

English edition

Information and Notices

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⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

3 December 2003

(2003/C 294/01)

1 euro =

| Currency | Exchange rate | Currency | Exchange rate | | |
|----------|------------------|----------|---------------|--------------------|-----------|
| USD | US dollar | 1,2102 | LVL | Latvian lats | 0,6581 |
| JPY | Japanese yen | 131,25 | MTL | Maltese lira | 0,4296 |
| DKK | Danish krone | 7,4417 | PLN | Polish zloty | 4,6519 |
| GBP | Pound sterling | 0,6999 | ROL | Romanian leu | 40 317 |
| SEK | Swedish krona | 8,987 | SIT | Slovenian tolar | 236,485 |
| CHF | Swiss franc | 1,5569 | SKK | Slovak koruna | 41,08 |
| ISK | Iceland króna | 89,35 | TRL | Turkish lira | 1 764 669 |
| NOK | Norwegian krone | 8,1425 | AUD | Australian dollar | 1,6458 |
| BGN | Bulgarian lev | 1,9542 | CAD | Canadian dollar | 1,5699 |
| CYP | Cyprus pound | 0,5836 | HKD | Hong Kong dollar | 9,3956 |
| CZK | Czech koruna | 32,445 | NZD | New Zealand dollar | 1,8624 |
| EEK | Estonian kroon | 15,6466 | SGD | Singapore dollar | 2,0768 |
| HUF | Hungarian forint | 272,70 | KRW | South Korean won | 1 446,49 |
| LTL | Lithuanian litas | 3,4528 | ZAR | South African rand | 7,4707 |

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

Diplomas, certificates and other evidence of formal qualifications in Architecture which are the object of mutual recognition by the Member States

(2003/C 294/02)

(Updating of communication 2002/C 214/03 of 10 September 2002 ⁽¹⁾)

There follows a list of diplomas, certificates and other evidence of formal qualifications in Architecture, drawn up pursuant to Article 7 of Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services ⁽²⁾.

The diplomas listed below are those which are to be recognized by the Member States of the Community in respect of those students who began their studies in architecture in the academic year of 1988/1989. For those who began their studies in architecture before the academic year of 1988/1989, the diplomas to be recognised are those listed:

- for Member States other than Spain and Portugal, at Article 11 of Directive 85/384/EEC of 10 June 1985 ⁽³⁾,
- at Article 1 of Directive 85/614/EEC of 20 December 1985 ⁽⁴⁾ for Spain and Portugal,
- and at Article 1 of Directive 86/17/EEC of 27 January 1986 ⁽⁵⁾, amended by publication in the *Official Journal of the European Communities*, No L 87 of 2 April 1986, for Portugal alone.

Directive 85/384/EEC also provides for the recognition of other qualifications in architecture. These are listed in Articles 5, 12 and 14 of the Directive.

Updateings of this list shall be published periodically by the Commission pursuant to Article 7(2) of the Directive.

| Country | Title of diploma | Body awarding diploma | Certificate accompanying diploma |
|-----------------|---|---|----------------------------------|
| BELGIQUE/BELGIË | Architecte — Architect Architecte — Architect Architect Architecte — Architect Architecte — Architect Ingénieur — civil architecte Architect — architecte Architect — architecte Architect Architect — Architecte Architect — Architecte Burgerlijke ingenieur — architect | Écoles nationales supérieures d'architecture Instituts supérieurs d'architecture École provinciale supérieure d'architecture de Hasselt Académies royales des Beaux-Arts Écoles Saint-Luc Facultés des sciences appliquées des universités Faculté polytechnique de Mons Nationale hogescholen voor architectuur Hogere-architectuur-instituten Provinciaal Hoger Instituut voor Architectuur te Hasselt Koninklijke Academies voor Schone Kunsten Sint-Lucasscholen Faculteiten Toegepaste Wetenschappen van de Universiteiten 'Faculté Polytechnique' van Mons | |

⁽¹⁾ OJ C 214, 10.9.2002.

⁽²⁾ OJ L 223, 21.8.1985.

⁽³⁾ For Austria, Finland and Sweden the diplomas mentioned at Article 11 of Directive 85/384/EEC, as amended by the Act of Accession with the courses beginning also after the academic year 1988/1989, and before academic year 1998/1999.

⁽⁴⁾ OJ L 376, 31.12.1985.

⁽⁵⁾ OJ L 27, 1.2.1986.

| Country | Title of diploma | Body awarding diploma | Certificate accompanying diploma |
|-------------|---|--|--|
| DANMARK | Arkitekt cand. arch. | Kunstakademiets Arkitektskole i København Arkitektskolen i Århus | |
| DEUTSCHLAND | Diplom-Ingenieur Diplom-Ingenieur Universität Diplom-Ingenieur, Diplom-Ingenieur FH | Universitäten (Architektur/Hochbau) Technische Hochschulen (Architektur/Hochbau) Technische Universitäten (Architektur/Hochbau) Universitäten-Gesamthochschulen (Architektur/Hochbau) Hochschulen für bildende Künste Hochschulen für Künste Fachhochschulen (Architektur/Hochbau) (1) Universitäten-Gesamthochschulen (Architektur/Hochbau) bei entsprechenden Fachhochschulstudiengängen | |
| ΕΛΛΑΔΑ | Δίπλωμα αρχιτέκτονα — μηχανικού | — Εθνικό Μετσόβειο Πολυτεχνείο (ΕΜΠ), τμήμα αρχιτεκτόνων — μηχανικών — Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης (ΑΠΘ), τμήμα αρχιτεκτόνων — μηχανικών της Πολυτεχνικής σχολής | Βεβαίωση που χορηγεί το Τεχνικό Επιμελητήριο Ελλάδας (ΤΕΕ) και η οποία επιτρέπει την άσκηση δραστηριοτήτων στον τομέα της αρχιτεκτονικής |
| ESPAÑA | Título oficial de arquitecto | Rectores de las universidades enumeradas a continuación: La Universidad Politécnica de Cataluña, Escuelas Técnicas Superiores de Arquitectura de Barcelona o del Vallès La Universidad Politécnica de Madrid, Escuela Técnica Superior de Arquitectura de Madrid La Universidad Politécnica de Las Palmas, Escuela Técnica Superior de Arquitectura de Las Palmas La Universidad Politécnica de Valencia, Escuela Técnica Superior de Arquitectura de Valencia La Universidad de Sevilla, Escuela Técnica Superior de Arquitectura de Sevilla La Universidad de Valladolid, Escuela Técnica Superior de Arquitectura de Valladolid La Universidad de Santiago de Compostela, Escuela Técnica Superior de Arquitectura de La Coruña La Universidad del País Vasco, Escuela Técnica Superior de Arquitectura de San Sebastián La Universidad de Navarra, Escuela Técnica Superior de Arquitectura de Pamplona La Universidad de Alcalá de Henares. Escuela Politécnica de Alcalá de Henares (1999/2000) La Universidad Alfonso X El Sabio. Centro Politécnico Superior de Villanueva de la Cañada (1999/2000) La Universidad de Alicante. Escuela Politécnica Superior de Alicante (1997/1998) La Universidad Europea de Madrid (1998/1999) La Universidad de Cataluña. Escuela Técnica Superior de Arquitectura de Barcelona (1999/2000) La Universidad Ramon Llull. Escuela Técnica Superior de Arquitectura de La Salle (1998/1999) La Universidad SEK de Segovia. Centro de Estudios Integrados de Arquitectura de Segovia (1999/2000) | |

| Country | Title of diploma | Body awarding diploma | Certificate accompanying diploma |
|---------|--|---|--|
| FRANCE | Diplôme d'architecte DPLG, y compris dans le cadre de la formation professionnelle continue et de la promotion sociale Diplôme d'architecte ESA Diplôme d'architecte ENSAIS | Le ministre chargé de l'architecture École spéciale d'architecture de Paris École nationale supérieure des arts et industries de Strasbourg, section architecture | |
| IRELAND | Degree of Bachelor of Architecture (B.Arch.NUI) Degree of Bachelor of Architecture (B.Arch) (Previously, until 2002 — Degree standard diploma in architecture (Dip. Arch)) Certificate of associateship (ARIAI) Certificate of membership (MRIA) | National University of Ireland to architecture graduates of University College Dublin Dublin Institute of Technology, Bolton Street, Dublin (College of Technology, Bolton Street, Dublin) Royal Institute of Architects of Ireland Royal Institute of Architects of Ireland | |
| ITALIA | Laurea in architettura Laurea in ingegneria edile/architettura (Soltanto per i diplomi che sanciscono corsi iniziati nell'anno accademico 1998/1999) Laurea specialistica quinquennale in Architettura (Soltanto per i diplomi che sanciscono corsi iniziati nell'anno accademico 2002/2003) (Soltanto per i diplomi che saranno rilasciati a partire dall'anno accademico 2003/2004) | Università di Camerino Università di Catania — Sede di Siracusa Università di Chieti Università di Ferrara Università di Firenze Università di Genova Università di Napoli Federico II Università di Napoli II Università di Palermo Università di Parma Università di Reggio Calabria Università di Roma III Università di Roma 'La Sapienza' Università di Trieste Politecnico di Bari Politecnico di Milano Politecnico di Torino Istituto universitario di architettura di Venezia Università dell'Aquila Università di Pavia Università di Roma 'La Sapienza' Prima Facoltà di Architettura Università di Roma 'La Sapienza' Università di Ferrara Università di Genova Università di Palermo Politecnico di Milano Politecnico di Bari | Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente Diploma di abilitazione all'esercizio indipendente della professione che viene rilasciato dal ministero della Pubblica istruzione dopo che il candidato ha sostenuto con esito positivo l'esame di Stato davanti ad una commissione competente |

