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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

9 October 2002

(2002/C 244/01)

1 euro =

Currency		Exchange rate	Currency		Exchange rate
USD	US dollar	0,9814	LVL	Latvian lats	0,5958
JPY	Japanese yen	121,89	MTL	Maltese lira	0,4131
DKK	Danish krone	7,4275	PLN	Polish zloty	4,0923
GBP	Pound sterling	0,6318	ROL	Romanian leu	32462
SEK	Swedish krona	9,1561	SIT	Slovenian tolar	228,59
CHF	Swiss franc	1,4666	SKK	Slovak koruna	42,14
ISK	Iceland króna	85,78	TRL	Turkish lira	1619000
NOK	Norwegian krone	7,262	AUD	Australian dollar	1,7925
BGN	Bulgarian lev	1,9461	CAD	Canadian dollar	1,5668
CYP	Cyprus pound	0,57277	HKD	Hong Kong dollar	7,6546
CZK	Czech koruna	30,65	NZD	New Zealand dollar	2,0461
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	1,7555
HUF	Hungarian forint	245,95	KRW	South Korean won	1218,41
LTL	Lithuanian litas	3,4533	ZAR	South African rand	10,2949

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

Notice of initiation of a reinvestigation pursuant to Article 12 of Council Regulation (EC) No 384/96 of the anti-dumping measures applicable to imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China

(2002/C 244/02)

The Commission has received a request pursuant to Article 12 of Council Regulation (EC) No 384/96 ⁽¹⁾, as last amended by Regulation (EC) No 2238/2000 ⁽²⁾ ('the Basic Regulation'), to investigate whether the anti-dumping measures imposed on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China have had an effect on resale prices or subsequent selling prices in the Community.

1. Request for review

The request was lodged on 26 August 2002 by the Establishing Legal Lighting Competition (E 2 L C) Federation ('the applicant'), on behalf of producers in the Community representing a major proportion, in this case more than 90 % of the total Community production of integrated electronic compact fluorescent lamps (CFL-i).

2. Product

The product concerned is electronic compact fluorescent discharge lamps with one or more glass tubes, with all lighting elements and electronic components fixed to the lamp foot or integrated in the lamp foot, originating in the People's Republic of China, currently classifiable within CN code ex 8539 31 90. This CN code is given only for information.

3. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1470/2001 ⁽³⁾.

4. Grounds for the reinvestigation

The applicant has submitted sufficient evidence showing that the anti-dumping duties imposed on integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China have not led to any movement or sufficient movement in resale prices or subsequent selling prices in the Community. In fact, the evidence contained in the request shows that export prices and resale prices in the Community of the product concerned have decreased significantly since the imposition of the anti-dumping measures, resulting in increased dumping which has impeded the intended remedial effects of the measures in force.

5. Procedure

Having determined, after consulting the Advisory Committee, that the request has been lodged by or on behalf of the Community industry and that there is sufficient evidence to

justify the initiation of an investigation, the Commission hereby initiates a reinvestigation in respect of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China, pursuant to Article 12 of the Basic Regulation.

(a) Sampling for importers

In view of the apparent large number of importers involved in this reinvestigation, the Commission may decide to apply sampling, in accordance with Article 17 of the Basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information in confidential and non-confidential form on their company or companies within the time limit set in point 6(b)(i) of this notice:

- name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,
- the total turnover in euro of the company during the period 1 July 2001 to 30 June 2002,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volume in units and value in euro of imports into and resales made in the Community market during the period 1 July 2001 to 30 June 2002 of the imported product concerned originating in the People's Republic of China,
- the names and the precise activities of all related companies ⁽⁴⁾ involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample,
- an indication of whether the company or companies agree to their inclusion in the sample, which implies replying to a questionnaire and accepting an on-the-spot investigation of their response.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 195, 19.7.2001, p. 8.

⁽⁴⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known association of importers.

Final selection of the sample

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii) of this notice.

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Importers included in the sample must reply to a questionnaire within the time limit set in point 6(b)(iii) of this notice and must cooperate within the framework of the investigation.

If sufficient cooperation is not forthcoming, the Commission will base its findings, in accordance with Articles 17(4) and 18 of the Basic Regulation, on the facts available.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to all the exporting producers in the People's Republic of China, which cooperated in the original investigation leading to the measures subject to the present reinvestigation, to any association of exporters/producers, to the sampled importers, to any association of importers named in the request or which cooperated in the investigation leading to the measures subject to the present reinvestigation, and to the authorities of the exporting country concerned.

