

# Official Journal

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### Information and Notices

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<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	I <i>Information</i>	
	<b>Commission</b>	
2005/C 84/01	Euro exchange rates .....	1
2005/C 84/02	Prior notification of a concentration (Case COMP/M. 3780 — ABN AMRO/Banca Antonveneta) — Candidate case for simplified procedure <sup>(1)</sup> .....	2
2005/C 84/03	Prior notification of a concentration (Case COMP/M.3736 — EQT/GSCP/ISS/JV) — Candidate case for simplified procedure <sup>(1)</sup> .....	3
2005/C 84/04	Prior notification of a concentration (Case COMP/M.3768 — BBVA/BNL) — Candidate case for simplified procedure <sup>(1)</sup> .....	4
2005/C 84/05	Prior notification of a concentration (Case COMP/M.3753 — Kodak/Creo) <sup>(1)</sup> .....	5
2005/C 84/06	Information procedure — Technical rules <sup>(1)</sup> .....	6
2005/C 84/07	Prior notification of a concentration (Case COMP/M.3747 — Rautaruukki/Wärtsilä/SKF/JV) <sup>(1)</sup> .....	12
	II <i>Preparatory Acts</i>	
	.....	

EN

III *Notices*

**Commission**

2005/C 84/08

F-Cayenne: operation of scheduled air services — Invitation to tender issued by France pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Cayenne on the one hand, and Maripasoula, Saül, Saint Georges de l'Oyapock and Grand Santi via Saint Laurent du Maroni on the other <sup>(1)</sup> ..... 13



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

## I

(Information)

## COMMISSION

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

5 April 2005

(2005/C 84/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2810	SIT	Slovenian tolar	239,70
JPY	Japanese yen	139,16	SKK	Slovak koruna	38,935
DKK	Danish krone	7,45	TRY	Turkish lira	1,7515
GBP	Pound sterling	0,6841	AUD	Australian dollar	1,6758
SEK	Swedish krona	9,1765	CAD	Canadian dollar	1,5683
CHF	Swiss franc	1,5541	HKD	Hong Kong dollar	9,9914
ISK	Iceland króna	78,32	NZD	New Zealand dollar	1,8188
NOK	Norwegian krone	8,164	SGD	Singapore dollar	2,1329
BGN	Bulgarian lev	1,9558	KRW	South Korean won	1 303,42
CYP	Cyprus pound	0,5846	ZAR	South African rand	7,9995
CZK	Czech koruna	29,995	CNY	Chinese yuan renminbi	10,6022
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,419
HUF	Hungarian forint	247,44	IDR	Indonesian rupiah	12 163,10
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,8677
LVL	Latvian lats	0,6961	PHP	Philippine peso	70,231
MTL	Maltese lira	0,4299	RUB	Russian rouble	35,79
PLN	Polish zloty	4,1297	THB	Thai baht	50,79
ROL	Romanian leu	36 449			

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

**Prior notification of a concentration**  
**(Case COMP/M. 3780 — ABN AMRO/Banca Antonveneta)**

**Candidate case for simplified procedure**

(2005/C 84/02)

(Text with EEA relevance)

1. On 30 March 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which ABN AMRO Bank N.V. ('ABN AMRO', the Netherlands) controlled by ABN AMRO Holding N.V. ('ABN Holding', the Netherlands) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Banca Antoniana Popolare Veneta S.p.A. ('Banca Antonveneta', Italy) by way of public bid announced on 30 March 2005.

2. The business activities of the undertakings concerned are:

— for ABN AMRO: provision of financial services,

— for Banca Antonveneta: provision of banking and insurance services mainly in Italy.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M. 3780 — ABN AMRO/Banca Antonveneta, to the following address:

European Commission  
Directorate-General for Competition,  
Merger Registry  
J-70  
B-1049 Brussels

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> Available on DG COMP website:

[http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified\\_tru.pdf](http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf).

**Prior notification of a concentration**  
**(Case COMP/M.3736 — EQT/GSCP/ISS/JV)**  
**Candidate case for simplified procedure**

(2005/C 84/03)

(Text with EEA relevance)

1. On 29 March 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004<sup>(1)</sup> by which the undertakings EQT III and EQT IV, belonging to the EQT group of funds ('EQT', Denmark) and ultimately controlled by Investor AB (Sweden), and Goldman Sachs Capital Partners ('GSCP', UK), belonging to the Goldman Sachs Group, Inc. ('Goldman Sachs', USA) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking ISS A/S ('ISS', Denmark), by way of public bid announced on 26 March 2005.

