

English edition

Information and Notices

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Commission

2001/C 202/12

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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**17 July 2001**

(2001/C 202/01)

1 euro	=	7,4444	Danish krone
	=	9,2152	Swedish krona
	=	0,6088	Pound sterling
	=	0,8516	United States dollar
	=	1,3083	Canadian dollar
	=	106,65	Japanese yen
	=	1,5121	Swiss franc
	=	7,9805	Norwegian krone
	=	87,64	Icelandic króna ⁽²⁾
	=	1,6811	Australian dollar
	=	2,0996	New Zealand dollar
	=	7,0263	South African rand ⁽²⁾

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

⁽²⁾ Source: Commission.

Information procedure — Technical rules

(2001/C 202/02)

(Text with EEA relevance)

Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules on Information Society services (OJ L 204, 21.7.1998, p. 37; OJ L 217, 5.8.1998, p. 18).

Notifications of draft national technical rules received by the Commission

Reference	Title	End of three-month standstill period
2001/274/DK	Danish radio interface No. 00 046 Radio installations for maritime position fixing (non-SOLAS)	21.9.2001
2001/275/DK	Danish radio interface No. 00 047 Private land mobile digital UHF radio TETRA	21.9.2001
2001/276/I	Regulation of the provisions established by Article 21(1) of Act No 388 of 23 December 2000: (Finance Act 2001) on the exemption of biodiesel from excise duty, to a maximum amount of 300 000 tonnes annually, within the context of a three-year scheme beginning on 1 July 2001	(⁴)
2001/277/S	Provisions for civil aviation, operational provisions BCL-D 6.1 Supplementary provisions to JAR-OPS 1 Commercial air transport (aircraft)	24.9.2001
2001/278/D	Second Act amending the Act on medical devices (German designation: 2. MPG-ÄndG)	24.9.2001
2001/279/NL	The Regulation on weapons and ammunition	27.9.2001
2001/280/E	Draft Decree of . . . laying down the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels laid down in Article 13 of Act No 11/1997 of 24 April 1997 on packaging and packaging waste	31.8.2001
2001/282/FIN	Government bill to the Parliament as a Law on the approval of building products	28.9.2001
2001/283/S	Medical Products Agency's administrative provisions on a temporary sales licence for products containing glucosamine	28.9.2001
2001/284/NL	Regulation of . . . containing rules indicating mopeds or motorcycles with a view to exempting the drivers and passengers thereof from the duty to wear a helmet and amending the Regulation on tasks of the Road Traffic Department (Regulation on indicating mopeds or motorcycles with a view to exempting the drivers and passengers thereof from the duty to wear a helmet)	1.10.2001
2001/285/NL	Draft amendment to the Commodities Act Regulation on the exemption from cooled storage in canteens and restaurants	3.10.2001

(¹) Year — registration number — Member State of origin.

(²) Period during which the draft may not be adopted.

(³) No standstill period since the Commission accepts the grounds of urgent adoption invoked by the notifying Member State.

(⁴) No standstill period since the measure concerns technical specifications or other requirements linked to fiscal or financial measures, pursuant to the third indent of the second paragraph of Article 1(11) of Directive 98/34/EC.

(⁵) Information procedure closed.

The Commission draws attention to the judgment given on 30 April 1996 in the 'CIA Security' case (C-194/94 — ECR I, p. 2201), in which the Court of Justice ruled that Articles 8 and 9 of Directive 98/34/EC (formerly 83/189/EEC) are to be interpreted as meaning that individuals may rely on them before the national court which must decline to apply a national technical regulation which has not been notified in accordance with the Directive.

This judgment confirms the Commission's Communication of 1 October 1986 (OJ C 245, 1.10.1986, p. 4).

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable, so that they are unenforceable against individuals.

If you require any information on these notifications, please contact the national departments listed below:

LIST OF NATIONAL DEPARTMENTS RESPONSIBLE FOR THE MANAGEMENT OF DIRECTIVE 98/34/EC

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EFTA — ESA

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Commission Communication in the framework of the implementation of Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels ⁽¹⁾

(2001/C 202/03)

(Text with EEA relevance)

Publication of titles and references of European harmonised standards under the Directive

ESO ⁽¹⁾	Reference	Title of the harmonised standards
CEN	EN 26:1997/ A1:2000	Gas-fired instantaneous water heaters for the production of domestic hot water, fitted with atmospheric burner
CEN	EN 89:1999/ A2:2000	Gas fired storage water heaters for the production of domestic hot water
CEN	EN 416-1:1999/ A1:2000	Single burner gas-fired overhead radiant tube heaters for non-domestic use — Part 1: Safety
CEN	EN 419-1:1999/ A1:2000	Non-domestic gas-fired overhead luminous radiant heaters — Part 1: Safety
CEN	EN 613:2000	Independent gas-fired convection heaters
CEN	EN 624:2000	Specification for dedicated LPG appliances — Room sealed LPG space heating equipment for installation in vehicles and boats
CEN	EN 777-1:1999/ A1:2001	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 1: System D, safety
CEN	EN 777-2:1999/ A1:2001	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 2: System E, safety
CEN	EN 777-3:1999/ A1:2001	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 3: System F, safety
CEN	EN 777-4:1999/ A1:2001	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 4: System H, safety
CEN	EN 1106:2001	Manually operated taps for gas burning appliances
CEN	EN 12309-2:2000	Gas-fired absorption and adsorption air-conditioning and/or heat pump appliances with a net heat input not exceeding 70 kW — Part 2: Rational use of energy
CEN	EN 13611:2000	Safety and control devices for gas burners and gas-burning appliances — General requirements

⁽¹⁾ ESO: European standardisation organisation:

- CEN: rue de Stassart/Stassartstraat 36, B-1050 Brussels, tel. (32-2) 550 08 11; fax (32-2) 550 08 19 (www.cenorm.be).
- Cenelec: rue de Stassart/Stassartstraat 35, B-1050 Brussels, tel. (32-2) 519 68 71; fax (32-2) 519 69 19 (www.cenelec.be).
- ETSI: F-06921 Sophia Antipolis Cedex, tel. (33) 92 94 42 22; fax (33) 93 65 47 16 (<http://www.etsi.org>).

