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Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	Council	
2001/C 256/01	Information concerning the extension of the International Sugar Agreement, 1992	1
	Commission	
2001/C 256/02	Euro exchange rates	2
2001/C 256/03	Opinion of the Advisory Committee on Concentrations given at the 76th meeting on 7 April 2000 and continuing at the 77th meeting on 14 April 2000 concerning a preliminary draft decision relating to case COMP/M.1671 — Dow Chemical/Union Carbide	3
2001/C 256/04	Commission Communication in the framework of the implementation of Council Directive 88/378/EEC of 3 May 1998 concerning the approximation of the laws of the Member States referring to the safety of toys ⁽¹⁾	4
2001/C 256/05	Prior notification of a concentration (Case COMP/M.2595 — Stora Enso/Stora Enso Timber) — Candidate case for simplified procedure ⁽¹⁾	6

II Preparatory Acts

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Notice No

Contents (continued)

Page

III *Notices*

Commission

2001/C 256/06

Operation of scheduled air services — Invitation to tender issued by France pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Cayenne and Maripasoula, Cayenne and Saint-Georges de l'Oyapock and Cayenne and Saül ⁽¹⁾

7



⁽¹⁾ Text with EEA relevance

I

(Information)

COUNCIL

Information concerning the extension of the International Sugar Agreement, 1992

(2001/C 256/01)

The International Sugar Organisation agreed unanimously, under the provisions of the International Sugar Agreement, 1992 ⁽¹⁾, to extend the convention for two years until 31 December 2003.

⁽¹⁾ OJ L 379, 23.12.1992, p. 15 (Council Decision 92/580/EEC).

COMMISSION

Euro exchange rates ⁽¹⁾

13 September 2001

(2001/C 256/02)

1 euro	=	7,4437	Danish krone
	=	9,5832	Swedish krona
	=	0,6169	Pound sterling
	=	0,906	United States dollar
	=	1,4158	Canadian dollar
	=	107,88	Japanese yen
	=	1,504	Swiss franc
	=	7,999	Norwegian krone
	=	90,44	Icelandic króna ⁽²⁾
	=	1,7607	Australian dollar
	=	2,134	New Zealand dollar
	=	7,822	South African rand ⁽²⁾

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

⁽²⁾ Source: Commission.

Opinion of the Advisory Committee on Concentrations given at the 76th meeting on 7 April 2000 and continuing at the 77th meeting on 14 April 2000 concerning a preliminary draft decision relating to case COMP/M.1671 — Dow Chemical/Union Carbide

(2001/C 256/03)

1. The Advisory Committee agrees with the draft decision that the proposed concentration constitutes a concentration within the meaning of Article 3(1)b of the Merger Regulation and that it has a Community dimension.
 2. On the relevant product markets:
 - (a) the Advisory Committee agrees with the draft decision that the linear low density polyethylene C8 (LLDPE C8) constitutes a distinct product market;
 - (b) the Advisory Committee agrees with the draft decision that there is a relevant low-pressure technology package product market comprising low-pressure process plus catalyst, but that it is not necessary to decide whether there is a single relevant product market for low-pressure process technology packages or three markets for the individual processes (slurry, solution and gas phase);
 - (c) the Advisory Committee agrees with the draft decision that each ethyleneamine (EDA, DETA, TETA, TEPA, AEEA, AEP, and E100/HPA-X) constitutes a distinct product market.
 3. On the geographic markets:
 - (a) the advisory Committee agrees with the draft decision that the relevant geographic market for LLDPE C8 is western Europe;
 - (b) the advisory Committee agrees with the draft decision that the relevant geographic dimension for a low-pressure technology package market is world wide;
 - (c) the Advisory Committee agrees with the draft decision that the relevant geographic market for each ethyleneamine is world wide.
 4. On the competitive analysis:
 - (a) the Advisory Committee agrees with the draft decision that the proposed concentration will strengthen the dominant position of Dow Chemical on the LLDPE C8 market;
 - (b) the Advisory Committee agrees with the draft decision that the proposed concentration will strengthen the dominant position of Union Carbide on the low-pressure technology package market(s);
 - (c) The Advisory Committee agrees with the draft decision that the proposed concentration will create a dominant position on each ethyleneamine market.
 5. The Advisory Committee agrees with the Commission that the undertakings proposed by the parties on 23 March 2000:
 - (a) remove the competition concerns raised on the LLDPE C8 market;
 - (b) remove the competition concerns raised on the ethyleneamines markets;
 - (c) taking account of the market test, are not sufficient to remove the competition concerns raised on the low-pressure process technology packages market(s).
 6. The majority of the Advisory Committee agrees with the Commission that the improved undertakings, including some adjustments as exposed by the Commission, will be sufficient to remove all the competition concerns raised in the draft decision. A minority disagrees.
 7. Thus, the majority of the Advisory Committee agrees with the Commission that the Dow Chemical/Union Carbide operation can be declared compatible with the common market pursuant to Article 8(2) of the Merger Regulation and with the functioning of the EEA Agreement. A minority disagrees.
 8. The Advisory Committee recommends that the Commission takes into account all the matters raised by the Member States during the discussion.
 9. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Communities*.
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Commission Communication in the framework of the implementation of Council Directive 88/378/EEC of 3 May 1998 concerning the approximation of the laws of the Member States referring to the safety of toys ⁽¹⁾

