclusions, as drawn up by the Presidential Troika.

11.7. The secretariat of the parliament holding the Presidency shall provide the secretariat for the activities of COSAC during its term. The secretariats of national parliaments and of the European Parliament shall provide assistance.

12. DEBATE CONCLUSION

If the meeting decides to issue a communiqué, a draft, annexed with possible contributions adopted, shall be drawn up by the Presidential Troika.

13. RECIPIENTS OF COMMUNIQUÉS

Communiqués shall be sent to the parliaments of the Member States and the European Parliament, to the Council of the European Union, and to the European Commission by the secretariat of the host parliament.

14. REVISION OF THE RULES OF PROCEDURE

14.1. Proposals for a revision of the Rules of Procedure must be sent, in writing, from one or several delegations of one or several parliaments to all national parliaments of the Member States and to the European Parliament, at least one month before the meeting of COSAC.

14.2. Proposals for a revision of the rules should be put on the agenda of the first meeting of COSAC following the presentation of the proposal.

14.3. Adoption of the proposal requires unanimity between the delegations present at the meeting. Abstentions by delegations shall not prevent the adoption of the proposal.

15. ENTRY INTO FORCE

These Rules of Procedure shall enter into force on 11 January 2000. They are drawn up in a single original in English and French, each of these texts being equally authentic.

The text of these Rules of Procedure shall, for the authentication thereof, be drawn up in Danish, Dutch, Finnish, German, Greek, Italian, Portuguese, Spanish and Swedish. The translations shall be agreed between the national parliaments using those languages and the European Parliament. In any question relating to the interpretation of these Rules only the English and French versions shall have official status.

ANNEX

Declaration by the European Parliament on Rule 10.5 of the Rules of Procedure

The European Parliament shall abstain in any vote on a contribution which is also addressed to it.

COUNCIL

List of appointments made by the Council

April and May 2000 (Social field)

(2000/C 175/02)

Committee	End of term of office	Published in OJ	Person replaced	Resignation	Member/alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
ECSC Consultative Committee	11.10.2000	C 330, 28.10.1998	Mr G. A. MOUSLEY	Resignation	Member	Producers	United Kingdom	Mr R. J. BUDGE	RJB Mining plc	10.4.2000
Advisory Committee on Freedom of Movement for Workers	16.12.2001	C 4, 7.1.2000	Mr W. PFABIGAN	Resignation	Member	Employers	Austria	MR J. KOPF	Industriellenvereinigung Abteilung Sozialpolitik	29.5.2000
Advisory Committee on Social Security for Migrant Workers	27.2.2002	C 69, 10.3.2000	Ms G. PIETQUIN	Resignation	Member	Government	Belgium	Ms C. PIGEON	Ministère des Affaires sociales, de la Santé publique et de l'Environnement	2.5.2000
Advisory Committee on Social Security for Migrant Workers	27.2.2002	C 69, 10.3.2000	Mr H. M. RAHM	Resignation	Member	Government	Sweden	Mr B. SIBBMARK	Socialdepartementet	16.5.2000
Administrative Board of the European Foundation for the Improvement of Living and Working Conditions	18.10.2001	C 336, 4.11.1998	Ms M. O'DONOGHUE	Resignation	Alternate	Government	Ireland	Mr J. KELLEHER	Department of the Environment and Local Government	16.5.2000
Administrative Board of the European Agency for Safety and Health at Work	21.3.2002	C 97, 9.4.1999	Ms H. NILSSON	Resignation	Member	Government	Sweden	Mr B. REMAEUS	Arbetskyddsstyrelsen	16.5.2000

COMMISSION

Euro exchange rates ⁽¹⁾

23 June 2000

(2000/C 175/03)

1 euro	=	7,4574	Danish krone
	=	336,48	Greek drachma
	=	8,2765	Swedish krona
	=	0,6250	Pound sterling
	=	0,9413	United States dollar
	=	1,3876	Canadian dollar
	=	98,120	Japanese yen
	=	1,5521	Swiss franc
	=	8,2025	Norwegian krone
	=	73,5006	Icelandic króna ⁽²⁾
	=	1,5788	Australian dollar
	=	2,0012	New Zealand dollar
	=	6,49120	South African rand ⁽²⁾

⁽¹⁾ Source: reference exchange rate published by the ECB.

⁽²⁾ Source: Commission.

STATE AID**Invitation to submit comments pursuant to Article 88(2) of the EC Treaty, concerning aid C 22/2000 (ex N 129/2000) — State aid in favour of Dutch manure transport companies**

(2000/C 175/04)

(Text with EEA relevance)

By means of the letter dated 17 April 2000 reproduced in the authentic language on the pages following this summary, the Commission notified the Netherlands of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty concerning the abovementioned aid.

Interested parties may submit their comments within one month of the date of publication of this summary and the following letter, to:

European Commission
Directorate-General for Competition
Directorate H
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 296 98 16.

These comments will be communicated to the Netherlands. Confidential treatment of the identity of the interested party submitting the comments may be requested in writing, stating the reasons for the request.

SUMMARY**1. Procedure**

By letter dated 27 July 1999, the Dutch Government notified the aid scheme 'Subsidiering weegapparatuur en geautomatiseerde bemonsteringsapparatuur' (hereinafter 'SWB-scheme') concerning the State aid to manure transport-companies. Based on the provisions set out in the scheme, it became clear that the scheme had already produced economic effects, even though no aid has been paid out yet. The file was registered as non-notified aid.

By letter of 17 September 1999, the Commission asked the Dutch Government to provide the necessary evidence to allow it to assess the measure at stake, especially its compliance with the Community guidelines on State aid for environmental protection (environmental guidelines) ⁽¹⁾ and the Community guidelines on State aid for small and medium-sized enterprises (SME guidelines) ⁽²⁾. The Dutch authorities replied on 23 November 1999 without providing sufficient evidence to dissipate the Commission's doubts as to the applicability of the exemption of Article 87(3)(c) EC Treaty.

⁽¹⁾ OJ C 72, 10.3.1994, p. 3.

⁽²⁾ OJ C 213, 23.7.1996, p. 4.

2. Background

Concentrated, intensive animal husbandry has led to a regional surplus production of manure in many Member States. Farmers having more manure than their land can take, reduce their livestock or otherwise find new outlets. Such outlets are often found by having surplus manure transported by specialised manure-transport companies to regions with a fertiliser shortage. In line with the polluter pays principle, the transportation cost must be borne by the animal farmers in question.

3. Description of the aid

The 'SWB scheme' was put into force to stimulate the purchase of weighing facilities and automated test equipment to provide for the exact control of weight and content of the manure in order to assure the compliance with the Council Directive 91/676/EEC of 12 December 1991 ('Nitrate Directive') concerning the protection of water against pollution by nitrates contained in agricultural sources. The Dutch legal basis in order to conform with this Directive is the 'Meststofwet' (law concerning manure) of 4 December 1997, amended on 16 March 1999. It stipulates that from 1 January 2000 onwards the manure transport-companies will be obliged to use automated test and weighing machinery, whereas up to now they were allowed to estimate the weight and compound of manure.

By the proposed aid measure, the Dutch Government aims to give an incentive to the manure transport-companies to install the requested facilities prior to the coming into force of the mandatory obligation of the 'Meststoffenwet'. According to the Dutch Government, the recipients of the aid will be small enterprises, which comply with the conditions set out in the SME-guidelines.

Prerequisite to apply for a subsidy in the framework of the 'SWB-scheme' is the mounting of automated test machinery before 15 September 1999. The application for the grant of State aid was to be submitted between 6 April and 29 April 1999. The aid will be paid out not later than 1 March 2000. According to the Dutch Government, the payment of the aid will be effected only after the consent to the 'SWB scheme' by the Commission.

The Dutch Government foresees a budget of NLG 2 800 000 (EUR 1 270 585) which allows for the subsidisation of about 200 facilities. According to Article 4 of the 'SWB-scheme', the aid intensity amounts to 35 % of the purchase costs. These are defined as the costs for the purchase of the weighing and automated test equipment. 65 % of the purchase cost are borne by the transport companies as well as the cost for the setting-up of the equipment.

4. Assessment of the aid

The investment aid proposed by the Dutch Government subsidises the purchase of weighing and testing equipment in order to comply with the provisions of the 'Nitrate Directive'. Consequently, the measure favours the undertakings at stake. By strengthening their financial position, the cash incentive threatens to distort competition in the internal EU market, as the manure transport service provided by Dutch companies competes with the service offered by companies registered in other Member States, which do not receive subsidies in order to comply with mandatory standards stipulated by Community or national legislation. Consequently, the aid is likely to distort competition between Member States in this sector and constitutes State aid in the sense of Article 87(1) of the EC Treaty.

After first assessment of the measure notified by the Dutch Government, the Commission's services could not exclude that the scheme had already produced economic effects before the notification. According to the documents provided, the application for State aid in the framework of the forwarded 'SWB scheme' was to be submitted by the beneficiaries between 6 April 1999 and 29 April 1999. The competent minister had to decide within three months of the application to award State aid. In order to be eligible, the beneficiaries had to acquire and mount the equipment before 15 September 1999. However, the Commission notes that the grant is implemented subject to the Commission's approval. Consequently, for the time being, the Commission holds that the Dutch Government complied with its notification obligation according to Article 88(3) of the EC Treaty.

Based on the information at disposal until now, considerable doubts arise as to the compatibility of the aid with the

derogations laid down in Article 87(3)(c) of the EC Treaty. In this context it must be recalled that by its decision of 11 March 1992 ⁽³⁾, the Commission expressly prohibited operating aid for manure related projects. Moreover, the Commission confirmed its *a priori* negative attitude to further manure related aid in the Netherlands on the occasion of its decision concerning manure-processing projects ⁽⁴⁾.

Bearing in mind the foregoing, the Commission first assessed the measure in the light of the SME guidelines:

The envisaged aid intensity amounts up to 35 %. According to point 4.2.1 of the SME guidelines, the Commission may approve aid to SMEs outside areas qualifying for domestic regional aid, where the intensity of the aid does not exceed 15 % in the case of small enterprises or 7,5 % in the case of medium-sized enterprises. Although the Dutch Government claims that the aid will be granted only to small enterprises, no such provision is contained in the forwarded 'SWB-scheme'. Furthermore, the proposed intensity of 35 % would in any case exceed the allowable intensity of 15 %. This implies that, at this stage, the scheme cannot be approved under the SME guidelines.