2. The business activities of the undertakings concerned are:

- for EQT: private equity group,
- for GSCP: equity investment funds,
- for Goldman Sachs: investment banking, asset management and securities services,
- for ISS: facility services, and services related to damage control, food hygiene and health care.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.3736 — EQT/GSCP/ISS/JV, to the following address:

European Commission  
Directorate-General for Competition,  
Merger Registry  
J-70  
B-1049 Brussels

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> Available on DG COMP website:

[http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified\\_tru.pdf](http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf).

**Prior notification of a concentration**  
**(Case COMP/M.3768 — BBVA/BNL)**  
**Candidate case for simplified procedure**

(2005/C 84/04)

(Text with EEA relevance)

1. On 29 March 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Banco Bilbao Vizcaya Argentaria S.A. ('BBVA', Spain) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Banca Nazionale del Lavoro S.p.A. ('BNL', Italy) by way of public bid announced on 29 March 2005.

2. The business activities of the undertakings concerned are:

- for BBVA: banking and financial services, mainly in Spain and Latin America,
- for BNL: banking and financial services, mainly in Italy.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.3768 — BBVA/BNL, to the following address:

European Commission  
Directorate-General for Competition,  
Merger Registry  
J-70  
B-1049 Brussels

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> Available on DG COMP website:

[http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified\\_tru.pdf](http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf).

**Prior notification of a concentration**  
**(Case COMP/M.3753 — Kodak/Creo)**

(2005/C 84/05)

(Text with EEA relevance)

1. On 29 March 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Eastman Kodak Company ('Kodak', USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Creo Inc. ('Creo', Canada) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for undertaking Kodak: to produce and sell images printing equipment,
  - for undertaking Creo: active in lithographic printing industry.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.3753 — Kodak/Creo, to the following address:

European Commission  
Directorate-General for Competition,  
Merger Registry  
J-70  
B-1049 Brussels

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Information procedure — Technical rules**

(2005/C 84/06)

(Text with EEA relevance)

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

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

Reference (1)	Title	End of three-month standstill period (2)
2005/0086/CZ	Draft Decree, amending Decree No 221/2004 Coll., laying down lists of hazardous chemical substances and hazardous chemical products, the marketing of which is prohibited or the marketing, circulation or use of which is restricted, as amended by Decree No 109/2005 Coll.	10.6.2005
2005/0087/SK	Technical Regulation No RR 01	10.6.2005
2005/0088/SK	Technical Regulation No RR 02	10.6.2005
2005/0089/SK	Technical Regulation No RR 03	10.6.2005
2005/0090/SK	Technical Regulation No RR 04	10.6.2005
2005/0091/SK	Technical Regulation No RR 05	10.6.2005
2005/0092/SK	Technical Regulation No RR 06	10.6.2005
2005/0093/SK	Technical Regulation No RR 07	10.6.2005
2005/0094/SK	Technical Regulation No RR 08	10.6.2005
2005/0095/SK	Technical Regulation No RR 09	10.6.2005
2005/0096/SK	Technical Regulation No RR 10	10.6.2005
2005/0097/SK	Technical Regulation No RR 11	10.6.2005
2005/0098/SK	Technical Regulation No RR 12	10.6.2005
2005/0099/SK	Technical Regulation No RR 13	10.6.2005
2005/0100/SK	Technical Regulation No RR 14	10.6.2005
2005/0101/SK	Technical Regulation No RR 15	10.6.2005
2005/0102/SK	Technical Regulation No RR 16	10.6.2005
2005/0103/SK	Technical Regulation No RR 17	10.6.2005
2005/0104/SK	Technical Regulation No RR 18	10.6.2005
2005/0105/SK	Technical Regulation No RR 19	10.6.2005
2005/0106/SK	Technical Regulation No RR 20	10.6.2005
2005/0107/SK	Technical Regulation No RR 21	10.6.2005