Note:

- any information concerning the availability of the standards can be obtained either from the European standardisation organisations or from the national standardisation bodies ⁽²⁾ of which the list is annexed to the European Parliament and Council Directive 98/34/EC ⁽³⁾ amended by the Directive 98/48/EC ⁽⁴⁾;
- publication of the references in the *Official Journal of the European Communities* does not imply that the standards are available in all the Community languages.
- further Harmonised Standards relating to appliances burning gaseous fuels have been published in previous editions of the *Official Journal of the European Communities*. A complete updated list can be found on the Europa-Server on the Internet at:

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist/appligas.html>

⁽¹⁾ OJ L 196, 26.7.1990, p. 15.

⁽²⁾ <http://www.cenorm.be/aboutcen/whatis/membership/members.htm>

⁽³⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁴⁾ OJ L 217, 5.8.1998, p. 18.

Commission Communication in the framework of the implementation Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment ⁽¹⁾

(2001/C 202/04)

(Text with EEA relevance)

Publication of titles and references of European harmonised standards under the Directive

ESO ⁽¹⁾	Reference	Title of the harmonised standards
CEN	EN 378-1:2000	Refrigerating systems and heat pumps — Safety and environmental requirements — Part 1: Basic requirements, definitions, classification and selection criteria
CEN	EN 473:2000	Non-destructive testing — Qualification and certification of NDT personnel — General principles

For the following harmonised supporting standard for materials, presumption of conformity to the ESRs is limited to technical data of materials in the standard and does not presume adequacy of the material to a specific equipment. Consequently the technical data stated in the material standard should be assessed against the design requirements of the specific equipment to verify that the ESRs of the PED are satisfied.

CEN	EN 1653:1997 A1:2000	Copper and copper alloys — Plate, sheet and circles for boilers, pressure vessels and hot water storage units
CEN	EN 1711:2000	Non-destructive examination of welds — Eddy current examination of welds by complex plane analysis

For the following harmonised supporting standard for materials, presumption of conformity to the ESRs is limited to technical data of materials in the standard and does not presume adequacy of the material to a specific equipment. Consequently the technical data stated in the material standard should be assessed against the design requirements of the specific equipment to verify that the ESRs of the PED are satisfied.

CEN	EN 10272:2000	Stainless steel bars for pressure purposes
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For the following harmonised supporting standard for materials, presumption of conformity to the ESRs is limited to technical data of materials in the standard and does not presume adequacy of the material to a specific equipment. Consequently the technical data stated in the material standard should be assessed against the design requirements of the specific equipment to verify that the ESRs of the PED are satisfied.

CEN	EN 10273:2000	Hot rolled weldable steel bars for pressure purposes with specified elevated temperature properties
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For the following harmonised supporting standard for materials, presumption of conformity to the ESRs is limited to technical data of materials in the standard and does not presume adequacy of the material to a specific equipment. Consequently the technical data stated in the material standard should be assessed against the design requirements of the specific equipment to verify that the ESRs of the PED are satisfied.

⁽¹⁾ OJ L 181, 9.7.1997, p. 1.

ESO ⁽¹⁾	Reference	Title of the harmonised standards
CEN	EN 12392:2000	Aluminium and aluminium alloys — Wrought products — Special requirements for products intended for the production of pressure equipment
CEN	EN 12434:2000	Cryogenic vessels — Cryogenic flexible hoses
CEN	EN 13133:2000	Brazing — Brazer approval
CEN	EN 13134:2000	Brazing — Procedure approval

⁽¹⁾ ESO: European standardisation organisation:

- CEN: Rue de Stassart/Stassartstraat 36, B-1050 Brussels, tel. (32-2) 550 08 11, fax (32-2) 550 08 19 (www.cenorm.be).
- Cenelec: Rue de Stassart/Stassartstraat 35, B-1050 Brussels, tel. (32-2) 519 68 71, fax (32-2) 519 69 19 (www.cenelec.be).
- ETSI: F-06921 Sophia Antipolis Cedex, tel. (33) 492 94 42 22, fax (33) 493 65 47 16 (<http://www.etsi.org>).

Note:

- any information concerning the availability of the standards can be obtained either from the European standardisation organisations or from the national standardisation bodies ⁽¹⁾ of which the list is annexed to the Council Directive 98/34/EEC ⁽²⁾, amended by the Council Directive 98/48/EC ⁽³⁾;
- publication of the references in the *Official Journal of the European Communities* does not imply that the standards are available in all the Community languages;
- further Harmonised Standards for pressure equipment have been published in previous editions of the *Official Journal of the European Communities* ⁽⁴⁾. A complete updated list can be found on the Europa-Server on the Internet at:

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist/equippre.html>

⁽¹⁾ <http://www.cenorm.be/aboutcen/whatis/membership/members.htm>

⁽²⁾ OJ L 204, 21.7.1998, p. 37.

⁽³⁾ OJ L 217, 5.8.1998, p. 18.

⁽⁴⁾ OJ C 348, 5.12.2000.