Secondly, the projects have also been assessed in the light of the environmental guidelines:

According to the Dutch Government, the envisaged measure is designed to give an incentive to manure transport companies to buy automated test and weighing equipment some months prior to the coming into force of mandatory standards on 1 January 2000. This seems to be an artificial incentive.

Furthermore, the Dutch authorities did not provide any evidence that the investment aid allowed attaining significantly higher levels of environmental protection as the 'Meststoffenwet' was put into force in order to secure the due transformation of the 'Nitrate Directive'.

Finally, according to point 3.2.3 section (A) of the environmental guidelines, the maximum allowable aid intensity amounts to 15 % gross, in the case of SME to 25 % gross, whereas the Dutch Government envisages an aid intensity up to 35 % gross. Consequently, the aid intensity exceeding these thresholds, the Commission doubts that the scheme can be approved under the guidelines.

Therefore, the serious doubts as to the compliance of the aid measures at stake with Article 87 and 88 EC Treaty could not be removed and the Commission decided to open the procedure according to Article 88(2) EC Treaty concerning the 'SWB scheme'.

In accordance with Article 14 of Council Regulation (EC) No 659/1999, all unlawful aid can be subject to recovery from the recipient.

⁽³⁾ OJ L 170, 25.6.1992, p. 34.

⁽⁴⁾ C 17/90 (OJ C 82, 27.3.1991, p. 3).

TEXT OF THE LETTER

'Met dit schrijven stelt de Commissie het Koninkrijk der Nederlanden ervan in kennis, dat zij na onderzoek van de door Uw autoriteiten met betrekking tot de bovengenoemde steunmaatregel verstrekte inlichtingen heeft besloten de procedure van artikel 88, lid 2, EG-Verdrag in te leiden.

1. De procedure

Bij schrijven van 27 juli 1999 (ingeschreven op 31 augustus 1999, A/36.575) deed de Nederlandse regering aanmelding van de Subsidieregeling weegapparatuur en geautomatiseerde bemonsteringsapparatuur (hierna „SWB”), een steunregeling voor mestvervoerbedrijven. Op basis van de bepalingen van deze regeling bleek dat deze al economische gevolgen had gehad, ook al was nog geen steun uitgekeerd. Bijgevolg werd de zaak ingeschreven als niet-aangemelde steun.

Bij schrijven van 17 september 1999 (D/63.894) verzocht de Commissie de Nederlandse regering de nodige bewijzen te leveren om de betrokken maatregelen te kunnen beoordelen, met name op de naleving van de communautaire kaderregeling inzake staatssteun ten behoeve van het milieu⁽⁵⁾ en de communautaire kaderregeling inzake overheidssteun voor kleine en middelgrote ondernemingen⁽⁶⁾. Bij schrijven van 21 oktober 1999 (D/64.393) herinnerde de Europese Commissie aan haar verzoek om informatie. De Nederlandse autoriteiten antwoordden bij schrijven van 23 november 1999 (ingeschreven op diezelfde dag, A/38.970), zonder evenwel afdoende bewijzen te leveren om de twijfel van de Commissie weg te nemen ten aanzien van de toepasselijkheid van de afwijking uit artikel 87, lid 3, onder c), EG-Verdrag.

2. Beschrijving van de steun

Doel van de SWB was de introductie te stimuleren van weegapparatuur en geautomatiseerde bemonsteringsapparatuur die ten dienste staan van bemonstering en hoeveelheidsbepaling van meststoffen, om zo te voldoen aan Richtlijn 91/676/EEG van de Raad van 12 december 1991 inzake de bescherming van water tegen verontreiniging door nitraten uit agrarische bronnen (hierna: „de nitraatrichtlijn”). De Nederlandse rechtsgrondslag waarmee deze richtlijn wordt nageleefd, is de Meststoffenwet van 4 december 1997, als gewijzigd op 16 maart 1999. Volgens deze wet moeten mestvervoerbedrijven vanaf 1 januari 2000 automatische monsterapparaten en weegwerktuigen gebruiken, terwijl tot dusver ook werd toegestaan dat de hoeveelheid en samenstelling van de mest werd geschat.

De Nederlandse regering heeft een budget van 2,8 miljoen NLG (1 270 585 EUR) uitgetrokken, hetgeen subsidiëring van circa 200 apparaten mogelijk maakt. In artikel 4 van de SWB worden de subsidiabele kosten omschreven als de kosten voor aanschaf, exclusief BTW, van de weegwerktuigen en ge-

automatiseerde bemonsteringsapparatuur. Per aanvrager wordt subsidie verstrekt voor ten hoogste vijf automatische monsterapparaten en vijf weegwerktuigen.

Wat de steunintensiteit betreft, bedraagt de subsidie — volgens artikel 4, lid 2, van de SWB — ten hoogste 35 % van de subsidiabele kosten. Montagekosten komen niet in aanmerking. Volgens de Nederlandse regering is de feitelijke steunintensiteit van de subsidie voor weegwerktuigen lager, aangezien de aanschafkosten tot een bedrag van 55 000 NLG, inclusief 25 000 NLG montagekosten, op grond van artikel 4, lid 2, van de SWB niet subsidiabel zijn. Derhalve bedragen de subsidiabele kosten 30 000 NLG, hetgeen neerkomt op een steunbedrag van 10 500 NLG. In vergelijking tot de totale kostprijs stemt dit bedrag overeen met een steunintensiteit van 19 %. Wat de aanschafkost van monsterapparaten betreft, voeren de Nederlandse autoriteiten aan dat de feitelijke steunintensiteit 31 % bedraagt ten opzichte van de totale kostprijs van 22 000 NLG, waarvan de subsidiabele kosten 20 000 NLG bedragen.

Volgens artikel 2, lid 1, van de SWB zijn de begunstigden van de regeling intermediaire ondernemingen — in de zin van artikel 29 van de Meststoffenwet — die dierlijke meststoffen transporteren. Voorts wordt steun verleend voor aanvragers die voornemens zijn monsterapparaten op transportvoertuigen te bevestigen. Volgens de Nederlandse regering zijn de begunstigden van de steun kleine ondernemingen in de zin van de communautaire kaderregeling inzake overheidssteun voor kleine en middelgrote ondernemingen⁽⁷⁾. De mestvervoerbedrijven dragen 65 % van de aanschafkosten, alsmede de montagekosten.

Geconcentreerde, intensieve veehouderij heeft in diverse lidstaten geleid tot een regionaal mestoverschot. Landbouwers die meer mest hebben dan hun gronden kunnen verwerken, krimpen hun veestapel in of vinden anders nieuwe afzetmogelijkheden. Vaak bestaan dergelijke afzetmogelijkheden erin dat het mestoverschot door gespecialiseerde mestvervoerbedrijven wordt getransporteerd naar gebieden met een mesttekort. Overeenkomstig het beginsel „de vervuiler betaalt” moeten de transportkosten worden gedragen door de betrokken veehouders.

Met de voorgenomen steunmaatregel wil de Nederlandse regering de mestvervoerbedrijven stimuleren de betrokken apparatuur te monteren vooraleer dit verplicht wordt op grond van de Meststoffenwet. Voorwaarde om voor een subsidie in het kader van de SWB in aanmerking te komen, is dat de apparatuur vóór 15 september 1999 is aangeschaft en gemonteerd. De subsidieaanvraag diende tussen 6 en 29 april 1999 te worden ingediend bij de Minister van Landbouw, Natuurbeheer en Visserij. De bevoegde minister besliste op de aanvraag uiterlijk drie maanden na ontvangst van de aanvraag tot subsidievaststelling. Het subsidiebedrag zou uiterlijk op 1 maart 2000 worden betaald. Volgens artikel 8, lid 2, en artikel 11, lid 3, van de SWB wordt de subsidie verleend onder de voorwaarde dat de Commissie goedkeuring verleent aan deze regeling.

⁽⁵⁾ PB C 72 van 10.3.1994, blz. 3.

⁽⁶⁾ PB C 213 van 23.7.1996, blz. 4.

⁽⁷⁾ Zij hebben minder dan 50 werknemers in dienst, hun omzet bedraagt minder dan 7 miljoen EUR en zij zijn onafhankelijk.

3. Beoordeling van de steun

Met de voorgenomen investeringssteun van de Nederlandse regering wordt subsidie verleend voor de aanschaf van weegwerktuigen en automatische monsterapparaten om te voldoen aan de bepalingen van de nitraatrichtlijn. Bijgevolg worden de betrokken ondernemingen door deze maatregel bevoordeeld. Deze financiële stimulus dreigt, doordat hij de financiële positie van deze ondernemingen versterkt, de mededinging op de interne EU-markt te verstoren, aangezien het mesttransport door Nederlandse bedrijven concurreert met de dienstverlening van in andere lidstaten geregistreerde bedrijven, die geen subsidies ontvangen om te voldoen aan verplichte normen die zijn vastgelegd in communautaire of nationale regelgeving. Bijgevolg dreigt de steun de mededinging tussen de lidstaten in deze sector te verstoren en vormt hij dus overheidssteun in de zin van artikel 87, lid 1, van het EG-Verdrag.

Na een eerste beoordeling van de door de Nederlandse regering aangemelde maatregel kan de Commissie niet uitsluiten dat de regeling al economische effecten heeft opgeleverd vóór de aanmelding plaatsvond. Volgens de meegedeelde documenten moesten betrokkenen de subsidieaanvraag in het kader van de aangemelde SWB tussen 6 en 29 april 1999 indienen. De bevoegde minister besliste uiterlijk drie maanden na ontvangst van de aanvraag tot subsidievaststelling. Om in aanmerking te komen dienden de aanvragers de apparatuur vóór 15 september 1999 aan te schaffen en te monteren. De Commissie merkt echter op dat de steun werd toegekend mits hij door de Commissie zou worden goedgekeurd. Bijgevolg is de Commissie momenteel van oordeel dat de Nederlandse regering voldeed aan haar verplichting tot aanmelding overeenkomstig artikel 88, lid 3, EG-Verdrag.

