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Information and Notices

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(1) Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**18 March 2002**

(2002/C 70/01)

| | | | |
|---------------|---|---------|-----------------------------------|
| 1 euro | = | 7,4323 | Danish krone |
| | = | 9,0771 | Swedish krona |
| | = | 0,6174 | Pound sterling |
| | = | 0,8792 | United States dollar |
| | = | 1,3951 | Canadian dollar |
| | = | 115,31 | Japanese yen |
| | = | 1,4633 | Swiss franc |
| | = | 7,7485 | Norwegian krone |
| | = | 88,21 | Icelandic króna ⁽²⁾ |
| | = | 1,6793 | Australian dollar |
| | = | 2,0214 | New Zealand dollar |
| | = | 10,5174 | South African rand ⁽²⁾ |

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

⁽²⁾ Source: Commission.

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

Cases where the Commission raises no objections

(2002/C 70/02)

Date of adoption of the decision: 13.2.2002

Member State: Germany (Bavaria)

Aid No: N 203/01

Title: Support for the destruction of MBM and animal fats

Objective: Partial compensation is given for the extra costs following the prohibition to use meat and bonemeal in animal feed

Legal basis: Vollzugshinweise des Bayerischen Staatsministeriums für Gesundheit, Ernährung und Verbraucherschutz zur Durchführung des Sofortprogramms für die durch die BSE-Krise erforderliche Entsorgung von Tiermehl und Tierfett

Budget:

2001: DEM 60 million (EUR 30 677 512,87)

2002: DEM 40 million (EUR 20 451 675,25)

Aid intensity or amount: Up to 100 % (with a maximum of DEM 220 per tonne of MBM or animal fat)

Duration: Until 31 March 2002

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

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

Date of adoption of the decision: 13.2.2002

Member State: Germany (Bayern)

Aid No: N 270/01

Title: Quality programme 'Certified Quality'

Objective: The measure is aimed at introducing and promoting of the quality label 'Certified Quality'. With this label quality assurance and sales promotion for food products are to be supported

Legal basis: Vollzugshinweise für die Durchführung von Maßnahmen zur Förderung der Qualität und des Absatzes im Rahmen des Zeichens „Geprüfte Qualität“ und Haushaltsgesetz des Freistaates Bayern

Budget: An overall budget of EUR 3 579 043 is foreseen for the year 2002. For the years 2003 and 2004 the budget is EUR 2 556 460 and EUR 2 045 168

Aid intensity or amount: Variable, up to 100 %

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/secretariat_general/sgb/state_aids

Date of adoption of the decision: 13.2.2002

Member State: Austria (Upper Austria)

Aid No: N 744/01

Title: Compensation for the losses due to the BSE crisis

Objective: To alleviate the consequences of the BSE crisis to livestock farmers in Upper Austria

Legal basis: Richtlinie des Landes Oberösterreich für die Gewährung von Beihilfen an landwirtschaftliche Betriebe mit Rinderhaltung zum Ausgleich von außergewöhnlichen Belastungen durch die BSE-Krise

Budget: The measure has an exclusively nationally financed budget of EUR 3 700 000

Aid intensity or amount: The aid is paid in form of a direct grant per animal slaughtered in the period between 1 January 2001 and 30 June 2001 (EUR 37 for each bull, ox, cow and heifer of eight months or more, EUR 22 for each calf of one to seven months). The livestock farmer receives this partial compensation only for those animals of the above categories he has sold for slaughter between 1 January 2001 and 30 June 2001. The number of the eligible animals is determined by the authorities on the basis of the list of slaughtered animals provided by the 'Rinderdatenbank der Agrarmarkt Austria (AMA)'

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/secretariat_general/sgb/state_aids

Date of adoption of the decision: 13.2.2002

Member State: Austria (Lower Austria)

Aid No: N 787/01

Title: Compensation for the losses due to the BSE crisis

Objective: To alleviate the consequences of the BSE crisis to livestock farmers in Lower Austria

Legal basis: Richtlinie für die Förderung von landwirtschaftlichen Betrieben mit Rinderhaltung zum Ausgleich der außergewöhnlichen Belastungen durch die BSE-Krise

Budget: The measure has an exclusively nationally financed budget of EUR 3 300 000

Aid intensity or amount: The aid is paid in form of a direct grant per animal slaughtered in the period between 1 January 2001 and 30 June 2001 (EUR 37 for each bull, ox, cow and heifer of eight months or more, EUR 22 for each calf of one to seven months). The livestock farmer receives this partial compensation only for those animals of the above categories he has sold for slaughter between 1 January 2001 and 30 June 2001. The number of the eligible animals is determined by the authorities on the basis of the list of slaughtered animals provided by the 'Rinderdatenbank der Agrarmarkt Austria (AMA)'

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/secretariat_general/sgb/state_aids

Date of adoption of the decision: 13.2.2002

Member State: Belgium

Aid No: N 21/02

Title: Payment of the costs of compulsory BSE tests

Objective: To pay the costs of BSE tests which are compulsory under Community legislation

Legal basis:

Arrêté royal relatif au financement de l'examen de laboratoire pour la recherche de l'encéphalopathie spongiforme bovine

Koninklijk besluit betreffende de financiering van het laboratoriumonderzoek voor het opsporen van boviene spongiforme encefalopathie

Aid intensity or amount: Maximum 100 % of losses

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

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

Date of adoption of the decision: 13.2.2002

Member State: Austria (Styria)

Aid No: N 35/02

Title: Compensation for the losses due to the BSE crisis

Objective: To alleviate the consequences of the BSE crisis to livestock farmers in Styria

Legal basis: Richtlinie des Landes Steiermark für die Gewährung von Beihilfen an landwirtschaftliche Betriebe mit Rinderhaltung zum Ausgleich von außergewöhnlichen Belastungen infolge der BSE-Krise

Budget: The measure has an exclusively nationally financed budget of EUR 1 944 213

Aid intensity or amount: The aid is paid in form of a direct grant per animal slaughtered in the period between 1 January 2001 and 30 June 2001 (EUR 37 for each bull, ox, cow and heifer of eight months or more, EUR 22 for each calf of one to seven months). The livestock farmer receives this partial compensation only for those animals of the above categories he has sold for slaughter between 1 January 2001 and 30 June 2001. The number of the eligible animals is determined by the authorities on the basis of the list of slaughtered animals provided by the 'Rinderdatenbank der Agrarmarkt Austria (AMA)'

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/secretariat_general/sgb/state_aids

STATE AID — ITALY

Aid C 8/2002 (ex N 845/2001) — Environmental aid in favour of Acciaerie di Sicilia SpA — ECSC steel**Invitation to submit comments pursuant to Article 6(5) of Commission Decision No 2496/96/ECSC**

(2002/C 70/03)

(Text with EEA relevance)

By means of the letter dated 13 February 2002, 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 6(5) of Commission Decision No 2496/96/ECSC concerning the abovementioned aid.

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

European Commission
Directorate-General for Competition
Directorate H
State Aid Registry
B-1049 Brussels
Fax (32-2) 296 12 42.

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

Description of the aid

By letter dated 20 December 2001, registered on 21 December 2001, Italy notified the Commission of their intention to grant aid towards four projects to be carried out by Acciaerie di Sicilia SpA.

Acciaerie di Sicilia is a producer of steel belonging to the Alfa Acciai group. The company was created in May 1998 and remained inactive until March 1999 when it acquired the installations of Acciaerie Megara which had been closed since 1996. Acciaerie di Sicilia reassumed the production of rolled products in April 1999 and that of steel in October 1999.

The aid is granted by the Ministry of Productive Activities under Law No 488/92 for aid in depressed areas. The aid was approved on 9 April 2001 subject to the authorisation of the European Commission. It will be granted in three equal yearly instalments.

The aid amounts to EUR 1 116 414,54. The considered global eligible cost amounts to EUR 4 175 399,09, which means that the proposed aid represents an average of 26,7 %. It relates to the four following projects:

- (i) Acquisition of **an installation for the purification of the smoke coming from the electric furnace**. The electric furnace has currently an installation for primary purification, i.e. smoke produced during the melting process

when the furnace is covered but does not purify the smoke that escapes when the furnace is uncovered for loading and unloading. The new installation would fulfil the conditions imposed by the region of Sicily for the operation of the furnace as well as by other rules adopted at national level.

- (ii) Acquisition of a **dynamic equaliser** in order to avoid the so-called flicker phenomenon (i.e. repetitive and rapid voltage variations) caused by the operation of the electric furnace which also affects the general network.
- (iii) Reinforcement of the **electrical system for the electric furnace** which would optimise the functioning of the anti-flicker above, improve the energy efficiency of the plant and reduce the disturbances caused to the general electric network.
- (iv) Participation of the Acciaerie di Sicilia in the Community eco-management and audit scheme (**EMAS**) established in Council Regulation (EEC) No 1836/93 of 29 June 1993. Eligible costs for this project amount to EUR 59 392,54 and include, amongst others not specified, consultancy costs.

No details are provided either as to the costs considered eligible by the Italian authorities (except, partially, for the project under (iv)) nor as to the aid granted for them.

According to the notification these projects do not entail cost savings.

Assessment

Acciaierie di Sicilia SpA produces steel products included in Annex I to the ECSC Treaty. Therefore, it is an undertaking within the meaning of Article 80 of that Treaty to which Decision No 2496/96/ECSC (hereinafter the Steel Aid Code) applies.

The Steel Aid Code provides in its Article 3 for the possibility of steel companies to receive aid for environmental investments. The conditions for such aid to be considered compatible with the common market are set in the Annex of the Steel Aid Code and in the Community guidelines on State aid for environmental protection as set out in the *Official Journal of the European Communities* C 72 of 10 March 1994 (hereinafter referred to as 'the 1994 environmental guidelines').

As to the first project it appears that it concerns the adaptation of existing installations to legal obligations (the conditions imposed by Sicily and other national norms not specified). However, since the steel shop has been in operation since October 1999 and it is not known when these legal obligations were imposed, it is not possible to assess whether the adaptation of the plant is eligible for aid according to point 3(2)(3)(A) of the environmental guidelines. Moreover, since the proposed aid represents 26,7 % of the eligible costs, it appears that the limit of 15 % provided for in the 1994 environmental guidelines is not respected.

As to the second project, there appears to be no improvement in the environment but merely an improvement in the regularity of the flows of electricity to the benefit of the firm and of the nearby town. It appears therefore that the aid is for general investment which is not permitted by the Steel Aid Code. Moreover, there is no clear indication of the reason for the investment: whether to comply with new norms or whether to improve on existing norms.

As to the third project, it appears to concern merely the reinforcement of the electrical installation of the furnace. It appears therefore that the aid would be for general investment which is not permitted by the Steel Aid Code.

For these three projects, there is no information on the existing levels of pollutants, on the levels imposed by current mandatory norms and on the levels that will be reached after the investment. In these circumstances, in case of improvement on the existing norms it is not possible to assess if it is significant enough for the investment to be considered eligible for aid.

Moreover, for the projects mentioned in points (ii) and (iii), which will enhance efficiency in the production process⁽¹⁾, the Commission has doubts that they do not entail costs savings, as stated in the notification.

