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<sup>(1)</sup> Text with EEA relevance

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## I

(Information)

## COMMISSION

Euro exchange rates <sup>(1)</sup>

7 October 2003

(2003/C 241/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1768	LVL	Latvian lats	0,6519
JPY	Japanese yen	129,92	MTL	Maltese lira	0,4291
DKK	Danish krone	7,4292	PLN	Polish zloty	4,5599
GBP	Pound sterling	0,70455	ROL	Romanian leu	38 602
SEK	Swedish krona	8,9682	SIT	Slovenian tolar	235,74
CHF	Swiss franc	1,5494	SKK	Slovak koruna	41,31
ISK	Iceland króna	89,6	TRL	Turkish lira	1 622 000
NOK	Norwegian krone	8,203	AUD	Australian dollar	1,7071
BGN	Bulgarian lev	1,9477	CAD	Canadian dollar	1,5723
CYP	Cyprus pound	0,58449	HKD	Hong Kong dollar	9,0748
CZK	Czech koruna	31,92	NZD	New Zealand dollar	1,9693
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	2,0279
HUF	Hungarian forint	253,96	KRW	South Korean won	1 354,56
LTL	Lithuanian litas	3,4526	ZAR	South African rand	8,0313

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

**Information procedure — Technical rules**

(2003/C 241/02)

**(Text with EEA relevance)**

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

## Notifications of draft national technical rules received by the Commission

Reference <sup>(1)</sup>	Title	End of three-month standstill period <sup>(2)</sup>
2003/354/UK	The Tobacco Advertising and Promotion (Point of Sale) (Scotland) Regulations 2003	23.12.2003
2003/355/NL	Proposal for a Decree of ... on provisions with regard to railway infrastructure (Decree on railway infrastructure)	24.12.2003
2003/356/NL	Proposal for a Decree of ... on provisions with regard to the inspection and certification of railway carriages (Decree on railway carriages)	24.12.2003
2003/357/I	Draft Ministerial Decree on the technical characteristics of high visibility retro-reflective jackets and sashes which must be worn by the drivers of vehicles which are stationary on the roadway	29.12.2003
2003/358/UK	The Tobacco Advertising and Promotion (Brandsharing) Regulations	29.12.2003
2003/359/UK	The Tobacco Advertising and Promotion (Point of Sale) Regulations 2003	29.12.2003
2003/360/D	Technical terms of delivery for road maintenance equipment (German designation: TLG), Part B 6 Verge mowers	29.12.2003
2003/361/D	Technical terms of delivery for road maintenance equipment (German designation: TLG), Part B 7 Weeding machines	29.12.2003
2003/362/D	Technical terms of delivery for armourstone (German designation: TLW)	29.12.2003

<sup>(1)</sup> Year — registration number — Member State of origin.

<sup>(2)</sup> Period during which the draft may not be adopted.

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

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

<sup>(5)</sup> Information procedure closed.

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

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

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable and consequently unenforceable against individuals.

For more information on the notification procedure, please write to:

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Also consult the website: <http://europa.eu.int/comm/enterprise/tris/>

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

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**Final Report of the Hearing Officer in Cases COMP/35587 PO Video Games — COMP/35706 PO Nintendo Distribution — COMP/36321 Omega Nintendo**

**(pursuant to Article 15 of Commission Decision (2001/462/EC, ECSC) of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings — OJ L 162, 19.6.2001, p. 21)**

(2003/C 241/03)

**(Text with EEA relevance)**

The draft decision in the abovementioned case gives rise to the following observations.

A statement of objections was addressed to Nintendo Corporation Ltd (copied to Nintendo of Europe GmbH), John Menzies plc (copied to THE Games Ltd), Soc. Rep. Concentra LDA, Linea GIG Spa, Nortec SA, Bergsala AB, Itochu Corporation (copied to Itochu Hellas SA) and CD-Contact Data GmbH (copied to Contact-Data Belgium NV) on 25 April 2000. The statement set out the Commission's preliminary view that infringements of Article 81(1) had been committed by Nintendo and the other addressees in relation to the distribution of Nintendo manufactured products. The Commission had opened an ex officio procedure in this case on 11 September 1995 (Case IV/35.706).

The statement of objections also incorporated issues raised in a complaint by Omega Electro BV registered with the Commission on 3 December 1996 (IV/36.321). In accordance with its rights as a complainant, Omega Electro BV was sent a non-confidential version of the statement of objections on 8 June 2000. Omega Electro BV did not submit any comments in response.