| Country | Title of diploma | Body awarding diploma | Certificate accompanying diploma |
|------------|---|--|--|
| NEDERLAND | 1. Het getuigschrift van het met goed gevolg afgelegde doctoraal examen van de studierichting bouwkunde, afstudeerrichting architectuur 2. Het getuigschrift van het met goed gevolg afgelegde doctoraal examen van de studierichting bouwkunde, differentiatie architectuur en urbanistiek 3. Het getuigschrift hoger beroepsonderwijs, op grond van het met goed gevolg afgelegde examen verbonden aan de opleiding van de tweede fase voor beroepen op het terrein van de architectuur, afgegeven door de betrokken examencommissies van respectievelijk: <ul style="list-style-type: none"> — de Amsterdamse Hogeschool voor de Kunsten te Amsterdam, — de Hogeschool Rotterdam en omstreken te Rotterdam, — de Hogeschool Katholieke Leergangen te Tilburg, — de Hogeschool voor de Kunsten te Arnhem, — de Rijkshogeschool Groningen te Groningen, — de Hogeschool Maastricht te Maastricht | 1. Technische Universiteit te Delft 2. Technische Universiteit te Eindhoven | Verklaring van de Stichting Bureau Architectenregister die bevestigt dat de opleiding voldoet aan de normen van de artikelen 3 en 4 van Richtlijn 85/384/EEG |
| ÖSTERREICH | Diplom-Ingenieur, Dipl.-Ing. Diplom-Ingenieur, Dipl.-Ing. Diplom-Ingenieur, Dipl.-Ing. Magister der Architektur, Magister architecturae, Mag. Arch. Magister der Architektur, Magister architecturae, Mag. Arch. Magister der Architektur, Magister architecturae, Mag. Arch. | Technische Universität Graz (Erzherzog-Johann-Universität Graz) Technische Universität Wien Universität Innsbruck (Leopold-Franzens-Universität Innsbruck) Hochschule für Angewandte Kunst in Wien Akademie der Bildenden Künste in Wien Hochschule für künstlerische und industrielle Gestaltung in Linz | |
| PORTUGAL | Carta de curso de Licenciatura em Arquitectura | Faculdade de arquitectura da Universidade técnica de Lisboa Faculdade de arquitectura da Universidade do Porto Escola Superior Artística do Porto | |
| FINLAND | Arkkitehdin tutkinto/Arkitektexamen (1998/1999) | Teknillinen korkeakoulu/Tekniska högskolan (Helsinki) Tampereen teknillinen korkeakoulu/Tammerfors tekniska högskola Oulun yliopisto/Uleåborgs universitet | |
| SVERIGE | Arkitektexamen | Chalmers tekniska högskola AB Kungliga tekniska högskolan Lunds universitet | |

| Country | Title of diploma | Body awarding diploma | Certificate accompanying diploma |
|----------------|---|---|--|
| UNITED KINGDOM | Diplomas in architecture Degrees in architecture Final examination Examination in architecture Examination Part II | Universities Colleges of Art Schools of Art Universities Architectural Association Royal College of Art Royal Institute of British Architects | Certificate of architectural education, issued by the Architects Registration Board ⁽²⁾ |
| NORWAY | Sivilarkitekt For diplomas sanctioning courses started in school year 1997/1998 | Norges teknisk-naturvitenskapelige universitet Arkitektthøgskolen i Oslo Bergen arkitektskole | |
| LIECHTENSTEIN | Dipl.-Arch. FH Für Architekturstudienkurse, die im akademischen Jahr 1999/2000 aufgenommen wurden, einschließlich für Studenten, die das Studienprogramm Model B bis zum akademischen Jahr 2000/2001 belegten, vorausgesetzt dass sie sich im akademischen Jahr 2001/2002 einer zusätzlichen und kompensatorischen Ausbildung unterzogen | Fachhochschule Liechtenstein | |

(¹) Diese Diplome sind je nach Dauer der durch sie abgeschlossenen Ausbildung gemäß Artikel 4 Absatz 1 Unterabsatz 1 oder 2 der Richtlinie 85/384/EWG anzuerkennen.

(²) The diploma and degree courses in architecture of the universities, schools and colleges of art should have met the requisite threshold standards as laid down in Articles 3 and 4 of Directive 384/85/EEC and in 'Criteria for validation' published by the Validation Panel of the Royal Institute of British Architects and the Architects Registration Board.

EU nationals who possess the Royal Institute of British Architects Part I and Part II certificates, which are recognised by ARB as the competent authority, are eligible. Also EU nationals who do not possess the ARB-recognised Part I and Part II certificates will be eligible for the Certificate of Architectural Education if they can satisfy the Board that their standard and length of education has met the requisite threshold standards of Articles 3 and 4 of the Directive and of the 'Criteria for validation'.

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises

(2003/C 294/03)

(Text with EEA relevance)

Aid No: XS 105/02

Member State: Italy

Region: Sicily

Title of aid scheme or name of the company receiving an individual aid: Aid for reusing and recycling waste

Legal basis:

- Decreto presidenziale 20.11.2000: Programma operativo regionale Sicilia 2000-2006,
- Articolo 70 della legge regionale 23 dicembre 2000 n. 32 «Disposizioni per l'attuazione del POR 2000-2006 e di riordino dei regimi di aiuto alle imprese»,
- Articolo 117 della legge regionale 3 maggio 2001, n. 6,
- Complemento di programmazione del POR Sicilia 2000-2006 (adottato con deliberazione n. 273 del 7 agosto 2002 della Giunta regionale — sottomisura 4.1c),
- Decreto Dirigente generale del dipartimento Industria del 6.9.2002: «Bando per la presentazione e la selezione delle istanze per l'attivazione della sottomisura 4.1c — Attività di trattamento dei rifiuti» (pubblicato nella *Gazzetta ufficiale della Regione Sicilia* n. 43 — supplemento ordinario — del 13.9.2002)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: The total expenditure for submeasure 4.1(c) is EUR 26 666 000, of which 30 % will be tied to particular areas.

The use of the following amounts will be decided on the basis of the notice published on 13 September 2002:

- EUR 18 666 200 = $0,7 \times 26\ 666\ 000$ (not tied to particular areas),
- EUR 906 426 for the Progetto Integrato Territoriale No 29 'Biovalley' under Regional Presidential Decree No 94 of 18 June 2002.

Annual expenditure of approximately EUR 6 524 200 is expected for the period 2003 to 2005

Maximum aid intensity: 35 % net grant equivalent (nge) with a bonus of 15 percentage points gross grant equivalent (gge). Assistance may not exceed EUR 6 197 482,79

Date of implementation: Expenditure incurred as from the day following the submission of the application, the deadline

for which is 12 December 2002 (90 days after the date of publication of the notice in the *Sicilian Gazzetta Ufficiale* on 13 September 2002), will be eligible

Duration of scheme or individual aid award: December 2006

Objective of aid: Investment in tangible and intangible fixed assets in accordance with Article 2 of Regulation (EC) No 70/2001

Economic sector(s) concerned: All sectors except those specifically excluded by Regulation (EC) No 70/2001 for the agriculture and fisheries sectors

Name and address of the granting authority:

Regione siciliana
Assessorato Industria
Dipartimento Industria
Viale regione Siciliana, 4580
I-90145 Palermo

Aid No: XS 130/02

Member State: Italy

Region: Veneto

Title of aid scheme or name of the company receiving an individual aid: Financial assistance towards the costs of consultancy, technical assistance and specific staff training for adapting business systems to quality standards and requirements

Legal basis: Articolo 4 della legge regionale del Veneto n. 3 del 28.1.1997, in *Bollettino ufficiale della Regione Veneto* n. 9 del 1997

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 4 423 500

Maximum aid intensity: 50 % of the costs of services provided by outside consultancies, with a maximum grant of EUR 15 000 for each project

Date of implementation: Earliest date from which the aid may be granted: 5 December 2002

Duration of scheme or individual aid award: Deadline for the grant of aid: 31 December 2002.

Indicative date planned for payment of the last instalment: 31 December 2004

Objective of aid: To support the introduction of business quality systems in SMEs based in Veneto

Economic sector(s) concerned: All sectors, except for:

- activities linked to the production, processing or marketing of products listed in Annex I to the Treaty,
- export-related activities,
- coal and steel industry,
- synthetic fibres,
- motor vehicle industry,
- transport (with the exception of Italian Statistical Office (ISTAT) Codes 602, 6021, 6022, 6023, 6024, 6025, 631, 6311, 6312, 632 and 6321),
- shipbuilding,
- fisheries,
- commerce, tourism and services covered by Veneto Regional Act No 16 of 10 April 1998 (Veneto Official Gazette No 33/1998) on regional assistance for quality and innovation in commerce, tourism and services

Name and address of the granting authority:

Regione Veneto — Giunta regionale
Palazzo Balbi
Dorsoduro 3901
I-30100 Venezia

Aid No: XS 17/03

Member State: Spain

Region: Autonomous Community of Navarre

Title of aid scheme or name of the company receiving an individual aid: Aid scheme for investment in tourist establishments

Legal basis: Orden Foral 164/2001, de 14 de diciembre, de la Consejería de Industria y Tecnología, Comercio, Turismo y Trabajo (B.O.N. nº 1, de 2 de enero de 2002)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:

- EUR 712 800,36 in 2002
- EUR 1 352 277,23 in 2003

— EUR 1 352 277,23 in 2004

— EUR 1 800 000 in 2005

Maximum aid intensity: The gross maximum intensity is 25 %, with a maximum limit of EUR 270 000 in assisted areas. In non-assisted areas (Pamplona) the intensity laid down in Article 4 of the Regulation applies

Date of implementation: 2002 to 2003

Duration of scheme or individual aid award: 2001 to 2005

Objective of aid: To provide an incentive for productive investment in the tourism sector in order to strengthen it and make it competitive in today's tourism market

Economic sector(s) concerned: Tourism sector: accommodation and restaurants

Name and address of the granting authority:

Comunidad Foral de Navarra
Avda. Carlos III El Noble, 4
Pamplona
Navarra

Other information: The scheme also contains a *de minimis* aid line

Aid No: XS 40/03

Member State: Germany

Region: Lower Saxony (Visselhövede)

Title of aid scheme or name of the company receiving an individual aid: Directive of the town of Visselhövede on joint financing of grants to individual SMEs in the rural district of Soltau-Fallingbostel under the Lower Saxony Objective 2 Programme 2000-2006

Legal basis: Niedersächsische Gemeindeordnung (NGO) in der Fassung vom 22.8.1996 (Niedersächsisches Gesetz- und Verordnungsblatt S. 382)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 300 000

Maximum aid intensity: The aid amounts

- in the case of small enterprises, to no more than 15 %
- and in the case of medium-sized enterprises, to up to 7,5 % of eligible investment expenditure.

The rules on the cumulation of aid are complied with

Date of implementation: From 26 February 2003

Duration of scheme or individual aid award: 26 February 2003 to 31 December 2003

Objective of aid: The aid is intended to promote the competitiveness and adaptability of small and medium-sized enterprises in the Visselhövede area, to encourage the creation of new jobs and help safeguard existing ones, thus bringing about structural improvements.

Rescue and restructuring aid for firms in difficulty (within the meaning of the Community guidelines on state aid for rescuing and restructuring firms in difficulty: OJ C 288, 9.10.1999) is not covered by the measure.

Aid may be granted for the following types of investment project:

- setting up of an establishment,
- extension of an establishment if the number of long-term jobs is increased by 15 % as compared with the situation before the start of the investment,
- takeover when the business is threatened with closure.

The aid takes the form of investment grants

Economic sector(s) concerned: Eligibility extends to companies in the industrial, commercial, craft, construction, transport and accommodation sectors with their headquarters in Visselhövede and entrepreneurs and companies which intend to start up a business in Visselhövede.