⁽¹⁾ The notification mentions a reduction in energy losses and in the consumption of electrodes and refractories.

As to the fourth project, and although point 3(3) of the 1994 environmental guidelines allows aid for the provision of training and consultancy help to firms on environmental matters, since no details have been provided as to the eligible costs or as to the amount of the aid, it is not possible to assess its conformity with the abovementioned guidelines.

Finally, as to the payment of the aid in instalments, the Commission has doubts that, in view of Article 1(3) of the Steel Aid Code, any payment can legally take place after 22 July 2002.

In the light of the foregoing considerations, the Commission, at this stage of the procedure, has doubts that the abovementioned aid complies with the rules laid down in Decision No 2496/96/ECSC.

TEXT OF THE LETTER

'La Commissione informa l'Italia che, dopo aver esaminato le informazioni fornite dalle autorità italiane sull'aiuto in oggetto, ha deciso di avviare il procedimento di cui all'articolo 6, paragrafo 5, della decisione n. 2496/96/CECA della Commissione.

1. PROCEDIMENTO

1. Con lettera del 20 dicembre 2001, registrata il 21 dicembre 2001, l'Italia ha notificato alla Commissione l'intenzione di concedere un aiuto a quattro progetti che saranno realizzati da Acciaierie di Sicilia SpA.

2. DESCRIZIONE DETTAGLIATA DELL'AUIUTO

2. Acciaierie di Sicilia SpA è un'impresa che produce acciaio ed appartiene al gruppo Alfa Acciai. L'impresa è stata costituita nel maggio 1998 ed è rimasta inattiva fino al marzo 1999, quando ha acquistato gli impianti produttivi delle Acciaierie Megara SpA rimasti fermi dal 1996. Acciaierie di Sicilia ha rimesso in funzione il comparto produttivo laminatoio nell'aprile 1999 e il comparto produttivo acciaieria nel mese di ottobre dello stesso anno.
3. L'aiuto è erogato dal ministero delle Attività produttive in base alla legge 488/92 relativa alla concessione delle agevolazioni nelle aree depresse. L'aiuto, che è stato deliberato il 9 aprile 2001 fatta salva l'autorizzazione della Commissione europea, sarà erogato in tre quote annuali identiche.

4. L'aiuto ammonta a 1 116 414,54 EUR. Il costo ammissibile globale preso in considerazione è di 4 175 399,09 EUR, il che significa che l'aiuto proposto corrisponde ad una media del 26,7 %. L'aiuto è destinato ai seguenti quattro progetti:

5. i) Acquisto di un **impianto di depurazione fumi per forno elettrico**. Attualmente il forno fusorio è dotato di una sola aspirazione primaria che aspira i fumi prodotti durante la fase di fusione quando la volta del forno è aperta, ma non purifica i fumi generati quando il forno è scoperto per le fasi di carica e scarica. Il nuovo impianto dovrebbe soddisfare le prescrizioni imposte dalla Regione Sicilia per il funzionamento del forno nonché altre normative adottate a livello nazionale.
6. ii) Acquisto di un **compensatore dinamico** antiflicker al fine di evitare il cosiddetto fenomeno flicker (ossia variazioni ripetute e rapide di voltaggio) causato dal funzionamento del forno elettrico con conseguenti disturbi sulla rete elettrica.
7. iii) Potenziamento del **sistema elettrico del forno elettrico** per ottimizzare il funzionamento del sistema antiflicker, migliorare il rendimento energetico dell'impianto industriale e ridurre i disturbi causati alla rete elettrica in generale.
8. iv) Adesione delle Acciaierie di Sicilia al sistema di gestione ambientale conforme al regolamento **EMAS** (regolamento n. 1836/93 del Consiglio del 29 giugno 1993). I costi ammissibili per questo progetto ammontano a 59 392,54 EUR e comprendono, tra altre voci non specificate, anche costi di consulenza.
9. Non sono fornite informazioni dettagliate per quanto riguarda i costi considerati ammissibili dalle autorità italiane [salvo, in parte, per il progetto di cui al punto iv)] né in merito alle agevolazioni ad essi destinate.
10. Dalla notifica risulta che i progetti di cui sopra non comportano risparmi di costi.

3. VALUTAZIONE

11. La società Acciaierie di Sicilia SpA produce prodotti di acciaio inclusi nell'allegato I al trattato CECA. Si tratta pertanto di un'impresa ai sensi dell'articolo 80 di detto trattato, alla quale si applica la decisione n. 2496/96/CECA (in appresso il Codice degli aiuti alla siderurgia).
12. Ai sensi dell'articolo 3 di detto Codice, le imprese siderurgiche possono ricevere aiuti destinati ad investimenti ambientali. I criteri per valutare la compatibilità di detti aiuti con il mercato comune figurano nell'allegato al Codice degli aiuti alla siderurgia nonché nella disciplina comunitaria degli aiuti di Stato per la tutela dell'ambiente pubblicata nella *Gazzetta ufficiale delle Comunità europee* C 72 del 10 marzo 1994 (in appresso «la disciplina Ambiente del 1994»).
13. In base alla disciplina Ambiente del 1994, gli aiuti che apparentemente sono destinati a misure di protezione ambientale ma che, in realtà, sono destinati agli investimenti in generale, sono esclusi dalla disciplina. I costi ammissibili

devono limitarsi strettamente ai costi d'investimento aggiuntivi necessari per conseguire gli obiettivi di protezione ambientale⁽²⁾. Inoltre la disciplina stabilisce che gli aiuti agli investimenti, effettuati dalle imprese per conformare a nuove norme obbligatorie impianti in servizio da almeno due anni, possono essere autorizzati fino ad un'intensità massima lorda del 15 % (punto A, primo paragrafo), mentre gli aiuti a favore di investimenti che consentono di raggiungere livelli di protezione dell'ambiente significativamente superiori a quelli previsti dalle norme vigenti possono essere autorizzati a concorrenza di un livello massimo del 30 % lordo, purché tale intensità sia proporzionata al miglioramento dell'ambiente che viene realizzato ed agli investimenti necessari per conseguirlo (punto B, primo paragrafo).

14. In base all'allegato al Codice degli aiuti alla siderurgia, la Commissione, se necessario, imporrà condizioni e limiti rigorosi onde evitare aiuti dissimulati per investimenti generali per nuovi stabilimenti o attrezzature. Nel caso di aiuti diretti ad incoraggiare le imprese a migliorare in modo significativo la tutela dell'ambiente, l'investitore dovrà dimostrare di avere chiaramente deciso di scegliere livelli di tutela ambientale superiori implicanti investimenti addizionali, vale a dire che una soluzione a costi inferiori avrebbe permesso di soddisfare le nuove norme ambientali. In ogni caso la maggiorazione dell'aiuto si applicherebbe unicamente all'investimento connesso al maggior grado di tutela ambientale conseguito, previa detrazione di qualsiasi vantaggio che ne derivi in termine di diminuzione dei costi di produzione. La Commissione analizzerà inoltre il contesto economico ed ambientale di una decisione di procedere alla sostituzione di impianti o attrezzature in servizio. In linea di massima, una decisione di procedere a un nuovo investimento, che sarebbe comunque stata presa per ragioni economiche o tenuto conto dell'età dell'impianto o delle attrezzature esistenti, non potrà beneficiare di aiuti (durata di vita residua inferiore al 25 %).
15. Quanto al primo progetto, riguarda l'adeguamento d'impianti esistenti a norme cogenti (le condizioni imposte dalla Sicilia e da altre norme nazionali non specificate). Tuttavia, considerato che il laminatoio è in funzione dall'ottobre 1999 e visto che non è nota la data d'imposizione di detti obblighi di legge, non è possibile valutare se l'adeguamento dell'impianto possa beneficiare di aiuto in virtù del punto 3.2.3.A della disciplina Ambiente. Inoltre, poiché corrisponde al 26,7 % dei costi ammissibili, l'aiuto prospettato non sembra rispettare il massimale del 15 % stabilito nella disciplina Ambiente del 1994.
16. Quanto al secondo progetto, non contribuisce a migliorare l'ambiente, ma semplicemente a migliorare la regolarità dei flussi di elettricità a beneficio dell'impresa e della città adiacente. Pertanto l'aiuto sembra destinato ad un investimento generale, il che non è permesso dal Codice degli aiuti alla siderurgia. Inoltre non vi è alcuna chiara indicazione dei motivi dell'investimento: se è destinato ad adeguare gli impianti a nuove norme cogenti oppure a migliorare in modo significativo la tutela dell'ambiente.

⁽²⁾ Cfr. punto 3.2.1 della disciplina.

17. Quanto al terzo progetto, riguarda semplicemente il potenziamento dell'impianto elettrico del forno. Pertanto l'aiuto sembra destinato ad un investimento generale, il che non è permesso dal Codice degli aiuti alla siderurgia.
18. Per questi tre progetti mancano informazioni sui livelli attuali di agenti inquinanti, sui livelli imposti dalle nuove norme cogenti e sui livelli che verrebbero raggiunti una volta effettuato l'investimento. In tali circostanze, nell'eventualità di un miglioramento rispetto alle norme ambientali esistenti, non è possibile valutare se si tratti di un miglioramento sufficientemente significativo perché l'investimento possa essere considerato ammissibile ad aiuto.
19. Inoltre, per quanto riguarda i progetti di cui ai punti 6 e 7 che miglioreranno il rendimento energetico del processo produttivo ⁽³⁾, la Commissione dubita che non consentano risparmi di costo, come è indicato nella notifica.
20. Quanto al quarto progetto e benché la disciplina Ambiente del 1994 al punto 3.3 autorizzi aiuti alle imprese per la formazione, assistenza e consulenza in campo ambientale, dato che non sono state fornite indicazioni specifiche sui costi ammissibili né sull'ammontare dell'aiuto, non è possibile valutarne la conformità con la normativa succitata.
21. Infine, quanto all'erogazione dell'aiuto in quote annuali, la Commissione dubita che, tenuto conto dell'articolo 1.3 del Codice degli aiuti alla siderurgia, i pagamenti possano legittimamente avere luogo dopo il 22 luglio 2002.
- 4. CONCLUSIONE**
22. Ciò premesso, la Commissione, in questa fase del procedimento, dubita che l'aiuto succitato rispetti le norme di cui alla decisione n. 2496/96/CECA ed ha pertanto deciso di avviare nei suoi confronti il procedimento previsto all'articolo 6, paragrafo 5, della medesima decisione.
23. La Commissione invita quindi l'Italia a trasmetterle le sue osservazioni entro un mese dalla data di ricezione della presente, ed a fornirle ogni informazione utile ai fini della valutazione dell'aiuto in base alla disciplina Ambiente del 1994 ed al Codice degli aiuti alla siderurgia. Deve trattarsi quanto meno delle seguenti informazioni:
- le date previste di inizio e completamento dell'investimento,
 - per ciascun progetto, informazioni dettagliate sui costi ammissibili e sull'ammontare dell'aiuto,
 - una chiara indicazione della finalità dell'investimento, ossia se è effettuato per l'adeguamento a nuove norme ambientali obbligatorie oppure per incoraggiare l'osservanza di criteri più rigorosi di quelli previsti dalle norme ambientali vigenti,
 - per ciascuno dei progetti di cui ai punti 5, 6 e 7, l'indicazione esatta degli strumenti giuridici che impongono nuove norme ambientali obbligatorie nonché copia dei medesimi; dati relativi ai livelli attuali di agenti inquinanti, ai livelli imposti dalle norme obbligatorie e ai livelli che saranno raggiunti una volta realizzato l'investimento,
 - per i progetti destinati ad incoraggiare l'osservanza di criteri più rigorosi, la prova attestante la decisione adottata di optare per livelli superiori di tutela dell'ambiente che hanno richiesto investimenti addizionali,
 - per quanto riguarda il progetto di cui al punto 7, informazioni dettagliate sulla potenza dell'impianto attuale e sulla potenza del nuovo impianto nonché la quantificazione dei risparmi di costo e degli effetti di questo investimento e di quello di cui al punto 6 in termini di capacità di produzione,
 - la data di acquisto dell'impianto da sostituire e la vita utile residua del medesimo.
24. Ai sensi dell'articolo 6, paragrafo 1, del Codice degli aiuti alla siderurgia, le notificazioni dei progetti di aiuti sono trasmesse alla Commissione entro il 31 dicembre 2001. Tale limite dovrebbe permettere alla Commissione di adottare una decisione prima della scadenza del Codice degli aiuti alla siderurgia. Pertanto la Commissione avverte l'Italia che adotterà una decisione finale sull'aiuto notificato entro il 22 luglio 2002 sulla base delle informazioni disponibili all'epoca della decisione. Per lo stesso motivo non saranno concesse proroghe del termine di cui al punto 23.
25. La Commissione invita le autorità italiane a inviare senza indugio copia della presente ai beneficiari dell'aiuto.
26. La Commissione fa presente al governo italiano che all'aiuto prospettato può essere data esecuzione solo previa approvazione della Commissione e nel rispetto delle condizioni da essa stabilite.'