Information, where appropriate, will also be sought from Community producers.

In any event, all parties should contact the Commission forthwith by fax, but not later than the time limit set out in point 6(a)(i) of this notice in order to find out whether they are listed in the request and, if necessary, request a questionnaire, given that, with the exception of importers, the time limit set in point 6(a)(ii) of this notice applies to all other interested parties.

(c) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and

supporting evidence must reach the Commission within the time limit set in point 6(a)(ii) of this notice.

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii) of this notice.

6. Time limits

(a) General time limits

(i) For parties to request a questionnaire

All interested parties should request a questionnaire as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Communities*.

(ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information, including any information pursuant to Article 12(5) of the basic Regulation, within 40 days of the date of publication of this notice in the *Official Journal of the European Communities*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the Basic Regulation depends on the party's making itself known within the aforementioned period.

Importers selected in the sample must submit questionnaire replies within the time limit specified in point 6(b)(iii) of this notice.

(iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

(b) Specific time limit in respect of sampling

- (i) The information specified in point 5(a) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Communities*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Communities*.

- (ii) All other information relevant for the selection of the sample as referred to in point 5(a)(i) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Communities*.

- (iii) The questionnaire replies from the sampled importers must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified), and must indicate the name, address, e-mail address, telephone and fax, and/or telex numbers of the interested party.

Commission address for correspondence:

European Commission
Office: J 79 — 5/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex: COMEU B 21877.

8. Non-cooperation

In cases in which any interested party refuses access to or otherwise does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available.

Commission communication to the European Parliament and the European Ombudsman on relations with the complainant in respect of infringements of Community law

(COM(2002) 141 final)

(This text cancels and replaces the text published in Official Journal C 166 of 12 July 2002, p. 3)

(2002/C 244/03)

In its annual reports on monitoring the application of Community law, the Commission has regularly acknowledged the vital role played by the complainant in detecting infringements of Community law, compliance with which it ensures on the basis of, *inter alia*, the infringement procedure laid down by Article 226 of the Treaty establishing the European Community and Article 141 of the Treaty establishing the European Atomic Energy Community.

In 1999 the Commission published a notice⁽¹⁾ containing a standard form for complaints to be submitted to it where a Member State fails to comply with Community law in the context of the infringement procedure laid down by Article 226 of the EC Treaty or Article 141 of the EAEC Treaty.

The notice also set out on the back of the complaint form the administrative measures which are laid down for the benefit of the complainant.

The notice was the result of the European Ombudsman's own-initiative enquiry and the Commission's subsequent undertaking to comply with certain administrative formalities, and in particular to inform the complainant in advance of any decision to close a case.

Finally, in 2001, in its reply to criticisms from the European Ombudsman when the complaint by P.S. Emfietzoglou against the Macedonian Metro Joint Venture (995/98/OV) was shelved, the Commission undertook to publish a consolidated version of

the internal procedural rules applicable to its relations with the complainant in the context of infringement proceedings.

The Commission sets out in the Annex to this Communication the administrative measures for the benefit of the complainant with which it undertakes to comply when handling his/her complaint and assessing the infringement in question.

However, these measures do not alter the bilateral nature of the infringement procedure laid down by Article 226 of the EC Treaty and Article 141 of the EAEC Treaty. In this respect, the Commission must point out that, in accordance with the established case-law of the Court of Justice of the European Communities, it enjoys a discretionary power in deciding whether or not to commence infringement proceedings and to refer a case to the Court⁽²⁾. The Court has also acknowledged the Commission's power to decide at its own discretion when to commence an action⁽³⁾.

Finally, in the area of infringement proceedings, the Commission applies the rules on access to documents laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 on public access to European Parliament, Council and Commission documents⁽⁴⁾, as implemented by the provisions set out in the Annex to Commission Decision 2001/937/EC, ECSC, Euratom of 5 December 2001 amending its rules of procedure⁽⁵⁾.

⁽¹⁾ OJ C 119, 30.4.1999, p. 5.

⁽²⁾ See, in particular, judgment of 6 December 1989 in Case C-329/88, *Commission v Greece* [1989] ECR 4159; judgment of 27 November 1990 in Case C-200/88, *Commission v Greece* [1990] ECR I-4299; judgment of 21 January 1999 in Case C-207/97, *Commission v Belgium* [1999] ECR I-275; judgment of 25 November 1999 in Case C-212/98 *Commission v Ireland* [1999] ECR I-8571.