Communication in accordance with Article 12(5)(a) of Regulation (EEC) No 2913/92 of 12 October 1992, on the information provided by the customs authorities of the Member States concerning the classification of goods in the customs nomenclature

(2001/C 202/05)

Binding tariff information ceases to be valid from this day if it becomes incompatible with the interpretation of the customs nomenclature as a result of the following international tariff measures:

amendments to the Harmonised System Explanatory Notes and the compendium of classification opinions approved by the Customs Cooperation Council (CCC NC 0340: report of the 26th session of the HS Committee):

AMENDMENTS TO THE EXPLANATORY NOTES TO BE DONE UNDER AN ARTICLE 8 PROCEDURE OF THE HS CONVENTION AND CLASSIFICATION OPINIONS EDITED BY THE HS COMMITTEE OF THE WORLD CUSTOMS ORGANISATION

(26th SESSION IN NOVEMBER 2000)

DOC NC 0340

Amendments to the Explanatory Notes of the Nomenclature annexed to the HS Convention

19.01	P/3
19.05	P/3
22.06	P/13
23.09	P/14
38.08	P/14
73.21	P/16
84.43	P/2
84.71	P/7
84.71	P/8
84.71	P/9
84.71	P/10
84.71	P/2
85.12	P/12
90.17	P/8

Classification opinions approved by the 26th session of the HS Committee

5606.00/1	P/4
5606.00/2	P/4
6212.90/2	P/5
8443.51/1	P/6
8471.80/2	P/7
8471.80/3	P/7
8471.80/4	P/7
8471.80/5	P/7
8481.80/4	P/4
8512.30/1	P/12

Information regarding the contents of these measures can be obtained from the Directorate-General for Taxation and Customs Union of the European Commission (rue de la Loi/Wetstraat 200, B-1049 Brussels) or can be downloaded from the internet site of this Directorate-General

(http://europa.eu.int/comm/dgs/taxation_customs/index_en.htm).

Commission communication in the framework of the implementation of Council Directive 89/106/EEC

(2001/C 202/06)

(Text with EEA relevance)

(Publication of titles and references of harmonised standards under the Directive)

ESO ⁽¹⁾	Reference	Title of the standard	Date of applicability of the standard as a harmonised European standard according to Article 4(2)(a) of Directive 89/106/EEC	Date of the end of the coexistence period ⁽²⁾
CEN	EN 12050-1:2001	Wastewater lifting plants for buildings and sites — Principles of construction and testing — Part 1: Lifting plants for wastewater containing faecal matter	1.11.2001	1.11.2002
CEN	EN 12094-13:2001	Fixed firefighting systems — Components for gas extinguishing systems — Part 13: Requirements and test methods for check valves and non return valves	1.1.2002	1.1.2003
CEN	EN 12094-5:2000	Fixed firefighting systems — Components for gas extinguishing systems — Part 5: Requirements and test methods for high and low pressure selector valves and their actuators for CO ₂ systems	1.10.2001	1.10.2002
CEN	EN 12094-6:2000	Fixed firefighting systems — Components for gas extinguishing systems — Part 6: Requirements and test methods for non-electrical disable devices for CO ₂ systems	1.10.2001	1.10.2002
CEN	EN 12094-7:2000	Fixed firefighting systems — Components for gas extinguishing systems — Part 7: Requirements and test methods for nozzles for CO ₂ systems	1.10.2001	1.10.2002
CEN	EN 12416-1:2001	Fixed firefighting systems — Powder systems — Part 1: Requirements and test methods for components	1.1.2002	1.1.2003
CEN	EN 671-1:2001	Fixed firefighting systems — Hose systems — Part 1: Hose reels with semi-rigid hose	1.2.2002	1.2.2003
CEN	EN 671-2:2001	Fixed firefighting systems — Hose systems — Part 2: Hose systems with lay-flat hose	1.2.2002	1.2.2003

⁽¹⁾ ESO: (European standardisation organisation):

— CEN: rue de Stassart/De Stassartstraat 36, B-1050 Brussels, tel. (32-2) 550 08 11, fax (32-2) 550 08 19 (www.cenorm.be),

— Cenelec: rue de Stassart/De Stassartstraat 35, B-1050 Brussels, tel. (32-2) 519 68 71, fax (32-2) 519 69 19 (www.cenelec.be),

— ETSI: BP 152, F-06561 Valbonne Cedex, tel. (33) 492 94 42 12, fax (33) 493 65 47 16 (www.etsi.org).

⁽²⁾ The date of the end of the coexistence period is the same as the date of withdrawal of conflicting national technical specifications, after which presumption of conformity must be based on harmonised European specifications. (harmonised standards of European technical approvals).

First update of the information communicated by Member States pursuant to Article 23 of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ⁽¹⁾

(2001/C 202/07)

This update contains fresh information and changes transmitted by the Member States.

There will be a further update for the Netherlands (fresh information relating to Article 9) and for Germany.

Subsequent corrections on matters of fact — changes of address and the like — will be put on the Commission's website (http://europa.eu.int/comm/justice_home/unit/civil_reg1348_en.htm) and not published in the *Official Journal of the European Communities*.

1. Introduction: the following paragraph is added:

'As regards Article 14, the fact that a Member State has not communicated any specific language requirements means implicitly that the language requirements of Article 8 apply.'

2. Belgium

The parentheses are removed in Article 2(5) and (7).

The following is inserted as the penultimate paragraph of Article 3:

'Information may be sent by post, fax, e-mail or telephone.'

Article 9 is replaced by the following:

'Article 9

Date of service

Belgium intends to derogate from the system provided for in Article 9(1) and (2) by extending the scope of paragraph 2, which would then read:

"However, regarding the service of a judicial or extrajudicial document, the date to be taken into account with respect to the applicant shall be that fixed by the law of the Member State of origin".