De voorgenomen steun kan enkel als verenigbaar met de gemeenschappelijke markt worden aangemerkt indien een van de afwijkingen uit artikel 87, lid 2 en lid 3, onder a), b), c) ⁽⁸⁾ en d), van het EG-Verdrag op de onderhavige zaak van toepassing is.

Het betreft hier geen steunmaatregelen van sociale aard aan individuele verbruikers of tot herstel van de schade veroorzaakt door natuurrampen, noch gaat het om steun aan de economie van bepaalde streken van de Bondsrepubliek Duitsland die na deel ondervinden van de deling van Duitsland. De afwijkingen uit artikel 87, lid 3, onder a), EG-Verdrag zijn in deze zaak evenmin van toepassing, aangezien het geen steunmaatregelen betreft ter bevordering van de economische ontwikkeling van streken waarin de levensstandaard abnormaal laag is of waar een ernstig gebrek aan werkgelegenheid heerst. Wat de afwijking uit artikel 87, lid 3, onder b), EG-Verdrag betreft, is de Commissie van oordeel dat de steun duidelijk niet bedoeld is voor de verwezenlijking van een belangrijk project van gemeenschappelijk Europees belang of voor de opheffing van een ernstige verstoring in de economie van een lidstaat. Het regionale aspect van de afwijking uit artikel 87, lid 3, onder c), EG-Verdrag is niet van toepassing aangezien de ondernemingen niet gevestigd zijn in steungebieden, noch is de steun bestemd voor de bevordering van de cultuur en de instandhouding van het culturele erfgoed als bedoeld in artikel 87, lid 3, onder d), EG-Verdrag.

⁽⁸⁾ Voorzover het de regionale afwijking betreft.

De Nederlandse autoriteiten hebben ook niet gepoogd de steun op een van de voormelde gronden te rechtvaardigen.

Wat betreft het tweede deel van de afwijking uit artikel 87, lid 3, onder c), EG-Verdrag — steunmaatregelen om de ontwikkeling van bepaalde vormen van economische bedrijvigheid te vergemakkelijken — ging de Commissie bij haar beoordeling ervan uit dat, volgens de Nederlandse regering, met de SWB in de eerste plaats beoogd werd kleine en middelgrote ondernemingen te stimuleren weegapparatuur en geautomatiseerde bemonsteringsapparatuur te introduceren welke ten dienste staat van bemonstering en hoeveelheidsbepaling van meststoffen, om aldus te voldoen aan de nitraatrichtlijn.

Op grond van de tot dusver beschikbare informatie bestaat ernstige twijfel ten aanzien van de vraag of de steun verenigbaar is met de afwijkingen uit artikel 87, lid 3, onder c), EG-Verdrag. In dit verband moet worden herhaald dat de Commissie bij beschikking van 11 maart 1992 ⁽⁹⁾ exploitatiesteun voor projecten inzake mestverwerking uitdrukkelijk heeft verboden. Voorts verklaarde de Commissie naar aanleiding van haar beschikking betreffende mestverwerkingsprojecten ⁽¹⁰⁾ dat zij a priori een negatieve houding zou aannemen ten aanzien van verdere steun voor mestverwerking in Nederland.

Gelet op het voorgaande is de Commissie eerst nagegaan in hoeverre de betrokken maatregel verenigbaar is met de communautaire kaderregeling inzake overheidssteun voor kleine en middelgrote ondernemingen (hierna: „MKB-kaderregeling”) ⁽¹¹⁾:

Beweert de Nederlandse regering dat uitsluitend steun zal worden toegekend aan kleine en middelgrote ondernemingen in de zin van de MKB-kaderregeling, toch bevat de aangemelde SWB geen bepaling in de zin. De Commissie is derhalve van oordeel dat de SWB voor alle ondernemingen kan gelden, ongeacht hun omvang.

In artikel 4, leden 1 en 2, van de SWB worden de subsidiabele kosten omschreven als de aanschafkosten van de apparatuur exclusief de montagekosten; dit bedrag dient als basis voor de berekening van de steunintensiteit van 35 %. De Nederlandse autoriteiten voeren echter aan dat de steunintensiteit moet worden berekend ten opzichte van de totale projectkosten (aanschaf- plus montagekosten). Zodoende zou de steunintensiteit volgens het uiteindelijk uitkomen op, onderscheidenlijk, 19 en 31 %, naargelang het soort apparatuur. Volgens punt 4.2.1 van de MKB-kaderregeling moet de steunintensiteit worden berekend ten opzichte van de subsidiabele kosten. Bijgevolg is de Commissie in dit stadium van oordeel dat de voorgenomen steun een intensiteit van 35 % heeft.

Volgens punt 4.2.1 van de betrokken kaderregeling kan de Commissie steun goedkeuren ten behoeven van kleine en middelgrote ondernemingen buiten de voor nationale regionale steun in aanmerking komende regio's mits de steunintensiteit niet hoger is dan 15 % voor kleine en ondernemingen of 7,5 % voor middelgrote ondernemingen. Zodoende overschrijdt de voorgenomen intensiteit van 35 % in ieder geval de toegestane intensiteit van 15 %.

⁽⁹⁾ PB L 170 van 25.6.1992, blz. 34.

⁽¹⁰⁾ Steunmaatregel C 17/1990 (PB C 82 van 27.3.1991, blz. 3).

⁽¹¹⁾ PB C 213 van 23.7.1996.

Een en ander betekent dat op basis van de tot dusver verstrekte gegevens de SWB op grond van de MKB-kaderregeling niet van toepassing lijkt te zijn.

In de tweede plaats werd de maatregel ook getoetst aan de communautaire kaderregeling inzake staatssteun ten behoeve van het milieu (hierna: „het milieukader”) ⁽¹²⁾:

Volgens de Nederlandse regering is het toegelaten steunpeil gerechtvaardigd omdat deze regeling onnauwkeurigheden of fraude bij bemonstering en hoeveelheidsbepaling helpt voorkomen. De Nederlandse autoriteiten zijn van oordeel dat door het feit dat zij strengere normen invoerden dan in andere lidstaten, concurrentievervalsing kan worden uitgesloten, zodat de hogere steunintensiteiten verenigbaar zijn met het EG-Verdrag.

De betrokken maatregel beoogt, volgens de Nederlandse regering mestvervoerbedrijven te stimuleren automatische monsterapparaten en weegwerktuigen aan te schaffen enkele maanden vóór op 1 januari 2000 verplichte normen van kracht worden. Dit lijkt een artificiële stimulus te zijn aangezien concurrenten die in dit marktsegment mesttransport willen aanbieden, wettelijk verplicht zijn de nieuwe apparatuur te monteren in dezelfde periode als vastgesteld in de SWB (tot 15 september 1999).

Volgens punt 3.2.3 (A) van het milieukader is steun voor de aanpassing van nieuwe verplichte milieunormen verenigbaar mits hij alleen wordt toegekend voor installaties die gedurende ten minste twee jaar vóór het tijdstip waarop de betrokken normen of verplichtingen van kracht worden, in bedrijf zijn geweest. De steun is bestemd voor de montage van nieuwe apparatuur op transportvoertuigen, niet om bestaande apparatuur aan te passen. Voorts worden in de regeling geen voorwaarden opgelegd inzake de ouderdom van de transportvoertuigen. Daarnaast geldt volgens dit punt uit het milieukader ook een beperking van de steunintensiteit tot 15 %, en tot 25 % voor kleine en middelgrote ondernemingen, terwijl de Nederlandse regering steun met een intensiteit tot 35 % wil toekennen. Bijgevolg is punt 3.2.3 (A) van het milieukader niet van toepassing.

Daarnaast mag volgens punt 3.2.3 (B) van het milieukader investeringssteun worden toegekend om ondernemingen aan te moedigen verder te gaan dan de verplichte milieunormen. De Nederlandse autoriteiten verstrekten geen bewijzen in die zin. De Commissie merkt op dat de Meststoffenwet werd goedgekeurd ter omzetting van de nitraatrichtlijn. De betrokken investeringssteun is dus bedoeld om de verplichte normen te halen die voortvloeien uit verplichtingen op grond van het EG-Verdrag. Daarnaast wordt in het milieukader de intensiteit voor dergelijke steun vastgesteld op 30 %, of 40 % voor kleine en middelgrote ondernemingen. Aangezien de toepassing van de SWB niet beperkt wordt tot kleine en middelgrote ondernemingen, overschrijdt de voorgenomen intensiteit van 35 % het toegestane plafond. Bijgevolg is de Commissie van oordeel dat punt 3.2.3 (B) van het milieukader evenmin van toepassing lijkt te zijn.

De Commissie heeft dan ook twijfel ten aanzien van de verenigbaarheid van de SWB met het milieukader.

Bijgevolg kan de ernstige twijfel ten aanzien van de verenigbaarheid van de betrokken steunmaatregel met de artikelen 87 en 88 EG-Verdrag niet worden weggenomen. De Commissie heeft dan ook besloten de procedure van artikel 88, lid 2, EG-Verdrag in te leiden ten aanzien van de SWB.

Gelet op de bovenstaande overwegingen verzoekt de Commissie de Nederlandse regering in het kader van de procedure van artikel 88, lid 2, EG-Verdrag binnen één maand vanaf de datum van ontvangst van dit schrijven haar opmerkingen te maken en alle dienstige inlichtingen te verstrekken voor de beoordeling van de steunmaatregel. Zij verzoekt Uw autoriteiten onverwijld een afschrift van deze brief aan de potentiële begunstigden van de steunmaatregel te doen toekomen.

De Commissie wijst de Nederlandse regering op de schorsende werking van artikel 88, lid 3, EG-Verdrag. Zij verwijst naar artikel 14 van Verordening (EG) nr. 659/1999 van de Raad, volgens hetwelk elke onrechtmatige steun van de begunstigde kan worden teruggevorderd.’

⁽¹²⁾ PB C 72 van 10.3.1994, blz. 3. De geldigheidsduur van deze kaderregeling werd verlengd tot en met 30 juni 2000 (PB C 14 van 19.1.2000, blz. 8).