⁽³⁾ La notifica cita una riduzione della dispersione energetica e del consumo di elettrodi e refrattari.

COMMUNICATION FROM THE COMMISSION

Multisectoral framework on regional aid for large investment projects

(notified under document No C(2002) 315)

(2002/C 70/04)

(Text with EEA relevance)

1. INTRODUCTION: SCOPE OF THE MEASURE

1. On 16 December 1997, the Commission adopted the 'Multisectoral framework on regional aid for large investment projects' ⁽¹⁾. The multisectoral framework became applicable from 1 September 1998 for an initial trial period of three years. Its validity was extended in 2001 until 31 December 2002.
2. In accordance with point 4.1 of the multisectoral framework, the Commission conducted a review in 2001 and concluded that it had to be revised. It also considered that the specific sectoral frameworks should be integrated into the new multisectoral framework.
3. This framework only applies to regional aid, as defined by the 'Guidelines on national regional aid' ⁽²⁾, that aims to promote initial investment, including job creation linked to initial investment, on the basis of Article 87(3)(a) and (c) of the Treaty. This framework is without prejudice to the assessment of aid proposals under other provisions of the Treaty such as Article 87(3)(b) or (d). For the steel and synthetic fibres sectors, it also applies to large individual aid grants for small and medium-sized undertakings that are not exempted by Commission Regulation (EC) No 70/2001 ⁽³⁾. This framework does not apply to restructuring aid cases, which will continue to be covered by the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽⁴⁾. Similarly, this framework will not affect the operation of the existing horizontal frameworks, such as the Community framework for State aid for research and development ⁽⁵⁾ and the Community guidelines on State aid for environmental protection ⁽⁶⁾.
4. This framework does not affect the operation of the specific State aid rules that apply to the agriculture, fisheries and transport sectors and to the coal industry.
5. The aid intensity of regional investment aid that is not exempted from the notification obligation laid down in Article 88(3) of the EC Treaty by an exemption regulation adopted by the Commission on the basis of Council Regu-

lation (EC) No 994/98 ⁽⁷⁾ will be limited on the basis of the criteria laid down in this framework.

6. Under this framework no advance notification of aid below certain thresholds for large investment projects is required, provided that aid is granted in accordance with an aid scheme approved by the Commission. However, this framework does not affect the Member States' obligation to notify new individual (ad-hoc) aid that is not exempted from the notification obligation laid down in Article 88(3) of the EC Treaty by an exemption regulation adopted by the Commission on the basis of Regulation (EC) No 994/98. The rules laid down in this framework apply also to the assessment of such individual (ad-hoc) State aid measures.

2. THE NEED FOR THE MEASURE**2.1. The reasons to have a simple and transparent instrument**

7. Compared to the previous multisectoral framework, this framework is a simpler instrument. The Commission considers that regional investment aid to large projects should be controlled in a simple and transparent way. On the basis of experience with the previous multisectoral framework, the Commission has introduced several simplifications, changes and clarifications.
8. Firstly, the previous multisectoral framework did not have a significant impact on State aid levels for large investment projects in the Community. The Commission considers it necessary to have a restrictive approach with regard to regional aid granted to large-scale projects, whilst preserving the attraction of the less favoured regions. The need for a more restrictive approach on regional aid to large-scale mobile investment projects has been widely acknowledged in recent years. The completion of the single market makes it more important than ever to maintain tight controls on State aid for such projects, since the distortive effect of aid is magnified as other government-induced distortions of competition are eliminated and markets become more open and integrated. An appropriate balance between the three core objectives of Community policy, namely undistorted competition in the internal market, economic and social cohesion, and industrial competitiveness, must therefore entail stricter rules for regional aid granted to large-scale projects.

⁽¹⁾ OJ C 107, 7.4.1998, p. 7.

⁽²⁾ OJ C 74, 10.3.1998, p. 9.

⁽³⁾ OJ L 10, 13.1.2001, p. 33.

⁽⁴⁾ OJ C 288, 9.10.1999, p. 2.

⁽⁵⁾ OJ C 45, 17.2.1996, p. 5.

⁽⁶⁾ OJ C 37, 3.2.2001, p. 3.

⁽⁷⁾ OJ L 142, 14.5.1998, p. 1.

9. Secondly, the incorporation of several frameworks into a unified instrument will have the effect of simplifying the existing legislation and increasing the accountability and transparency of State aid control.
 10. Third, the utilisation of a much simpler instrument will reduce the administrative burden within the administrations and will enhance the predictability of decisions of allowable aid amounts for investors and administrations alike.
 11. And fourth, in order to prevent serious distortions of competition, the framework provides for stricter rules for sectors suffering from structural problems.
- 2.2. The need for a more systematic control on regional aid to large-scale mobile investment projects**
12. The maximum aid ceilings fixed by the Commission for all areas eligible for regional aid are in general designed to provide an appropriate level of incentive necessary for the development of the assisted regions. However, as they provide a single ceiling, they are usually in excess of the regional handicaps when applied to large-scale projects. The purpose of this framework is to limit the level of incentive available for large projects to a level that avoids as much as possible unnecessary distortions of competition.
 13. Large investments can effectively contribute to regional development, amongst other things by attracting other companies to the region and introducing advanced technologies as well as by contributing to the training of workers. However, these investments are less affected by important region-specific problems in disadvantaged areas. First of all, large investments can produce economies of scale that reduce location-specific initial costs. Secondly, they are in many respects not tied to the region in which the physical investment takes place. Large investments can easily obtain capital and credit on global markets and are not constrained by the more limited offer of financial services in a particular disadvantaged region. Moreover, companies making large investments can access a geographically wider pool of labour, and can more easily transfer a skilled workforce to the chosen location.
 14. At the same time, if large investments receive large amounts of State aid by benefiting from the full regional ceilings, there is an increased risk that trade will be affected and thus of a stronger distortion effect vis-à-vis competitors in other Member States. This is because the beneficiary of the aid is more likely to be a significant player on the market concerned and, consequently, the investment for which the aid is awarded may modify the conditions of competition in that market.
 15. Additionally, companies making large investments usually possess a considerable bargaining power vis-à-vis the authorities granting aid. Indeed, investors in large projects often consider alternative sites in different Member States, which may lead to a spiral of increasingly generous promises of aid, possibly to a level much higher than what is necessary to compensate for the regional handicaps.
 16. The outcome of such subsidy auctions is likely to be that large investments receive aid intensities that exceed the additional costs resulting from the choice of locating the investment in a disadvantaged area.
 17. The amount of aid exceeding the minimum necessary to compensate for the regional disadvantages is a very likely cause of perverse effects (inefficient location choices), higher distortion of competition and, since aid is a costly transfer from taxpayers in favour of aid recipients, net welfare losses.
 18. Recent experience has shown that large investment projects benefiting from regional investment aid are more capital-intensive than smaller investment projects. As a consequence, a more favourable treatment of smaller investment projects translates into a more favourable treatment in assisted areas of projects that are more labour intensive, thus contributing to job creation and unemployment reduction.
 19. Certain types of investment are likely to cause serious distortion of competition, and their beneficial effect on the region concerned is doubtful. This is true in particular for investments in sectors where a single company has a high market share, or where the existing sectoral production capacity increases significantly, without a corresponding increase in demand for the products concerned. More generally, distortion of competition is likely in sectors suffering from structural problems, where the existing production capacity already exceeds the market demand for the product, or where the demand for the products concerned is persistently declining.
 20. In line with Article 159 of the EC Treaty, due account must be taken of the coherence between the State aid decisions taken pursuant to this framework and the actions of the structural funds leading to a strengthening of the economic and social cohesion of the Community, in particular those aimed at reducing disparities between the levels of development of the various regions, and the backwardness of the least-favoured regions. Projects co-financed from the structural funds effectively contribute to economic and social cohesion within the Community and should therefore be duly taken into consideration.

3. REDUCTION OF AID LEVELS FOR LARGE INVESTMENT PROJECTS

21. Without prejudice to the compatibility criteria laid down in the guidelines on national regional aid and in Regulation (EC) No 70/2001, and without prejudice to the notification obligation laid down in point 24 or to the transitional rules laid down in section 8, regional investment aid concerning investments involving eligible expenditure⁽⁸⁾ for the thresholds set out below shall be subject to an adjusted lower regional aid ceiling, on the basis of the following scale:

| Eligible expenditure | Adjusted aid ceiling |
|---|---------------------------|
| Up to EUR 50 million | 100 % of regional ceiling |
| For the part between EUR 50 million and EUR 100 million | 50 % of regional ceiling |
| For the part exceeding EUR 100 million | 34 % of regional ceiling |

22. Thus, the allowable aid amount for a project above EUR 50 million will be calculated according to the formula: maximum aid amount = $R \times (50 + 0,50 B + 0,34 C)$; where R is the unadjusted regional ceiling; B is the eligible expenditure between EUR 50 million and EUR 100 million; and C is the eligible expenditure above EUR 100 million, if any⁽⁹⁾.