Justification

Belgium believes that fixing the date of notification of the document is justifiable on the ground of legal certainty from the applicant's point of view and that it is not prejudicial to the protection of the other party as stipulated by Article 9(1).

In its present form, paragraph 2 can adversely affect the rights of the applicant since, even where the law does not stipulate a time limit for action, it is important to acknowledge the effect of service of a judicial or extrajudicial document.

If a party to an action who has lost the case in a court of first instance wishes to appeal, for instance, they must be able to do so without awaiting formal notification of the judgment.

The same is true if a person wishing to interrupt a limitation period effects service of an extrajudicial document.'

⁽¹⁾ OJ C 151, 22.5.2001, p. 4.

The last indent of Article 14 is replaced by the following:

‘— use of the following form:

“Service by post — Article 14 of Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ⁽¹⁾

Referencenumber:

1. TRANSMITTING AGENCY

1.1. Name:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and post code:

1.2.3. Country:

1.3. Tel:

1.4. Fax (*):

1.5. E-mail (*):

2. APPLICANT

2.1. Name:

2.2. Address:

2.2.1. Street and number/PO box:

2.2.2. Place and post code:

2.2.3. Country:

2.3. Tel:

2.4. Fax (*):

2.5. E-mail (*):

3. ADDRESSEE

3.1. Name:

3.2. Address:

3.2.1. Street and number/PO box:

3.2.2. Place and post code:

3.2.3. Country:

3.3. Tel:

3.4. Fax (*):

3.5. E-mail (*):

3.6. Identification number/social security number/organisation number/or equivalent (*):

4. METHOD OF SERVICE: by post

5. DOCUMENT TO BE SERVED BY POST

(a) 5.1. Nature of document:

5.1.1. judicial

5.1.1.1. writ of summons

5.1.1.2. judgment

5.1.1.3. appeal

5.1.1.4. other

5.1.2. extrajudicial

(b) 5.2. Language of document

5.2.1. original: DE, EN, DA, ES, FI, FR, EL, IT, NL, PT, SV, other:

5.2.2.(*) translation: DE, EN, DA, ES, FI, FR, EL, IT, NL, PT, SV, other:

(c) Number of enclosures

6.1. USE OF LANGUAGES

L'entité d'origine informe le destinataire qu'il peut refuser l'acte s'il n'est pas rédigé dans la ou l'une des langues du lieu de signification ou de notification ou dans une langue de l'État d'origine qu'il comprend et qu'il y a lieu de renvoyer l'acte à l'entité d'origine en précisant la raison du refus.

El organismo transmisor informa al destinatario del documento de que puede negarse a aceptarlo si no está redactado en una lengua oficial del lugar de notificación o traslado o en una lengua del Estado de transmisión que el destinatario entienda, y que en tal caso procede devolver el documento al organismo transmisor, precisando la razón del rechazo.

Den fremsendende instans underretter modtageren om, at han kan afvise dokumentet, hvis det ikke er affattet på (et af) forkyndelsesstedets sprog, eller på et sprog i det fremsendende land, som han forstår, og at dokumentet skal sendes tilbage til den fremsendende instans med nærmere angivelse af årsagen til afvisningen.

Der Empfänger wird von der Übermittlungsstelle davon in Kenntnis gesetzt, dass er die Annahme des Schriftstücks verweigern darf, wenn es nicht in der oder einer der Sprache(n) des Zustellungs-orts oder in einer Sprache des Übermittlungsstaats abgefasst ist, die er nicht versteht, und dass das Schriftstück an die Übermittlungsstelle unter Angabe des Annahmeverweigerungsgrunds zurück-zusenden ist.

Η υπηρεσία διαβίβασης ενημερώνει τον παραλήπτη ότι μπορεί να αρνηθεί την παραλαβή της πράξης εφόσον αυτή δεν έχει συνταχθεί στη γλώσσα ή σε μία από τις γλώσσες του τόπου κοινοποίησης ή επίδοσης ή σε γλώσσα του κράτους μέλους διαβίβασης την οποία ο παραλήπτης κατανοεί και ότι μπορεί να παραπέμψει την πράξη στην υπηρεσία διαβίβασης διευκρινίζοντας το λόγο άρνησης της παραλαβής.

The transmitting agency informs addressees that they may reject the document if it is not drafted in the language or one of the languages of the place of service or in a language of the State of origin which they understand and that they should return the document to the transmitting agency explaining why it has been rejected.

L'organo mittente informa il destinatario dell'atto che può rifiutare di riceverlo se non è redatto in una delle lingue ufficiali del luogo di notificazione o comunicazione o in una lingua ufficiale dello Stato membro mittente di sua comprensione e che può rinviarlo all'organo mittente precisando le ragioni del suo rifiuto.

De verzendende instantie deelt de geadresseerde mede dat hij het stuk kan weigeren indien dit niet is gesteld in de taal of één van de talen van de plaats van betekening of kennisgeving of in een taal van de staat van herkomst die hij begrijpt, en dat het stuk aan de verzendende instantie moet worden teruggezonden met vermelding van de redenen van de weigering.

A entidade de origem informa o destinatário que pode recusar o acto se este não estiver redigido na língua ou numa das línguas do local da citação ou notificação ou numa língua do Estado de origem que o destinatário compreenda, devendo o acto ser remetido à entidade de origem, indicando-se a razão da recusa.

Lähetettävän viranomaisen on ilmoitettava vastaanottajalle, että tämä voi kieltäytyä vastaanottamasta asiakirjaa, jollei sitä ole laadittu tiedoksiantomaan kielellä tai sellaisella lähetettävän maan kielellä, jota vastaanottaja ymmärtää, ja että asiakirja on tällöin palautettava lähetettävälle viranomaiselle ja perusteltava, miksi sitä ei ole otettu vastaan.