Aid may not be granted to firms in sensitive sectors

Name and address of the granting authority:

Stadt Visselhövede
Marktplatz 2
D-27374 Visselhövede

Other information:

Herr Günter Claus
Tel. 042 62-30 11 41
Fax 042 62-30 11 47
E-mail: stadt.claus@visselhoevede.de

Aid No: XS 60/03

Member State: Spain

Region: Autonomous Community of the Region of Murcia

Title of aid scheme or name of the company receiving an individual aid: Aid to be granted in 2002 for presenting information society products and services at the Sicarm 2002 Business Innovation Days

Legal basis:

— Orden de 10 de abril de 2003, de la Consejería de Ciencia, Tecnología, Industria y Comercio, por la que se establecen las bases reguladoras y se convoca la concesión de ayudas a la exposición de productos y servicios de la Sociedad de la Información en las Jornadas técnicas y demostraciones tecnológicas Sicarm 2003. (BORM nº 95 de 26 de abril de 2003).

— Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Aid allocated to private firms: EUR 30 000

Maximum aid intensity: The amount of subsidies governed by this order may not exceed 50 % of gross grant equivalent of eligible costs

Date of implementation: The order came into force on 27 April 2003

Duration of scheme or individual aid award: Aid may therefore be granted until 31 May 2003

Objective of aid: To finance the presentation of information society products and services at the Sicarm 2002 Business Innovation Days (e-commerce projects)

Economic sector(s) concerned: Small and medium-sized enterprises as defined in the European Commission's Recommendation of 3 April 1996, other than those engaged in the production, processing or marketing of agricultural products listed in Annex I to the EC Treaty, and activities which encourage the use of domestic products as opposed to imported products

Name and address of the granting authority:

D. Patricio Valverde Megías
Consejería de Ciencia, Tecnología, Industria y Comercio
San Cristóbal, 6
E-30071 Murcia

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment

(2003/C 294/04)

(Text with EEA relevance)

Aid No: XE 1/03

Member State: Germany

Region: North Rhine-Westphalia

Title of aid scheme or name of the company receiving an individual aid: Scheme implementing 'Jugend in Arbeit Plus'

Legal basis: § 44 Landeshaushaltsordnung des Landes Nordrhein-Westfalen

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 24,7 million annual budget allocation for refinancing of the whole programme

Maximum aid intensity: For aid under Article 5: recruitment of disadvantaged and disabled workers (wage subsidy of 50 % of gross employee wage costs — either collectively negotiated or in line with local standards — plus a subsidy of the employer's share of the social security contribution of 20 % of the regularly paid gross employee wage costs. Aid is restricted to 50 % of wage costs, including both gross wages and statutory social charges (both the employee's and the employer's contribution)

Date of implementation: 1 January 2003

Duration of scheme or individual aid award: 31 December 2006 (end of funding period)

Objective of aid: The 'Jugend in Arbeit Plus' initiative focuses on the difficult situation of young people on the job market and is intended to support the integration of this target group into the employment system by promoting one-year employment contracts

Economic sector(s) concerned: All EU economic sectors

Name and address of the granting authority:

Versorgungsamt Köln
Boltensterstraße 10
D-50735 Köln

Other information: The scheme is partially financed with EU Objective 3 funds.

After the exemption regulation expires on 31 December 1996, a six-month transitional period will apply.

The aid scheme 'Jugend in Arbeit Plus' incorporates both an employment and a qualification component, so two summary information forms have been provided.

The employment component falls under Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to training aid and is set out in the summary information form.

The qualification component falls under Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid. Please see the relevant summary information form for training aid

Commission communication amending the notice to the Member States of 14 April 2000 laying down guidelines for the Community Initiative for rural development (Leader+)
(2000/C 139/05)

(2003/C 294/05)

(Text with EEA relevance)

The notice to the Member States of 14 April 2000 laying down guidelines for the Community initiative for rural development (Leader+) ⁽¹⁾ is hereby amended as follows:

The second indent of point 18, entitled 'Transnational cooperation' is replaced by the following:

'In the context of transnational cooperation between Member States, in addition to territories selected under Leader+, cooperation may also be opened up to areas selected under Leader I and II or to other rural areas organised according to the Leader approach and recognised by the Member State. Only operations involving territories selected under Leader+ will be eligible for Community part-financing. However, expenditure on organising activities will be eligible in all the areas concerned.

Where a territory selected under Leader+ enters into a cooperation project under the terms of this action with an area outside the Community organised according to the Leader approach, associated expenditure relating to the Leader+ area will be eligible.'

⁽¹⁾ OJ C 139, 18.5.2000, p. 5.

Non-opposition to a notified concentration

(Case COMP/M.3125 — Huntsman/MatlinPatterson/Vantico)

(2003/C 294/06)

(Text with EEA relevance)

On 19 June 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),
- in electronic form in the 'CEN' version of the CELEX database, under document No 303M3125. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

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2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

EUROPEAN ECONOMIC AREA

EFTA COURT

Action brought on 18 September 2003 by Transportbedriftenes Landsforening and Nor-Way Bussekspress AS against the EFTA Surveillance Authority — Case E-3/03

(2003/C 294/07)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 18 September 2003 by Transportbedriftenes Landsforening and Nor-Way Bussekspress AS, represented by Advokat Jan Magne Langseth and Advokat fullmektig Gro Bergeius Andersen, Advokatfirmaet Schjødt, Dronning Mauds gt. 11, N-0201 Oslo, Norway.

The applicant claims that the Court should:

1. annul the EFTA Surveillance Authority's decision dated 16 July 2003 in Case 140/03/COL; and
2. order the EFTA Surveillance Authority to pay the Applicants' costs.

The Applicants plead that the EFTA Surveillance Authority's decision in Case 140/03/COL is characterised by inadequate statement of reasons, errors in assessment of fact, manifest errors of assessment and errors in applying the concept of State aid under the EEA Agreement, including, *inter alia*:

- failure to follow the consultation procedure of Article 2 of Protocol 3 to the Surveillance and Court Agreement,
 - application of Article 5(1) of Directive 92/82/EEC, which is not part of the EEA Agreement,
 - erroneously applying Article 61(1) EEA, and having determined that the Norwegian concession system for scheduled services amounts to State aid, applying Council Regulation 1191/69 as amended by Council Regulation 1893/91, and
 - failure to address Article 59 EEA.
-

EFTA SURVEILLANCE AUTHORITY

STATE AID

SAM 020.500.040 — Norway

(2003/C 294/08)

EFTA Surveillance Authority notice pursuant to Article 1(2) of Protocol 3 of the Surveillance and Court Agreement, to other EFTA States, EU Member States and interested parties regarding proposed aid with regard to the sale of 1 744 rental apartments in Oslo (State aid SAM 020.500.040).

By means of Decision No 113/03/COL of 11 July 2003, the EFTA Surveillance Authority initiated proceedings pursuant to Article 1(2) of Protocol 3 of the Surveillance and Court Agreement. The Norwegian Government has been informed by means of a copy of the decision.

I. FACTS

1. Notification

By letter from the Mission of Norway to the European Union dated 10 February 2003 (Document No 03-829-A), forwarding a letter from the Ministry of Trade and Industry dated 7 February 2003 and a letter without date from the Municipality of Oslo (including 31 annexes), all received and registered by the Authority on 11 February 2003, the Norwegian authorities submitted a notification pursuant to Article 1(3) of the Surveillance and Court Agreement of the Municipality of Oslo's decision to sell 1 744 municipal rental apartments in Oslo.

By letter dated 9 April 2003 (Document No 03-2133-D), the Authority requested further information. In this letter, the Competition and State Aid Directorate also expressed doubts about the compatibility of the sale with the State aid provisions of the EEA Agreement.

By telefax from the Ministry of Trade and Industry dated 14 May 2003 (Document No 03-3127-A), forwarding a letter dated 14 May 2003 from the Municipality of Oslo (Office of the City Advocate), both received by the Authority on 14 May 2003, the Norwegian authorities submitted additional information. The same documents were received by letter from the Norwegian Mission to the European Union dated 5 June 2003, received and registered by the Authority on 10 June 2003 (Document No 03-3630-A).

2. Background

By letter dated 18 May 2001 (Document No 01-3792-D), the Authority requested that the Norwegian authorities submit all relevant information regarding the sale of 1 744 apartments to

'Fredensborg Boligutleie ANS' so that the Authority could assess whether the sale was in accordance with Article 61 of the EEA Agreement and Chapter 18(B), 'State aid elements in sales of land and buildings by public Authorities', of the Authority's State Aid Guidelines.

By letter of 31 May 2001 (Document No 01-4004-D), the Authority reminded the Norwegian authorities of the 'standstill-clause' in Article 1(3) of Protocol 3 to the Surveillance and Court Agreement and the injunction provisions ('interim measures') contained in Chapter 6, 'Specificities regarding aid unlawful on procedural grounds', of the State Aid Guidelines.

By letter dated 26 June 2001 from the Mission of Norway to the European Union, received and registered by the Authority on the same day (Document No 01-5730-A), the Norwegian authorities submitted the documents they, in agreement with the Municipality of Oslo, regarded as containing the most relevant available information in order to assess whether the sale was in accordance with Article 61 of the EEA Agreement. The information submitted on 26 June 2001 contains a letter from the Ministry of Trade and Industry to the Authority dated 15 June 2001. The Ministry states in this letter 'that the Ministry does not want to express any view on the considerations presented in the submitted documents'.

The information submitted on 26 June 2001 also contains a letter dated 5 June 2001 from the Municipality of Oslo to the Ministry of Trade and Industry. In this letter the Municipality of Oslo argues that the sale is in accordance with the Authority's State Aid Guidelines. The Municipality claims that an independent expert evaluation was carried out in accordance with Chapter 18(B), point 2(2) of the State Aid Guidelines and that the divergence of 3,4 % between the sales price and the value assessment is in line with market conditions as described in Chapter 18(B), point 2(2)(b) of the State Aid Guidelines.

The Municipality of Oslo points out that the sales process must be seen in light of the time constraints. The Government, implementing a hospital reform, caused the time constraint that the Municipality was subject to⁽¹⁾. In the letter of 5 June 2001 it is stated that the time constraint might have resulted in a smaller number of bidders than desirable, and that the buyers submitted lower bids than those they would have submitted in a situation with more time at their disposal⁽²⁾. The Municipality argues, however, that a potentially lower price caused by the time constraint does not amount to State aid as long as the Municipality, in such a situation (under time constraints), has behaved as a private investor would have behaved in such circumstances.

By letter dated 20 July 2001 (Document No 01-5673-D), the Authority stated that it had strong doubts regarding whether the procedure provided for in Chapter 18(B), point 2(2) of the State Aid Guidelines was followed. The Authority expressed doubts whether the evaluation was carried out prior to the sales negotiations, whether the evaluation was carried out on the basis of generally accepted market indicators and valuation standards and whether a sales price 3,4 % below the evaluation was in accordance with the State Aid Guidelines. The Authority invited the Norwegian authorities to comment on this matter, which the Authority would take into consideration before taking a decision on whether to open a formal investigation procedure (Article 1(2) of Protocol 3 to the Surveillance and Court Agreement).