STATE AID**Invitation to submit comments pursuant to Article 88(2) of the EC Treaty concerning aid measure C 16/2000 (ex N 792/99) — Italian regional aid map for the period 2000-2006 in Italy**

(2000/C 175/05)

(Text with EEA relevance)

By means of the letter dated 13 March 2000 and reproduced in the authentic language on the pages following this summary, the Commission notified Italy of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of part of the abovementioned measure.

The Commission decided not to raise any objections to certain other parts of the measure that are described in the letter following this summary.

Interested parties may submit their comments on the aspects of the measure in respect of which the Commission is initiating the procedure within one month of the date of publication of this summary and of the following letter to:

European Commission
Directorate-General for Competition
Directorate G
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 296 98 15.

These comments will be communicated to Italy. Confidential treatment of the identity of the interested party submitting the comments may be requested in writing, stating the reasons for the request.

SUMMARY**1. Procedure**

By letter SG(98) D/1672 of 24 February 1998, the Commission called on the Italian authorities to notify to it under Article 88(3) of the Treaty and in respect of the period 2000 to 2006 the methodology for determining the region to be assisted as from 1 January 2000, together with the list of the regions and the corresponding aid intensities and aid cumulation ceilings, by 31 March 1999 at the latest; the methodology and the aid intensities and aid cumulation ceilings laid down must be compatible with the guidelines on national regional aid. By letter SG(98) D/12386 of 30 December 1998, it informed the Italian authorities that, under the aforementioned guidelines, in particular the method described in point 3 and Annex III, and subject to the overall ceiling of 42,7 % of the Community population, the national ceiling for the population covered by the derogations in Article 87(3)(a) and (c) which the Commission deems compatible with the common market is 43,6 % for the period 2000 to 2006. In the same letter the Commission noted that some of the NUTS (Nomenclature of Statistical Territorial Units) level II regions in Italy corresponding to 33,6 % of the population satisfied the eligibility criteria for regional aid under Article 87(3)(a). Consequently, the coverage of regional aid under Article 87(3)(c) must not exceed 10 % of the Italian population. Following reminders dated 14 June 1999 (SG(99) D/4259) and 26 October 1999 (SG(99) D/01986), the Italian authorities acting under Article 88(3), notified the draft regional aid map to the Commission by letter No 16497 of 16 December 1999 from their Permanent Representation, registered as received by the

Commission on 17 December 1999. A request for further information was sent to the Italian authorities on 20 January 2000. By letters dated 31 January and 1, 11 and 17 February, the Italian authorities provided additional information. Two meetings between the Italian authorities and the Commission departments took place in Brussels on 14 January and 1 February 2000.

2. Description of the part of the measure in respect of which the Commission is initiating the procedure

Of the areas proposed by Italy for the Article 87(3)(c) derogation, some were presented on the basis of a particular methodology (point 3.10.3 of the guidelines), others were presented as areas eligible under Objective 2 of the Structural Funds (point 3.10.5) and yet others were proposed as areas eligible under Objective 1 (phasing out) of the Structural Funds (also point 3.10.5).

As regards the first group, the Italian authorities have proposed a methodology, one statistical unit and quantitative indicators for determining the regions eligible. The statistical unit applied is the employment area (sistema locale del lavoro). The method used for demarcating the employment areas is designed to produce a breakdown of Italian territory that maximises the population flow between home and place of work within a given geographical unit. It is based on the results of the 1991 census. Italy has been divided into 784 employment areas.

The indicators are the following:

- average unemployment rate during the period 1994 to 1996;
- a composite indicator identifying the less-favoured areas (arithmetic mean of the unemployment rate — calculated as an average of the unemployment rates over the period 1994 to 1996 — and of the ratio of jobs in industry to the total number of jobs existing in 1996);
- change in the number of jobs in agriculture over the period 1991 to 1996.

The indicators applied to employment areas under the method described in the guidelines led the Italian authorities to select 52 employment areas.

As regards the areas proposed as areas eligible for Objective 2, the Italian authorities have proposed parts of employment areas in the regions of Piemonte, Liguria, Friuli, Veneto, Emilia Romagna, Tuscany, Marche, Umbria, Abruzzi and Lazio.

As regards the areas proposed as areas eligible for Objective 1 (phasing out), the Italian authorities have proposed parts of employment areas in the region of Molise.

The proposed intensity ceilings are the following:

- 8 % nge for all employment areas with the exception of the areas proposed in Abruzzi and Molise;
- 20 % nge for the areas proposed in Abruzzi and Molise.

All the above aid intensity ceilings are increased by 10 percentage points gross for small firms and by six percentage points gross for medium-sized firms (OJ L 107, 30.4.1996), with the exception of the areas in Abruzzi and Molise, where a bonus of 10 percentage points gross is proposed also for medium-sized firms.

The intensity ceilings also represent cumulation ceilings applicable to total aid where assistance is granted concurrently under several regional schemes, irrespective of whether it comes from local, regional, national or Community sources.

3. Assessment of the part of the measure in respect of which the Commission is initiating the procedure

As regards the population ceiling, the Commission notes that the draft Italian map for the purposes of the derogation in Article 87(3)(c), which covers 10 % of the Italian population, is consistent with point 3.10 of the guidelines and with the Commission letter of 30 December 1998 (SG(98) D/12386). As regards this respect, the draft map can be regarded as being compatible with the relevant provisions of the guidelines.

In conformity with point 3.10 of the guidelines on national regional and (OJ C 74, 10.3.1998), the Commission notes that the Italian authorities notified a methodology, a statistical unit and quantitative indicators for determining the regions eligible for the derogation in Article 87(3)(c).

As regards the indicators, the Commission notes that they satisfy the conditions laid down in point 3.10.2 of the guidelines, namely:

- their number, including both simple indicators and combinations of indicators, is limited to three;
- they are objective and relevant to the examination of the socio-economic circumstances of the regions;
- they are based on statistical series covering the last three years available or are derived from the last survey carried out;
- they are drawn up by reliable statistical sources.

As regards the conformity of the proposed regions with the conditions laid down in the guidelines, it should be recalled that point 3.10.3 of the guidelines stipulates that:

- (a) 'The regions must conform to NUTS level III or, in justified circumstances, to a different homogeneous geographical unit. Only one type of geographical unit may be submitted by each Member State.'

The Italian authorities have proposed an approach based on employment areas. The method used for determining those areas is designed to produce a breakdown of Italian territory that maximises the population flow between home and place of work within a given geographical unit and is based on the results of the 1991 census. Italy has been divided into 784 employment areas. These are economically significant areas that form part of a single local job market or ensure a strong correlation between home and place of work. They are economically and socially homogeneous areas. They have been used since 1987 as units of reference in national policies on programming, economic development, employment and local autonomy. The employment area meets the wish of the Commission that the population ceiling should not be used to select only areas with a high density of firms without taking account of the population that contributes to this productive activity and benefits from wealth creation. By ensuring a correlation between home and place of work, the employment area guarantees compliance with the spirit of the Treaty, which allows derogations from the fundamental prohibition on aid for firms laid down in Article 87 with a view to promoting the development of certain economic areas.

- (b) 'The individual regions proposed or the groups of contiguous regions must form compact zones, each of which must have a population of at least 100 000.'

All the areas proposed by Italy comply with the second indent of point 3.10.3 of the guidelines.

- (c) 'The regions proposed must show significant disparities (half of the standard deviation) compared with the average of the potential 87(3)(c) regions of the Member State concerned, in respect of one or other indicator used in the method.'

All the areas proposed by Italy comply with the third indent of point 3.10.3 of the guidelines.

As regards the areas proposed under point 3.10.5, which introduces eligibility for the Structural Funds as a criterion for eligibility for the regional aid map, the Commission notes that they do not yet have the status of eligible areas under Objective 2 of the Structural Funds since the Structural Funds map has not yet been approved. Consequently, the fact that these areas have been proposed for the Article 87(3)(c) derogation in accordance with point 3.10.5 leads the Commission to doubt whether the Italian measure notified is compatible with the Treaty. In this connection, the Commission would point out that, to be eligible for Objective 2, all the areas selected need not be eligible for the Article 87(3)(c) derogation. They will be included on the regional aid map provided that they satisfy the general conditions laid down in the guidelines on national regional aid and comply, in particular, with the minimum population and compactness conditions.

As regards the areas proposed as areas eligible for Objective 1 (phasing out) and in accordance with point 3.10.5 of the guidelines, the following observations should be made:

- the Commission notes that all these areas included in the NUTS Level II region (Objective 1 — phasing out) for the period 2000 to 2006;
- in accordance with the second indent of point 3.10.3 of the guidelines, 'the individual regions proposed or the groups of contiguous regions' form zones 'each of which must have a population of at least 100 000';
- also in accordance with the second indent of point 3.10.3, 'the individual regions proposed or the groups of contiguous regions' form 'compact zones'. Indeed, the parts of employment areas in the region of Molise present a strong correlation between home and place of work. They therefore meet the wish of the Commission that the population ceiling should not be used to select only areas with a high density of firms without taking

account of the population that contributes to this productive activity and benefits from wealth creation.

As regards the aid intensity for the areas proposed by the Italian authorities, the Commission notes that, in accordance with point 4.8 of the guidelines, and with the exception among other things of the outmost regions or the regions with low population density, 'the ceiling on regional aid must not exceed 20 % nge in general' or 10 % nge in regions eligible under Article 87(3)(c) 'which have both a higher per capita GDP/PPS and a lower unemployment rate than the respective Community average'. As notified to the Italian authorities by letter SG(98) D/12398 of 30 December 1998, which adjusts the national regional aid coverage ceilings for the period 2000 to 2006, the employment areas proposed in the regions of Abruzzi and Molise, with a proposed aid intensity of 20 % nge, are not subject to the 10 % nge ceiling.

The Commission would point out that, since the aid intensity for the areas proposed in the regions of Abruzzi and Molise is 20 % nge and since the aid intensity for the other areas proposed is 8 %, both figures have been adjusted 'to reflect the seriousness and intensity of the regional problems addressed when examined in a Community context' in accordance with point 4.8 of the guidelines. Accordingly, this aspect of the Italian proposal can be regarded as being compatible with the relevant provisions of the guidelines.