Reference <sup>(1)</sup>	Title	End of three-month standstill period <sup>(2)</sup>
2005/0108/SK	Technical Regulation No RR 22	10.6.2005
2005/0109/SK	Technical Regulation No RR 23	10.6.2005
2005/0110/SK	Technical Regulation No RR 24	10.6.2005
2005/0111/SK	Technical Regulation No RR 25	10.6.2005
2005/0112/P	Draft Decree-Law on goods made of tin	13.6.2005
2005/0113/DK	Danish radio interface No 00 055 for radio equipment for Short Range Radars (SRR) in the frequency band 21-26 GHz for restricted period use in vehicles	13.6.2005
2005/0114/LT	Order of the Environment Minister of the Republic of Lithuania 'on the List of regulated construction products'	15.6.2005
2005/0115/NL	Regulation by the Minister for Housing, Planning and the Environment on the Buildings Decree 2003 Regulation	15.6.2005
2005/0116/S	The Medical Products Agency's administrative provisions (LVFS 1995:9) on the application of the Pharmaceutical Products Act (1992:859) to certain products	16.6.2005
2005/0117/NL	Amendment to the Regulation implementing the State Patent Act 1995 laying down rules on the electronic submission of patent applications	17.6.2005
2005/0118/LV	Draft Cabinet Regulation 'Procedures for the Purchase and Sale of Ferrous and Non-ferrous Metal Waste and Scrap'	20.6.2005
2005/0119/LV	Amendments to Cabinet Regulation No 85 of 7 March 2000 'Procedures for the Technical Supervision of Cranes'	20.6.2005

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

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

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

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

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

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

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

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

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

European Commission  
 DG Enterprise and Industry, Unit C3  
 B-1049 Brussels  
 e-mail: Dir83-189-Central@cec.eu.int

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

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

## LIST OF NATIONAL DEPARTMENTS RESPONSIBLE FOR THE MANAGEMENT OF DIRECTIVE 98/34/EC

**BELGIUM**

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**FRANCE**

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*Service des politiques d'innovation et de compétitivité (SPIC)*  
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**ITALY**

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34, avenue de la Porte-Neuve  
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Ministry of Economy and Transport  
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SIST – Slovenian Institute for Standardization  
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SLO-1000 Ljubljana

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Office of Standards, Metrology and Testing of the Slovak  
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**Prior notification of a concentration**  
**(Case COMP/M.3747 — Rautaruukki/Wärtsilä/SKF/JV)**

(2005/C 84/07)

(Text with EEA relevance)

1. On 29 March 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004<sup>(1)</sup> by which the undertakings Rautaruukki Oyj ('Ruukki', Finland), Aktiebolaget SKF ('SKF', Sweden) and Wärtsilä Corporation ('Wärtsilä', Finland) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control by way of purchase of shares in a newly created company constituting a joint venture ('the JV').
2. The business activities of the undertakings concerned are:
  - for Ruukki: steel and metal based solutions for construction, mechanical engineering and the metal fabrication industry,
  - for SKF: bearing and seals business as well as related businesses,
  - for Wärtsilä: power systems for ships and offshore installations as well as power plants and related services,
  - for the JV: manufacture and sale of long carbon and low-alloy steel products.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.3747 — Rautaruukki/Wärtsilä/SKF/JV, to the following address:

European Commission  
Directorate-General for Competition,  
Merger Registry  
J-70  
B-1049 Brussels

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

## III

(Notices)

## COMMISSION

## F-Cayenne: operation of scheduled air services

**Invitation to tender issued by France pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Cayenne on the one hand, and Maripasoula, Saül, Saint Georges de l'Oyapock and Grand Santi via Saint Laurent du Maroni on the other**

(2005/C 84/08)

(Text with EEA relevance)

1. **Introduction:** Pursuant to Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, France has imposed a public service obligation on scheduled air services between Cayenne on the one hand, and Maripasoula, Saül, Saint Georges de l'Oyapock and Grand Santi via Saint Laurent du Maroni on the other. The terms of these public service obligations were published in the *Official Journal of the European Union* C 83 of 5 April 2005.

If on 1 July 2005 no air carrier has commenced or is about to commence operating scheduled air services in accordance with the public service obligations imposed and without requesting financial compensation, France has decided, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned regulation, to limit access to a single air carrier and to offer the right to operate such services from 1 August 2005 by public tender.