Det sändande organet skall upplysa mottagaren om att denne har rätt att vägra ta emot handlingen om den inte är avfattad på det eller de språk som används där delgivningen sker eller på språket i ursprungslandet, det senare under förutsättning att mottagaren förstår det språket. Det skall också anges att mottagaren skall skicka tillbaka handlingen till det sändande organet, med uppgift om varför han eller hon vägrat ta emot den.

Done at:

Date:

Signature and/or stamp:

⁽¹⁾ OJ L 160, 30.6.2000, p. 37.

^(*) Optional.”

3. Spain

Article 2 is replaced by the following:

'Article 2

Transmitting agencies

The transmitting agencies in Spain are the “Secretarios Judiciales de los distintos Juzgados y Tribunales.”

The following sentence is added at Article 14:

'The translation rules in Articles 5 and 8 of the Regulation must also be complied with.'

4. Ireland

Article 4 is replaced by the following:

'Article 4

Transmission of documents

Ireland accepts the application form (standard form) in English or Gaelic.'

Article 10 is replaced by the following:

'Article 10

Certificate of service and copy of the document served

Ireland accepts the certificate form in English or Gaelic.'

5. Italy

Article 9 is replaced by the following:

'Article 9

Date of service

No derogation is invoked.'

The paragraph of Article 19 is replaced by the following:

'Italy does not intend to make the statements provided for by paragraphs 2 and 4.'

6. Luxembourg

Article 2 is replaced by the following:

'Article 2

Transmitting agencies

Bailiffs empowered to serve documents. Court registrars empowered to serve documents.'

In Article 19(2), the words 'after service' are replaced by 'after delivery'.

7. Netherlands

Article 9 is replaced by the following:

'Article 9

Date of service

The Netherlands intends to derogate from Article 9(1) and (2). The exact form of words will be made known after Parliament has approved it.'

8. Portugal

Article 14 is replaced by the following:

'Portugal states that it will accept service by post, provided it is made by registered letter with advice of delivery and accompanied by a translation in accordance with Article 8 of the Regulation.'

9. Finland

Article 4 is replaced by the following:

'Article 4

Service of documents

Finlands accepts the form in English in addition to Finnish and Swedish.'

Article 10 is replaced by the following:

'Article 10

Certificate of service and copy of the document served

Finland accepts the form in English in addition to Finnish and Swedish.'

10. United Kingdom

In Article 3, point 2 (Scotland), the following information is added:

'E-mail: David.Berry@scotland.gsi.gov.uk'.

Article 3, point 4, is replaced by the following:

'4. Gibraltar
The Registrar of the Supreme Court of Gibraltar
Supreme Court
Law Courts
277 Main Street
Gibraltar
Tel. (350) 788 08
Fax (350) 771 18.'

Article 14 is replaced by the following:

'Article 14

Service by post

Service of a document by post is acceptable by means of registered mail or recorded mail only. A signature must be obtained from the addressee, or any other person who is prepared to accept receipt on behalf of the addressee, as proof of delivery of the document.

The addressee may refuse to accept service of the principal document unless it is accompanied by a certified English translation or by a certified translation into a language which the addressee understands.'

The following is added to Article 15:

'3. Gibraltar
Gibraltar does not oppose the possibility of direct service provided for by Article 15(1).'

The following is added to Article 19:

'3. Gibraltar
When considering setting aside a judgment in default, the court must have regard to whether the person seeking to set aside the judgment made an application to do so promptly.'

Prior notification of a concentration**(Case COMP/M.2516 — RBPE/Britax)****Candidate case for simplified procedure**

(2001/C 202/08)

(Text with EEA relevance)

1. On 9 July 2001 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 Royal Bank Private Equity Limited (RBPE), belonging to The Royal Bank of Scotland Group plc (RBSG), acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the undertaking Britax International plc (Britax) by way of public bid announced on 4 July 2001.

2. The business activities of the undertakings concerned are:

— RBSG: banking, insurance and related financial services,

— Britax: aircraft interior systems, automotive components.

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. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89 ⁽³⁾, it should be noted that this case is a candidate for treatment under the procedure set out in the notice.

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.2516 — RBPE/Britax, 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.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Prior notification of a concentration**(Case COMP/M.2517 — Bristol-Myers Squibb/Du Pont)**

(2001/C 202/09)

(Text with EEA relevance)

1. On 9 July 2001 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 USA undertaking Bristol-Myers Squibb Company (BMS) acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the USA undertaking Du Pont Pharmaceuticals Company (Du Pont) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— BMS: pharmaceutical and health care products,

— Du Pont: pharmaceutical and radiopharmaceutical products.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.2517 — Bristol-Myers Squibb/Du Pont, 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.

Prior notification of a concentration**(Case COMP/M.2389 — Shell/DEA)**

(2001/C 202/10)

(Text with EEA relevance)

1. On 10 July 2001 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 Deutsche Shell GmbH, belonging to the Shell group (United Kingdom/Netherlands), acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the DEA Mineralöl AG, controlled by RWE AG (Germany), by way of purchase of shares. Until 1 July 2004 at the latest DEA will be controlled jointly by Shell and RWE. The parties agreed, in a legally binding way, that after that date Shell will acquire sole control of DEA.

2. The business activities of the undertakings concerned are:

- Shell: exploration, production, refining and sale of petroleum products and natural gas, production and sale of chemicals, power generation and production of energy from renewable resources,
- RWE (excluding DEA): energy, mining, environmental services, production of petroleum, production, distribution and sale of natural gas, distribution of water and processing of waste water, industrial systems and construction,
- DEA: exploration, production, refining and sale of petroleum products and production and sale of chemicals.

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.2389 — Shell/DEA, 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.