⁽³⁾ Judgment of 1 June 1994 in Case C-317/92, *Commission v Germany* [1994] ECR I-2039; judgment of 10 May 1995 in Case C-422/92, *Commission v Germany* [1995] ECR I-1097.

⁽⁴⁾ OJ L 145, 31.5.2001, p. 43.

⁽⁵⁾ OJ L 345, 29.12.2001, p. 94.

ANNEX

RELATIONS WITH THE COMPLAINANT REGARDING INFRINGEMENTS OF COMMUNITY LAW**1. Definitions and scope**

'Complaint' shall mean any written approach made to the Commission pointing to measures or practices contrary to Community law. Investigation of a complaint may lead the Commission to open infringement proceedings.

'Infringement proceedings' shall mean the pre-litigation phase of the procedures for non-compliance lodged by the Commission on the basis of Article 226 of the Treaty establishing the European Community (EC Treaty) or Article 141 of the Treaty establishing the European Atomic Energy Community (Euratom Treaty).

The measures described here shall apply to relations between complainants and Commission departments in connection with infringement proceedings. They shall not apply to complaints relating to other Treaty provisions, particularly complaints regarding state aid covered by Articles 87 and 88 of the EC Treaty or by Council Regulation (EC) No 659/1999 ⁽¹⁾.

2. General principles

Anyone may file a complaint with the Commission free of charge against a Member State about any measure (law, regulation or administrative action) or practice by a Member State which they consider incompatible with a provision or principle of Community law.

Complainants do not have to demonstrate a formal interest in bringing proceedings; neither do they have to prove that they are principally and directly concerned by the infringement complained of.

The Commission may decide whether or not further action should be taken on a complaint.

3. Recording of complaints

Any correspondence which is likely to be investigated as a complaint shall be recorded in the central registry of complaints kept by the Secretariat-General of the Commission.

Correspondence shall not be investigable as a complaint by the Commission, and shall therefore not be recorded in the central registry of complaints, if:

- it is anonymous, fails to show the address of the sender or shows an incomplete address,
- it fails to refer, explicitly or implicitly, to a Member State to which the measures or practice contrary to Community law may be attributed,
- it denounces the acts or omissions of a private person or body, unless the measure or complaint reveals the involvement of public authorities or alleges their failure to act in response to those acts or omissions. In all cases, the Commission shall verify whether the correspondence discloses behaviour that is contrary to the competition rules (Articles 81 and 82 of the EC Treaty),
- it fails to set out a grievance,
- it sets out a grievance with regard to which the Commission has adopted a clear, public and consistent position, which shall be communicated to the complainant,
- it sets out a grievance which clearly falls outside the scope of Community law.

Where there is doubt as to the nature of an item of correspondence, the Secretariat-General of the Commission shall consult the department(s) concerned within 15 calendar days of receipt. If the department(s) fail to reply within 15 working days, the complaint shall be formally recorded at the central registry of complaints.

4. Acknowledgement of receipt

The Secretariat-General of the Commission shall issue an initial acknowledgement of all correspondence within 15 working days of receipt.

Correspondence registered as a complaint shall be acknowledged again by the Secretariat-General within one month from the date of dispatch of the initial acknowledgement. This acknowledgement shall state the case number of the complaint, which must be quoted in any correspondence.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

Where a number of complaints are lodged in relation to the same grievance, individual acknowledgements may be replaced by a publication in the *Official Journal of the European Communities* and on the European Communities' Europa server.

Where the Commission departments decide not to register the correspondence as a complaint, they shall notify the author to that effect by ordinary letter setting out one or more of the reasons listed in the second paragraph of point 3.

Where necessary, the Commission will inform the complainant of any possible alternative forms of redress, such as recourse to national courts, the European Ombudsman, a national ombudsman or any other national or international complaints procedure.

5. Methods of submitting a complaint

Complaints must be submitted in writing, by letter, fax or e-mail.

They shall be written in one of the official Community languages.