The Commission notes that the aid intensities proposed for small and medium-sized firms are consistent with point 4.9 of the guidelines, which allows the supplements provided for in the Community guidelines on State aid for SMEs (OJ C 213, 23.7.1996) to be granted, namely 10 percentage points gross in the case of regions qualifying for exemption under Article 87(3)(c). As regards this aspect, the Italian proposal can be regarded as being compatible with the relevant provisions of the guidelines.

Lastly, the Commission notes that the aid cumulation rules set out in point 4.18 of the guidelines have been complied with. As regards this aspect too, the Italian proposal can be regarded as being compatible with the relevant provisions of the guidelines.

4. Conclusion

In view of the foregoing observations the Commission calls on Italy under the procedure provided for in Article 88(2) of the Treaty to submit its comments and to provide any information that would be useful in assessing the part of the map concerning the Italian regions eligible for the derogation in Article 87(3)(c) of the Treaty within one month of the date of receipt of this letter.

THE LETTER

Con la presente la Commissione si prega informare l'Italia che, dopo avere esaminato le informazioni fornite dalle autorità in merito alla misura in oggetto, ha deciso di avviare il procedimento di cui all'articolo 88, paragrafo 2, del trattato CE per quanto riguarda alcuni aspetti della carta italiana degli aiuti di Stato a finalità regionale per il periodo 2000-2006 e di non sollevare obiezioni su altri aspetti della medesima dal momento che li ritiene compatibili con il trattato.

1. Procedimento

1. Con lettera SG(98) D/1672 del 24 febbraio 1998, la Commissione ha invitato le autorità italiane e notificarle, ai sensi dell'articolo 88, paragrafo 3, del trattato CE, e per il periodo 2000-2006, la metodologia relativa alla selezione delle regioni ammissibili agli aiuti di Stato in vigore a partire dal 1° gennaio 2000 nonché l'elenco delle regioni e le intensità di aiuto e dei massimali applicabili in caso di cumulo entro il 31 marzo 1999; la metodologia, nonché le intensità di aiuto e i massimali applicabili in caso di cumulo previsti, devono essere compatibili con le disposizioni degli orientamenti relativi agli aiuti a finalità regionale.

2. Con lettera SG(98) D/12386 del 30 dicembre 1998, la Commissione ha informato le autorità italiane che, in applicazione delle disposizioni stabilite dagli orientamenti di cui sopra, e segnatamente del metodo descritto al punto 3 e all'allegato III di tali orientamenti, nel rispetto del massimale globale del 42,7 % della popolazione comunitaria, il massimale nazionale di popolazione assistita in virtù delle deroghe ex articolo 87, paragrafo 3, lettere a) e c), che la Commissione ritiene compatibile con il mercato comune è, per il periodo 2000-2006, del 43,6 %. Nella stessa lettera la Commissione ha constatato che talune regioni del livello II della NUTS (Nomenclatura delle unità territoriali per la statistica) dell'Italia, corrispondenti al 33,6 % della popolazione, soddisfano i criteri di ammissibilità agli aiuti regionali ai sensi dell'articolo 87, paragrafo 3, lettera a), del trattato CE. Pertanto, la copertura degli aiuti a finalità regionale ai sensi dell'articolo 87, paragrafo 3, lettera c), del trattato CE non deve superare il 10 % della popolazione residente italiana.

3. In seguito ai solleciti del 14 giugno 1999 [SG(99) D/4259] e del 26 ottobre 1999 (01986), le autorità italiane hanno notificato alla Commissione, con la lettera n. 16497 del 16 dicembre 1999 della Rappresentanza permanente, registrata presso la Commissione in data 17 dicembre 1999, ai sensi dell'articolo 88, paragrafo 3, del trattato CE, il suddetto progetto di carta degli aiuti a finalità regionale. Il 20 gennaio 2000 la Commissione ha inviato alle autorità italiane una richiesta di informazioni complementari, informazioni che le sono pervenute con lettere del 31 gennaio, dell'11 febbraio e del 17 febbraio 2000. Il 14 gennaio e il 1° febbraio 2000 si sono svolte a Bruxelles due riunioni tra le autorità italiane e i servizi della Commissione.

2. Descrizione della misura

4. Il progetto di carta degli aiuti a finalità regionale notificato dalle autorità italiane riguarda il periodo compreso tra il 1° gennaio 2000 e il 31 dicembre 2006.

2.1. *Regioni proposte in base alla deroga prevista dall'articolo 87, paragrafo 3, lettera a), del trattato CE*

5. In base alla deroga prevista dall'articolo 87, paragrafo 3, lettera a), del trattato CE, le autorità italiane propongono le seguenti regioni del livello II della NUTS e i seguenti massimali di intensità degli aiuti (in equivalente sovvenzione netto-ESN):

— Calabria: 50 % ESN;

— Basilicata: 35 % ESN;

— Campania: 35 % ESN;

— Puglia: 35 % ESN;

— Sardegna: 35 % ESN;

— Sicilia: 35 % ESN;

6. Tutti i massimali d'intensità dei suddetti aiuti sono maggiorati di 15 punti percentuali al lordo per le piccole e medie imprese (GU L 107 del 30.4.1996).

7. I suddetti massimali di intensità costituiscono contemporaneamente dei massimali di cumulo applicabili al totale dell'aiuto in caso d'intervento concomitante di diversi regimi a finalità regionale, che esso provenga da fonti locali, regionali, nazionali o comunitarie.

2.2. *Regioni proposte in base alla deroga prevista dall'articolo 87, paragrafo 3, lettera c), del trattato CE*

8. Tra le aree proposte dall'Italia in base alla deroga prevista dall'articolo 87, paragrafo 3, lettera c), del trattato CE, alcune sono state presentate nell'ambito di una metodologia (punto 3.10.3 degli orientamenti), altre sono state presentate tenuto conto del loro status di area ammissibile all'obiettivo 2 dei fondi strutturali (nell'ambito del punto 3.10.5), altre ancora sono state presentate tenuto conto del loro status di area ammissibile all'obiettivo 1 (phasing out) dei fondi strutturali (sempre nell'ambito del punto 3.10.5).

9. Per quanto riguarda le prime aree, le autorità italiane hanno proposto una metodologia, un'unità statistica e indicatori quantitativi per l'individuazione delle aree ammissibili.

10. L'unità statistica considerata è il sistema locale del lavoro (SLL). Il metodo utilizzato per l'individuazione di tali sistemi locali del lavoro mira a effettuare una suddivisione del territorio italiano che prende in massima considerazione il flusso domicilio-lavoro all'interno di una unità geografica e si basa sui risultati del censimento del 1991. Il territorio italiano è stato suddiviso in 784 SLL.

11. Gli indicatori sono i seguenti:

— tasso medio di disoccupazione per il periodo 1994-1996;

— un indicatore composito che individua le zone industriali disagiate (media aritmetica del tasso di disoccupazione, calcolato come media del tasso di disoccupazione per il periodo 1994-1996 e della quota di occupati nell'industria sul totale degli occupati nel 1996);

— variazione del numero di occupati nel settore agricolo per il periodo 1991-1996.

12. Sulla base degli indicatori applicati ai SLL secondo il metodo previsto dagli orientamenti, le autorità italiane individuano 52 SLL.

13. Per quanto riguarda le zone proposte in virtù del loro status di area ammissibile all'obiettivo 2 dei fondi strutturali, le autorità italiane propongono parti dei SLL delle regioni Piemonte, Liguria, Friuli, Veneto, Emilia-Romagna, Toscana, Marche, Umbria, Abruzzo e Lazio.

14. Per quanto riguarda le zone proposte in virtù del loro status di area ammissibile all'obiettivo 1 (phasing out) dei fondi strutturali, le autorità italiane propongono alcune parti di SLL nella regione Molise.

15. I massimali d'intensità proposti sono i seguenti:

— 8 % ESN per tutti i SLL ad eccezione del

— 20 % ESN per le zone proposte nelle regioni Abruzzo e Molise.

16. Tutti i massimali d'intensità dei suddetti aiuti sono maggiorati di 10 punti percentuali al lordo per le piccole imprese e di 6 punti per le medie imprese (GU L 107 del 30.4.1996), ad eccezione delle zone dell'Abruzzo e del Molise per le quali si propone una maggiorazione di 10 punti percentuali al lordo anche per le medie imprese.

17. I massimali d'intensità costituiscono contemporaneamente massimali di cumulo applicabili al totale dell'aiuto in caso di intervento concomitante di diversi regimi a finalità regionale, che esso provenga da fonti locali, regionali, nazionali o comunitarie.

3. Valutazione della misura

18. Dal momento che si tratta di una misura non ancora in vigore, la Commissione constata che le autorità italiane hanno soddisfatto i loro obblighi di notifica, conformemente all'articolo 88, paragrafo 3, del trattato CE. Pertanto, la Commissione ha esaminato la notifica italiana ai sensi dell'articolo 87, paragrafo 3, lettera a) e c), del trattato CE sulla base degli orientamenti relativi agli aiuti di Stato a finalità regionale (GU C 74 del 10.3.1998), e segnatamente alla luce delle disposizioni del punto 5.2 di tali orientamenti, il quale stabilisce che il progetto di carta deve essere elaborato in base ai criteri illustrati ai punti 3.5, 3.10, 4.8 e 4.9.

19. In tale ambito, la Commissione constata che la proposta italiana di carta, che riguarda il 43,6 % della popolazione nazionale, è conforme alla decisione della Commissione sui massimali nazionali di popolazione ammissibile all'aiuto in virtù delle deroghe dell'articolo 87, paragrafo 3, lettera a) e c), del trattato CE per il periodo 2000-2006 (GU C 16 del 21.1.1999).

Per quanto riguarda tale aspetto, la proposta italiana può essere considerata compatibile con le disposizioni in materia degli orientamenti.