Commission notice on the issuing of licences to railway undertakings

(2001/C 202/11)

Under Article 11(8) of Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings, the Commission is obliged to inform the Member States of the situation regarding licences issued. The main aspects of the licence issued by the office indicated in point 2 are set out below.

1. Name and address of the railway undertaking:

Svenska Tågkompaniet AB, Box 45, S-971 02 Luleå

2. Issuing office:

Järnvägsinspektionen (Railway Inspectorate), Box 858, S-781 28 Borlänge

3. Date of the decision:

29 August 2000

First issued

Suspended

Revoked

Amended

4. Licence No:

J 00-1075/81

5. Terms and conditions:

—

6. Observations regarding suspensions, revocations or amendments:

—

7. Other observations:

—

8. Person to contact at the issuing office:

(Name, telephone and fax numbers, e-mail address)

Ulrik Bergman, (46-243) 44 60 16, Fax (46-243) 44 60 05, e-mail: ulrik.bergman@jarnvagsinsp.se

III

(Notices)

COMMISSION

Call for proposals with a view to obtaining grants in the field of energy and transport for the period 2001-2002

(Call for proposals DG TREN/2001-01)

(2001/C 202/12)

1. POLITICAL CONTEXT

The European Commission intends to award grants to promote the objectives of the common energy and transport policy. The following policy priorities have been set for the period 2000-2005:

1.1. Completing the internal market in energy and transport

- The gradual opening-up of the electricity and natural gas markets will need to be accompanied by additional measures to guarantee cross-border exchanges and promote the integration of the energy markets for the benefit of European consumers.
- Further steps will be needed to put in place a European rail system.
- A legislative package on ports will be prepared in particular to ensure the opening-up of port services, which will also facilitate the development of short-sea shipping.

1.2. Reconciling the expansion of transport and energy with environmental constraints

- Shifting the balance between individual modes of transport (rail, inland waterways, short-sea shipping) as regards the transport of goods, in particular to reduce congestion in road haulage.
- Developing more accessible and more competitive urban transport to restrict the use of private cars in cities; promotion of clean vehicles with low fuel consumption.
- Specifying, in the framework of an enlarged Europe, the share of each energy source in the medium term and promoting diversification (oil, gas, coal, nuclear power, renewable energy sources, etc.) to meet the

Kyoto objective and reduce dependence on external energy supplies.

- Emphasis will also be placed on energy efficiency, particularly in the building industry, and promoting clean energy sources.

1.3. Deploying the major European networks

- Reviewing the guidelines for the trans-European transport and energy networks by giving priority to funding the removal of bottlenecks.
- Connecting the major trans-European networks to the networks being developed in the candidate countries.
- Equipping the networks with intelligent traffic management systems to ensure the flow of traffic and safety.
- Developing a new approach to the allocation of costs for the construction and use of major infrastructure (e.g. across the Alps and the Pyrenees).

1.4. Managing space

- Working to create a single airspace to reform the management of air transport and to reduce congestion in the European sky.
- Ensuring the successful launch of the European satellite navigation system (Galileo).

1.5. Improving safety

- Setting up a European Aviation Safety Agency.
- Improving maritime safety standards and their application in all Community ports. The Erika shipwreck must be turned into an opportunity to avoid the repetition of similar disasters.

— Improving the training and qualifications in particular of seafarers and lorry drivers.

— Ensuring that a high level of rail safety is maintained.

1.6. Making a success of enlargement

Appropriate initiatives will be developed to support the adoption of the Community's transport and energy rules by the applicant countries. Particular attention will be paid to safety issues, social provisions, infrastructure development and the safety of nuclear installations.

1.7. Euro-Mediterranean policy

Promoting initiatives within the framework of Euro-Mediterranean policy, for the interconnection of transport and energy networks and the creation of safe, efficient short-sea shipping.

1.8. Transatlantic relations

Developing a coherent framework for transatlantic relations in the field of civil aviation.

2. AVAILABLE BUDGET

The total amount of grants to be awarded in the period 2001-2002 following this call for proposals is estimated at EUR 8 million (indicative estimate).

Normally, a grant will be not less than EUR 50 000 and not more than EUR 500 000.

3. ACTIVITIES COVERED BY THE CALL FOR PROPOSALS

Taking into account the background described in point 1 above, the Commission will co-finance activities aimed at furthering the following objectives:

3.1. Trans-European networks (TENs) for energy and transport

— activities (specialised conferences, publications, etc.) aimed at publicising TEN policy (including enlargement) with regard to its economic, financial and interoperability components.

Contact:

European Commission
Directorate-General for Energy and Transport
Directorate B — Financial Team
Mrs Rita Swinnen
DM24 — 08/12
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Tel. (32-2) 296 85 22
E-mail: rita.swinnen@cec.eu.int

3.2. Conventional energy sources

— activities aimed at implementing the conclusions of the Green Paper 'Towards a European strategy for the security of energy supply';

— activities aimed at implementing the partnership between the European Union and Russia with regard to energy cooperation;

— activities aimed at promoting technological innovation by reconciling the objectives of conventional energy supplies and combating climate change;

— management of nuclear waste.

Contact:

European Commission
Directorate-General for Energy and Transport
Directorate C — Financial Team
Mrs Nadine Van de Berghe
DM24 — 05/110
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Tel. (32-2) 296 68 21
E-mail: nadine.vandenberghe@cec.eu.int

3.3. New energy sources and demand management

— activities aimed at developing more accessible and more competitive urban transport;

— activities aimed at improving the access of people with reduced mobility to public transport, in particular through the exchange of best practices, awareness-raising campaigns, the development of innovative vehicles and pilot tests;

— activities aimed at promoting energy efficiency and the use of renewable energy sources in buildings and in socio-economic schemes;

— activities (conferences, computer networks, practical pilot projects, etc.) aimed at promoting sustainable energy systems.