(2001/C 256/04)

(Text with EEA relevance)

(Publication of titles and references of European harmonised standards under Directive 88/378/EEC)

European standards organisation	Reference	Title of the standard and reference document	Reference of the superseded standard	Date of cessation of presumption of conformity of the superseded standard	Date of first publication
CEN	EN 71-1:1998	Safety of toys-Part 1: Mechanical and physical properties	EN 71-1:1988 ⁽²⁾	31.1.2001	28.7.1999 ⁽³⁾
CEN	EN 71-1998/A5:2000	Safety of toys-Part 1: Mechanical and physical properties — Amendment 5	EN 71-1:1998, clauses 3.7, 4.4, 4.15.1.4, 4.16, 5.4, 7.18, 8.2, 8.4.2.2, 8.11.3, 8.15, 8.17, 8.26.2.2, C.5, C.10, C.30, C.32	31.5.2001	This is the first publication
CEN	EN 71-1:1998/A1:2001	Safety of toys-Part 1: Mechanical and physical properties — Amendment	EN 71-1:1998, clauses 4.15.1, 7.11, C.19	31.7.2001	This is the first publication

In accordance with the Commission Decision of 30 July 2001 ⁽⁴⁾, clause 4.20(d) of EN 71-1:1998, concerning the C-weighted peak emission sound pressure level produced by a toy using percussion caps, grants presumption of conformity only as from 1 August 2001.

CEN	EN 71-2:1993	Safety of toys-Part 2: Flammability	EN 71-2:1988 ⁽⁵⁾	30.4.1994	11.5.1999 ⁽⁶⁾
CEN	EN 71-3:1994	Safety of toys-Part 3: Migration of certain elements	EN 71-3:1988 ⁽⁷⁾	30.6.1995	12.10.1995 ⁽⁸⁾
CEN	EN 71-3:1994/A1:2000	Safety of toys-Part 3: Migration of certain elements — Amendment 1	EN 71-3:1994, clauses 8.7.1, 8.7.2, 8.8.1, 8.9.1, 8.9.2, 6.1.6, Annex A, D.5.1, 5, 8.2.1, 8.3.1, 8.4.1, 8.6.1, 8.7.1, 8.7.2, 8.9.1, 8.9.2, D.3	31.10.2000	This is the first publication
CEN	EN 71-4:1990	Safety of toys-part 4: Experimental sets for chemistry and related activities	Not applicable	Not applicable	9.2.1991 ⁽⁹⁾
CEN	EN 71-4:1990/A1:1998	Safety of toys-Part 4: Experimental sets for chemistry and related activities — Amendment 1	EN 71-4:1990, clauses 6.1, 6.2, 6.3, 6.5, 7.1, 7.3.2, 9.1, 9.3	31.10.1998	5.9.1998 ⁽¹⁰⁾
CEN	EN 71-5:1993	Safety of toys-Part 5: Chemical toys (sets) other than experimental sets	Not applicable	Not applicable	1.9.1993 ⁽¹¹⁾
CEN	EN 71-6:1994	Safety of toys-Part 6: Graphical symbol for age warning labelling	Not applicable	Not applicable	22.6.1995 ⁽¹²⁾

⁽¹⁾ OJ L 187, 16.7.1988.