The proceedings in this case also rely on documents from an earlier and broader case opened by the Commission in relation to video games in general on 23 May 1995 (Case IV.35.587). Documents from this case were also used in earlier separate proceedings against Nintendo (and others) concerning its licensing practices with regard to independent developers of games for its respective game consoles. A statement of objections was sent to Nintendo in this case on 15 May 1996. In response to the Commission's competition concerns Nintendo amended its EEA NES, SNES and Game Boy licensing agreements. On 18 July 1997 the Commission informed Nintendo that these earlier proceedings against it were closed.

The parties responded to the statement of objections in the present case on individually agreed dates in June and July 2000. They did not request an oral hearing.

The rights to be heard have been respected in the present case.

The draft decision deals only with objections in relation to which the parties have had the opportunity to be heard.

Done at Brussels, 7 October 2002.

Karen WILLIAMS

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**Final report of the Hearing Officer in case COMP/37.519 — Methionine**

**(pursuant to Article 15 of Commission Decision 2001/462/EC, ECS of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings (OJ L 162, 19.6.2001, p. 21))**

(2003/C 241/04)

**(Text with EEA relevance)**

The draft decision gives rise to the following observations on the rights to be heard:

The Commission initiated on 1 October 2001 proceedings and adopted a Statement of Objections against five producers of Methionine.

Some parties in the procedure requested access to additional documents other than the ones that were annexed to the Statement of Objections. Through correspondence with the Hearing Officer, some of the parties agreed to give each other access to certain additional documents. They also accepted the view of the Hearing Officer according to which some of the documents requested did not contain useful information for them, and they therefore dropped their request.

In addition, more detailed information regarding the remaining non-accessible documents was given, but full access to these documents was refused on the grounds that they referred to the reasoning of one undertaking concerning the possible individualisation of a fine.

The period to reply to the Statement of Objections was extended from 4 December 2001 to 10 January 2002 and all five parties submitted written observations in response to the Commission's Objections. One party to the proceedings, on its request, was heard in absence of the other parties, for part of its oral hearing, in order to disclose further confidential information, which it considered relevant to its right of defence.

Following the Hearing, the Commission decided not to pursue the procedure against two of the five producers.

In the light of the above, I conclude that the rights to be heard have been respected in this case. In particular, the draft decision deals only with objections which the parties have been afforded the opportunity of making known their views.

Done at Brussel, 26 June 2002.

Serge DURANDE

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## Notice of initiation of an expiry and an interim review of the countervailing measures applicable to imports of certain broad spectrum antibiotics originating in India

(2003/C 241/05)

Following the publication of a notice of impending expiry <sup>(1)</sup> of the anti-subsidy measures in force on imports of certain broad spectrum antibiotics originating in India ('country concerned'), the Commission has received a request for reviews pursuant to Articles 18 and 19 of Council Regulation (EC) No 2026/97 <sup>(2)</sup>, as amended by Council Regulation (EC) No 1973/2002 <sup>(3)</sup> ('the basic Regulation').

### 1. Request for review

The request was lodged on 8 July 2003 by Sandoz GmbH and Sandoz Industrial Products S.A. ('the applicants') representing a major proportion, in this case more than 40 %, of the total Community production of certain broad spectrum antibiotics.

### 2. Product

The product under review is amoxicillin trihydrate, ampicillin trihydrate and cefalexin not put up in measured doses or in forms or packings for retail sale originating in India ('the product concerned'), normally declared within CN codes ex 2941 10 10, (Taric code 2941 10 10 10), ex 2941 10 20 (Taric code 2941 10 20 10) and ex 2941 90 00 (Taric code 2941 90 00 30). These CN/TARIC codes are given only for information.

### 3. Existing measures

The measures currently in force are a definitive countervailing duty imposed by Council Regulation (EC) No 2164/98 <sup>(4)</sup>.

### 4. Grounds for the reviews

#### 4.1. Grounds for the expiry review

The applicants have provided evidence that the expiry of the measures would lead to a continuation of subsidisation and injury.

It is alleged that the exporters/producers of the product concerned have benefited and will continue to benefit from a number of subsidies granted by the Government of India. These alleged subsidies consist of schemes of benefits to industries located in export processing zones/export oriented units; the advance licenses; advance release orders scheme; the

duty entitlement passbook scheme; an income tax exemption; the export promotion capital goods scheme; the duty free replenishment certificate; the package scheme of incentives of the Government of Maharashtra and export credits. The total subsidy is estimated to be significant.

It is alleged that the above schemes are subsidies since they involve a financial contribution from the Government of India and confer a benefit to the recipients, i.e. to exporters/producers of certain broad spectrum antibiotics. They are alleged to be contingent upon export performance and therefore specific and countervailable or to be otherwise specific and countervailable.