⁽⁸⁾ Under the guidelines on national regional aid, the eligible expenditure for regional investment aid is defined either by the rules laid down in its points 4.5 and 4.6 (option 1) or by the rules laid down in its point 4.13 (option 2). In line with point 4.19 of the guidelines on national regional aid, aid calculated on the basis of option 1 ('investment aid') can be combined with aid calculated on the basis of option 2 ('job creation aid') provided the combined amount of aid does not exceed the regional aid ceiling multiplied by the higher of the two possible eligible expenditures. In line with this rule, and for the purposes of the present framework, the eligible expenditure of a specific investment project is defined on the basis of the option that leads to the higher amount. The eligible expenditure amount will be determined in such a way as not to exceed the higher investment amount resulting from the higher of the job creation method and the initial investment method, subject to the intensity ceiling laid down for the region.

⁽⁹⁾ The table below further illustrates, for specific sizes of eligible expenditure and for specific regional ceilings, the aid intensities that could be allowed under the reduction scale.

| Eligible expenditure | Regional aid ceiling | | | | | |
|----------------------|----------------------|---------|---------|---------|---------|---------|
| | 15 % | 20 % | 25 % | 30 % | 35 % | 40 % |
| EUR 50 million | 15,00 % | 20,00 % | 25,00 % | 30,00 % | 35,00 % | 40,00 % |
| EUR 100 million | 11,25 % | 15,00 % | 18,75 % | 22,50 % | 26,25 % | 30,00 % |
| EUR 200 million | 8,18 % | 10,90 % | 13,63 % | 16,35 % | 19,08 % | 21,80 % |
| EUR 500 million | 6,33 % | 8,44 % | 10,55 % | 12,66 % | 14,77 % | 16,88 % |

23. By way of example, for a large company investing EUR 80 million in an assisted area where the unadjusted regional aid ceiling is 25 % net grant equivalent (nge), the maximum allowable aid amount would be EUR 16,25 million nge, which corresponds to an aid intensity of 20,3 % nge. For a large company investing EUR 160 million in the same area, the maximum allowable aid amount would be EUR 23,85 million nge, which corresponds to an aid intensity of 14,9 % nge.

24. However, Member States are required to notify every case of regional investment aid if the aid proposed is more than the maximum allowable aid that an investment of EUR 100 million can obtain under the scale and the rules laid down in paragraph 21⁽¹⁰⁾. Individually notifiable projects will not be eligible for investment aid in either of the following two situations:

(a) the aid beneficiary accounts for more than 25 % of the sales of the product concerned before the investment or will, after the investment, account for more than 25 %; or

(b) the capacity created by the project is more than 5 % of the size of the market measured using apparent consumption data of the product concerned, unless the average annual growth rate of its apparent consumption over the last five years is above the average annual growth rate of the European Economic Areas's GDP.

The burden of proving that the situations to which points (a) and (b) refer do not obtain lies with the Member State⁽¹¹⁾. For the purpose of applying points (a) and (b) apparent consumption will be defined at the appropriate level of the Prodcom classification⁽¹²⁾ in the EEA, or, if such information is not available, on the basis of any other market segmentation generally accepted for the products concerned and for which statistical data are readily available.

⁽¹⁰⁾ Proposals to award ad-hoc aid must in any event be notified and will be assessed on the basis of the rules laid down in section 3 of the Framework, and in line with the general assessment criteria laid down in the guidelines on national regional aid.

⁽¹¹⁾ If the Member State demonstrates that the aid beneficiary creates, through genuine innovation, a new product market, the tests laid down in letters (a) and (b) do not need to be carried out, and the aid will be authorised under the scale in paragraph 21.

⁽¹²⁾ Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production (OJ L 374, 31.12.1991, p. 1).

25. The maximum allowable aid intensity that a notifiable project can receive under point 24 may be increased by multiplying it by the factor 1,15 if the project is co-financed from structural funds resources as a major project within the meaning of Article 25 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the structural funds ⁽¹³⁾, in line with the provisions laid down in Article 26 of the same Regulation. The rate of co-financing must be at least 10 % of the total public expenditure, if the project is located in an area eligible for aid under Article 87(3)(c) of the Treaty and at least 25 % of the total public expenditure if the project is located in an area eligible for aid under Article 87(3)(a) thereof.

26. However, the aid increase resulting from point 25 must not lead to an aid intensity higher than the maximum aid intensity allowed for an investment of EUR 100 million, i.e. 75 % of the unadjusted regional aid ceiling.

4. AN AID PROHIBITION FOR INVESTMENT PROJECTS IN THE STEEL INDUSTRY

27. As regards the steel industry as defined in Annex B to this framework ⁽¹⁴⁾, the Commission notes that for a fairly long period of time, ECSC steel companies functioned without recourse to investment aid such as had been available to the rest of the industrial sectors. Steel companies have integrated this factor in their strategies and are used to it. Given the specific features of the steel sector (in particular its structure, the existing over-capacity at European and world level, its highly capital intensive nature, the location of the majority of steel plants in regions eligible for regional aid, the substantial amounts of public funds devoted to the restructuring of the steel sector, and the conversion of the steel areas) and the experience gained when less strict rules on State aid applied in the past, it appears justified to continue to prohibit investment aid to this sector, irrespective of the size of the investment. Accordingly, the Commission considers that regional aid to the steel industry is not compatible with the common market. This incompatibility also applies to large individual aid grants made to small and medium-sized enterprises within the meaning of Article 6 of Regulation (EC) No 70/2001, which are not exempted by the same Regulation.

5. INVESTMENT PROJECTS IN SECTORS WITH STRUCTURAL PROBLEMS OTHER THAN STEEL

28. The Commission has consistently considered in the past that investment in sectors that do, or might, suffer from

serious overcapacity or persistent decline in demand increase the risk of distortion of competition, without bringing the necessary counterbalancing benefits to the region concerned. The proper way to recognise that these investments are less beneficial from a regional point of view is to reduce investment aid to projects in sectors where structural problems prevail, to a level below that permitted for other sectors.

29. Until now, several sensitive industrial sectors have been subject to specific, stricter rules on State aid ⁽¹⁵⁾. In accordance with point 1.3 of the previous multisectoral framework, these specific sectoral rules continued to apply.

30. One of the objectives of the previous multisectoral framework was to provide for the possibility of replacing the existing sectoral rules with a single instrument. Subject to the transitional rules laid down in section 8 below, the Commission wishes through the present revision to include these sensitive industrial sectors within this framework.

31. By 31 December 2003, sectors where serious structural problems prevail will be specified in a list of sectors annexed to the framework. No regional investment aid will be authorised in these sectors, subject to the provisions laid down in this section.

32. For the purpose of drawing up the list of sectors, serious structural problems will in principle be measured on the basis of apparent consumption data, at the appropriate level of the CPA classification ⁽¹⁶⁾ in the EEA, or, if such information is not available, on the basis of any other market segmentation generally accepted for the products concerned and for which statistical data are readily available. Serious structural problems will be deemed to exist when the sector concerned is declining ⁽¹⁷⁾. The list of sectors shall be updated periodically, with a frequency to be determined at the time at which the list of sectors is decided.

⁽¹³⁾ OJ L 161, 26.6.1999, p. 1.

⁽¹⁴⁾ It includes the steel sectors currently covered by the ECSC Treaty as well as the sub-sectors of seamless tubes and large welded tubes, currently not covered by the ECSC Treaty, but which form part of an integrated production process and which have similar features to the steel sector covered by the ECSC Treaty.

⁽¹⁵⁾ Code on aid to the synthetic fibres industry (OJ C 94, 30.3.1996, p. 11) and Community framework on State aid to the motor vehicle industry (OJ C 279, 15.9.1997, p. 1); aid to shipbuilding is covered by Council Regulation (EC) No 1540/98 of 29 June 1998 establishing new rules on aid to shipbuilding (OJ L 202, 18.7.1998, p. 1).

⁽¹⁶⁾ Council Regulation (EEC) No 3696/93 of 29 October 1993 on the statistical classification of products by activity (CPA) in the European Economic Community (OJ L 342, 31.12.1993, p. 1), as last amended by Commission Regulation (EC) No 204/2002 (OJ L 36, 6.2.2002, p. 1).

⁽¹⁷⁾ A strong presumption of sectoral decline can arise from a negative average annual growth rate of apparent consumption in the EEA over the last five years.

33. As from 1 January 2004, and for sectors included in the list of sectors with serious structural problems, all regional investment aid concerning an investment project involving eligible expenditure above an amount to be determined by the Commission at the time of drawing up the list of sectors⁽¹⁸⁾ must be individually notified to the Commission, without prejudice to the provisions laid down in Regulation (EC) No 70/2001. The Commission will examine such notifications in accordance with the following rules: firstly, the aid project must comply with the general assessment criteria laid down in the guidelines on national regional aid; secondly, the eligible expenditure as defined under point 50 exceeding an amount to be determined by the Commission at the time of drawing up the list of sectors will not be eligible for investment aid, except for the cases referred to in point 34.

34. By way of derogation from point 33, the Commission may authorise investment aid for sectors included in the list of sectors on the basis of the aid intensities laid down in section 3 of this framework, provided that the Member State demonstrates that, although the sector is deemed to be in decline, the market for the product concerned is fast growing⁽¹⁹⁾.

6. EX-POST MONITORING

35. In drawing up this framework, the Commission has attempted to ensure that, as far as possible, it is clear, unambiguous, predictable and efficient and that the additional administrative burden it entails is kept to a minimum.

36. In order to ensure transparency and effective monitoring, it is appropriate to establish a standard format in which Member States should provide the Commission with summary information in the form laid down in Annex A, whenever aid for investments above EUR 50 million is granted in pursuance of this framework. On implementation of aid falling under this framework, Member States must, within 20 working days starting from the granting of the aid by the competent authority, forward to the Commission such summary information. The Commission will make this information available to the public through its website (<http://europa.eu.int/comm/competition/>).

⁽¹⁸⁾ This amount can in principle be set at EUR 25 million but may vary from sector to sector.

⁽¹⁹⁾ The market for the product concerned will be deemed to be fast growing if apparent consumption over the last five years at the appropriate level of the Prodcom classification in the EEA, or, if such information is not available, on the basis of another market segmentation generally accepted for the products concerned and for which statistical data are readily available, is growing in value terms by an average rate equal to or above the average growth of the EEA's GDP.

37. Member States must maintain detailed records regarding the granting of individual aid falling under this framework. Such records must contain all information necessary to establish that the maximum aid intensity determined under this framework is observed. Member States must keep a record regarding an individual aid for 10 years from the date on which it was granted. On written request, the Member State concerned must provide the Commission, within a period of 20 working days or such longer period as may be fixed in the request, with all the information that the Commission considers necessary to assess whether the provisions of this framework have been complied with.

7. VALIDITY OF THE FRAMEWORK

38. This framework will be applicable for a period ending on 31 December 2009. Before 31 December 2009, the Commission will evaluate the framework. The Commission may amend this framework before 31 December 2009 on the basis of important competition policy considerations or in order to take into account other Community policies or international commitments. Such review will not, however, affect the prohibition of investment aid to the steel industry.