Contact:

European Commission
Directorate-General for Energy and Transport
Directorate D — Financial Team
Mrs Mari Varho
DM28 — 05/66
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Tel. (32-2) 295 77 69
E-mail: mari.varho@cec.eu.int

3.4. Inland transport

- activities aimed at improving road safety: active and passive vehicle safety, crash tests, roadworthiness testing, use of safety belts and child restraint devices; action to combat drink-driving — effect of medicines and drugs, speed limits, traffic calming measures, safety campaigns, and training of drivers and other road users;
- activities tying in with the new Community provisions and contributing directly to the establishment of a European railway area in the fields of interoperability, safety and vocational training, as well as initiatives encouraging cooperation between rail sector players.

Contact:

European Commission
 Directorate-General for Energy and Transport
 Directorate E — Financial Team
 Mr Cornelis De Graaf
 DM28 — 04/33
 Rue de la Loi/Wetstraat 200
 B-1049 Brussels
 Tel. (32-2) 299 38 22
 E-mail: cornelis.degraaf@cec.eu.int

3.5. Air transport

- implementation of safety standards;
- international cooperation;
- activities aimed at encouraging the establishment and management of air traffic safety and management structures in the framework of international projects;
- activities aimed at improving the protection of passengers.

Contact:

European Commission
 Directorate-General for Energy and Transport
 Directorate F — Financial Team
 Mr Jan Plas
 DM28 — 01/22
 Rue de la Loi/Wetstraat 200
 B-1049 Brussels
 Tel. (32-2) 295 84 86
 E-mail: jan.plas@cec.eu.int

3.6. Maritime transport

- activities aimed at improving the training and qualifications of seafarers and living and working conditions on board ships;

- activities aimed at improving safety and environmental protection in all areas of maritime transport, and in particular improving transparency and efficiency in the gathering and dissemination of information, support and cooperation with international organisations, measures aimed at avoiding accidents or mitigating their effects, training, harmonisation and the dissemination of best practices, the review and assessment of existing or proposed measures, as well as information and promotion campaigns;

- activities aimed at improving the safety of passenger terminals and vessels, including cruise ships;

- the establishment and monitoring of national centres for the promotion of short-sea shipping in order to promote this mode of transport as a viable and feasible solution to meet transport needs;

- dissemination of information on short-sea shipping and activities aimed at promoting this mode of transport throughout Europe by contributing to the activities of the European short-sea network.

Contact:

European Commission
 Directorate-General for Energy and Transport
 Directorate G — Financial Team
 Mrs Fabienne Coilin
 DM28 — 03/53
 Rue de la Loi/Wetstraat 200
 B-1049 Brussels
 Tel. (32-2) 296 11 55
 E-mail: fabienne.coilin@cec.eu.int

4. SELECTION CRITERIA

4.1. Legal status of applicants

Corporate bodies must be legally constituted and registered. Awards of grants to natural persons are not ruled out altogether but will only be made in special circumstances, in which case they must accept individual responsibility for completing the operation supported.

4.2. Grounds for exclusion

Applicants must not come into one of the excluded categories defined in Article 29 of Council Directive 92/50/EEC of 18 June 1992 on the coordination of procedures for the award of public service contracts.

4.3. Financial capacity of applicants

Applicants must have the financial capacity to complete the operation to be supported and will provide their annual accounts for the last financial year or, in the case of public-sector bodies, their annual budget.

4.4. Technical capacity of applicants

Applicants must have the technical and operational capacity to complete the operation to be supported and provide the documents requested on the grant applicant form (CVs of those responsible for carrying out the operation, description of projects and activities undertaken in the last three years, etc.).

5. AWARD CRITERIA

The operation supported must be designed to further one of the objectives referred to in point 3. The Commission will base the choice of operations and the rate of Community co-financing on the following criteria:

5.1. Quality of the operation

- *European dimension*: the Commission will assess the extent to which the proposed operation will create genuine European added value and strengthen cooperation between the Member States and between the Community, national, regional and local authorities concerned. The commitment and active participation of civil society are also needed to attain the objectives of the common energy and transport policy.
- *Innovative character*: the Commission will assess the extent to which the proposed operation will generate new approaches and practices. The results of the operation supported will, where appropriate, be incorporated into proposals for legislation, communications and other European Commission documents.
- *Multiplier effect*: the Commission will assess the extent to which the proposed operation will enable the transfer, generalisation, dissemination or application on a large scale of results, experience, knowledge and good practices.
- *Evaluation*: the Commission will assess the extent to which the proposed operation comprises an evaluation method and results indicators with reference to the expected objectives. In this respect, it would be useful to be able to quantify the benefits of the operation supported.

5.2. Quality of the application

The organisation of the operation should be set out in detail, in particular as regards the following aspects:

- *work plan* (clarity and achievability of the objectives, achievability of the expected results);
- *timetable for the operation*;
- *methodology*;
- qualification of those responsible for carrying out the operation supported and the *proposed team structure*;
- *partnership*, with an indication of the participating bodies and, for each body, an indication of the participation arrangements (responsibilities, activities and role of each partner body) and its contribution to the budget (revenue and expenditure).

The description of the operation should give details of the means whereby the Community operation will be publicised (publications, organisation of events, websites, CD-ROM, etc.).

5.3. Cost-effectiveness

The budget, broken down by category of expenditure, should demonstrate an excellent cost-effectiveness ratio for the operation (balance between expected results and amount of grant).

5.4. Budgetary resources available

Grants will be awarded within the limits of the budgetary resources available.