To speed up the processing of complaints, the Commission will provide complainants with a standard complaint form, as published in the *Official Journal of the European Communities* ⁽¹⁾ and available from the Commission on request or on the European Communities' Europa server at:

http://europa.eu.int/comm/secretariat_general/sgb/lexcomm/form_en.htm

There is an annex to the form which sets out the general principles of infringement proceedings and stresses that any finding of an infringement by the Court of Justice has no effect on the rights of the complainant. Complainants are also invited, in the annex, to use the means of redress available at national level.

Complainants are not obliged to use the form.

Written complaints may be sent to the Commission Secretariat-General (B-1049 Brussels, fax (32-2) 295 39 13, e-mail: SG-PLAINTES@cec.eu.int), or lodged with one of the Commission's offices in the Member States.

6. Protection of the complainant and personal data

Disclosure of complainants' identities and information submitted by them to the Member State concerned is subject to their prior agreement and must comply, *inter alia*, with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾, and with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽³⁾.

7. Communication with complainants

The Commission departments will contact complainants and inform them in writing, after each Commission decision (formal notice, reasoned opinion, referral to the Court or closure of the case), of the steps taken in response to their complaint.

Where a number of complaints are lodged in relation to the same grievance, individual acknowledgements may be replaced by a publication in the *Official Journal of the European Communities* and on the European Communities' Europa server.

At any point during the procedure complainants may ask to explain or clarify to the Commission officials, on the spot and at their own expense, the grounds for their complaint.

8. Time limit for investigating complaints

As a general rule, Commission departments will investigate complaints with a view to arriving at a decision to issue a formal notice or to close the case within not more than one year from the date of registration of the complaint by the Secretariat-General.

Where this time limit is exceeded, the Commission department responsible for the case will inform the complainant in writing.

9. Outcome of the investigation of complaints

After investigating the complaint, Commission officials may ask the College of Commissioners either to issue a formal notice opening proceedings against the Member State in question, or to close the case definitively.

⁽¹⁾ OJ C 119, 30.4.1999, p. 5.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

The Commission will decide on the matter at its discretion. This discretion shall cover not only the desirability of opening or terminating an infringement procedure but also the choice of complaint.

Complainants will be informed in writing of the decision taken by the Commission in connection with their complaint and any subsequent Commission decisions on the matter.

Where a number of complaints are lodged in relation to the same grievance, individual acknowledgements may be replaced by a publication in the *Official Journal of the European Communities* and on the European Communities' Europa server.

10. Closure of the case

Unless there are exceptional circumstances requiring urgent measures, where a Commission department intends to propose that no further action be taken on a complaint, it will give the complainant prior notice thereof in a letter setting out the grounds on which it is proposing that the case be closed and inviting the complainant to submit any comments within a period of four weeks.

Where a number of complaints are lodged in relation to the same grievance, individual acknowledgements may be replaced by a publication in the *Official Journal of the European Communities* and on the European Communities' Europa server.

Where the complainant does not reply, or where the complainant cannot be contacted for reasons for which he/she is responsible, or where the complainant's observations do not persuade the department to reconsider its position, a proposal to close the case will be put forward. In that event, the complainant will be informed of the Commission's decision.

Where the complainant's observations persuade the department concerned to reconsider its position, investigation of the complaint will continue.

11. Simplified procedure for closing cases

Infringement cases in which no letter of formal notice has been dispatched may be closed under a simplified administrative procedure that does not involve discussion by the College of Commissioners.

This procedure may be applied in cases where initial examination by the Commission departments has made it quite clear that the complaint is either groundless or irrelevant; or that there is no evidence, or insufficient evidence, to substantiate the complaint. The procedure may also be applied where the complainant shows no further interest in the prosecution of the complaint.

Where a Commission department intends to use this procedure, it will inform the complainant thereof in accordance with the procedure described in point 10.

12. Publicising infringement decisions

Commission decisions on infringement cases are published within one week of their adoption on the Secretariat-General's Internet site at:

http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm#infractions

Decisions to deliver a reasoned opinion to a Member State or to refer a case to the Court of Justice will also be publicised by means of a press release, unless the Commission decides otherwise.

13. Access to documents on infringement cases

Access to documents on infringement cases is governed by Regulation (EC) No 1049/2001, as implemented by the provisions set out in the Annex to Decision 2001/937/EC, ECSC, Euratom ⁽¹⁾.

14. Complaint to the European Ombudsman

Where a complainant considers that, in handling his/her complaint, the Commission has been guilty of maladministration by failing to follow any of the above measures, he/she may refer the matter to the European Ombudsman under Articles 21 and 195 of the EC Treaty.