39. As regards the steel sector as defined in Annex B, the provisions of the framework will be applied as from 24 July 2002. The existing specific sectoral rules for certain steel sectors not covered by the ECSC Treaty⁽²⁰⁾ will cease to be applicable from that date. As regards the motor vehicle sector as defined in Annex C, and the synthetic fibres sector as defined in Annex D, the provisions of the framework will be applied as from 1 January 2003. However, notifications registered by the Commission before 1 January 2003 for the motor vehicle sector and the synthetic fibres sector will be examined in the light of the criteria in force at the time of notification.

40. As regards sectors other than those mentioned in point 39, the provisions of this framework will be applied as from 1 January 2004. The previous multisectoral framework will remain applicable until 31 December 2003. However, notifications registered by the Commission before 1 January 2004 will be examined in the light of the criteria in force at the time of notification.

41. The Commission will examine the compatibility with the common market of investment aid granted without its authorisation:

- (a) on the basis of the criteria set out in this framework if the aid was granted:

⁽²⁰⁾ OJ C 320, 13.12.1988, p. 3.

- on or after 24 July 2002, as regards investment aid to the steel sector,
- on or after 1 January 2003, as regards investment aid to the motor vehicle sector, and the synthetic fibres sector,
- on or after 1 January 2004, as regards investment aid to all other sectors subject to this framework;

(b) on the basis of the criteria in force at the time the aid was granted, in all other cases.

8. TRANSITIONAL PROVISIONS

42. Until the date of applicability of the list of sectors to which point 31 refers, and without prejudice to Regulation (EC) No 70/2001:

- (a) the maximum aid intensity for regional investment aid in the motor vehicle sector as defined in Annex C granted under an approved scheme in favour of projects that involve either eligible expenditure above EUR 50 million or an aid amount above EUR 5 million expressed in gross grant equivalent, will be equal to 30 % of the corresponding regional aid ceiling ⁽²¹⁾;
- (b) no expenditure incurred in the context of investment projects in the synthetic fibres sector as defined in Annex D will be eligible for investment aid.

43. Before the date of applicability of the list of sectors to which point 31 refers, the Commission will decide whether and to what extent the motor vehicle sector as defined in Annex C and the synthetic fibres sector as defined in Annex D must be included in the list of sectors.

44. As regards the shipbuilding sector, the existing rules under Regulation (EC) No 1540/98 will be in force until 31 December 2003. Before this date, the Commission will have examined whether aid to the shipbuilding sector is to be covered by this framework and included in the list of sectors.

9. APPROPRIATE MEASURES

45. In order to ensure the implementation of the rules laid down in this framework, the Commission will propose

appropriate measures within the meaning of Article 88(1) of the Treaty. These appropriate measures will include the following:

(a) modifying existing regional aid maps by adapting:

- as from 24 July 2002 the current regional aid ceilings to the aid intensities resulting from the rules laid down in section 4 of this framework,

- as from 1 January 2003 the current regional aid ceilings to the aid intensities resulting from the rules laid down in section 8,

- as from 1 January 2004 the current regional aid ceilings to the aid intensities resulting from the rules laid down in section 3;

(b) adjusting all existing regional aid schemes, as defined by the guidelines on national regional aid, including those exempted from notification pursuant to a block exemption regulation, in order to make sure that for regional investment aid granted:

- (i) they respect the regional aid ceilings as laid down in the regional aid maps, as modified in accordance with (a) above as from 1 January 2004, as regards sectors other than those mentioned in point 39;

- (ii) they provide for the individual notification of regional investment aid where the aid is more than the maximum allowable aid that an investment of EUR 100 million can obtain under the scale shown in point 21 of this framework as from 1 January 2004;

- (iii) they exclude from their scope aid to the steel industry as from 24 July 2002;

- (iv) they exclude from their scope aid to the synthetic fibres industry as from 1 January 2003 and until the list of sectors becomes applicable;

- (v) they limit regional investment aid in the motor vehicle sector as defined in Annex C in favour of projects that involve either eligible expenditure above EUR 50 million or an aid amount above EUR 5 million expressed in gross grant equivalent to 30 % of the corresponding regional aid ceiling, as from 1 January 2003 and until the list of sectors becomes applicable;

⁽²¹⁾ Proposals to award ad-hoc aid must in any event be notified and will be assessed on the basis of this rule, and in line with the general assessment criteria laid down in the guidelines on national regional aid.

- (c) ensuring that the forms mentioned in point 36 are forwarded to the Commission from the date this framework becomes applicable;
 - (d) ensuring that the records mentioned in point 37 are maintained as from the date this framework becomes applicable;
 - (e) complying, until 31 December 2003, with the rules of the previous multisectoral framework on regional aid for large investment projects, and in particular with the notification requirements laid down therein.
46. The necessary amendments must be made by the Member States within a period ending on 31 December 2003, except for the measures regarding the steel sector, for which the amendments must be in place from 24 July 2002, and regarding the synthetic fibres sector and the motor vehicle sector for which the amendments must be in place as from 1 January 2003. The Member States are invited to give their explicit agreement to the proposed appropriate measures within 20 working days from the date on which the letter is notified to them. In the absence of any reply, the Commission will assume that the Member State in question does not agree with the proposed measures.

10. NOTIFICATIONS UNDER THIS FRAMEWORK

47. Member States are invited to use the notification form attached to this framework (Annex E) for the purpose of notifying aid proposals pursuant to this framework.

11. DEFINITION OF TERMS USED

48. The following definitions of the terms used in this framework will apply:

11.1. Investment project

49. 'Investment project' means an initial investment within the meaning of section 4 of the guidelines on national regional aid. An investment project should not be artificially divided into sub-projects in order to escape the provisions of this framework. For the purpose of this framework an investment project includes all the fixed investments on a site, made by one or more undertakings, in a period of three years. For the purpose of this framework, a production site is an economically indivisible series of fixed capital items fulfilling a precise technical function, linked by a physical or functional link, and which have clearly identified aims, such as the production of a defined

product. Where two or more products are produced from the same raw materials, the production units of such products will be deemed to constitute a single production site.

11.2. Eligible expenditure

50. 'Eligible expenditure' shall be determined in accordance with the rules laid down in the guidelines on national regional aid for this purpose.

11.3. Regional aid ceiling

51. 'Regional aid ceiling' refers to the maximum aid intensity authorised for large companies in the assisted area concerned at the time of the granting of the aid. Maximum aid intensities are determined in accordance with the guidelines on national regional aid, on the basis of the regional aid map approved by the Commission.

11.4. Product concerned

52. 'Product concerned' means the product envisaged by the investment project and, where appropriate, its substitutes considered to be such, either by the consumer (by reason of the product's characteristics, prices and intended use) or by the producer (through flexibility of the production installations). When the project concerns an intermediate product and a significant part of the output is not sold on the market, the product concerned will be deemed to include the downstream products.

11.5. Apparent consumption

53. 'Apparent consumption' of the product concerned is production plus imports minus exports.
54. Where the Commission determines in accordance with this framework the average annual growth of the apparent consumption of the product concerned, it will take into consideration, where appropriate, any significant change in that trend.
55. Where the investment project concerns a service sector, and in order to determine the size and the evolution of the market, the Commission will, instead of using apparent consumption, use the turnover of the services concerned on the basis of the market segmentation generally accepted for the services concerned and for which statistical data are readily available.

ANNEX A

FORM FOR EX-POST MONITORING

- Scheme title (or indicate if it is an 'ad-hoc' aid)
 - Public entity providing the assistance
 - If the legal basis is an aid scheme approved by the Commission, provide the date of the approval and the State aid case reference number
 - Specify the region and the municipality
 - Specify company name, whether it is an SME or a large company and, where relevant, the name of the parent companies
 - Specify the type of the project and whether it is a new establishment or a capacity expansion or other
 - Specify the total cost and the eligible cost of capital expenditure to be invested over the lifetime of the project
 - Nominal amount of support and its gross and net grant equivalent
 - Provide the conditions attached to the payment of the proposed assistance, if any
 - Products or services concerned and their Prodcom nomenclature or CPA nomenclature for projects in the service sectors.
-

ANNEX B

DEFINITION OF THE STEEL INDUSTRY FOR THE PURPOSES OF THE MULTISECTORAL FRAMEWORK

The steel industry, for the purposes of the multisectoral framework consists of the undertakings engaged in the production of the steel products listed below:

| Product | Combined nomenclature code (1) |
|---|--|
| Pig iron | 7201 |
| Ferro-alloys | 7202 11 20, 7202 11 80, 7202 99 11 |
| Ferrous products obtained by direct reduction of iron ore and other spongy ferrous products | 7203 |
| Iron and non-alloy steel | 7206 |
| Semi-finished products of iron or non-alloy steel | 7207 11 11; 7207 11 14; 7207 11 16; 7207 12 10; 7207 19 11; 7207 19 14; 7207 19 16; 7207 19 31; 7207 20 11; 7207 20 15; 7207 20 17; 7207 20 32; 7207 20 51; 7207 20 55; 7207 20 57; 7207 20 71 |
| Flat rolled products of iron and non-alloy steel | 7208 10 00; 7208 25 00; 7208 26 00; 7208 27 00; 7208 36 00; 7208 37; 7208 38; 7208 39; 7208 40; 7208 51; 7208 52; 7208 53; 7208 54; 7208 90 10; 7209 15 00; 7209 16; 7209 17; 7209 18; 7209 25 00; 7209 26; 7209 27; 7209 28; 7209 90 10; 7210 11 10; 7210 12 11; 7210 12 19; 7210 20 10; 7210 30 10; 7210 41 10; 7210 49 10; 7210 50 10; 7210 61 10; 7210 69 10; 7210 70 31; 7210 70 39; 7210 90 31; 7210 90 33; 7210 90 38; 7211 13 00; 7211 14; 7211 19; 7211 23 10; 7211 23 51; 7211 29 20; 7211 90 11; 7212 10 10; 7212 10 91; 7212 20 11; 7212 30 11; 7212 40 10; 7212 40 91; 7212 50 31; 7212 50 51; 7212 60 11; 7212 60 91 |
| Bars and rods, hot rolled, in irregularly wound coils, of iron or non-alloy steel | 7213 10 00; 7213 20 00; 7213 91; 7213 99 |
| Other bars and rods or iron and non-alloy steel | 7214 20 00; 7214 30 00; 7214 91; 7214 99; 7215 90 10 |
| Angles, shapes and sections of iron or non-alloy steel | 7216 10 00; 7216 21 00; 7216 22 00; 7216 31; 7216 32; 7216 33; 7216 40; 7216 50; 7216 99 10 |
| Stainless steel | 7218 10 00; 7218 91 11; 7218 91 19; 7218 99 11; 7218 99 20 |
| Flat-rolled products of stainless steel | 7219 11 00; 7219 12; 7219 13; 7219 14; 7219 21; 7219 22; 7219 23 00; 7219 24 00; 7219 31 00; 7219 32; 7219 33; 7219 34; 7219 35; 7219 90 10; 7220 11 00; 7220 12 00; 7220 20 10; 7220 90 11; 7220 90 31 |
| Bars and rods of stainless steel | 7221 00; 7222 11; 7222 19; 7222 30 10; 7222 40 10; 7222 40 30 |
| Flat rolled products of other alloy steel | 7225 11 00; 7225 19; 7225 20 20; 7225 30 00; 7225 40; 7225 50 00; 7225 91 10; 7225 92 10; 7225 99 10; 7226 11 10; 7226 19 10; 7226 19 30; 7226 20 20; 7226 91; 7226 92 10; 7226 93 20; 7226 94 20; 7226 99 20 |
| Bars and rods of other alloys steels | 7224 10 00; 7224 90 01; 7224 90 05; 7224 90 08; 7224 90 15; 7224 90 31; 7224 90 39; 7227 10 00; 7227 20 00; 7227 90; 7228 10 10; 7228 10 30; 7228 20 11; 7228 20 19; 7228 20 30; 7228 30 20; 7228 30 41; 7228 30 49; 7228 30 61; 7228 30 69; 7228 30 70; 7228 30 89; 7228 60 10; 7228 70 10; 7228 70 31; 7228 80 |
| Sheet piling | 7301 10 00 |
| Rails and cross ties | 7302 10 31; 7302 10 39; 7302 10 90; 7302 20 00; 7302 40 10; 7302 10 20 |
| Seamless tubes, pipes and hollow profiles | 7303; 7304 |
| Welded iron or steel tubes and pipes, the external diameter of which exceeds 406,4 mm | 7305 |

(1) OJ L 279, 23.10.2001, p. 1.