3.1. Regioni proposte in base alla deroga prevista dall'articolo 87, paragrafo 3, lettera a), del trattato CE

20. Per quanto riguarda le regioni proposte in base alla deroga prevista all'articolo 87, paragrafo 3, lettera a), del trattato CE, la Commissione constata che tali regioni corrispondono esattamente a quelle individuate come regioni di livello II della NUTS in quanto conformi ai criteri di ammissibilità a tale deroga [lettera SG(98) D/12398 del 30 dicembre 1998, relativa alla revisione dei massimali nazionali di copertura degli aiuti regionali per il periodo 2000-2006], secondo la definizione del punto 3.5 degli orientamenti relativi agli aiuti di Stato a finalità regionale (GU C 74 del 10.3.1998). Per quanto riguarda tale aspetto, la proposta italiana può pertanto essere considerata compatibile con le disposizioni in materia degli orientamenti.

21. Per quanto riguarda il massimale di popolazione, la Commissione constata che la proposta italiana di carta in base alla deroga prevista all'articolo 87, paragrafo 3, lettera a), che riguarda il 33,6 % della popolazione nazionale, è conforme al punto 3.10 degli orientamenti e alla lettera della Commissione del 30 dicembre 1998 [SG(98) D/12386]. Sotto questo aspetto, la proposta italiana può essere considerata compatibile con le disposizioni in materia degli orientamenti.

22. Per quanto riguarda i massimali d'intensità degli aiuti proposti per ciascuna delle regioni di cui sopra, la Commissione fa presente che, conformemente alle disposizioni del punto 4.8 degli orientamenti, «l'intensità dell'aiuto regionale non deve superare il tasso del 50 % ESN, ad eccezione delle regioni ultraperiferiche in cui può raggiungere il 65 % ESN», senza tuttavia superare il 40 % ESN nelle regioni in cui il PIL per abitante in SPA è superiore al 60 % della media comunitaria (ad eccezione anche delle regioni ultraperiferiche in cui può raggiungere il 50 % ESN). Tenuto conto del fatto che la regione Calabria è, tra le regioni ammissibili alla deroga prevista dall'articolo 87, paragrafo 3, lettera a), del trattato CE, l'unica regione italiana il cui PIL per abitante in SPA è inferiore al 60 % della media comunitaria, tale aspetto della proposta italiana può essere considerato compatibile con le disposizioni in materia degli orientamenti.

23. In tale contesto, la Commissione fa anche presente che, in conformità con lo stesso punto 4.8 degli orientamenti, le intensità d'aiuto proposte dovrebbero essere modulate «secondo la gravità e l'intensità dei problemi regionali in questione esaminati in un contesto comunitario». Il progetto di carta italiana degli aiuti a finalità regionale comporta una modulazione delle intensità di aiuto all'interno della zona proposta in base alla deroga prevista dall'articolo 87, paragrafo 3, lettera a), del trattato CE al fine di garantire un'intensità d'aiuto superiore a una regione, la Calabria, caratterizzata da una grave situazione socioeconomica e da una grave sottoccupazione: il suo PIL per abitante in SPA si eleva al 59,1 % della media comunitaria e il tasso di disoccupazione al 228,6 % della media comunitaria. Le regioni di livello II della NUTS, la Basilicata, la Campania, la Sardegna, la Sicilia e la Puglia, hanno un PIL per abitante relativamente comparabile (tra il 66,3 % e il 74,0 % della media comunitaria); le regioni Puglia e Sardegna, pur avendo un PIL

per abitante leggermente superiore a quello delle altre regioni (71,2 % della media comunitaria per la regione Puglia e 74,0 % della media comunitaria per la regione Sardegna), sono caratterizzate da due aspetti critici. L'aspetto critico della regione Puglia è legato agli avvenimenti d'instabilità politica e sociale dei Balcani che hanno determinato una situazione allarmante dovuta alla pericolosa esposizione geografica della regione. L'aspetto critico della regione Sardegna è legato ai disagi strutturali dovuti all'approvvigionamento limitato delle risorse idriche ed energetiche e al numero limitato delle terre utilizzabili. Inoltre è opportuno ricordare la considerevole riduzione dell'intensità d'aiuto di tali regioni rispetto a quella di cui hanno beneficiato fino al 31 dicembre 1999. Tenuto conto di quanto precede, questo aspetto della proposta italiana può essere considerato compatibile con le disposizioni in materia degli orientamenti.

24. La Commissione constata che le intensità di aiuto proposte per le piccole e medie imprese sono conformi al punto 4.9 degli orientamenti, che prevede la possibilità di concedere le maggiorazioni previste dal quadro normativo comunitario degli aiuti di Stato alle PMI (GU C 213 del 23.7.1996), cioè 15 punti percentuali al lordo nel caso delle regioni ammissibili alla deroga prevista dall'articolo 87, paragrafo 3, lettera a), del trattato CE. Sotto tale aspetto la proposta italiana può essere considerata compatibile con le disposizioni in materia degli orientamenti.

25. La Commissione constata inoltre che le regole di cumulo fissate al punto 4.18 degli orientamenti sono rispettate. Anche sotto tale aspetto la proposta italiana può essere considerata compatibile con le disposizioni in materia degli orientamenti.

3.2. *Regioni proposte in base alla deroga prevista dall'articolo 87, paragrafo 3, lettera c), del trattato CE*

26. Per quanto riguarda il massimale di popolazione, la Commissione constata che la proposta italiana di carta in base alla deroga prevista all'articolo 87, paragrafo 3, lettera c), che riguarda il 10 % della popolazione nazionale, è conforme al punto 3.10 degli orientamenti e alla lettera della Commissione del 30 dicembre 1998 [SG(98) D/12386]. Sotto tale aspetto la proposta italiana può essere considerata compatibile con le disposizioni in materia degli orientamenti.

27. Conformemente al punto 3.10 degli orientamenti relativi agli aiuti di Stato a finalità regionale (GU C 74 del 10.3.1998), la Commissione osserva che le autorità italiane hanno notificato una metodologia, una unità statistica ed indicatori quantitativi al fine di determinare le regioni proposte in base alla deroga prevista all'articolo 87, paragrafo 3, lettera c), del trattato CE.

28. Per quanto riguarda gli indicatori, la Commissione constata che soddisfano le condizioni poste al punto 3.10.2 degli orientamenti in quanto:

- gli indicatori, semplici o composti, sono limitati a tre;
- sono obiettivi e pertinenti per l'esame della situazione socioeconomica delle regioni;

- si basano su serie statistiche che si riferiscono agli ultimi tre anni disponibili o derivano dall'ultimo sondaggio effettuato;

- sono creati da fonti statistiche affidabili.

29. Per quanto riguarda la conformità delle regioni proposte con le condizioni definite dagli orientamenti, è opportuno ricordare che il punto 3.10.3 di questi ultimi prevede che:

- a) «le regioni corrispondano al livello III della NUTS o, in circostanze debitamente giustificate, a una unità geografica omogenea differente; ogni singolo Stato membro può presentare un solo tipo di unità geografica».

Le autorità italiane propongono un'impostazione basata sui sistemi locali del lavoro. Il metodo utilizzato per la determinazione di tali SLL mira a effettuare una suddivisione del territorio italiano che prende in massima considerazione il flusso domicilio-lavoro all'interno di una unità geografica e si basa sui risultati del censimento del 1991. Il territorio italiano è stato suddiviso in 784 SLL. Si tratta di zone rilevanti dal punto di vista economico, caratterizzate dal fatto di far parte di un solo mercato del lavoro locale o di garantire una forte correlazione tra domicilio e luogo di lavoro. I SLL rappresentano zone economicamente e socialmente omogenee. Vengono utilizzati dal 1987 come unità di riferimento nelle politiche nazionali in materia di programmazione e sviluppo economico, di occupazione e di autonomie locali. Il SLL risponde all'intento della Commissione di evitare che il massimale di popolazione venga utilizzato per selezionare esclusivamente zone a densità di imprese senza tenere conto della popolazione che partecipa alla produzione e beneficia della creazione di ricchezza.

Il SLL, garantendo una correlazione fra il luogo di residenza e il luogo di lavoro, garantisce il rispetto dello spirito del trattato, che ammette deroghe al divieto di principio degli aiuti alle imprese, sancito dall'articolo 87, allo scopo di favorire lo sviluppo di talune regioni economiche.

- b) «Le singole regioni proposte o i gruppi di regioni contigue devono formare zone compatte che comprendano almeno 100 000 abitanti ciascuna».

Tutte le zone proposte dall'Italia sono conformi al punto 3.10.3, terzo trattino, degli orientamenti.

- c) «Le regioni proposte devono presentare disparità significative (la metà dello scarto quadratico medio) rispetto alla media delle regioni dello Stato membro che rientrano potenzialmente nell'ambito di applicazione dell'articolo 87, paragrafo 3, lettera c), in base all'uno o all'altro indicatore utilizzato nel metodo».

Tutte le zone proposte dall'Italia sono conformi al punto 3.10.3, terzo trattino, degli orientamenti.

30. Per quanto riguarda le aree proposte ai sensi del punto 3.10.5 degli orientamenti, che istituisce l'ammissibilità ai fondi strutturali quale criterio di ammissibilità alla carta degli aiuti regionali, la Commissione constata in questa fase che esse non hanno ancora lo status di aree ammissibili all'obiettivo 2 dei fondi strutturali, considerata l'assenza, per il momento, di approvazione della carta fondi strutturali. Pertanto, la proposta di

tali zone alla deroga ex articolo 87, paragrafo 3, lettera c), del trattato CE in base al punto 3.10.5 degli orientamenti induce la Commissione a dubitare della compatibilità della misura italiana notificata con il trattato. A tale proposito, la Commissione precisa che l'ammissibilità all'obiettivo 2 non implica che tutte le aree considerate siano anche ammissibili alla deroga ai sensi dell'articolo 87, paragrafo 3, lettera c), del trattato CE. Tali aree saranno inserite nella carta degli aiuti regionali solo nel caso in cui soddisfino le condizioni generali previste dagli orientamenti relativi agli aiuti a finalità regionale e soprattutto se rispettano le condizioni minime relative alla popolazione e le condizioni di compattezza.