European standards organisation	Reference	Title of the standard and reference document	Reference of the superseded standard	Date of cessation of presumption of conformity of the superseded standard	Date of first publication
Cenelec	EN 50088:1996	Safety of electric toys	Not applicable	Not applicable	21.6.1997 ⁽¹³⁾
Cenelec	EN 50088:1996/A2:1997	Safety of electric toys — Amendment 2	EN 50088:1996, clauses 1, 3.2.2, H.1, H.5, H.7.1, H.7.4, H.8, H.9.4, H.9.6, H.9.9, H.11, H.12, H.13, H.14, H.15	1.3.2000	27.11.1999 ⁽¹⁴⁾
Cenelec	EN 50088:1996/A1:1996	Safety of electric toys — Amendment 1	EN 50088:1996, clause 14.2	1.10.2001	21.6.1997 ⁽¹⁵⁾

⁽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;
- Cenelec: rue de Stassart/Stassartstraat 35, B-1050 Brussels; tel. (32-2) 519 68 71, fax (32-2) 519 69 19;
- ETSI: F-06921 Sophia-Antipolis Cedex France, tel. (33-0) 492 94 42 00, fax (33-0) 493 65 47 16.

⁽²⁾ OJ C 155/2, 23.6.1989.

⁽³⁾ OJ C 215/4, 28.7.1999.

⁽⁴⁾ OJ L 205/39, 31.7.2001.

⁽⁵⁾ OJ C 155/2, 23.6.1989.

⁽⁶⁾ OJ C 129/13, 11.5.1994.

⁽⁷⁾ OJ C 155/2, 23.6.1989.

⁽⁸⁾ OJ C 265/23, 12.10.1995.

⁽⁹⁾ OJ C 34/4, 9.2.1991.

⁽¹⁰⁾ OJ C 277/2, 5.9.1998.

⁽¹¹⁾ OJ C 237/2, 1.9.1993.

⁽¹²⁾ OJ C 156/4, 22.6.1995.

⁽¹³⁾ OJ C 190/8, 21.6.1997.

⁽¹⁴⁾ OJ C 340/69, 27.11.1999.

⁽¹⁵⁾ OJ C 190/8, 21.6.1997.

NOTE:

- Any information concerning the availability of the standards can be obtained either from the European standardisation organisations ⁽¹⁾ or from the national standardisation bodies of which the list is annexed to European Parliament and Council Directive 98/34/EC ⁽²⁾, as amended by 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;
- This list replaces all the previous lists published in the *Official Journal of the European Communities*.
- The Commission ensures the updating of this list.

⁽¹⁾ www.cenorm.be, www.cenelec.be

⁽²⁾ OJ L 204/37, 21.7.1998.

⁽³⁾ OJ L 217/18, 5.8.1998.

Prior notification of a concentration**(Case COMP/M.2595 — Stora Enso/Stora Enso Timber)****Candidate case for simplified procedure**

(2001/C 256/05)

(Text with EEA relevance)

1. On 3 September 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 Stora Enso Oyj (Stora Enso) acquires within the meaning of Article 3(1)(b) of the Regulation, joint control of the whole of the undertaking Stora Enso Timber by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Stora Enso: production and sale of forest industry products, newsprint, magazine paper, fine paper and packing boards,
 - Stora Enso Timber: production and sale of sawn timber.
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 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.2595 — Stora Enso/Stora Enso Timber, 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.

III

(Notices)

COMMISSION

Operation of scheduled air services

Invitation to tender issued by France pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Cayenne and Maripasoula, Cayenne and Saint-Georges de l'Oyapock and Cayenne and Saül

(2001/C 256/06)

(Text with EEA relevance)

1. **Introduction:** Pursuant to Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, France has decided to impose a public service obligation on scheduled air services between Cayenne and Maripasoula, Cayenne and Saint-Georges de l'Oyapock and Cayenne and Saül. The standards required by this public service obligation were published in the *Official Journal of the European Communities* C 254 of 13.9.2001.

If on 1.12.2001 no air carrier has commenced or is about to commence operating scheduled air services between Cayenne and Maripasoula, Cayenne and Saint-Georges de l'Oyapock and Cayenne and Saül in accordance with the public service obligation imposed and without requesting financial compensation, France has decided, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned regulation, to limit access to a single air carrier and to offer the right to operate such services from 1.1.2002 by public tender.