ANNEX C

DEFINITION OF MOTOR VEHICLE INDUSTRY FOR THE PURPOSES OF THE MULTISECTORAL FRAMEWORK

The 'motor vehicle industry' means the development, manufacture and assembly of 'motor vehicles', 'engines' for motor vehicles and 'modules or sub-systems' for such vehicles or engines, either direct by a manufacturer or by a 'first-tier component supplier' and, in the latter case, only in the context of an 'overall project'.

(a) Motor vehicles

The term 'motor vehicles' means passenger cars, vans, trucks, road tractors, buses, coaches and other commercial vehicles. It does not include racing cars, vehicles intended for off-road use (for example, vehicles designed for use on snow or for carrying persons on golf courses), motorcycles, trailers, agricultural and forestry tractors, caravans, special purpose vehicles (for example, firefighting vehicles, mobile workshops), dump trucks, works' trucks (for example, forklift trucks, straddle carrier trucks and platform trucks) and military vehicles intended for armies.

(b) Engines for motor vehicles

The term 'motor vehicle engines' means compression and spark ignition engines as well as electric motors and turbine, gas, hybrid or other engines for motor vehicles.

(c) Modules and sub-systems

A 'module' or a 'sub-system' means a set of primary components intended for a vehicle or engine which is produced, assembled or fitted by a first-tier component supplier and supplied through a computerised ordering system or on a just-in-time basis. Logistical supply and storage systems and subcontracted complete operations which form part of the production chain, such as the painting of sub-assemblies, should likewise be classified among these modules and sub-systems.

(d) First-tier component suppliers

A 'first-tier component supplier' means a supplier, whether independent or not, supplying a manufacturer, sharing responsibility for design and development (12), and manufacturing, assembling or supplying a vehicle manufacturer during the manufacturing or assembly stage with sub-assemblies or modules. As industrial partners, such suppliers are often linked to a manufacturer by a contract of approximately the same duration as the life of the model (for example, until the model is restyled). A first-tier component supplier may also supply services, especially logistical services, such as the management of a supply centre.

(e) Overall project

A manufacturer may, on the actual site of the investment or in one or several industrial parks in fairly close geographical proximity (13), integrate one or more projects of first-tier component suppliers for the supply of modules or sub-systems for the vehicles or engines being produced. An 'overall project' means one which groups together such projects. An overall project lasts for the life of the vehicle manufacturer's investment project. An investment of one first-tier component supplier is integrated within the definition of a global project if at least half the output resulting from that investment is delivered to the manufacturer concerned at the plant in question.

ANNEX D

DEFINITION OF SYNTHETIC FIBRES INDUSTRY FOR THE PURPOSES OF THE MULTISECTORAL FRAMEWORK

The synthetic fibres industry is defined, for the purposes of the multisectoral framework, as:

- extrusion/texturisation of all generic types of fibre and yarn based on polyester, polyamide, acrylic or polypropylene, irrespective of their end-uses, or
- polymerisation (including polycondensation) where it is integrated with extrusion in terms of the machinery used, or
- any ancillary process linked to the contemporaneous installation of extrusion/texturisation capacity by the prospective beneficiary or by another company in the group to which it belongs and which, in the specific business activity concerned, is normally integrated with such capacity in terms of the machinery used.

ANNEX E

NOTIFICATION FORM ⁽¹⁾

SECTION 1 — MEMBER STATE

1.1. Information on notifying public authority:

1.1.1. Name and address of notifying authority.

1.1.2. Name, telephone, fax and e-mail address of, and position held by, the person(s) to be contacted in case of further inquiry.

1.2. Information of contact in permanent representation:

1.2.1. Name, telephone, fax and e-mail address of, and position held by, the person to be contacted in case of further inquiry.

SECTION 2 — AID RECIPIENT

2.1. Structure of the company or companies investing in the project:

2.1.1. Identity of aid recipient.

2.1.2. If the legal identity of the aid recipient is different from the undertaking(s) that finance(s) the project or that receive(s) the aid, describe also these differences.

2.1.3. Identify the parent group of the aid recipient, describe the group structure and ownership structure of each parent company.

2.2. For a company or companies investing in the project, provide the following data for the last three financial years:

2.2.1. Worldwide turnover, EEA turnover, turnover in Member State concerned.

2.2.2. Profit after tax and cash flow (on a consolidated basis).

2.2.3. Employment worldwide, at EEA level and in Member State concerned.

2.2.4. Market breakdown of sales in the Member State concerned, in the rest of the EEA and outside the EEA.

2.2.5. Audited financial statements and annual report for the last three years.

2.3. If the investment takes place in an existing industrial location, provide the following data for the last three financial years of that entity:

2.3.1. Total turnover.

2.3.2. Profit after tax and cash flow.

2.3.3. Employment.

2.3.4. Market breakdown of sales: in the Member State concerned, in the rest of the EEA and outside the EEA.

⁽¹⁾ For aid granted outside authorised schemes, the Member State must provide information detailing the beneficial effects of the aid on the assisted area concerned.

SECTION 3 — PROVISION OF PUBLIC ASSISTANCE

For each measure of proposed public assistance, provide the following:

3.1. Details:

3.1.1. Scheme title (or indicate if it is an ad-hoc aid).

3.1.2. Legal basis (law, decree, etc.).

3.1.3. Public entity providing the assistance.

3.1.4. If the legal basis is an aid scheme approved by the Commission, provide the date of the approval and the State aid case reference number.

3.2. Form of the proposed assistance:

3.2.1. Is the proposed assistance a grant, interest subsidy, reduction in social security contributions, tax credit (relief), equity participation, debt conversion or write off, soft loan, deferred tax provision, amount covered by a guarantee scheme, etc.?

3.2.2. Provide the conditions attached to the payment of the proposed assistance.

3.3. Amount of the proposed assistance:

3.3.1. Nominal amount of support and its gross and net grant equivalent.

3.3.2. Is the assistance measure subject to corporate tax (or other direct taxation)? If only partially, to what extent?

3.3.3. Provide a complete schedule of the payment of the proposed assistance. For the package of proposed public assistance, provide the following:

3.4. The characteristics of the assistance measures:

3.4.1. Are any of the assistance measures of the overall package not yet defined? If yes, specify.

3.4.2. Indicate which of the abovementioned measures does not constitute State aid and for what reason(s).

3.5. Financing from Community sources (EIB, ECSC instruments, Social Fund, Regional Fund, other):

3.5.1. Are some of the abovementioned measures to be co-financed by Community funds? Explain.

3.5.2. Is some additional support for the same project to be requested from any other European or international financing institutions? If so, for what amounts?

3.6. Cumulation of public assistance measures:

3.6.1. Estimated gross grant equivalent (before taxation) of the combined aid measures.

3.6.2. Estimated net grant equivalent (after taxation) of the combined aid measures.

SECTION 4 — ASSISTED PROJECT

4.1. Location of the project:

4.1.1. Specify the region and the municipality as well as the address.

4.2. Duration of the project:

- 4.2.1. Specify the start date of the investment project as well as the completion date of the investment.
- 4.2.2. Specify the planned start date of the new production and the year by which full production may be reached.

4.3. Description of the project:

- 4.3.1. Specify the type of the project and whether it is a new establishment or a capacity expansion or other.
- 4.3.2. Provide a short general description of the project.

4.4. Breakdown of the project costs:

- 4.4.1. Specify the total cost of capital expenditure to be invested and depreciated over the lifetime of the project.
- 4.4.2. Provide a detailed breakdown of the capital and non-capital (2) expenditure associated with the investment project.

4.5. Financing of total project costs:

- 4.5.1. Indicate the financing of the total cost of the investment project.

SECTION 5 — PRODUCT AND MARKET CHARACTERISTICS

5.1. Characterisation of product(s) envisaged by the project:

- 5.1.1. Specify the product(s) that will be produced in the aided facility upon the completion of the investment and the relevant (sub-)sector(s) to which the product(s) belong(s) (indicate the Prodcom code or CPA nomenclature for projects in the service sectors).
- 5.1.2. What product(s) will it replace? If these replaced products are not produced at the same location, indicate where they are currently produced.
- 5.1.3. What other product(s) can be produced with the same new facilities at little or no additional cost?

5.2. Capacity considerations:

- 5.2.1. Quantify the impact of the project on the aid recipient's total viable capacity in the EEA (including at group level) for each of the product(s) concerned (in units per year in the year preceding the start year and on completion of the project).
- 5.2.2. Provide an estimate of the total capacity of all EEA producers for each of the products concerned.

5.3. Market data:

- 5.3.1. Provide for each of the last six financial years data on apparent consumption of the product(s) concerned. If available, include statistics prepared by other sources to illustrate the answer.
 - 5.3.2. Provide for the next three financial years a forecast of the evolution of apparent consumption of the product(s) concerned. If available, include statistics prepared by independent sources to illustrate the answer.
 - 5.3.3. Is the relevant market in decline and for what reasons?
 - 5.3.4. An estimate of the market shares (in value) of the aid recipient or of the group to which the aid recipient belongs in the year preceding the start year and on completion of the project.
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COMMUNICATION FROM THE COMMISSION

Rescue and restructuring aid and closure aid for the steel sector

(notified under document No C(2002) 315)

(2002/C 70/05)

(Text with EEA relevance)

1. RESCUE AND RESTRUCTURING AID FOR FIRMS IN DIFFICULTY

In its Communication to the Council, the European Parliament, and the ECSC Consultative Committee on 'The state of the competitiveness of the steel industry in the EU' ⁽¹⁾ adopted on 5 October 1999, the Commission stated that it is important that strict rules are maintained for the steel sector after the expiry of the ECSC Treaty on 23 July 2002. The European Parliament, Member States, the ECSC Consultative Committee and steel companies and their associations have also requested strict rules for State aid to the steel industry.