31. Per quanto riguarda le aree proposte in base al loro status di area ammissibile all'obiettivo 1 (phasing out) dei fondi strutturali e, conformemente al punto 3.10.5 degli orientamenti, è opportuno notare quanto segue:

- la Commissione prende nota del fatto che tutte queste aree sono incluse nella regione del livello II della NUTS in phasing out dell'obiettivo 1 per il periodo 2000-2006 dei fondi strutturali;
- conformemente al punto 3.10.3, secondo trattino, degli orientamenti relativi agli aiuti a finalità regionale, «le singole regioni proposte o i gruppi di regioni contigue» formano zone «con almeno 100 000 abitanti ciascuna»;
- conformemente al punto 3.10.3, secondo trattino, degli orientamenti relativi agli aiuti a finalità regionale, «le singole regioni proposte o i gruppi di regioni contigue» formano «zone compatte». Infatti le parti di SLL della regione Molise presentano una correlazione tra luogo di residenza e luogo di lavoro. Tali parti di SLL rispondono quindi all'intento della Commissione di evitare che il massimale di popolazione venga utilizzato per selezionare esclusivamente zone a densità di imprese senza tenere conto della popolazione che partecipa alla produzione e beneficia della creazione di ricchezza.

32. Per quanto riguarda i massimali d'intensità degli aiuti per le aree proposte dalle autorità italiane, la Commissione ricorda che, conformemente alle disposizioni del punto 4.8 degli orientamenti e ad eccezione segnatamente delle regioni ultraperiferiche o a debole densità demografica, «il massimale degli aiuti a finalità regionale non deve superare il 20 % ESN in linea generale» né il 10 % ESN nelle regioni ammissibili all'articolo 87, paragrafo 3, lettera c), «che hanno al tempo stesso un PIL per abitante in SPA superiore e un tasso di disoccupazione inferiore alla rispettiva media comunitaria». Come comunicato alle autorità italiane con lettera SG(98) D/12398 del 30 dicembre 1998 relativa alla revisione dei massimali nazionali di copertura degli aiuti regionali per il periodo 2000-2006, i SLL proposti nelle regioni Abruzzo e Molise, per i quali è proposta un'intensità di aiuto del 20 % ESN, non sono soggetti a detto massimale del 10 % ESN.

33. La Commissione osserva che, tenuto conto del fatto che le intensità di aiuto delle aree proposte nelle regioni Abruzzo e Molise sono del 20 % ESN, del fatto che tali due regioni nella fase precedente di programmazione erano zone obiettivo 1 dei fondi strutturali, e che le intensità delle altre zone proposte si elevano all'8 %, le suddette intensità sono modulate «in funzione della gravità e dell'entità dei problemi regionali relativi, valutati in un contesto comunitario», conformemente al punto 4.8 degli orientamenti. Tenuto conto di quanto precede, tale aspetto della proposta italiana può essere considerato compatibile con le disposizioni in materia degli orientamenti.

34. La Commissione constata che le intensità di aiuto proposte per le piccole e medie imprese sono conformi al punto 4.9 degli orientamenti, che prevede la possibilità di concedere i supplementi previsti dalla disciplina comunitaria degli aiuti di Stato alle PMI (GU C 213 del 23.7.1996), cioè 10 punti percentuali al lordo nel caso delle regioni ammissibili alla deroga prevista dall'articolo 87, paragrafo 3, lettera c), del trattato CE. Sotto tale aspetto la proposta italiana può essere considerata compatibile con le disposizioni in materia degli orientamenti.

35. La Commissione constata, infine, che le regole di cumulo fissate dal punto 4.18 degli orientamenti sono rispettate. Anche sotto tale aspetto la proposta italiana può essere considerata compatibile con le disposizioni in materia degli orientamenti.

4. Conclusione

36. Tenuto conto di quanto precede, la Commissione ha deciso, nell'ambito dall'articolo 87 del trattato CE di non sollevare obiezioni rispetto alla parte della carta che riguarda le regioni italiane ammissibili alla deroga prevista dall'articolo 87, paragrafo 3, lettera a), del trattato CE che considera compatibile con il trattato CE.

37. Invece le informazioni di cui dispone non consentono alla Commissione di giudicare, allo stato attuale, la parte della carta che riguarda le regioni italiane ammissibili alla deroga prevista dall'articolo 87, paragrafo 3, lettera c), del trattato CE compatibile con il trattato CE.

38. Tenuto conto di quanto precede, la Commissione invita l'Italia a presentare, nell'ambito del procedimento di cui all'articolo 88, paragrafo 2, del trattato CE, le sue osservazioni e a fornire ogni informazione utile in base alla valutazione della parte della misura interessata entro un mese dalla data di ricezione della presente.

39. La Commissione fa presente all'Italia che l'articolo 88, paragrafo 3, ha effetto sospensivo e che l'articolo 14 del regolamento (CE) n. 659/1999 del Consiglio prevede che ogni aiuto concesso illegalmente può formare oggetto di recupero presso il beneficiario.

ALLEGATO A

ELENCO DEI SLL PROPOSTI INTEGRALMENTE

CODSLL	SLL		
001	AVIGLIANA	065	CHIAVARI
005	CIRIÉ	069	SESTRI LEVANTE
006	IVREA	010	VILLAR PEROSA
007	PINEROLO	090	DESIO
008	RIVAROLO CANAVESE	072	GALLARATE
071	BUSTO ARSIZIO	214	ESTE
324	CARRARA	216	MONTAGNANA
325	MASSA	313	ASCOLI PICENO
328	CASTELNUOVO DI GARFAGNANA	314	COMUNANZA
343	PIOMBINO	320	OFFIDA
373	ROCCASTRADA	327	BARGA
404	VELLETRI	339	PRATO
406	CASTELFORTE	348	POMARANCA
2407	CORI	405	APRILIA
410	LATINA	489	CASTILENTI
411	PRIVERNO	490	GIULIANOVA
415	FROSINONE	492	TERAMO
416	SORA	493	MANOPPELLO
488	ATRI	494	PENNE
491	ISOLA DEL GRAN SASSO D'ITALIA	497	CASOLI
496	POPOLI	500	GUARDIAGRELE
498	CHIETI	504	VASTO
510	TERMOLI	295	FABRIANO
776	FROSOLONE	299	SASSOFERRATO
777	ISERNIA	177	CASTAGNARO
778	VENAFRO	501	LANCIANO

ALLEGATO B

ELENCO DEGLI SLL PROPOSTI PARZIALMENTE

SLL	LABEL		
230	Gorizia	384	Spoletto
231	Monfalcone	378	Foligno
232	Trieste	379	Gualdo Tadino
		389	Terni
223	Trecenta		
209	Cavarzere	302	Camerino
212	Venezia		
218	Adria	503	Perano
219	Badia Polesine	505	Villa Santa Maria
180	Legnago		
221	Porto Tolle	413	Cassino
		070	La Spezia
265	Comacchio		
266	Copparo	009	Torino
267	Ferrara		
270	Ravenna	775	Agnone
		506	Campobasso
		507	Casacalenda
323	Aulla	483	Castel di Sangro
334	San Marcello Pistoiese	509	Santa Croce di Magliano
368	Follonica	511	Trivento'

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty

Cases where the Commission raises no objections

(2000/C 175/06)

Date of adoption of the decision: 24.5.2000

Member State: Belgium (Wallonia)

Aid No: N 83/2000

Title: Supplemantary aid to assist firms affected by the dioxin crisis

Objective: To assist firms affected by the dioxin crisis

Legal basis:

Projet de décret relatif à l'octroi d'une garantie de la Région à certaines entreprises touchées par la crise de la dioxine

Ontwerp-decreet inzake de verstrekking van een garantie van de regionale overheid aan sommige ondernemingen die door de dioxinecrisis zijn getroffen

Aid intensity or amount: Variable (maximum 100 % where the aid is combined)

Duration: Maximum 5 years

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://europa.eu.int/comm/sg/sgb/state_aids

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://europa.eu.int/comm/sg/sgb/state_aids

Date of adoption of the decision: 3.5.2000

Member State: Italy (Provincia autonoma di Trento)

Aid No: N 733/99

Title: Recovery and upkeep of abandoned farmland and grassland

Objective: Prevention of fires and avalanches and improvement of the landscape

Legal basis: Legge provinciale 23 agosto 1996, n. 6

Budget: Yearly allocation of around ITL 700 000 000 ITL (EUR 361 519,829)

Duration: Indefinite

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://europa.eu.int/comm/sg/sgb/state_aids

Date of adoption of the decision: 24.5.2000

Member State: Italy (Sardinia)

Aid No: N 67/2000

Title: Holdings affected by heavy rain in November 1999

Objective: To compensate holdings damaged by the exceptionally violent rains which hit Sardinia in November 1999

Legal basis: Legge Regionale 11 marzo 1998, n. 8

Budget: ITL 130 million (approximately EUR 67 139)

Aid intensity or amount: Variable

Duration: One-off aid

Date of adoption of the decision: 3.5.2000

Member State: Netherlands

Aid No: N 247/99

Title: Environmental investment deduction

Objective: Investments in certain enumerated environmental-friendly assets will benefit from a special tax deduction to compensate for the additional costs in order to stimulate such investments

Legal basis: Wet op de inkomstenbelasting 1964

Budget: 1999: NLG 27 million

Aid intensity or amount: The environmental tax deduction amounts to 30 % for the assets in category I of the Environmental List and to 15 % for the assets in category II of the Environmental List. These percentages are gross amounts. The benefit for the companies depends on the tax burden and the profitability and is estimated to be between 5 % and 15 %

Duration: Indefinite. The Annex to the measure, the 'Environmental List' (Milieulijst), containing the assets qualifying for the tax deduction will be reviewed from time to time to take into account the status of technology as well as developments in environmental policy

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://europa.eu.int/comm/sg/sgb/state_aids

Date of adoption of the decision: 3.5.2000

Member State: Italy

Aid No: N 157/99

Title: SADAM-ISZ (RIBS) project

Objective: To relaunch the sugar industry in Sardinia

Legal basis: Delibera CIPE del 5 maggio 1998

Budget: ITL 34 billion (EUR 17,6 million)

Aid intensity or amount: 27,2 % of the total eligible cost

Duration: One-off

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

http://europa.eu.int/comm/sg/sgb/state_aids

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty

Cases where the Commission raises no objections

(2000/C 175/07)

(Text with EEA relevance)

Date of adoption of the decision: 22.12.1999

Member State: Italy

Aid No: N 432/99

Title: Itainvest — Restructuring of Rambaudi Industriale SpA

Objective: To restructure the company and to provide fresh capital to the company

Budget: Non-notified: ITL 25,664 million (EUR 13 million)

Notified: ITL 3,586 million (EUR 1,8 million)

The authentic text(s) of the decision; from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/sg/sgb/state_aids

Prior notification of a concentration
(Case COMP/M.2027 — Deutsche Bank/SAP/JV)

(2000/C 175/08)

(Text with EEA relevance)

1. On 9 June 2000 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertakings Deutsche Bank AG (DB) and SAP AG (SAP) acquire, within the meaning of Article 3(1)(b) of the Regulation, joint control of the undertaking emaro AG & Co., KG (emaro) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- DB: banking financial and other services, promotion of international economic exchange,
- SAP: development, trade and maintenance of software and related services,
- emaro: electronic market place (business-to-business) for office equipment.