The Ministry of Trade and Industry submitted its comments by telefax on 27 July 2001 (Document No 01-6026-A), received and registered by the Authority the same day, where the Ministry stated that further proceedings 'will be carried out with the purpose to ensure that Norway's obligations under Article 61 of the EEA Agreement are respected'. The Ministry informed the Authority that on 25 July 2001 the County Governor of Oslo and Akershus decided that the Municipality of Oslo cannot lawfully transfer the right of ownership before the County Governor has made his final decision. A new expert evaluation of the value of the buildings would also be carried out. (The results of the new value assessment was contained in the letter from the Municipality of Oslo received on 11 February 2003, see point I(3)).

By letter dated 31 July 2001 (Document No 03-829-A), the Authority informed the Norwegian authorities that it had decided not to open a formal investigation procedure at this stage. The Authority stated that it was awaiting a formal notification of the sale in accordance with its State Aid Guidelines.

3. Description of the proposed sale

In March 2001, the Municipality of Oslo decided to sell a portfolio of 1 744 rental apartments before the end of May 2001. These apartments were mainly rented out to employees

⁽¹⁾ Ot.prp. nr 66 (2000-2001) Om lov om helseforetak m.m. (helseforetaksloven).

⁽²⁾ The passage reads as follows in Norwegian: 'Dette tidspresset kan ha ført til at kretsen av interesserte ble mindre enn ønskelig, og/eller at kjøperne la inn lavere bud enn de ville gjort i en situasjon med bedre tid'.

in municipal hospitals. On 16 March 2001 the independent real estate agency, Akershus Eiendom AS, was given the task of selling the apartments en bloc on behalf of the Municipality of Oslo. On 30 March 2001 an independent consultancy firm, Catella Eiendoms-Consult AS, submitted a report on and appraisal of the apartments. A second appraisal was later ordered from an independent appraiser, OPAK AS, and submitted on 26 April 2001. Akershus Eiendom launched the sale on 2 April 2001 with the report from Catella. The sale of the apartments was made public by a press release dated 19 April 2001. A prospectus covering the apartments was distributed on 23 April 2001. The appraisal done by OPAK proved to be more modest than Catella's; NOK 795 million versus NOK 1 143 million. OPAK's appraisal was also distributed to potential investors.

Investors were asked to submit their bids by 2 May, and the bidding contest was brought to an end on 3 May. On 8 May, Sundal Collier & Co ASA, Fredensborg Boligutleie ANS being its successor, undertook to purchase the apartments. The Municipality of Oslo considered this binding offer for three more weeks. An adjustment of the OPAK appraisal was requested by the Municipality of Oslo in order to reflect a correction of the value of certain leases due to factual circumstances not considered in the original appraisal. These factual corrections lead OPAK to reduce the value of the assets to NOK 740 million. The adjustments were presented to the Municipality of Oslo on 14 May. By signing the contract on 31 May, the Municipality of Oslo sold the 1 744 apartments en bloc at a price of NOK 715 million to Fredensborg Boligutleie ANS.

In 2001 the Authority received information concerning the sales process and the value assessments from Catella and OPAK described in brief above. In the letter from the Municipality of Oslo attached to the letter dated 7 February 2003 from the Ministry of Trade and Industry, the Municipality submitted comprehensive information concerning the sale, including information already submitted to the Authority in 2001. In the following, the Authority has summarised in particular the new information and arguments submitted.

The conclusion of the new appraisal carried out by FIGA/Nortakst (in June 2002) was that the value of the apartments was NOK 1 055 million. In the letter from the Municipality of Oslo attached to the letter dated 7 February 2003 from the Ministry of Trade and Industry, the Municipality contests whether this appraisal reflects the value of the apartments and concludes that the appraisal from OPAK best reflects the market value.

The Municipality furthermore argues that the sale falls outside the scope of Article 61(1) EEA. The first reason is that the Municipality considers that the price obtained reflects the market value of the assets. In the view of the Municipality, the sale was made after a well publicized open auction with several participants, all having equal access to the relevant information, and the bidder with the highest bid was chosen. Thus, the sale 'is by definition at market value and consequently does not contain State aid'. Given this, it is,

according to the Municipality, also irrelevant 'if a different valuation of the assets existed prior to the bidding procedure'. In the present case the Municipality considers that there was, even at the time of the sale, an independent appraisal of the assets that confirms that market value was obtained.

Secondly, the Municipality considers that even if one should find that there is an element of aid in the transaction, and that competition has been distorted as a consequence of certain undertakings, i.e. Fredensborg Boligutleie ANS being favoured, there is no indication that intra-EEA trade is affected. In this context, the Municipality considers that the relevant market is the market for rental homes. As Fredensborg Boligutleie ANS, in its capacity as provider of rental homes in Oslo and surrounding areas, is not in a competitive relationship with providers of rental homes in other EEA-countries, the Municipality argues that the exchange of services between EEA countries is not affected. Also, it is highly unlikely that an aid to Fredensborg would affect cross-border trade in other markets. The Municipality therefore concludes that the sale of the apartments does not involve any State aid within the meaning of Article 61 EEA.

In the letter from the Municipality of Oslo dated 14 May 2003, the Municipality of Oslo submits firstly that it will not argue that the apartments were sold in full compliance with the procedure described in Chapter 18(B), point 2(1) of the State Aid Guidelines, but that the price achieved nonetheless reflects market value. Secondly, the Municipality argues that the sale was conducted in accordance with Chapter 18(B), point 2(2) of the State Aid Guidelines and that the valuation carried out by OPAK (NOK 740 million) expressed the market value. Thirdly, considering the cross-border impact, the Municipality argues that the Authority has not done an assessment of the market as called for.

Finally, the Municipality refers to a letter dated 18 February 2003 from Fredensborg Boligutleie ANS (the buyer) to the Authority, where the buyer argues that one must be able to apply 'the private investor test' to the sale and that the time constraint caused by the hospital reform is relevant when assessing whether the price obtained is below market value.

II. APPRECIATION

1. Notification requirement and standstill-obligation

Article 1(3) of Protocol 3 to the Surveillance and Court Agreement states: 'The EFTA Surveillance Authority shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid'. Aid provided without notification or aid that is notified late, i.e. notified after being 'put into effect' is considered unlawful aid, see Chapter 3.2.2(1) of the State Aid Guidelines.

Chapter 18(B), point 2(3) of the State Aid Guidelines states *inter alia* that the EFTA States should notify any sale of land and buildings by public authorities that was not concluded on the basis of an open and unconditional bidding procedure and any sale that was, in the absence of such procedure, conducted at less than market value.

Chapter 3, point 2(1)(5) of the State Aid Guidelines also states that: 'When an EFTA State has doubts whether or not a planned measure contains State aid elements, the EFTA Surveillance Authority should be informed of it before the measure is put into effect'.

The transfer of ownership of the apartments is still subject to the final decision of the County Governor of Oslo and Akershus. In light of these circumstances, the Authority takes note of the notification submitted by the Norwegian authorities by letter from the Mission of Norway to the European Union dated 10 February 2003, received and registered by the Authority on 11 February 2003 (Document No 03-829-A), telefax from the Ministry of Trade and Industry dated 14 May 2003, received and registered by the Authority on 14 May 2003 (Document No 03-3127-A), and letter from the Mission of Norway to the European Union dated 5 June 2003, received and registered on 10 June 2003 (Document No 03-3630-A).

2. The existence of State aid and compatibility of the aid

Article 61(1) of the EEA Agreement reads as follows:

'Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.'

Aid falling within this provision is incompatible with the EEA Agreement and hence prohibited, provided that the following four conditions are fulfilled:

1. the aid is granted by 'EC Member States, EFTA States or through State resources in any form whatsoever';
2. the aid 'distorts or threatens to distort competition';
3. the aid favours 'certain undertakings or the production of certain goods'; and
4. the aid 'affects trade between the Contracting Parties'.

Chapter 18(B), 'State aid elements on sales of land and buildings by public Authorities', of the State Aid Guidelines, gives further information on how the Authority interprets and applies the provisions of the EEA Agreement governing State aid when it comes to assessing sales of land and buildings. Chapter 18(B), point 2(1) describes a sale through an unconditional bidding procedure, while Chapter 18(B), point 2(2) describes a sale without an unconditional bidding procedure (independent expert evaluation). These two procedures allow EFTA States to handle sales of land and buildings in a way that precludes the existence of State aid.

Condition 1 of Article 61(1) EEA

Condition 1 above is directed at all aid financed from public resources, including aid granted by regional or local bodies. It is thus clear that aid from the Municipality of Oslo falls within the notion of State resources. Sale of publicly owned land and buildings below market value implies an involvement of State resources.

In the letter dated 14 May 2003, the Municipality of Oslo states (see point I(3)) that it will not argue that the procedure followed was in full compliance with the requirements set out in Chapter 18(B), point 2(1) of the Guidelines, but that the objectives behind these provisions were obtained (i.e. market value).

In Chapter 18(B), point 2(1)(1)(a) of the State Aid Guidelines it is stated that: 'An offer is "sufficiently well-publicized" when it is repeatedly advertised over a reasonably long period (two months or more) in the national press, estate gazettes or other appropriate publications and through real-estate agents addressing a broad range of potential buyers, so that it can come to the notice of all potential buyers.'

The intended sale of land and buildings, which in view of their high value or other features may attract investors operating on a Europe-wide or international scale, should be announced in publications which have a regular international circulation. Such offers should also be made known through agents addressing clients on a Europe-wide or international scale'.

As far as the Authority understands the sales process described in the notification, the sale was not advertised in accordance with the above quoted provisions of the State Aid Guidelines. The Authority has therefore strong doubts as to whether the Municipality of Oslo obtained the objectives behind the provisions of Chapter 18(B), point 2(1) of the Guidelines.

In the letter dated 14 May 2003, the Municipality of Oslo furthermore argues (see point I(3)) that the sale was conducted in compliance with Chapter 18(B), point 2(2) (independent expert evaluation) of the State Aid Guidelines.

Chapter 18(B), point 2(2)(a) of the State Aid Guidelines states *inter alia* that: 'an independent evaluation should be carried out by one or more independent asset valuers prior to the sales negotiations in order to establish the market value on the basis of generally accepted market indicators and valuation standards'. Furthermore, in Chapter 18(B), point 2(2)(b) it is stated: 'If, after a reasonable effort to sell the land and buildings at the market value, it is clear that the value set by the valuer cannot be obtained, a divergence of up to 5 % from that value can be deemed to be in line with market conditions'.

Based on the information submitted, the Authority has strong doubts as to whether the evaluation by OPAK (the evaluation used by the Norwegian authorities) was carried out prior to the sales negotiations, whether the evaluation was carried out on

the basis of generally accepted market indicators and valuation standards and, taking into account the time constraint, whether a reasonable effort to sell the apartments at market value took place.