Tendering parties must clearly indicate the amount of compensation required for each route.

2. **Subject of the invitation to tender:** Operation from 1.1.2002 of scheduled air services between Cayenne and Maripasoula, Cayenne and Saint-Georges de l'Oyapock and Cayenne and Saül in accordance with the public service obligation imposed on these routes, as published in the *Official Journal of the European Communities* C 254 of 13.9.2001.

3. **Participation in the invitation to tender:** Participation is open to all carriers who hold an operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

4. **Tender procedure:** This invitation to tender is subject to the provisions of Article 4(1)(d)-(i) of Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the specific rules for this invitation to tender and the public service delegation agreement and its technical annex (text of the public service obligation published in the *Official Journal of the European Communities*) is obtainable free of charge from:

Conseil Régional de la Guyane, Direction Générale des Services, Direction du Développement, de l'Économie, de l'Aménagement et de la Planification, Service Aménagement et Développement du Territoire, 65 bis, rue Christophe Colomb, BP 7025, F-97307 Cayenne Cedex, tel.: (594) 29 20 50, fax: (594) 29 20 51.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for the operation of the route for 3 years from the planned date of commencement of operation (with an annual breakdown). The exact amount of compensation finally granted will be determined annually ex-post on the basis of the costs and revenue actually generated by the service, within the limits of the amount stated in the tender. This maximum limit may be revised only in the event of unforeseen changes in operating conditions.

The annual payments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the routes in question and verification that the service has been operated in accordance with the conditions laid down in point 8.

In the event of termination of the contract before its normal expiry date, point 8 will be applied as soon as possible to allow payment to the carrier of the balance due, the maximum amount referred to in the first subparagraph being reduced, where appropriate, in proportion to the actual duration of the service.

7. **Duration of the contract:** The duration of the contract (public service delegation agreement) is 3 years from the date scheduled for the beginning of the services mentioned in point 2 of this invitation to tender.
8. **Verification of the operation of the service and of the carrier's accounts:** The operation of the service and the carrier's cost accounting for the routes in question will be examined at least once a year in cooperation with the carrier.
9. **Termination of contract and notice:** The contract may only be terminated by either contracting party before the end of the normal period of validity if 6 months' advance notice is given. Should the carrier fail to comply with a requirement of the public service obligation, he shall be deemed to have terminated the contract without notice if he fails to resume the service in accordance with the public service obligation within 1 month of the serving of formal notice.
10. **Penalties:** Failure by the carrier to observe the period of notice referred to in point 9 will be subject either to an administrative fine of up to 50 000 FRF (7 622,45 EUR), pursuant to Article R.330-20 of the Civil Aviation Code, or to a penalty calculated on the basis of the number of months of default and the real operating loss of the service during the year in question, not exceeding the maximum financial compensation provided for in point 6.
- In the event of serious breaches of the public service obligation, the contract may be cancelled and the carrier deemed to have terminated the contract without notice.
- In the event of minor breaches of the public service obligation, the maximum financial compensation provided for
- in point 6 shall be reduced, without prejudice to the application of the provisions of Article R.330-20 of the Civil Aviation Code. Such reductions shall take account, where appropriate, of the number of flights cancelled for reasons attributable to the carrier, the number of flights made with a capacity lower than that required, the number of flights which failed to comply with the public service obligation as regards stopovers, the number of days on which the public service obligation was not upheld as regards the day-trip length of stay, the fares applied or the use of computerized reservation services.
11. **Submission of tenders:** Tenders must be sent by registered letter with acknowledgement of receipt, date as postmarked, or delivered by hand with receipt, within at most 1 month of the date of publication of this invitation to tender in the *Official Journal of the European Communities*, before 12.00 (local time), to the following address:
- Conseil Régional de la Guyane, Direction Générale des Services, Direction du Développement, de l'Économie, de l'Aménagement et de la Planification, Service Aménagement et Développement du Territoire, 65 bis, rue Christophe Colomb, BP 7025, F-97307 Cayenne Cedex. Tel.: (594) 29 20 50. Fax: (594) 29 20 51.
12. **Validity of the invitation to tender:** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier presents by 1.12.2001 a programme for operating the route in question from 1.1.2002 in accordance with the public service obligation imposed, without receiving any financial compensation.
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