The Commission considers that this objective may be attained by focusing on the types of State aid that, from the experience of the past and taking into account the features of the steel industry, have most distortive effects on competition in this sector. This is the case of investment aid and rescue and restructuring aid.

As for investment aid, the revised multisectoral framework on regional aid for large investment projects ⁽²⁾ ('the multisectoral framework') provides for a prohibition of this type of aid to the steel sector.

As for rescue and restructuring aid, the Commission bears in mind the fact that, in the last decisions adopted in 1993 on the basis of Article 95 of the ECSC Treaty, the Commission and the Council agreed that no further decisions of this nature would be taken to rescue Community steel firms. Following this, steel companies have been acting on the market on the assumption that no further restructuring aid was available to them. If this state of affairs were to change in future, there is no guarantee that steel firms would not relax their efforts towards costs reduction and increased competitiveness, thereby endangering the enormous efforts already made.

In these circumstances, the Commission considers that rescue aid and restructuring aid for firms in difficulty in the steel sector as defined in Annex B of the multisectoral framework, are not compatible with the common market.

2. CLOSURE AID

By virtue of Article 87(3)(c) of the EC Treaty, aid to facilitate the development of certain economic activities may be

considered to be compatible with the common market. The Commission considers that, taking into account the existing overcapacities at European and world level and the consequent inefficiencies as well as the prohibition of rescue and restructuring aid to the steel industry, aid to facilitate structural adjustment can contribute to the development of a healthier steel industry. Therefore, the following aid for firms in the steel industry as defined in Annex B of the multicultural framework may be regarded as compatible with the common market:

2.1. Aid to cover payments payable by steel firms to workers made redundant or accepting early retirement provided that:

- the payments actually arise from the partial or total closure of steel plants which have not already been taken into account for approval of aid,
- the payments do not exceed those customarily granted under the rules in force in the Member States, and
- the aid does not exceed 50 % of those payments.

2.2. Aid to steel firms which permanently cease production of steel products, provided that:

- the firms became legal entities before 1 January 2002,
- they regularly produced steel products up to the date of notification of the aid concerned,
- they have not reorganised their production or plant structure since 1 January 2002,
- they close and scrap the installations used to manufacture steel products within six months of the cessation of production or approval of the aid by the Commission, whichever is the later,
- the closure of their plants has not already been taken into account for approval of aid, and
- the amount of the aid does not exceed the residual book value of the plants to be closed, ignoring that portion of any revaluation since 1 January 2002 which exceeds the national inflation rate.

⁽¹⁾ COM(1999) 453 final.

⁽²⁾ OJ C 70, 19.3.2002.

2.3. Aid to steel firms which satisfy the conditions set out in point 2.2 but which are directly or indirectly controlled by, or which themselves directly or indirectly control, a firm that is itself a steel firm may be deemed compatible with the common market provided that:

- the firm to be closed has been effectively and legally separated from the corporate structure for at least six months before payment of the aid,
- the accounts of the firm to be closed have been independently certified, by an auditor accepted by the Commission, to be a true and accurate account of the assets and liabilities of that firm, and
- there is a genuine and verifiable reduction in production capacity such as to yield an appreciable benefit over time for the industry as a whole in terms of a reduction in the production capacity for steel products over a period of five years following the date of the aided closure or the date of the last payment of aid approved under this point, if later.

3. NOTIFICATION OBLIGATION

All plans to grant aid for rescuing and restructuring firms in difficulty belonging to the steel industry and for closure aid to that sector shall be notified individually.

4. APPROPRIATE MEASURES

- 4.1. The Commission proposes as an appropriate measure pursuant to Article 88(1) of the EC Treaty, to exclude from the scope of their existing schemes for rescuing and restructuring firms in difficulties, as defined by the Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽¹⁾, aid to firms belonging to the steel sector, as defined by Annex B to the multisectoral framework, as from 24 July 2002.
- 4.2. Member States are invited to give their explicit agreement to the proposed appropriate measures within 20 working days from the date on which the letter is notified to them. In the absence of any reply, the Commission will assume that the Member State in question does not agree with the proposed measures.

5. APPLICATION OF THIS COMMUNICATION

This Communication will be applicable from 24 July 2002 for a period ending on 31 December 2009.

6. NON-NOTIFIED AID GRANTED TO THE STEEL INDUSTRY

The Commission will examine the compatibility with the common market of aid granted to the steel industry without its authorisation on the basis of the criteria in force at the time the aid was granted.

⁽¹⁾ OJ C 288, 9.10.1999, p. 2.

Publication of decisions by Member States to grant or revoke operating licences pursuant to Article 13(4) of Council Regulation (EEC) No 2407/92 ⁽¹⁾ on licensing of air carriers ⁽²⁾

(2002/C 70/06)

(Text with EEA relevance)

DENMARK

Changes in the content of the licence

Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---------------------|--|-------------------------|--------------------------|
| SAS Danmark A/S | Hedegårdsvej 88 DK-2300 København S | Passengers, mail, cargo | 1.9.2001 |

⁽¹⁾ OJ L 240, 24.8.1992, p. 1.

⁽²⁾ Communicated to the European Commission before 31 October 2001.

Publication of decisions by Member States to grant or revoke operating licences pursuant to Article 13(4) of Council Regulation (EEC) No 2407/92 ⁽¹⁾ on licensing of air carriers ⁽²⁾

(2002/C 70/07)

(Text with EEA relevance)

SPAIN

Operating licences granted

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|------------------------|---|-------------------------|--------------------------|
| Aerodynamics Malaga SL | Avda Comandante García Morato, s/n Edificio Chek Point E-29004 Málaga | Passengers, mail, cargo | 23.7.2001 |
| Lagun Air SL | Eusebio Güell, 134 E-08830 Sant Boi de Llobregat (Barcelona) | Passengers, mail, cargo | 25.7.2001 |

⁽¹⁾ OJ L 240, 24.8.1992, p. 1.

⁽²⁾ Communicated to the European Commission before 31 October 2001.

Publication of decisions by Member States to grant or revoke operating licences pursuant to Article 13(4) of Council Regulation (EEC) No 2407/92 ⁽¹⁾ on licensing of air carriers ⁽²⁾

(2002/C 70/08)

(Text with EEA relevance)

GERMANY

Operating licences granted

Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---|--------------------------------|-------------------------|--------------------------|
| FMU Flieg mit uns Luftfahrtunternehmen GmbH | Flugplatz D-14913 Reinsdorf | Passengers, mail, cargo | 3.5.2001 |

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|-----------------------|--------------------------------|-------------------------|--------------------------|
| Clipper Aviation GmbH | Filzweg 30 D-67374 Hanhofen | Passengers, mail, cargo | 13.8.2001 |

Operating licences revoked

Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---|---------------------------------|-------------------------|--------------------------|
| Mini Hansa Flugbetriebsgesellschaft mbH | Flugplatz D-15344 Strausberg | Passengers, mail, cargo | 30.4.2001 |

⁽¹⁾ OJ L 240, 24.8.1992, p. 1.

⁽²⁾ Communicated to the European Commission before 31 October 2001.

Publication of decisions by Member States to grant or revoke operating licences pursuant to Article 13(4) of Council Regulation (EEC) No 2407/92 ⁽¹⁾ on licensing of air carriers ⁽²⁾

(2002/C 70/09)

(Text with EEA relevance)

AUSTRIA

Operating licences granted

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---|---|-------------------------|--------------------------|
| Wvs-Air-Request Bundesweite Vereinigung für die allgemeine Luftfahrt | Ferdinand Graf von Zeppelinstraße 1 A-2700 Wiener Neustadt | Passengers, mail, cargo | 6.9.2001 |

Operating licences revoked

Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---------------------|--|-------------------------|--------------------------|
| VIP AIR GmbH | Seegalerie, Bahnhofstraße 10 A-6900 Bregenz | Passengers, mail, cargo | September 2000 |

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---|------------------------------------|-------------------------|--------------------------|
| Aircraft Innsbruck Luftfahrt GmbH & Co KG | Postfach 71 A-6026 Innsbruck | Passengers, mail, cargo | November 1998 |
| Almeta Air Luftverkehrsges. mbH | Rotenhofgasse 102 A-1100 Wien | Passengers, mail, cargo | November 1998 |
| Aviation Consulting and Leasing Luftfahrzeug Beratungs- und Vermietungsges. mbH | Moserhofgasse 31 A-8010 Graz | Passengers, mail, cargo | August 1999 |
| Helikopter Air Transport GmbH | Fürstenweg 180 A-6026 Innsbruck | Passengers, mail, cargo | June 1999 |
| Phönix Luftvermietungsges. mbH | Fröbelgasse 48 A-1160 Wien | Passengers, mail, cargo | December 2000 |
| Verein 'Hubschrauber-Flug' Graz (Helikopter) | Moserhofgasse 31 A-8010 Graz | Passengers, mail, cargo | June 1999 |
| Wachauflug GmbH | Bachgasse 21 A-1160 Wien | Passengers, mail, cargo | February 2001 |

⁽¹⁾ OJ L 240, 24.8.1992, p. 1.

⁽²⁾ Communicated to the European Commission before 31 October 2001.

Publication of decisions by Member States to grant or revoke operating licences pursuant to Article 13(4) of Council Regulation (EEC) No 2407/92 ⁽¹⁾ on licensing of air carriers ⁽²⁾

(2002/C 70/10)

(Text with EEA relevance)

SWEDEN

Operating licences granted

Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---------------------|------------------------------------|-------------------------|--------------------------|
| SAS Sverige AB | New address: S-195 87 Stockholm | Passengers, mail, cargo | 30.6.1994 |

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---------------------|--------------------------|-------------------------|--------------------------|
| Nya Polarflyg AB | Box 114 S-790 91 Idre | Passengers, mail, cargo | 9.10.2001 |

Operating licences revoked

Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---------------------|-----------------------------------|-------------------------|--------------------------|
| Swedeways AB | Skogsta 41 S-824 92 Hudiksvall | Passengers, mail, cargo | 4.9.2001 |

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|------------------------|---|-------------------------|--------------------------|
| Norrhelikopter AB | Tångogatan 35 S-943 32 Öjebyn | Passengers, mail, cargo | 6.6.2001 |
| Polarflyg Lars Persson | Horneyvägen 53 S-830 04 Mörsil | Passengers, mail, cargo | 11.10.2001 |
| Smålandsflyg AB | Helsingsborgsvägen 11 S-341 33 Ljungby | Passengers, mail, cargo | 5.10.2001 |

⁽¹⁾ OJ L 240, 24.8.1992, p. 1.

⁽²⁾ Communicated to the European Commission before 31 October 2001.