Furthermore, the sales price agreed (and notified) was NOK 715 million, while the result of the new value appraisal from FIGA/Nortakst was NOK 1 055 million (see point I(3)). The Municipality of Oslo argues that the appraisal from OPAK (NOK 740 million) should be chosen as reflecting market value. Taking into account the huge discrepancy between the two appraisals, the Authority has strong doubts as to whether the agreed sales price (NOK 715 million) reflects the market value.

Conditions 2 and 4 of Article 61(1) EEA

Conditions 2 and 4 entail that the measure must distort or threaten to distort competition and affect trade between the contracting parties. Under settled case law for the purposes of these provisions, the mere fact that an aid strengthens a firm's position compared with that of other firms, which are competitors in intra-EEA trade, is enough to allow the conclusion to be drawn that intra-EEA trade is affected. It is irrelevant that the aided enterprises do not export its produce.

The Municipality of Oslo argues (see point I(3)) that even if the price obtained were found to be below market value the sale of the apartments would not constitute aid within the meaning of Article 61(1) EEA because the market in which the buyer is involved does not contain elements of cross-border trade. The Municipality also argues that the market for rental homes in south-eastern Norway has a local character.

The Authority considers that the real estate market in Oslo is not limited to local undertakings. Fredensborg Boligutleie ANS is actually or potentially in competition with similar undertakings in Norway and other EEA States. A sales price below market value favouring Fredensborg Boligutleie ANS would distort or threaten to distort competition and affect trade between Contracting Parties. Consequently, conditions 2 and 4 are, in the Authority's view, fulfilled.

Condition 3 of Article 61(1) EEA

Condition 3 means that the measure must be specific or selective, i.e. that it affects the balance between the beneficiary and its competitors. In the case at hand, the beneficiary would be Fredensborg Boligutleie ANS. The Authority understands that it is not disputed that this condition is fulfilled.

Conclusion concerning Article 61(1) EEA

In view of the considerations above, it appears to the Authority that the sale of the concerned apartments may constitute State aid in the meaning of Article 61(1) of the EEA Agreement.

3. Private investor test

In the letter dated 14 May 2003, the Municipality of Oslo refers to a letter to the Authority dated 18 February 2003 from the buyer of the apartments (Fredensborg Boligutleie ANS) where the buyer argues that one must be able to apply 'the private investor test' (see point I(3)).

As regards the position of the Municipality of Oslo as investor, the argument that the transaction at issue was reasonable for the Municipality taking into account the hospital reform and the alleged time constraint, does not, in the Authority's view, preclude the application of the provisions on State aid contained in the EEA Agreement. The hospital reform does not obviate the need to ascertain whether the sale strengthens the buyer's position by giving him an advantage that he would not have obtained under normal market conditions.

The Authority has therefore doubts as to the arguments from the Municipality of Oslo (and the buyer) also on this point.

4. Compatibility of the aid

The Norwegian authorities have argued that the notified sale does not contain aid, and have not put forward any arguments concerning compatibility. However, after assessing the likely involvement of State aid in the sale of the apartments, it has to be considered whether such aid could be compatible with the EEA Agreement by virtue of Article 61(2) and (3) of the Agreement.

The application of Article 61(2) does not appear to be appropriate. For example, the Authority cannot see that the sale entails aid having a social character granted to individual consumers.

Given the information the Authority has received, there appears no reason to apply Article 61(3)(a)-(c) of the EEA Agreement either. In the view of the Authority, the sale is not designed to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment, to promote a project of common European interest or to facilitate the development of certain economic activities or of certain economic areas.

5. Conclusion

In view of the above facts and considerations, the Authority has doubts whether the sale of 1 744 apartments from the Municipality of Oslo to 'Fredensborg Boligutleie ANS' contains State aid, and if it does, about the compatibility of the aid with the functioning of the EEA Agreement. Consequently, and in accordance with Chapter 5(2) of the State Aid Guidelines, the Authority is obliged to open the procedure provided for in Article 1(2) of Protocol 3 to the Surveillance and Court Agreement. The decision to open proceedings is without prejudice to the final decision of the Authority, which may conclude that the sale in question is compatible with the functioning of the EEA Agreement.

HAS ADOPTED THIS DECISION:

1. The Procedure provided for in Article 1(2) of Protocol 3 to the Surveillance and Court Agreement is opened with regard to the notified sale of 1 744 apartments from the Municipality of Oslo to 'Fredensborg Boligutleie ANS'.
2. The Norwegian Government is invited, pursuant to point 5(3)(1)(1) of Chapter 5 of the Authority's State Aid Guidelines, to submit its comments on the opening of the formal investigation procedure within two months from the notification of this decision.
3. The Norwegian Government is requested to submit all information enabling the Authority to examine the compatibility of the sale in question with the EEA Agreement within two months from the notification of this decision.
4. The Norwegian Government is requested to notify without delay the potential recipient undertaking, 'Fredensborg Boligutleie ANS', of the initiation of the proceedings and to inform the undertaking that it may have to repay any aid unduly received.
5. Other EFTA States, EC Member States and interested parties shall be informed by the publishing of this decision in the EEA Section of the *Official Journal of the European Union* and the EEA Supplement thereto, inviting them to submit comments within one month from the date of publication.
6. This decision is authentic in the English language.

Done at Brussels, 11 July 2003.

For the EFTA Surveillance Authority

Einar M. BULL

The President

Hannes HAFSTEIN

College Member

The EFTA Surveillance Authority hereby gives the EFTA States, EU Member States and interested parties notice to submit their comments on the measures in question within one month from the publication of this notice to:

EFTA Surveillance Authority
74, rue de Trèves
B-1040 Brussels.

The Comments will be communicated to the Norwegian Government. Confidential treatment of the identity of the interested party submitting the comments may be requested in writing, stating the reasons for the request.

PUBLIC SERVICE OBLIGATIONS

Communication from the EFTA Surveillance Authority under Article 4.1(a) of the Act referred to in point 64a in Annex XIII of the EEA Agreement (Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes)

Imposition of new public service obligations in respect of scheduled air services on the route areas 1 and 2

(Finnmark and North-Troms)

(2003/C 294/09)

1: — ROUTES BETWEEN KIRKENES, VADSØ, BÅTSFJORD, BERLEVÅG, MEHAMN, HONNINGSVÅG, HAMMERFEST AND ALTA

— VARDØ–KIRKENES V.V.

1. INTRODUCTION

Pursuant to Article 4.1(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, Norway has decided to impose public service obligations as of 7 July 2004 on the following scheduled air services:

— on a network comprising routes between Kirkenes, Vadsø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta

— Vardø–Kirkenes v.v.

2. DEFINITION

In this publication single-carrier service means that the carrier shall carry passengers along an entire route within the network encompassed by the public service obligations. Maximum travel time on each required single-carrier service is 3 hours 30 minutes from first departure to final arrival.

3. THE PUBLIC SERVICE OBLIGATIONS INCLUDE THE FOLLOWING

3.1. GENERAL

If the number of seats occupied to and from either Kirkenes, Alta, Vadsø or Hammerfest during the period 1 January to 30 June or 1 August to 30 November exceeds 70 per cent of the number of seats offered, the carrier shall increase the seating capacity in accordance with the rules laid down by the Ministry of Transport and Communications in the annex to this publication.

If the number of seats occupied to and from either Kirkenes, Alta, Vadsø or Hammerfest during the period 1 January to 30 June or 1 August to 30 November is lower than 35 per cent of the number of seats offered, the carrier may reduce the seating capacity in accordance with the rules laid down by the Ministry of Transport and Communications in the annex to this publication.

Account shall be taken of the public demand for air travel.

All times specified are local.

3.2. REQUIREMENTS AS TO MINIMUM FREQUENCIES, SEATING CAPACITY, ROUTING AND TIMETABLES FOR THE ROUTES BETWEEN KIRKENES, VADSØ, BÅTSFJORD, BERLEVÅG, MEHAMN, HONNINGSVÅG, HAMMERFEST AND ALTA

Different requirements apply to some of the service airports, depending on the type of aircraft used for the operations.

Option 1: Apply to operations with aircraft registered for minimum 30 passengers and with pressurised cabin.

Option 2: Apply to operations with aircraft registered for minimum 15 passengers.

3.2.1. REQUIREMENTS FOR MONDAY TO FRIDAY

The requirements apply throughout the year.

When connections with air services to and from Tromsø are required, schedules must allow passengers to travel to or from Tromsø with no more than one change of aircraft en route.

The following requirements apply as to departures and arrivals, routing and timetables:

Alta

— On Monday to Friday combined the seating capacity offered shall be at least 550 seats both to and from Alta.

— Single-carrier services between other airports and Alta and vice versa, as required in this publication.

Hammerfest

— A minimum of five daily departures and arrivals.

- On Monday to Friday combined the seating capacity offered shall be at least 925 seats both to and from Hammerfest.
- Minimum three single-carrier return services to Vadsø. In both directions first arrival shall be no later than 10.30 and last departure no earlier than 18.30.
- Single-carrier return service to Kirkenes.
- Single-carrier services between other airports and Hammerfest and vice versa, as required in this publication.

Kirkenes

- On Monday to Friday combined the seating capacity offered shall be at least 725 seats both to and from Kirkenes.
- Minimum one daily single-carrier return service to Alta, with a maximum of one intermediate stop.
- Single-carrier services between other airports and Kirkenes and vice versa, as required in this publication.

Vadsø

- A minimum of nine daily departures and arrivals.
- On Monday to Friday combined the seating capacity offered shall be at least 1 650 seats both to and from Vadsø.
- Minimum three single-carrier return services to Kirkenes, without intermediate stops. First arrival in Kirkenes shall be no later than 11.00 and last departure from Kirkenes no earlier than 19.00. First arrival in Vadsø shall be no later than 11.30 and last departure from Vadsø no earlier than 18.30.
- Minimum two single-carrier return services to Alta. In both directions first arrival shall be no later than 10.30. Last departure shall be no earlier than 14.00 from Vadsø and no earlier than 15.00 from Alta.
- Single-carrier services between other airports and Vadsø and vice versa, as required in this publication.

Båtsfjord

Option 1

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Kirkenes. First arrival in Kirkenes shall be no later than 11.00 and last departure from Kirkenes no earlier than 19.00.