The applicants have provided evidence that imports of the product concerned from India have increased overall in absolute terms and in terms of market share.

It is also alleged that the volumes and the prices of the imported product concerned have continued, among other consequences, to have a negative impact on the level of prices charged by the Community industry, resulting in substantial adverse effects on the financial situation of the Community industry.

#### 4.2. Grounds for the interim review

The request pursuant to Article 19 is based on the grounds that the level of the measures is alleged to be inappropriate to counteract the subsidization which is causing the injury. The request contained sufficient evidence that a continuation of the measures in their present form is no longer sufficient to counteract the countervailable subsidies which are causing injury. In addition, it appears that various changes have taken place in the subsidy schemes since the original investigation. Some schemes have disappeared, others have been scaled back or replaced and new allegedly countervailable subsidy schemes for the benefit of the exporters appear to exist. Therefore, the initiation of an interim review according to article 19(2) of the basic Regulation is warranted.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an expiry and an interim review, the Commission hereby initiates a review in accordance with Articles 18 and 19 of the basic Regulation.

<sup>(1)</sup> OJ C 8, 14.1.2003, p. 2.

<sup>(2)</sup> OJ L 288, 21.10.1997, p. 1.

<sup>(3)</sup> OJ L 305, 7.11.2002, p. 4.

<sup>(4)</sup> OJ L 273, 9.10.1998, p. 1.

### 5.1. Procedure for the determination of likelihood of subsidization and injury

The investigation will determine whether the expiry of the measures would be likely, or unlikely, to lead to a continuation or recurrence of subsidization and injury and whether there is a need for the continuation, removal or amendment of the existing measures.

#### (a) Sampling

In view of the apparent number of parties involved in this proceeding, the Commission may decide to apply sampling, in accordance with Article 27 of the basic Regulation.

##### (i) Sampling for investigation of subsidisation in India

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in paragraph 6(b)(i):

- name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,
- the turnover in local currency and the volume in kg of the product concerned sold for export to the Community and exports to other countries (separately) during the period 1 April 2002 to 31 March 2003,
- the turnover in local currency and the sales volume in kg for the product concerned on the domestic market during the period 1 April 2002 to 31 March 2003,
- whether the company intends to claim an individual subsidy rate (individual subsidy rates can only be claimed by producers),
- the precise activities of the company with regard to the production of the product concerned and the volume in kg of the product concerned, the production capacity and the investments in production capacity during the period 1 April 2002 to 31 March 2003,
- the names and the precise activities of all related companies<sup>(1)</sup> involved in the production and/or selling (export and/or domestic) of the product concerned,

<sup>(1)</sup> 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).

- 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,
- an indication on whether the company is recognised as an export oriented unit,
- an indication on whether the company is located in an export processing zone.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of the exporting country, and any known associations of exporters/producers.

##### (ii) 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 paragraph 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.

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

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 27(4) and 28 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in paragraph 8 of this note.

#### (b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the sampled exporters/producers in India, to any association of exporters/producers, to the importers, to any association of importers named in the request or which cooperated in the investigation leading to the measures subject to the present review, and to the authorities of the exporting country concerned.

In any event, all interested parties should contact the Commission forthwith by fax in order to find out whether they are listed in the request and if necessary request a questionnaire within the time limit set in paragraph 6(a)(i), given that the time limit set in paragraph 6(a)(ii) of this notice applies to all 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 paragraph 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 paragraph 6(a)(iii) of this notice.

## 5.2. Procedure for the assessment of Community interest

In accordance with Article 31 of the basic Regulation and in the event that the continuation or recurrence of subsidization and injury is confirmed, a determination will be made as to whether to maintain, amend or repeal the anti-subsidy measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in paragraph 6(a)(ii) of this notice, make themselves known and provide the Commission with information. The parties which have acted in conformity with the precedent sentence may request a hearing, setting the particular reasons why they should be heard, within the time limit set in paragraph 6(a)(iii) of this notice. It should be noted that any information submitted pursuant to Article 31 will only be taken into account if supported by factual evidence at the time of submission.

## 6. Time limits

### (a) General time limits

#### (i) For parties to request a questionnaire

All interested parties who did not cooperate in the investigation leading to the measures subject to the present review 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 Union*.

#### (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 within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, 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.

Companies selected in a sample must submit questionnaire replies within the time limit specified in paragraph 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 paragraph 5.1(a)(i) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, 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 Union*.

(ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(ii) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

(iii) The questionnaire replies from sampled parties 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). All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited (1)' and, in accordance with Article 29(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

(1) This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 29 of Council Regulation (EC) No 2026/97 (OJ L 288, 21.10.97, p. 1) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

Commission address for correspondence:  
European Commission  
Directorate General for Trade  
Directorate B  
KJ-79 5/16  
B-1049 Brussels  
Fax (32-2) 295 65 05  
Telex COMEU B 21877

the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 28 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.

#### 8. Noncooperation

In cases in which any interested party refuses access to or otherwise does not provide the necessary information within

If an interested party does not cooperate, or cooperates only partially, the result may be less favorable to the party than if it had cooperated.

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#### **Conclusion of the Memorandum of Understanding with Bulgaria on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/06)

On 18 April 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Bulgaria on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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#### **Conclusion of the Memorandum of Understanding with the Czech Republic on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/07)

On 24 April 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of the Czech Republic on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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#### **Conclusion of the Memorandum of Understanding with Estonia on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/08)

On 29 May 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Estonia on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Cyprus on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/09)

On 18 June 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Cyprus on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Latvia on its participation in the Fiscalis 2003-2007 Community Programme**

(2003/C 241/10)

On 25 April 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Latvia on its participation in the Fiscalis 2003-2007 Community Programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Lithuania on its participation in the Fiscalis 2003-2007 Community Programme**

(2003/C 241/11)

On 29 May 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Lithuania on its participation in the Fiscalis 2003-2007 Community Programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Hungary on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/12)

On 16 May 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Hungary on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Malta on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/13)

On 15 April 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Malta on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Poland on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/14)

On 29 April 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Poland on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of Memorandum of Understanding with Romania on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/15)

On 29 August 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Romania on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Slovenia on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/16)

On 24 April 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Slovenia on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of the Memorandum of Understanding with Slovakia on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/17)

On 5 May 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Slovakia on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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**Conclusion of Memorandum of Understanding with Turkey on its participation in the Fiscalis 2003-2007 Community programme**

(2003/C 241/18)

On 29 April 2003 the Memorandum of Understanding between the European Commission, on behalf of the European Community, and the Government of Turkey on its participation in the Fiscalis 2003-2007 Community programme was signed.

The full text in English of the Memorandum of Understanding can be found on the following web page:  
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

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

**Cases where the Commission raises no objections**

(2003/C 241/19)

(Text with EEA relevance)

<b>Date of adoption of the decision:</b>	23.7.2003
<b>Member State:</b>	Belgium
<b>Aid No:</b>	N 763/02
<b>Title:</b>	Increase in the capital of La Poste
<b>Objective:</b>	Capital injection by the Belgian State
<b>Legal basis:</b>	— Articles 39, 40, 147.2 de la loi sur les entreprises autonomes du 31.3.1991 — De artikelen 39, 40 en 147, lid 2, van de wet op de autonome overheidsbedrijven van 31.3.1991
<b>Budget:</b>	EUR 297,5 million

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

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids](http://europa.eu.int/comm/secretariat_general/sgb/state_aids)

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**Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty****Cases where the Commission raises no objections**

(2003/C 241/20)

<b>Date of adoption of the decision:</b>	2.9.2003
<b>Member State:</b>	The Netherlands
<b>Aid No:</b>	N 499/02
<b>Title:</b>	Subsidy for a cheese factory
<b>Objective:</b>	The construction of a cheese factory
<b>Legal basis:</b>	Besluit subsidies regionale investeringsprojecten 2000 van 22.8.2000
<b>Budget:</b>	EUR 6 806 703
<b>Aid intensity or amount:</b>	9,1 %
<b>Duration:</b>	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](http://europa.eu.int/comm/secretariat_general/sgb/state_aids)

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**Non-opposition to a notified concentration****(Case COMP/M.3161 — CVRD/CAEMI)**

(2003/C 241/21)

**(Text with EEA relevance)**

On 18 July 2003 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(2) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 303M3161. CELEX is the computerised documentation system of European Community law.

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2, rue Mercier,  
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Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

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**Non-opposition to a notified concentration****(Case COMP/M.3241 — Arla/Nordzucker/JV)**

(2003/C 241/22)

**(Text with EEA relevance)**

On 30 September 2003, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
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**Non-opposition to a notified concentration****(Case COMP/M.3177 — BASF/Glon-Sanders/JV)**

(2003/C 241/23)

**(Text with EEA relevance)**

On 29 July 2003 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CDE' version of the CELEX database, under document No 303M3177. CELEX is the computerised documentation system of European Community law.

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