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 COMP/M.2027 — Deutsche Bank/SAP/JV, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
Rue Joseph II/Jozef II-sstraat 70,
B-1000 Brussels.

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

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

Prior notification of a concentration**(Case COMP/M.1949 — Western Power Distribution/Hyder)**

(2000/C 175/09)

(Text with EEA relevance)

1. On 13 June 2000, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking WPD Limited (United Kingdom), controlled by the Southern Company (United States of America) acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of Hyder (United Kingdom) by way of public bid announces on 31 May 2000.

2. The business activities of the undertakings concerned are:

- WPD Limited: acquisition vehicle for purpose of proposed concentration,
- The Southern Company: a United States of America utility holding company with control of South Western Electricity plc,
- Hyder: the provision of water and sewerage services and the distribution of electricity in Wales.

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 COMP/M.1949 — Western Power Distribution/Hyder, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
Rue Joseph II/Jozef II-straat 70,
B-1000 Brussels.

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

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

III

(Notices)

COMMISSION

LIST OF SUITABLE CANDIDATES

OPEN COMPETITION COM/A/11/98

ASSISTANT ADMINISTRATORS (A 8)

European public administration

(2000/C 175/10)

ADAMO Chiara Giulia	MAIORCA Gionata
ARDITO Nicola	MANCIEL Carole
AURICCHIO Valentina	MASCAGNA Silvio
BAUS GIBERT Olga	MATARAN SERRANO Pedro Carlos
BERENDS Gijis	MESTER Jens
BEYNET Odile	MIGLIORINI Paola
BIROCCHI Federico	MONNOT Nadege
BOURG Gregory	MONTEIRO Jorge
BREWKA Miriam Dorothee	MOSER Stefan
BROWN Jennifer	MOUSNIER Julien
BURGSMEUELLER Christian	NARANJO SANCHEZ Carmen Rosa
BURHIN Marie-Helene	NARDI Serafino
CALVO UYARRA Belen	NELEN Sara
CAMPO MOZO Maria de las Mercedes	PACI Stefano
CARRERAS Ricardo	PASQUETTI Stefania
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CORRADO Laura	PELLEGRINI Mattia
DEGIAMPIETRO Elisabetta	PINE Ralph
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GOMIRATO Matteo	SEVERI Silvia
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JONES Allan	SPEIGHT Paul
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KAMARIS Filippas	TOD Philip
KLEINER Thibaut	VALERO Celine
LABAT Maud	VERHOEVEN Saskia
LAGARRIGUE Marie	VILLALBA DE MIGUEL Diego
LAMBERT Caroline	VOLPATO Alberto
MACE Andrew	WAKENHUT François
MAES Raymond	WEINS Ulrich
MAILLET Aurore	WELIN Stefan

LIST OF SUITABLE CANDIDATES**OPEN COMPETITION COM/A/11/98**

ASSISTANT ADMINISTRATORS (A 8)

Law

(2000/C 175/11)

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ANDRIES Alain
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BROWN Colin
BURATTO Roberto
CAÑOTO ARGÜELLES Juan Carlos
CLARK John
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DITTERT Daniel
EBERL Peter
ESPOSITO Antonio
FLIEGE Katrin
GIORELLO Marco
GRANATA Evelyne
GRESPLAN Davide
JOHNSON Søren
KETTANI Maurice Karim
KORODIMA Efthymia

LECESNE Laetitia
MEADOWS Damien
MESSAOUDI Lies
MULLER-SCHLEIDEN Bertrand
PARDO QUINTILLAN Sara
PETRI Carl Gösta
PORTERO SÁNCHEZ Luis Manuel
REYNERS FONTANA Carlota
ROEBLING Georg
SCHAUER Martin
TEMMLER Jaana
TEPE Gudrun
THANASOULIA Paraskevi
TOFFOLON Carlo Alberto
TOMBOY Christine
VICTORSSON Maria
VITRO Alessandro
ZANETTIN Bruno

LIST OF SUITABLE CANDIDATES**OPEN COMPETITION COM/A/12/98**

ADMINISTRATORS (A 7/A 6)

European public administration

(2000/C 175/12)

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ATLAN Lionel	MALMROS Christina
BAILLY Olivier	MANFREDI Veronica
BERTOLISSI Paola	MARTINELLI Stefano
BLANK KLAUS Guenter Georg	MARTINEZ ARRIOLA Belen Niceas
BOLLEN Frank	MARTRA Manuel Bruna Mariagrazia
BONET COMPANY Jesús	MASON Richard
BONVISSUTO Barbara	METAYER Fabienne
BRAETTEMARK Maria Doris	MEUNIER Christian
BURGE Nicholas	MONDORF Tim
CAREMIER Benedicte	MORIN Nicolas
CARVALHO FONSECA Fernando Joaquim	NICOLLE Nathalie
CIPOLLONE Antonina	NIHOUL Gaetane
COLICHE Aude	ØRNSTEDT Bettina
COMBEAUD Sebastien	PECCHI Gianluca
COVASSI Beatrice	PÉREZ GUEVARA María de la Soledad
CRiado ALONSO Fernando	PETZOLD Wolfgang
CULLEN David	PIELKE Michael
DE KEERSMAECKER Stefan	RAFFAELLI Fulvia
DE WINTER Ludwig	RAGHER Luisa
DEMOL Jean Albert	RAMOS FLORIDO José María
DOMENICHELLI Luisa	RAWERT Karl
DURAND Fabien	RENARD Catherine
FAHY Nicholas	RODRÍGUEZ PÉREZ Ana María
FERRAN Myriam	ROMETSCH Dietrich Bernhard
FLONNEAU Anne	ROUDIE François
FUMERO Sebastiano	ROUSE Harvey
GATTI Laura	SALVADOR GARCÍA Beatriz
GIORDANI Alessandro	SEIBOLD Robert
GONZÁLEZ PANTALEÓN María del Pilar	SINGH Aneil
GOODCHILD Robert	SIRACUSA Giorgio
GORKOS Johannes	SOLE MENA Anna
GUERRIER Julien	TAIT Donald
GUERSENT Olivier	TEUTSCH Michael
HAUB Thomas	TRETTON Walter
HOLLMANN Susanne	TUININGA Madeleine
JANSSENS Anoushka	TZIORKAS Nikolaos
JUERGES Aline	VALLAEYS Marc
KAUTZ Christoph	VALOR ARCE Cesar Luis
KESTELLOOT Claudine	VANRAEMDONCK Fabienne
KUHNEN Louis	VERON-REVILLE Claude
LENORMAND Patrice	VIEIRA SOUSA Maria Leonor
LEVIE Damien	VIERTIÖ Katja
LICCIARDELLO Alberto	VOLMAN Yves
LOCATELLI Claudia	VON BUSCH Andreas
LÓPEZ SÁNCHEZ Ramón Alejo	WENDT Catherine
LOQUENZ Brigitta	WOEBKING Konstantin
MÄKELÄ Yrjö	

LIST OF SUITABLE CANDIDATES**OPEN COMPETITION COM/A/12/98**

ADMINISTRATORS (A 7/A 6)

Law

(2000/C 175/13)

BEHRNDT Nils
BERGER Nathalie
BEUZELIN Agnes
BURKE John Paul
CARPI BADIA José María
CASERTANO Fabio
CHRIST Flavien
COULON Emmanuel
DE BROCA Hubert
DE SMIJTER Eddy
FABRE Isabelle
FERNANDEZ ESTEBAN María Luisa
FLYNN Leo
FORT Anne
FOUNTOUKAKOS-KYRIAKAKOS Kyriakos
FRIES Sybilla
GÓMEZ MARTÍNEZ Jesus
HAIBACH Georg
HEBERLEIN Horst

HERTZ Ketilbjoern
IGLESIAS ROA Manuel
JURGENSEN Thomas
KALLIO Jari
KJELLGREN Bengt Anders
KOENIG Michael
KOUSIS Panagiotis
LANDERBURGER CLEMENTS Anton
LLOPIS CARRASCO Ricardo-Miguel
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INVITATION TO APPLY FOR LICENCES FOR THIRD GENERATION MOBILE COMMUNICATIONS SYSTEM

(2000/C 175/14)

The Norwegian Ministry of Transport and Communications hereby announces its intention to allocate a maximum of four licences for the establishment and operation of a third generation mobile system in Norway. Applications for licences for the establishment and operation of 3G must fulfil certain minimum requirements. Commitment to offer coverage and roll-out beyond the minimum requirements will be considered of particular importance in the evaluation of the applications.

The deadline for submitting applications is 14 August 2000 at 2 p.m. local time.

Further details concerning what is required of the applicants, the content of applications and the process of evaluation of the applications are set out in the document 'Invitation to tender for licences for the development and operation of a third generation mobile telecommunications system in Norway'. This document is available in Norwegian and English on the Norwegian Post and Telecommunications Authority's website: <http://www.npt.no/>. The text can also be ordered from the Ministry of Transport and Communications by fax (47-22) 24 56 09 (please quote the reference 'application for 3G'), or by telephone: (47-22) 24 83 53.