- Minimum two single-carrier return services to Vadsø. First arrival in Vadsø shall be no later than 10.30 and last departure from Vadsø no earlier than 18.30.
- Single-carrier return service to Alta.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

or

Option 2

A minimum of six daily departures and arrivals, ensuring the following:

- Minimum three single-carrier return services to Kirkenes. First arrival in Kirkenes shall be no later than 11.00 and last departure from Kirkenes no earlier than 19.00.
- Minimum two single-carrier return services to Vadsø. First arrival in Vadsø shall be no later than 10.30 and last departure from Vadsø no earlier than 18.30.
- Single-carrier return service to Alta.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

Berlevåg

Option 1

A minimum of three daily departures and arrivals, ensuring the following:

- Single-carrier return service to Kirkenes, with arrival in Kirkenes no later than 11.00 and departure from Kirkenes no earlier than 19.00.
- Single-carrier return service to Vadsø, with arrival in Vadsø no later than 10.30 and departure from Vadsø no earlier than 18.30.
- Single-carrier return service to Alta.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

or

Option 2

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Kirkenes. First arrival in Kirkenes shall be no later than 11.00 and last departure from Kirkenes no earlier than 19.00.
- Single-carrier return service to Vadsø, with arrival in Vadsø no later than 10.30 and departure from Vadsø no earlier than 18.30.
- Single-carrier return service to Alta.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

Mehamn**Option 1**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 8.30. In both directions last departure shall be no earlier than 17.00.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00.
- Single-carrier return service to Alta.
- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

or

Option 2

A minimum of six daily departures and arrivals, ensuring the following:

- Minimum three single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 8.30. In both directions last departure shall be no earlier than 17.00.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00.
- Single-carrier return service to Alta.

- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

Honningsvåg**Option 1**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 8.30. In both directions last departure shall be no earlier than 17.00.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00.
- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

or

Option 2

A minimum of six daily departures and arrivals, ensuring the following:

- Minimum three single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 8.30. In both directions last departure shall be no earlier than 17.00.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00.
- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

3.2.2. SATURDAY TO SUNDAY

The requirements apply throughout the year.

The following requirements apply to Saturday and Sunday combined:

- The capacity offered shall be at least 110 seats both to and from Alta, at least 185 seats both to and from Hammerfest, at least 145 seats both to and from Kirkenes and at least 330 seats both to and from Vadsø.

- Minimum number of departures and arrivals at least as on each day Monday to Friday for Hammerfest, Vadsø, Båtsfjord, Berlevåg, Mehamn and Honningsvåg.
- Minimum two single-carrier return services Honningsvåg–Hammerfest.
- Single-carrier return service to Vadsø from Båtsfjord, Berlevåg, Mehamn and Honningsvåg.
- Single-carrier return service to Hammerfest from Båtsfjord, Berlevåg and Mehamn.
- Single-carrier return service Vadsø–Alta.
- Single-carrier return service Kirkenes–Alta.
- Number of connections with air services to and from Tromsø at least as on each day Monday to Friday for Båtsfjord, Berlevåg, Mehamn and Honningsvåg.

The following requirements apply to both Saturday and Sunday:

- Departure and arrival at each of the airports Vadsø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest, Kirkenes and Alta.
- Single-carrier return service Vadsø–Hammerfest.
- Single-carrier return service Vadsø–Kirkenes.
- Connection both to and from Tromsø for Båtsfjord, Berlevåg, Mehamn and Honningsvåg.

3.2.3. AIRCRAFT CATEGORY

Aircraft registered for minimum 15 passengers shall be used for the required flights.

Carriers' attention is especially drawn to technical and operative conditions applying at the airports, including short runways at Vadsø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg and Hammerfest. For further information, please contact:

Luftfartstilsynet (Civil Aviation Authority)
PO Box 8050 Dep.
N-0031 Oslo
Tel. (47) 23 31 78 00.

3.2.4. FARES

- Maximum basic one-way fares (fully flexible) in the operating year beginning 7 July 2004 must not exceed the amounts in NOK stated in the table below.

| From \ To | | | | | | | | |
|-------------|-------|----------|-----------|------------|-------------|----------|--------|-------|
| | Alta | Berlevåg | Båtsfjord | Hammerfest | Honningsvåg | Kirkenes | Mehamn | Vadsø |
| Alta | — | 1 340 | 1 305 | 590 | 1 160 | 1 305 | 1 340 | 1 305 |
| Berlevåg | 1 340 | — | 475 | 1 180 | 795 | 940 | 475 | 795 |
| Båtsfjord | 1 305 | 475 | — | 1 180 | 940 | 795 | 590 | 740 |
| Hammerfest | 590 | 1 180 | 1 180 | — | 795 | 1 305 | 1 035 | 1 305 |
| Honningsvåg | 1 160 | 795 | 940 | 795 | — | 1 305 | 590 | 1 180 |
| Kirkenes | 1 305 | 940 | 795 | 1 305 | 1 305 | — | 1 120 | 475 |
| Mehamn | 1 340 | 475 | 590 | 1 035 | 590 | 1 120 | — | 980 |
| Vadsø | 1 305 | 795 | 740 | 1 305 | 1 180 | 475 | 980 | — |

- For each subsequent operating year the maximum fares shall be adjusted on 1 April within the limit of the consumer price index for the 12-month period ending 15 February the same year, as made public by Statistics Norway

(http://www.ssb.no/english/subjects/08/02/10/kpi_en/).

- The carrier shall be party to the domestic interline agreements in force at any time, and shall offer all discounts available under such agreements.
- Social discounts conforming to the usual practice shall be offered.
- The published maximum fares apply when the carrier itself is responsible for carriage on the entire specified route within the network encompassed by the public service obligations and apply to all required single-carrier services, cf. section 3.2.1 and 3.2.2, regardless of routing.
- For non-required single-carrier services within the route network encompassed by the public service obligations, the published fares apply as maximum fares for direct or through services, or geographically natural routing. In other cases the fares must not exceed the level resulting from the calculation system used for the interline agreements.

3.3. VARDØ–KIRKENES V.V.

3.3.1. MINIMUM FREQUENCIES, SEATING CAPACITY, ROUTING AND TIMETABLES

The requirements apply throughout the year. A daily service obligation applies in both directions.

Frequencies

Minimum three daily return services Monday to Friday and minimum three return services Saturday and Sunday combined.

Seating Capacity

- In both directions at least 225 seats shall be offered Monday to Friday combined and at least 45 seats Saturday and Sunday combined.
- If the number of seats occupied during the period 1 January to 30 June or 1 August to 30 November exceeds 70 per cent of the number of seats offered, the carrier shall increase the seating capacity in accordance with the rules laid down by the Ministry of Transport and Communications in the annex to this publication.
- If the number of seats occupied during the period 1 January to 30 June or 1 August to 30 November is lower than 35 per cent of the number of seats offered, the carrier may reduce the seating capacity in accordance with the rules laid down by the Ministry of Transport and Communications in the annex to this publication.

Routing

The required services shall be non-stop if aircraft registered for less than 20 passengers are used. When using aircraft registered for 20 or more passengers, the required services shall be through flights with a maximum of one intermediate stop.

Timetables

Account shall be taken of the public demand for air travel.

In addition, the following apply to the required flights on Monday to Friday (local times):

Last departure from Kirkenes shall be at least six hours later than the first arrival in Kirkenes.

3.3.2. AIRCRAFT CATEGORY

Aircraft registered for minimum 15 passengers shall be used for the required flights.

Carriers' attention is especially drawn to technical and operative conditions applying at the airports, including short runway at Vardø. For further information, please contact:

Luftfartstilsynet (Civil Aviation Authority)
PO Box 8050 Dep.
N-0031 Oslo
Tel. (47) 23 31 78 00.

3.3.3. FARES

- Maximum basic one-way fare (fully flexible) in the operating year beginning 7 July 2004 must not exceed NOK 625,00.
- For each subsequent operating year the maximum fare shall be adjusted on 1 April within the limit of the consumer price index for the 12-month period ending 15 February the same year, as made public by Statistics Norway

(http://www.ssb.no/english/subjects/08/02/10/kpi_en/).

- The carrier shall be party to the domestic interline agreements in force at any time, and shall offer all discounts available under such agreements.
- Social discounts conforming to the usual practice shall be offered.

3.4. SERVICE CONTINUITY

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1,5 per cent of the planned number of flights on an annual basis, in accordance with the approved time schedule.

3.5. COOPERATION ARRANGEMENTS

Following a tender procedure, which limits access to the routes encompassed by the public service obligations to one carrier, these conditions apply:

Fares

- All connecting fares to/from other air services shall be offered on equal terms for all carriers. Exempted from this are connecting fares to/from other services carried out by the tenderer, provided that the fare is maximum 40 per cent of the fully flexible fare.
- Bonus points from frequent flyer programmes can neither be earned nor redeemed on the flights.

Transfer Conditions

All conditions set out by the carrier for the transfer of passengers to and from other carriers' routes, including connecting times and through check-in of tickets and baggage, shall be objective and non-discriminatory.

4. OTHER

These public service obligations replace those published as (1A and 1B) in *Official Journal of the European Communities* C 112 of 9 May 2002, as far as scheduled air services between Vadsø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest, Kirkenes and Alta, and Vardø–Kirkenes v.v. are concerned.

5. INFORMATION

Further information can be obtained from:

Ministry of Transport and Communications
PO Box 8010 Dep.
N-0030 Oslo
Tel. (47) 22 24 83 53
Fax (47) 22 24 95 72.

This documentation is also available on the Internet:

<http://www.odin.dep.no/sd/norsk/aktuelt/anbud>

2: HASVIK-TROMSØ V.V., HASVIK-HAMMERFEST V.V., SØRKJOSEN-TROMSØ V.V.

1. INTRODUCTION

Pursuant to Article 4.1(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, Norway has decided to impose public service obligations as of 7 July 2004 in respect of scheduled air services on the following routes:

Hasvik-Tromsø v.v., Hasvik-Hammerfest v.v., Sørkjosen-Tromsø v.v.

2. THE PUBLIC SERVICE OBLIGATIONS INCLUDE THE FOLLOWING

2.1. GENERAL

If the number of seats occupied Hasvik-Tromsø v.v., Hasvik-Hammerfest v.v. or Sørkjosen-Tromsø v.v. during the period 1 January to 30 June or 1 August to 30 November exceeds 70 per cent of the number of seats offered, the carrier shall increase the seating capacity in accordance with the rules laid down by the Ministry of Transport and Communications in the annex to this publication.

If the number of seats occupied Hasvik-Tromsø v.v., Hasvik-Hammerfest v.v. or Sørkjosen-Tromsø v.v. during the period 1 January to 30 June or 1 August to 30 November is lower than 35 per cent of the number of seats offered, the carrier may reduce the seating capacity in accordance with the rules laid down by the Ministry of Transport and Communications in the annex to this publication.

Account shall be taken of the public demand for air travel.

All times specified are local.

2.2. REQUIREMENTS AS TO MINIMUM FREQUENCIES, SEATING CAPACITY, ROUTING AND TIMETABLES

2.2.1. REQUIREMENTS

Hasvik-Tromsø v.v. and Hasvik-Hammerfest v.v.

The requirements apply throughout the year.

Hasvik-Tromsø

— Minimum two daily return services Monday to Friday, of which at least one must be scheduled to connect with air services Tromsø-Oslo v.v.