Separate invitations to tender are being issued for each route.

2. **Object of invitation to tender:** The operation from 1 June 2005 of scheduled air services on each of the following routes, in accordance with the public service obligations published in *Official Journal of the European Union* C 83 of 5 April 2005:

Cayenne — Maripasoula,

Cayenne — Saül,

Cayenne — Saint Georges de l'Oyapock,

Cayenne — Grand Santi via Saint Laurent du Maroni.

The start date for air services between Cayenne and Grand Santi via Saint Laurent du Maroni may be postponed depending on the date on which the airport at Grand-Santi is opened for the planned services.

Tenderers may present bids to operate several of the abovementioned routes, particularly where this results in a reduction in the overall compensation required. However, tenders must clearly indicate the amount of compensation required for each route, where appropriate showing any variations depending on how many of the carrier's bids are selected.

3. **Participation in the tender procedure:** Participation is open to all air carriers holding a valid operating license issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers.

4. **Tender procedure:** These invitations to tender is subject to the provisions of Article 4(1)(d), (e), (f), (g), (h) and (i) of Regulation (EEC) No 2408/92.

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

Conseil Régional de la Guyane, Direction Générale des Services, Direction du Développement, de l'Economie, de l'Aménagement et de la Planification, Service Aménagement et Développement du Territoire, 65 bis, Rue Christophe Colomb, BP 7025, F-97307 Cayenne Cedex; tél. (594) 29 20 55, fax (594) 29 20 51.

6. **Financial compensation:** The tenders submitted will specify the amount required by way of compensation for operating each service for three years from the scheduled start date (with an annual breakdown). The exact amount of compensation finally granted will be determined annually ex-post on the basis of the costs and revenue actually generated by the service, within the limits of the amount given in the tender. This maximum limit may be revised only in the event of unforeseen changes in operating conditions.

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

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

7. **Duration of contract:** The duration of the contract (public service delegation agreement) is three years from the date scheduled for the beginning of the services.

8. **Verification of the operation of the service and of the carrier's accounts:** The operation of the service and the carrier's cost accounting for the routes in question will be examined at least once a year in cooperation with the carrier.

9. **Termination of contract and notice:** The contract may be cancelled by either contracting party before the end of the normal period of validity by giving six months' advance notice. Should the carrier fail to comply with any element of the public service obligation, it will be deemed to have terminated the contract without notice if it fails to resume the service in accordance with the public service obligation within one month of the serving of formal notice.

10. **Penalties:** Failure by the carrier to observe the period of notice stipulated in point 9 will be subject either to an

administrative fine, pursuant to Article R.330-20 of the Civil Aviation Code, or to a penalty calculated on the basis of the number of months of default and the real operating loss of the service during the year in question, not exceeding the maximum financial compensation provided for in point 6.

In the event of serious breaches of the public service obligation, the carrier may be deemed to have terminated the contract without notice.

In the event of minor breaches of the public service obligations, the maximum financial compensation provided for in point 6 will be reduced, without prejudice to the application of the provisions of Article R.330-20 of the Civil Aviation Code. Such reductions will take account, as appropriate, of the number of flights cancelled for reasons directly attributable to the carrier, the number of flights made with less than the required capacity, the number of flights not complying with the public service obligations regarding stops and fares charged.

11. **Submission of tenders:** Tenders must be sent by registered letter with acknowledgement of receipt, date as post-marked, or delivered by hand (in which case a receipt must be obtained), at the latest six weeks after the date of publication of these invitations to tender in the *Official Journal of the European Union*, before 12.00 hours (local time) to the following address:

Conseil Régional de la Guyane, Direction Générale des Services, Direction du Développement, de l'Economie, de l'Aménagement et de la Planification, Service Aménagement et Développement du Territoire, 65 bis, Rue Christophe Colomb, BP 7025, F-97307 Cayenne Cedex; tel. (594) 29 20 55, fax (594) 29 20 51.

12. **Validity of the invitations to tender:** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of each invitation to tender is subject to the condition that no Community carrier presents by 1 July 2005 a programme for operating the route in question from 1 August 2005 in accordance with the public service obligations imposed, without receiving any financial compensation.