6. FINANCIAL CONDITIONS

6.1. Percentage of Community co-financing

The grants are intended as incentives for carrying out an operation which could not be executed without Community financial support, and they reflect the principle of co-financing. The Commission therefore plans to grant funds complementary and subsidiary to contributions made by the beneficiary, the national, regional or local authorities and other bodies. Accordingly, the amount granted will be between 10 % and 50 % of the total amount of the eligible costs of the operation. Contributions in kind are not regarded as eligible costs.

6.2. Period of eligibility of costs

Eligible costs can only be incurred after signature of the grant agreement by all the parties. There will be no retrospective funding. The duration of the operation supported should not normally exceed 18 months.

6.3. Eligible costs

The total amount of eligible costs should demonstrate that the organisation of the operation supported complies with the principles of sound financial management, and in particular economy and cost-effectiveness. In addition, to be eligible, costs must meet the following criteria:

- They must be directly connected with and necessary for carrying out the operation and provided for in the budget estimates annexed to the grant agreement.
- They must be reasonable and comply with market conditions.
- They must actually be incurred during the duration of the operation as defined in Article 2(1) of the grant agreement.
- They must be accounted for, recorded in the beneficiary's tax documents, identifiable and verifiable.

Direct costs means expenditure generated directly by the operation and essential for carrying it out, i.e. direct costs would not be incurred if the operation did not take place. The following direct costs are eligible:

- The costs of the staff responsible for carrying out the operation, corresponding to actual wages plus social charges and other costs forming part of their remuneration. Staff costs must not be higher than the lowest generally accepted market rates.
- Travel and subsistence expenses of the staff responsible for carrying out the operation.
- Costs of purchasing (new or second-hand) equipment provided that they correspond to market costs and the goods concerned are depreciated in accordance with the tax and accounting rules applicable to the beneficiary. Only the proportion of the depreciation of the good corresponding to the duration of the operation can be taken into account by the Commission unless the nature or use of the good justifies different treatment by the Commission.
- Costs of supplies and other consumable goods.
- Subcontracting expenditure provided that the Commission has given its written agreement to the use of subcontracting, in which case the beneficiary

must ensure that the conditions applicable to him pursuant to the grant agreement are also applicable to his subcontractors.

- Costs deriving directly from requirements imposed by the grant agreement (dissemination of information, specific evaluation of the operation, audit, translations, copying, etc.), including, where appropriate, the costs of financial services (in particular the cost of financial guarantees), but excluding exchange losses unless these are specifically provided for in the grant agreement.
- A provision for contingencies, limited to 5 % of the eligible direct costs.

As a general rule, overheads are eligible as *indirect costs* on the basis of fixed, flat-rate percentage not exceeding 7 % of the total amount of eligible direct costs.

Indirect costs are eligible provided that they do not include costs accounted for under another heading of the budget for the operation, cannot be directly charged, and are not financed from other sources.

Indirect costs are not eligible where the grant agreement concerns the financing of an operation carried out by a body which already receives an operating grant from the Commission.

6.4. Non-eligible costs

The following costs are not eligible:

- contributions in kind;
- capital investment costs;
- provisions for possible future losses or debts;
- interest owed;
- debts;
- doubtful claims;
- exchange and losses unless specifically provided for in the grant agreement;
- excessive or ill-considered expenses.

7. PRESENTATION AND PROCESSING OF THE GRANT APPLICATION

The grant application form, the procedures for the presentation of files and a model grant agreement are available on the website of the Directorate-General for Energy and Transport:

http://europa.eu.int/comm/dgs/energy_transport/index_nl.html

These documents can also be obtained by writing to the contact persons indicated above.

Depending on the type of activity concerned by the operation to be supported (see point 3), three paper copies of proposals should be sent to the contact persons indicated above. Proposals sent by fax or e-mail and incomplete files will be rejected. The time limit for sending proposals is 31 December 2002.

Grant applications will be examined by an evaluation committee on the basis of the abovementioned selection and award criteria. The Commission may request applicants to supply additional documents or information needed to evaluate the operation and its budget. Where appropriate, the Commission may ask the applicant to review the budget for the operation to be supported or the rate of Community co-financing.

Applicants will be informed in writing of the action taken on their application. The Commission will send them either a rejection letter or a proposal for a grant agreement which should be signed by the beneficiary immediately and sent back to the Commission. The operation supported can only start after the Commission has signed the grant agreement.

8. PRESENTATION OF THE FINAL REPORT AND THE FINAL STATEMENT

In accordance with the grant agreement, beneficiaries must submit a final report. This report, which will describe in

detail the results of the operation supported, will be accompanied by publications, brochures, teaching material, video cassettes, publicity material, press releases, newspaper cuttings and other paper or multimedia documents illustrating the project. The Commission may communicate the final report and the results of the operation supported to any interested person.

The final statement annexed to the final report will set out all the eligible costs of the operation in accordance with the model budget annexed to the grant agreement and will be accompanied by a full summary statement of revenue and expenditure for the operation. The beneficiary must keep rigorous accounts for the operation and keep all original substantiating documents for inspection purposes for a period of five years from the date of the last payment made by the Commission.

If an operation becomes profitable, the funds allocated by the Commission must be refunded to the extent of the profit made. Where the actual cost incurred is less than the total cost initially provided for, the Commission will reduce its contribution in proportion to the difference between the two figures. It is therefore in the applicant's interest to propose a reasonable budget estimate.

Applicants are required to clearly mention the Community aid in any publication or on the occasion of activities for which a grant is used, as follows:

- 'With the support of the European Community',
- 'The information contained in this publication does necessarily reflect the position or opinion of the European Commission'.

The provisions concerning technical and financial controls are set out in Article 14 of the general conditions annexed to the grant agreement.