— Minimum one return service on Sunday, scheduled to connect with air services Tromsø-Oslo v.v.

— On Monday to Friday first arrival in Tromsø shall be no later than 10.00 and last departure from Tromsø no earlier than 13.30.

— In both directions at least one of the required daily flights Monday to Friday shall be non-stop. The remainder may have a maximum of two intermediate stops, of which one may be entailed by a change of aircraft provided that the connecting time does not exceed 45 minutes and that the carrier serves the entire route to and from Tromsø.

Hasvik-Hammerfest

Minimum one daily return service Monday to Friday, with arrival in Hammerfest no later than 8.30 and departure from Hammerfest no earlier than 14.30.

On a weekly basis at least 120 seats shall be offered both to and from Hasvik on the Hasvik-Tromsø and Hasvik-Hammerfest routes combined.

Sørkjosen-Tromsø v.v.

The requirements apply throughout the year. A daily service obligation applies in both directions.

Frequencies and Routing

— Minimum two daily return services Monday to Friday.

— Minimum two return services Saturday and Sunday combined.

— The required services must be non-stop.

Seating Capacity

In both directions at least 250 seats shall be offered Monday to Friday combined and at least 50 seats Saturday and Sunday combined.

Timetables

The required services must be scheduled to connect with air routes Tromsø-Oslo v.v.

In addition, the following apply to the required flights on Monday to Friday:

— First arrival in Tromsø shall be no later than 9.30 and last departure from Tromsø no earlier than 18.00.

— First departure from Tromsø shall be no later than 11.30 and last departure from Sørkjosen no earlier than 17.00.

2.2.2. AIRCRAFT CATEGORY

Aircraft registered for minimum 15 passengers shall be used for the required flights.

Carriers' attention is especially drawn to technical and operative conditions applying at the airports, including short runways at Hasvik, Hammerfest and Sørkjosen. For further information, please contact:

Luftfartstilsynet (Civil Aviation Authority)
PO Box 8050 Dep.
N-0031 Oslo
Tel. (47) 23 31 78 00.

2.3. FARES

— Maximum basic one-way fares (fully flexible) in the operating year beginning 7 July 2004 must not exceed these amounts in NOK:

Hasvik–Tromsø 1 260,00

Hasvik–Hammerfest 590,00

Sørkjosen–Tromsø 670,00

— For each subsequent operating year the maximum fares shall be adjusted on 1 April within the limit of the consumer price index for the 12-month period ending 15 February the same year, as made public by Statistics Norway

(http://www.ssb.no/english/subjects/08/02/10/kpi_en)

— The carrier shall be party to the domestic interline agreements in force at any time, and shall offer all discounts available under such agreements.

— Social discounts conforming to the usual practice shall be offered.

2.4. SERVICE CONTINUITY

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1,5 per cent of the planned number of flights on an annual basis, in accordance with the approved time schedule.

2.5. COOPERATION ARRANGEMENTS

Following a tender procedure, which limits access to the routes encompassed by the public service obligations to one carrier, these conditions apply:

Fares

— All connecting fares to/from other air services shall be offered on equal terms for all carriers. Exempted from this are connecting fares to/from other services carried out by the tenderer, provided that the fare is maximum 40 per cent of the fully flexible fare.

— Bonus points from frequent flyer programmes can neither be earned nor redeemed on the flights.

Transfer conditions

All conditions set out by the carrier for the transfer of passengers to and from other carriers' routes, including connecting times and through check-in of tickets and baggage, shall be objective and non-discriminatory.

3. OTHER

These public service obligations replace those published as (2) in *Official Journal of the European Communities* C 112 of 9 May 2002, as far as scheduled air services on the routes Hasvik–Tromsø v.v., Hasvik–Hammerfest v.v. and Sørkjosen–Tromsø v.v. are concerned.

4. INFORMATION

Further information can be obtained from:

Ministry of Transport and Communications
PO Box 8010 Dep.
N-0030 Oslo
Tel. (47) 22 24 83 53
Fax (47) 22 24 95 72.

This documentation is also available on the Internet:

<http://www.odin.dep.no/sd/norsk/aktuelt/anbud>

ANNEX TO THE IMPOSITIONS OF PUBLIC SERVICE OBLIGATIONS IN RESPECT OF SCHEDULED AIR SERVICES IN NORWAY

ADJUSTMENT OF PRODUCTION/AVAILABLE SEATS — PRODUCTION ADJUSTMENT CLAUSE

1. Purpose of the production adjustment clause

The purpose of the production adjustment clause is to ensure that supplied capacity/seats offered by the operator is adjusted to changes in market demand. Whenever the number of passengers increases significantly and exceeds the following specified limits for the percentage of seats occupied at any time (the passenger load factor), the operator *shall* increase available seats offered. The operator *may* accordingly decrease available seats offered when the number of passengers decreases significantly. See specification in 3.

2. Periods for measuring passenger load factors

The periods during which the passenger load factor shall be monitored and assessed range from 1 January to 30 June inclusive and 1 August to 30 November inclusive.

3. Conditions for changing production/available seats offered

3.1. Conditions for increasing production

- 3.1.1. An increase in production/available seats offered *shall* take place when the average passenger load factor on each single route encompassed by public service obligations is higher than 70 per cent. When the average passenger load factor on these routes exceeds 70 per cent in any of the periods mentioned in 2, the operator shall increase production/available seats offered by at least 10 per cent on these routes, at latest from the start of the following IATA traffic season. Production/available seats offered shall be increased at least so that the average passenger load factor does not exceed 70 per cent.
- 3.1.2. When increasing production/available seats offered according to the above, the new production may take place by using aircraft with lower seating capacity than specified in the original tender, if preferred by the operator.
- 3.1.3. For the route network encompassed by imposition 1 of public service obligations, the need for increase in number of seats offered shall be assessed on the basis of the average passenger load factor to and from each of the following destinations: Kirkenes, Alta, Hammerfest and Vadsø.

3.2. Conditions for decreasing production

- 3.2.1. A decrease in production/available seats offered *may* take place when the average passenger load factor on each single route encompassed by public service obligations is lower than 35 per cent. When the average passenger load factor on these routes is lower than 35 per cent in any of the periods mentioned in 2, the operator *may* decrease production/available seats offered by no more than 25 per cent on these routes from the first day after the end of the above mentioned periods.
- 3.2.2. For the route network encompassed by imposition 1 of public service obligations, the need for adjustments downwards in number of seats offered shall be assessed on the basis of the average passenger load factor to and from each of the following destinations: Kirkenes, Alta, Hammerfest and Vadsø.
- 3.2.3. On routes with more than two daily frequencies offered in each direction, reduction in production according to 3.2.1 and 3.2.2 shall take place by reducing frequencies offered. The only exception from this is when the operator uses aircraft with larger seating capacity than the minimum specified in the imposition of public service obligations. The operator may then use smaller aircraft, however, not with lower seating capacity than the minimum specified in the imposition of public service obligations.
- 3.2.4. On routes with only one or two daily frequencies offered in each direction, reduction in available seats offered can only take place by using aircraft with lower seating capacity than specified in the imposition of public service obligations.

4. Procedures for changes in production

- 4.1. The Norwegian Ministry of Transport and Communications has the responsibility subject to law for approving proposed time schedules submitted by the operator, including changes in production. Reference is made to Circular N-8/97 by the Norwegian Ministry of Transport and Communications, included in the tender file.
- 4.2. When production shall be increased according to 3.1, time schedules for new production/new seats should be agreed between the operator and the county (counties) as administrative unit affected.
- 4.3. If new production shall be offered according to 3.1, and the operator and the county (counties) as the administrative unit affected cannot agree upon time schedules according to 4.2, the operator can seek approval according to 4.1 for a different time schedule for the new production/new seats offered from the Norwegian Ministry of Transport and Communications. This does not mean that the operator may apply for approval of a time schedule that does not include the required increase in production. There must exist substantial reasons for time schedules for new production/new seats diverging from those which could be agreed by the county (counties) as the administrative unit affected according to 4.2, as a condition for the Ministry to approve such a proposal from the operator.

5. Unchanged financial compensation when changing production

- 5.1. The financial compensation to the operator remains unchanged when increasing production according to 3.1.
 - 5.2. The financial compensation to the operator remains unchanged when decreasing production according to 3.2.
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III

(Notices)

COMMISSION

MEDIA — Training (2001-2005)**Implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA — Training (2001-2005))****Notice of call for proposals 83/03**

(2003/C 294/10)

1. Introduction

This notice is based on Decision No 163/2001/EC of the European Parliament and of the Council on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA — Training (2001-2005)) published in *Official Journal of the European Communities* L 26 of 27 January 2001.

Among the actions to be implemented by virtue of this decision are the improvement of vocational training for audiovisual professionals to give them the know-how and skills needed to create competitive products on the European and other markets, in particular in the field of:

- application of new technologies, and in particular digital technologies, for the production and distribution of audiovisual programmes,
- economic, financial and commercial management, including the legal framework,
- scriptwriting techniques.

2. Subject

This notice is addressed to operators (film schools, training institutes, companies, etc.) whose activities contribute to the actions outlined above. It indicates how to obtain the relevant documents for submitting a proposal in view of obtaining a financial contribution from the Community for training actions in the areas concerned.

The Commission service responsible for managing this call for proposals is Unit C3 of Directorate-General 'Education and Culture'.

Operators who wish to respond to this call for proposals and to receive the document 'Guidelines for submitting proposals in view of obtaining a financial contribution in the area of vocational training' should address their requests by post or facsimile to:

European Commission
Mr Jacques Delmoly
Head of Unit DG EAC/C3
Office B100 — 4/20
B-1049 Brussels
Fax (32-2) 299 92 14
E-mail: judith.johannes@cec.eu.int
http://europa.eu.int/comm/avpolicy/media/index_en.html

The final date for submitting proposals to the above address is 15 March 2004.

Amendment to the notice of a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar

(2003/C 294/11)

(Official Journal of the European Union C 170 of 19 July 2003)

Page 31, in Part I. 'Subject', point 1 is replaced by the following:

1. A standing invitation to tender shall be held in order to determine export levies and/or export refunds on white sugar covered by CN code 1701 99 10 for all destinations except for Albania, Croatia, Bosnia-Herzegovina, Serbia and Montenegro, including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999, the Former Yugoslav Republic of Macedonia, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.'

Scheduled air services

Invitation to tender

Regional air services in Norway as of 7 July 2004

(2003/C 294/12)

(Text with EEA relevance)

1. **Introduction:** Pursuant to Article 4.1 (a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, Norway has decided to impose public service obligations on scheduled regional air services as of 7 July 2004, as published 4.12.2003 in *Official Journal of the European Communities* No C 294 and in the EEA Supplement No 61.