Publication of decisions by Member States to grant or revoke operating licences pursuant to Article 13(4) of Council Regulation (EEC) No 2407/92 ⁽¹⁾ on licensing of air carriers ⁽²⁾

(2002/C 70/11)

(Text with EEA relevance)

UNITED KINGDOM

Operating licences granted

Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|--|--|-------------------------|--------------------------|
| Bae Systems (Corporate Air Travel) Ltd | Warton Aerodrome Preston Lancashire PR4 1AX United Kingdom | Passengers, mail, cargo | 28.2.2001 |
| Euroceltic Airways Ltd | Halcyon House Percival Way Luton Airport Bedfordshire LU2 9PA United Kingdom | Passengers, mail, cargo | 14.2.2001 |

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|----------------------------|--|-------------------------|--------------------------|
| Air Medina Ltd | 5th floor, Victoria Station House 191 Victoria Street London SW1E 5NE United Kingdom | Passengers, mail, cargo | 25.6.2001 |
| Excel Charter Ltd | Hangar 17, Stapleford Aerodrome Stapleford Tawney Essex RM4 1SJ United Kingdom | Passengers, mail, cargo | 24.5.2001 |
| Hebridean Air Services Ltd | Cumbernauld Airport Duncan McIntosh Road Cumbernauld Glasgow, G68 0HH United Kingdom | Passengers, mail, cargo | 5.3.2001 |
| Helevision Ltd | 116 Queens Gate South Kensington London SW7 5LP United Kingdom | Passengers, mail, cargo | 17.8.2001 |
| Island Aviation Ltd | Parsonage Farm Church Road Eastchurch Isle of Sheppey, ME12 4DQ United Kingdom | Passengers, mail, cargo | 21.2.2001 |
| Markoss Aviation Ltd | Hangar 527, Biggin Hill Airport Kent, TN16 3BN United Kingdom | Passengers, mail, cargo | 1.6.2001 |
| Pool Aviation (NW) Ltd | Hangar 3, Blackpool Airport Blackpool FY4 2QY United Kingdom | Passengers, mail, cargo | 3.4.2001 |
| Triair (Bermuda) Ltd | Business Aviation Centre Farnborough Airport Farnborough Hampshire GU14 6XA United Kingdom | Passengers, mail, cargo | 28.2.2001 |

⁽¹⁾ OJ L 240, 24.8.1992, p. 1.

⁽²⁾ Communicated to the European Commission before 31 October 2001.

Operating licences revoked*Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92*

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|----------------------------------|---|-------------------------|--------------------------|
| Air Foyle Ltd | Halcyon House Luton Airport Luton Bedfordshire LU2 9LU United Kingdom | Passengers, mail, cargo | 23.4.2001 |
| Air Foyle Passenger Airlines Ltd | Halcyon House Luton Airport Luton Bedfordshire LU2 9LU United Kingdom | Passengers, mail, cargo | 23.4.2001 |

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|---------------------|---|-------------------------|--------------------------|
| Air Nova plc | International House Hawarden Airport Flint Road Saltney Ferry Chester CH4 0GZ United Kingdom | Passengers, mail, cargo | 5.2.2001 |
| Golden Airways Ltd | Building 237, Northern Sector Bournemouth International Airport Christchurch Dorset BH23 6NE United Kingdom | Passengers, mail, cargo | 11.6.2001 |

Change of name of licence holder*Category A: Operating licences without the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92*

| Name of air carrier | Address of air carrier | Permitted to carry | Decision effective since |
|--|---|-------------------------|--------------------------|
| British Midland Regional Ltd (previously: Business Air Ltd) | Kirkhill Business House Howemoss Drive Dyce Aberdeen AB21 0GL United Kingdom | Passengers, mail, cargo | 5.2.2001 |
| Hc Airlines Ltd (previously: Heavylift Cargo Airlines Ltd) | Enterprise House London Stansted Airport Stansted Essex CM24 1QW United Kingdom | Passengers, mail, cargo | 12.3.2001 |

Notification of agreements**(Case COMP/38.348/E3 (Repsol CPP SA — Distribution of motor fuels))**

(2002/C 70/12)

(Text with EEA relevance)

1. On 20 December 2001 the Commission received a notification from Repsol Comercial de Productos Petroliferos SA of agreements and model contracts pursuant to Article 4 of Council Regulation No 17. These agreements and model contracts concern the condition under which this undertaking distributes motor fuels through service stations situated in Spain. These agreements and model contracts contain in particular non-compete clauses for the party to the agreement which operates, for the purposes of the agreement, at the lowest level of the distribution chain.
2. Upon preliminary examination, the Commission finds that the notified agreements could fall within the scope of Regulation No 17.
3. The Commission invites interested third parties to submit their possible observations.
4. Observations must reach the Commission not later than 20 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 295 01 28) or by post under reference number COMP/38.348/E3 to:

European Commission
Directorate-General for Competition
Anti-trust Registry
J-70 0/18
B-1049 Brussels.

Notification of agreements**(Cases COMP/38.194/E3 (Neste Markkinointi Oy + Jakeluasema Timo Peltonen Ky) and
COMP/38.195/E3 (Neste Markkinointi Oy + Kaustisen Motelli Oy))**

(2002/C 70/13)

(Text with EEA relevance)

1. On 11 July 2001 the Commission received two notifications of two agreements pursuant to Article 4 of Council Regulation No 17 on behalf of Neste Markkinointi Oy. The agreements provide for retail sales of motor fuels and related products of Neste Markkinointi Oy through service stations situated in Finland. The agreements provide that the dealers may not sell competing products.
2. Upon preliminary examination, the Commission finds that the notified agreements could fall within the scope of Regulation No 17.
3. The Commission invites interested third parties to submit their possible observations.
4. Observations must reach the Commission not later than 20 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 295 01 28) or by post under reference COMP/38.194/E3 or COMP/38.195/E3 to:

European Commission
Directorate-General for Competition
Anti-trust Registry
J-70 0/18
B-1049 Brussels.

Prior notification of a concentration**(Case COMP/M.2762 — 4* OBI/Unicoop)****Candidate case for simplified procedure**

(2002/C 70/14)

(Text with EEA relevance)

1. On 7 March 2002 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 Unicoop, Italy, acquires, within the meaning of Article 3(1)(b) of the Regulation, joint control of the undertaking Brico Business Cooperation, Italy, by way of purchase of shares from the undertaking OBI AG (OBI), Germany, which belongs to the Tengelmänn-group, Germany.

2. The business activities of the undertakings concerned are:

- Unicoop: retail trade mainly in food,
- OBI: retail trade in do-it-yourself products,
- Brico Business: retail trade in do-it-yourself 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. 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.2762 — 4* OBI/Unicoop, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 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.2730 — Connex/DNVBVG)

Candidate case for simplified procedure

(2002/C 70/15)

(Text with EEA relevance)

1. On 7 March 2002 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 Connex, Germany, belonging to the French Vivendi group, acquires, within the meaning of Article 3(1)(b) of the Regulation, joint control of the undertaking Deutsche Nahverkehrs-Gesellschaft mbH (DNVG), Hanover, by way of purchase of shares from Deutsche Nahverkehrs-Beteiligungs- und Verwaltungsgesellschaft (DNVBVG), Hannover, which is indirectly controlled by the city of Bonn, the city of Leipzig and the city of Hannover (all of them in Germany).
2. The business activities of the undertakings concerned are:
 - Connex: local public transport by road and rail,
 - DNVBVG: holding company,
 - DNVG: local public transport by road and rail.
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 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.2730 — Connex/DNVBVG, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 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

Outcome of the invitations to tender (Community food aid)

(2002/C 70/16)

as provided for in Article 9(7) of Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid

(Official Journal of the European Communities L 346, 17.12.1997, p. 23)

6 February, 11 and 12 March 2002

| Regulation (EC) No/ Decision of | Lot | Action No | Beneficiary/ Destination | Product | Quantity (t) | Delivery stage | Successful tenderer | Awarded price (EUR/t) |
|---------------------------------|-----|--------------------------------|--------------------------|-------------|--------------|----------------|-----------------------------------|-----------------------|
| 29.1.2002 | A | 147/00 | EuronAid/Haiti | CBL | 287 | EMB | EURICOM SPA — VERCELLI (I) | 298,50 |
| 4.3.2002 | A | 362+363/99, 108+191/00, 145/01 | EuronAid/. . . | SUB | 234 | EMB | n.a. | (¹) |
| | A | 301+302/99, 181-185/00 | EuronAid/Madagascar | LEPv | 356 | EMB | n.a. | (²) |
| | A | 188+189/00 | EuronAid/Madagascar | HCOLZ/HTOUR | 90 | EMB | n.a. | (²) |
| 344/2002 | A | 157/01 | Eritrea/Eritrea | BLT | 16 000 | DEST | LECUREUR SA — PARIS (F) | 194,58 |
| | B | 167/01 | WFP/North Korea | BLT | 9 000 | DEB | UNION INVIVO — PARIS CEDEX 16 (F) | 207,71 |
| | C | 151+152/01 | WFP/Angola | MAI | 17 000 | DEB | MIDGULF SERVICES — LONDON (UK) | 166,75 |
| | D | 186+187/00 | EuronAid/Madagascar | CBR/M/L | 306 | EMB | n.a. | (³) |
| | E | 190/00 | EuronAid/Madagascar | FBLT | 100 | EMB | n.a. | (³) |

n.a. No contract was awarded.

(¹) Second deadline for the submission of tenders: 25 March 2002.(²) Second deadline for the submission of tenders: 18 March 2002.(³) Second deadline for the submission of tenders: 26 March 2002.

| | | | | | |
|----------|--|--------|--|--------|-----------------------------------|
| BLT: | Common wheat | FABA: | Broad beans (<i>Vicia faba major</i>) | WSB: | Wheat/soya blend |
| DUR: | Durum wheat | FEQ: | Horse beans (<i>Vicia faba equina</i>) | Lsub1: | Infant formula |
| ORG: | Barley | PISUM: | Split peas | Lsub2: | Follow-on formula |
| MAI: | Maize | SUB: | White sugar | LHE: | High energy milk |
| SEG: | Rye | HCOLZ: | Rape seed oil | AC: | Compound food |
| SOR: | Sorghum | HTOUR: | Sunflower oil | PAL: | Pasta |
| CBR/M/L: | Milled round, medium or long grain rice | HOLI: | Olive oil | SAR: | Tinned sardines |
| RPR/M/L: | Parboiled round, medium or long grain rice | HMAI: | Maize oil | CM: | Tinned mackerel |
| BRI: | Broken rice | HSOJA: | Soya oil | CB: | Corned beef |
| FBLT: | Common wheat flour | LEP: | Skimmed milk powder | BPJ: | Canned beef |
| FMAI: | Maize flour | LEPv: | Vitaminized skimmed milk powder | PFB: | Beef liver pâté |
| FSEG: | Rye flour | LDEP: | Semi-skimmed milk powder | CP: | Canned pork |
| SDUR: | Durum wheat meal | LENP: | Whole milk powder | PFP: | Pig liver pâté |
| SMAI: | Maize gritz | B: | Butter | CV: | Canned poultrymeat |
| FHAF: | Oat flakes | BO: | Butteroil | DEST: | Free at destination |
| CT: | Tomato concentrate | FETA: | Feta-type cheese | DEB: | Free at port of landing — landed |
| PT: | Tomato powder | FROF: | Processed cheese | DEN: | Free at port of landing — ex ship |
| COR: | Currants | BABYF: | Cereal-based weaning food | EMB: | Free at port of shipment |
| | | BISC: | Biscuits | EXW: | Ex works |