⁽¹⁾ OJ L 345, 29.12.2001, p. 94.

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

(2002/C 244/04)

(Text with EEA relevance)

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

ESO ⁽¹⁾	Reference	Title of the harmonised standards
CEN	EN 416-1:1999/ A3:2002	Single-burner gas-fired overhead radiant tube heaters for non-domestic use — Part 1: Safety
CEN	EN 777-1:1999/ A3:2002	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 1: System D, Safety
CEN	EN 777-2:1999/ A3:2002	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 2: System E, Safety
CEN	EN 777-3:1999/ A3:2002	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 3: System F, Safety
CEN	EN 777-4:1999/ A3:2002	Multi-burner gas-fired overhead radiant tube heater systems for non-domestic use — Part 4: System H, Safety

⁽¹⁾ ESO (European standardisation organisations):

- CEN: rue de Stassart/Stassartstraat 36, B-1050 Brussels; tel. (32-2) 550 08 11, fax (32-2) 550 08 19 (<http://www.cenorm.be>);
- Cenelec: rue de Stassart/Stassartstraat 35, B-1050 Brussels; tel. (32-2) 519 68 71, fax (32-2) 519 69 19 (<http://www.cenelec.org>);
- ETSI: 650, route des Lucioles, F-06921 Sophia Antipolis Cedex, tel. (33-4) 92 94 42 00, fax (33-4) 93 65 47 16 (<http://www.etsi.org>).

NOTE:

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

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

⁽¹⁾ OJ L 196, 26.7.1990, p. 15.

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

⁽³⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁴⁾ OJ L 217, 5.8.1998, p. 18.

Prior notification of a concentration
(Case COMP/M.2970 — GE/ABB Structured Finance)
(2002/C 244/05)

(Text with EEA relevance)

1. On 1 October 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 General Electric Capital Corporation (GE Capital), a wholly owned subsidiary of General Electric Company, USA (GE) acquires within the meaning of Article 3(1)(b) of the Regulation, control of the businesses, companies and assets comprising ABB Structured Finance (ABB SF).

2. The business activities of the undertakings concerned are:

- GE: diversified manufacturing, technology and services company with activities in a broad range of sectors,
- ABB SF: structured finance business.

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

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.2970 — GE/ABB Structured Finance, 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.

III

(Notices)

COMMISSION

Call for applications with a view to constituting a list of experts to assess proposals and carry out other activities in the framework of the transeuropean cooperation scheme in higher education (Tempus III) — (EAC/73/02)

(2002/C 244/06)

1. PURPOSE OF THE CALL

As part of its efforts in achieving the objectives of the Tempus III programme established by Council Decision 1999/311/EC of 29 April 1999⁽¹⁾, the Commission is inviting applications with a view to constituting a list of experts to assess proposals received in response to the calls for proposals published under the programme, and to carry out other activities such as monitoring and information and communication activities.

While this list is primarily established to serve the purposes of the Tempus III programme, it could also be used for other actions in the field of education.

Activities undertaken by experts will be performed under the guidance provided by the Commission and in accordance with criteria laid down in the Tempus III 'Guide for applicants'.

The guide for applicants and additional information on the Tempus programme can be found at the following address:

<http://europa.eu.int/comm/education/tempus/>

2. PROFESSIONAL EXPERIENCE OF APPLICANTS

Applicants must follow the application procedures indicated under Section 5 and provide evidence of substantial experience in areas related to the objectives of the programme as well as knowledge in one or more of the eligible countries listed below.

2.1. Objectives of the Tempus programme

The overall aim of Tempus III is to promote the development of the higher education systems in the eligible countries through cooperation with partners from all Member States.

More specifically, Tempus III seeks to:

- (a) promote understanding between and rapprochement of cultures and to develop free and flourishing civil societies;

- (b) facilitate the adaptation and development of higher education so as better to respond to the socioeconomic and cultural needs of the eligible countries by addressing:

- (i) issues relating to the development and reshaping of curricula in the priority areas;
- (ii) reform and development of higher education structures and establishments and their management;
- (iii) the development of training leading to such qualifications as will remedy the shortage of high-level skills needed in the context of economic reform and development, particularly by improving and increasing links with industry;
- (iv) the contribution of higher education and training to citizenship and the strengthening of democracy.

The Commission, when pursuing the objectives of Tempus III, observes the Community's general policy on equal opportunities for men and women. The Commission also ensures that no group of citizens is excluded or disadvantaged.