Insofar as by two months from the latest day of submission of tenders, cf section 12 of this publication, no air carrier has provided documentary evidence to the Ministry of Transport and Communications of commencing scheduled flights on 7 July 2004 in conformity with the public service obligations imposed on one or more of the tenders stated in section 2 of this publication, without demanding financial compensation or market protection, Norway will apply the tender procedure provided for by Article 4.1 (d) of the same regulation, thereby limiting access as of 7 July 2004 to only one air carrier for each tender stated in section 2.

2. **Objective of the invitation to tender:** To provide scheduled air services in accordance with the imposed public service obligations, as published in this document, with effect from 7 July 2004.

The Ministry of Transport and Communications reserves the right to amend the public service requirement as a consequence of any possible decision on closing down airports. All companies that have received the invitation to tender will be informed in case of such a decision. Information will also be made available on <http://www.odin.dep.no/sd/norsk/aktuelt/anbud/index-b-n-a.html>.

The Ministry of Transport and Communications reserves the right to amend the public service requirement as a result of altered conditions for airport approvals. If such changes occur, the Ministry may call for a new public tender on the specific route-area.

It is a prerequisite that the tendering operators carefully study the special conditions related to the relevant airports; hereunder the required adherence to restrictions and limitations valid on the date of submitting the tender(s), which are imposed on the airspace by military activities; ref. Regulation No 44 of 16 January 2003 on the Flexible Use of Airspace. The location and extent of the training areas and their activation periods are promulgated in AIP Norway, ENR 5.2 and ENR 6.5. Further information on the Letter of Agreement between the Royal Norwegian Air Force and Avinor related to the above mentioned regulation is available from Avinor, Wergelandsveien 1, POB 8124 Dep, N-0032 Oslo.

The route areas and corresponding tenders are:

Route area 1

— Routes between Kirkenes, Vadsø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta

— Vardø - Kirkenes

Route area 2

— Hasvik - Tromsø, Hasvik - Hammerfest, Sørkjosen - Tromsø

For route area 2, the carriers may submit tenders also on the assumption that they are selected for route area 1 of this publication. Tenderers are then obliged to clearly indicate the amount of compensation required for route area 2 isolated, in case they are selected for this route area only.

3. **Eligibility to tender:** All air carriers holding a valid operating licence pursuant to Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers are eligible to tender.

4. **Tender procedure:** This invitation to tender is subject to the provisions of subparagraphs (d), (e), (f), (g), (h) and (i) of Article 4.1 of Council Regulation (EEC) No 2408/92.

Overdue tenders and tenders not in conformity with the invitation to tender will be rejected [Reject = the tender is dismissed without further investigation. Reference is made to §§ 9, 11 and 12 of the Norwegian Regulation of 15 April 1994 on tender procedures in connection with public service obligations to implement Council Regulation (EEC) No 2408/92 Article 4.

Section 9: Details regarding overdue tenders

Tenders arriving after the closing date for submission of tenders, see section 6, shall be rejected as overdue and be returned.

However, this does not apply to tenders which arrive after the closing date but before the opening of the tenders provided it is clear from the postmark that, given normal postal service schedules, the tender was mailed early enough for it to have arrived before the deadline, or the tenderer in question has proven this by a receipt from Norway Post before the opening of the tenders.

The rejection decision, including the grounds for it shall be entered in the register of tenders.

Section 11: Rejection

A tender shall be rejected if:

the tender as it appears at the final date fails to fulfil the requirements for participation in the competition, cf. section 3.

A tender may after closer assessment be rejected if:

the tender does not contain all the information prescribed in the invitation to tender;

the tender fails to state the compensation required as prescribed in the invitation to tender, cf. section 8, litera h);

the tenderer is unable to start up within the time-limit prescribed in the invitation to tender, cf. section 8, litera p);

the tender requires compensation that is unreasonable in relation to the service to be provided and the tenderer is unable to provide a satisfactory reason for this.

The register of tenders shall make clear which tenders are rejected and the reason for rejection, cf. section 10, litera f).

Section 12: Criteria for exclusion of tenderers

Principals may when selecting a tenderer and when awarding a contract exclude any tenderer who:

is bankrupt, is engaged in debt settlement proceedings or is being wound up, who has halted his business activities or who is in any analogous situation arising from a similar procedure pursuant to national laws or regulations;

is the subject of proceeding for a declaration of bankruptcy, for debt settlement, for an order for compulsory winding up or is the subject of any other similar proceedings pursuant to national laws or regulations;

has been convicted by final judgement of an offence concerning his professional conduct;

has been guilty of grave breaches of professional and ethical standards in his line of business, which have been proven by any means which the principal approves;

has not fulfilled obligations relating to the payment of taxes and levies in accordance with national laws of the State in which he is established, or of Norway;

is guilty of serious misrepresentation in supplying the information required under sections 8 and 13.

Where the principal requires tenderer proof that none of the cases mentioned in a), b), c), e) or f) of subsection 1 applies to him, the principal may accept as sufficient evidence:

for a), b) or c), an extract from the National Register of Convictions or the National Register of Insolvencies. Failing this, an equivalent document issued by a judicial or administrative authority in the tenderer's home State or State where he is currently present showing that none of these cases applies to the tenderer;

for e) or f), a certificate issued by the competent authority in the State concerned].

The Ministry of Transport and Communications reserves the right to apply subsequent negotiations if all tenders submitted are incorrect [cf. section 11 of regulation on tender procedures in connection with public service obligations to implement Council Regulation (EEC) No 2408/92 of 15 April 1994 No 256 (cf. footnote No 1 above)], unacceptable [cf. chapter III section 5] or is unsuitable. Such negotiations shall be in accordance with the public service obligations imposed and without making substantial changes in the original tender conditions.

If the subsequent negotiations do not lead to an acceptable solution [cf. section 11 of the Norwegian Regulation of 15 April 1994 on tender procedures in connection with public service obligations to implement Council Regulation (EEC) No 2408/92 Article 4 and the invitation to tender chapter III No 5.], the Ministry of Transport and Communications reserves the right to cancel the entire tender procedure. In that case a new invitation to tender on new terms may be published.

In case reasonable grounds appear as a result of the tender, The Ministry of Transport and Communications reserves the right to refuse [Refuse = The tender is closed after the tender (and its contents) is evaluated] each and all tenders.

The tender is binding on the tenderer until the award is made.

5. Award:

5.1 As the principal rule, the award shall be made to the tender with the lowest amount of compensation required for each route area. If a tender is submitted under the condition that the carrier is selected for another route area, the award can be made to the tender which results in the lowest total amount of compensation.

5.2 In case the award cannot be made subject to the provisions of 5.1 because there are tenders requiring identical amounts of compensation, the award shall be made to the tender or, where relevant, to the combination of tenders offering the highest number of seats within each of the route areas during the period 7 July 2004 - 31 March 2007.

6. **Tender dossier:** The complete tender documentation, containing the impositions of public service obligations, the specific rules to the invitation to tender (Norwegian Regulation on tender procedures in connection with public service obligations to implement Council Regulation (EEC) No 2408/92, Article 4), the standard contract and tender budget, may be obtained free of charge from the principal:

Ministry of Transport and Communications,
PO Box 8010 Dep.,
N-0030 Oslo,
tel.: (47) 22 24 83 53M, fax: (47) 22 24 56 09.

The documentation is also available on the Internet:
(<http://www.odin.dep.no/sd/norsk/aktuelt/anbud>)

7. **Financial compensation:** The tenders submitted shall be in accordance with the tender budget included in the tender file and explicitly mention the compensation in Norwegian kroner (NOK) required for operation of the service(s) in question from the scheduled starting date to the end of the contract period, cf. section 9 below. The tenders shall be based on the price level for the first operating year, here defined to be 7 July 2004 - 31 March 2005, and with an annual breakdown.

The exact amount of compensation granted for the operating years beginning 1 April 2005 and 1 April 2006 shall be based on an operating revenue and operating cost adjustment of the tender budget. These adjustments shall be within the limit of the consumer price index for the 12-month period ending 15 February the same year, as made public by Statistics Norway (http://www.ssb.no/english/subjects/08/02/10/kpi_en).

The operator shall retain all revenue generated by the service and is fully responsible for the expenses, however, re-negotiation in accordance with the standard contract may apply in case of substantial and unforeseeable changes in the assumptions underlying it.

8. **Fares and timetables:** The tenders submitted shall specify the fares and the conditions thereto. The fares shall be in accordance with the published public service obligations.

The Ministry of Transport and Communications reserves the right to alter the Ministry's circular N-8/97 on procedures in connection with traffic programmes and fares for scheduled air services in Norway.

9. **Duration, amendment and termination of the contract:** For all tenders the contract shall start on 7 July 2004 and end 31 March 2007.

A review of the implementation of the contract shall be carried out in concert with the carrier during the six weeks following the end of the contract period.

The contract may not be modified unless the changes are in accordance with the published public service obligations. Any modification of the contract shall be recorded in an annex thereto.

10. **Breach of contract/cancellation:** In the event of substantial breach of the contract, it may be cancelled with immediate effect by the other party.

Subject to the restrictions following insolvency law, the Ministry of Transport and Communications may cancel the contract with immediate effect if the operator becomes insolvent, initiates debt settlement proceedings or goes bankrupt. Equally the Ministry of Transport and Communications may cancel the contract in the other cases dealt with in section 12 of Regulation on tender procedures in connection with public service obligation, which is included in the tender file (<http://www.lovddata.no/for/sf/sd/sd-19940415-0256.html>).

If the operator owing to force majeure or other factors outside his control has been unable to comply with the public service obligations as stated in the contract for more than four of the past six months, the contract may be cancelled at one month's written notice.

The Ministry of Transport and Communications may cancel the contract with immediate effect if the operator has his licence revoked or it is not renewed.

Notwithstanding any action for damages, the financial compensation shall be reduced in proportion to the total number of flights cancelled for reasons directly attributable to the carrier, if the number of flights cancelled for such reasons during an operating year exceeds 1,5% of the planned number of flights in accordance with the approved time schedule.

11. **Airline codes:** The flights cannot carry any other airline codes than the tenderer's own and cannot be part of any code-sharing agreement.
12. **Submission of tenders:** Tenders must be sent by registered post with acknowledgement of receipt, in which case the postmark will be accepted as a proof of submission, or delivered by hand in return for a receipt, to:

Ministry of Transport and Communications,
Akersgata 59 (visiting address),
PO Box 8010 Dep,
NO-0030 Oslo,

not later than 5.1.2004 at 15.00 hrs (local time).

All tenders must be submitted in 3 - three - copies.

13. **Validity of the invitation to tender:** This invitation to tender shall be valid only to the extent that no EEA air carrier by two months from the latest day of submission of tenders, cf. section 12 of this publication, has provided documentary evidence to the Ministry of Transport and Communications of commencing scheduled air services on 7 July 2004 in accordance with the public service obligations imposed on one or more of the tenders stated in section 2 of this publication, without demanding financial compensation.