2.2. Eligible countries

Tempus III concerns the countries which are beneficiaries under:

— Council Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000): Albania, Bosnia and Herzegovina, Croatia, the former Yugoslavian Republic of Macedonia and the Federal Republic of Yugoslavia,

— Council Regulation (EC, Euratom) No 99/2000 (OJ L 12, 18.1.2000): Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan,

⁽¹⁾ OJ L 120, 8.5.1999, p. 30, Decision, as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p. 1).

— Council Regulation (EC) No 1488/96 (OJ L 189, 30.7.1996): Algeria, Egypt, Jordan, Israel, Lebanon, Morocco, Palestinian Authority, Syria, and Tunisia ⁽¹⁾.

3. ELIGIBILITY CRITERIA

Applications may be submitted by natural persons who are nationals of any of the Member States or of any of the eligible countries listed under point 2.2.

4. SELECTION CRITERIA

The experts will be chosen for their established competence in areas related to the objectives of the programme in one or more of the eligible countries.

Against this background, applicants must:

- (a) hold a higher education degree;
- (b) have experience at higher education level in one or more of the following areas:
 - cooperation with international organisations,
 - curriculum development,
 - dissemination of good practice,
 - equal opportunities for men and women in higher education,
 - higher education policies and systems in developing and transition economies,
 - human resource development,
 - intercultural dialogue and learning,
 - institution building,
 - language and cultural education,
 - observation and comparative analysis of education systems and policies,
 - policies for the prevention of brain-drain,
 - project management and/or project monitoring and evaluation,
 - promotion of gender equality,
 - special needs in education,
 - student and staff mobility,

- transnational cooperation,
- university/higher education reform,
- university management and administration,
- use of information and communication technologies (ICT) in education.

NB: applicants may specify in the application form other areas of relevant experience.

- (c) have the skills required to undertake financial and budgetary analysis of proposals;
- (d) have sufficient experience in using PCs to be able to assess proposals online, if requested;
- (e) be proficient in at least one of the following three languages: English, French or German.

Applicants must clearly indicate the precise fields of their expertise on the application form. They must state which languages they can read and write and their level of proficiency. The experts selected will be required to draft part of their assessments in English and/or French.

5. APPLICATION PROCEDURE

Applicants may apply online using the electronic application form, or the application form in Word format at the following address:

<http://europa.eu.int/comm/education/tempus/>

6. SELECTION PROCEDURE

Each application will be examined on the basis of the criteria set out in Section 4 of this call for applications. The Commission will inform applicants as to whether or not they are being included in the list of experts. Experts included in the list may be called upon to participate in the evaluation of proposals and to carry out monitoring and information and communication activities within the context of the Tempus III programme until 31 December 2006.

The call is not limited in time.

7. ACTIVITIES TO BE CARRIED OUT BY EXPERTS SELECTED PURSUANT TO THE PRESENT CALL

The Commission shall select and invite experts from the list established under the terms of this call to carry out activities as indicated under Section 1 of the call. The Commission will ensure that experts are selected in a balanced way and that there is appropriate rotation of experts. It will take account of applicants' geographical origin and professional background. It will also aim at balanced gender participation by women and men.

⁽¹⁾ Cyprus, Malta and Turkey are covered by this Regulation but are not considered eligible for the purpose of this call on account of their participation (or future participation) in the mainstream Community education programme, Socrates.

Activities may take place in Brussels, in Turin (at the European Training Foundation) or in one or more of the eligible countries in point 2.2 of this call.

Activities may last between two days and up to three weeks.

8. CONFLICT OF INTEREST AND CONFIDENTIALITY

As required by the type of activity undertaken by experts, and in order to ensure fairness and transparency, the experts may be required, on signing their contract, to sign a declaration certifying that there is no conflict of interest. They must also demonstrate the appropriate devotion to duty and, where appropriate, observe the confidentiality of the information

and documents which come to their attention during the performance of their activities.

9. TERMS OF CONTRACT

Experts invited to participate in an assessment exercise will sign individual contracts with the Commission. The contracts may be signed either by the expert or, in the case of those employed by a legal entity, by an authorised representative of that entity. The experts selected will be remunerated in accordance with the scale valid at the time of signature of the contract. Their travel and subsistence expenses will be reimbursed on the basis of the provisions in force within the Commission.