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### Information and Notices

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

## I

(Information)

## EUROPEAN PARLIAMENT

**Text adopted at the XXXIVth Conference of Committees for European and Community Affairs of the European Union Parliaments (COSAC)**

London, 11 October 2005

**COSAC contribution addressed to the EU institutions**

(2005/C 322/01)

### **Scrutiny of CFSP**

1. COSAC welcomes the Council's decision to publish information regarding which Member States participate in which CFSP/ESDP missions and calls on the Council to continue this good practice, which improves openness and helps parliamentary scrutiny.

### **Better regulation: impact assessments**

- 2.1. COSAC welcomes the better regulation initiative and calls on the Commission to produce an integrated impact assessment for all major initiatives in its work programme, as proposed in the Communication, 'Better Regulation for Growth and Jobs in the European Union' (COM(2005) 97 final).
- 2.2. COSAC calls on the Commission to produce one-page summaries of all its impact assessments to assist in understanding of the material quickly and efficiently; to translate these summaries into all the official Community languages; and to send them directly to the national parliaments without delay.
- 2.3. COSAC calls on the Commission to send all impact assessments and roadmaps directly to national parliaments and to publish its impact assessments and roadmaps in all the official Community languages. Commission documents should be made available to the public as soon as possible following their adoption by the College.
- 2.4. COSAC calls on the EU institutions and Member States to develop a common approach to assessing administrative costs.
- 2.5. COSAC encourages the European Parliament and the Council of Ministers to produce impact assessments for their proposals for substantial amendments to legislative proposals. COSAC suggests that the Commission, the European Parliament and the Council agree under what circumstances a proposed amendment requires an impact assessment. COSAC requests that under the co-decision procedure the Commission update its impact assessments following first reading in the European Parliament, a common position from the Council and second reading in the European Parliament and before the meeting of a conciliation committee.
- 2.6. COSAC stresses the need for impact assessments to be objective.
- 2.7. COSAC calls on the Commission to focus its impact assessments on the three elements of the Lisbon Strategy, that is, the economic, social and environmental impacts.

- 2.8. COSAC requests the Commission to produce impact assessments for those legislative proposals that it proposes to withdraw.
- 2.9. COSAC calls on the Commission to create a public database to include all the proposals in the annual legislative and work programme, with links to their impact assessments and roadmaps.

#### **Openness in the Council**

3. COSAC calls on the Council of Ministers immediately to change its Rules of Procedure so as to provide for its meetings to be in public whenever it considers and votes on draft legislation, in order to reduce the gap between citizens and the Union, to make possible more effective scrutiny of Ministers' decisions by national parliaments and to remedy the intolerable situation whereby legislation is discussed and agreed to in secret.

#### **Subsidiarity and proportionality**

4. Those national parliaments which wish to participate shall conduct a subsidiarity and proportionality check on a forthcoming EU legislative proposal or proposals, developing their existing scrutiny role as recognised in the Protocol on the Role of National Parliaments attached to the Treaty of Amsterdam, allowing them to test their systems for reaching decisions on subsidiarity and proportionality, enabling an assessment of the justifications presented by the Commission and stressing to the Commission national parliaments' role in relation to subsidiarity.

#### **Debate on the future of Europe**

5. COSAC agrees that overcoming the current EU crisis requires a wide debate involving the citizens of the Union, not only its institutions and elites. Such a debate should take place at all levels — local, regional, national and European. Special responsibility for this endeavour lies with national parliaments and the European Parliament. A series of meetings should seek to stimulate, steer and synthesise the different debates, raise European awareness and lead to a clear definition of the role and objectives of the EU, understood and accepted by European citizens. This would in turn facilitate further decisions on the future of the Constitutional Treaty.
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## COUNCIL

### **Information concerning the extension of the International Sugar Agreement, 1992**

(2005/C 322/02)

The International Sugar Organisation agreed unanimously, under the provisions of the International Sugar Agreement, 1992 <sup>(1)</sup>, to extend the convention for two years until 31 December 2007.

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<sup>(1)</sup> OJ L 379, 23.12.1992, p. 15 (Council Decision 92/580/EEC).

## COMMISSION

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

16 December 2005

(2005/C 322/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1983	SIT	Slovenian tolar	239,50
JPY	Japanese yen	139,28	SKK	Slovak koruna	37,975
DKK	Danish krone	7,4521	TRY	Turkish lira	1,6185
GBP	Pound sterling	0,67745	AUD	Australian dollar	1,6122
SEK	Swedish krona	9,4790	CAD	Canadian dollar	1,3860
CHF	Swiss franc	1,5460	HKD	Hong Kong dollar	9,2900
ISK	Iceland króna	74,67	NZD	New Zealand dollar	1,7376
NOK	Norwegian krone	7,9685	SGD	Singapore dollar	2,0001
BGN	Bulgarian lev	1,9559	KRW	South Korean won	1 217,59
CYP	Cyprus pound	0,5735	ZAR	South African rand	7,7176
CZK	Czech koruna	29,025	CNY	Chinese yuan renminbi	9,6745
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,3900
HUF	Hungarian forint	253,13	IDR	Indonesian rupiah	11 839,20
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,528
LVL	Latvian lats	0,6966	PHP	Philippine peso	64,019
MTL	Maltese lira	0,4293	RUB	Russian rouble	34,3570
PLN	Polish zloty	3,8720	THB	Thai baht	49,086
RON	Romanian leu	3,6569			

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

**Prior notification of a concentration**  
**(Case COMP/M.3942 — adidas/Reebok)**

(2005/C 322/04)

**(Text with EEA relevance)**

1. On 12 December 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 adidas-Salomon AG ('adidas', Germany), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Reebok International Ltd. ('Reebok', USA) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for adidas: manufacture of sport footwear, apparel and equipment;
- for Reebok: manufacture of sport footwear, apparel and equipment.

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.3942 — adidas/Reebok, to the following address:

European Commission  
Competition DG  
Merger Registry  
J-70  
B-1049 Brussels

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

**Non-opposition to a notified concentration**  
**(Case COMP/M.3995 — Belgacom/Telindus)**

(2005/C 322/05)

(Text with EEA relevance)

On 1 December 2005, 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 (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition web site (<http://europa.eu.int/comm/competition/mergers/cases/>). This web site provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website under document number 32005M3995. EUR-Lex is the on-line access to European law. (<http://europa.eu.int/eur-lex/lex>)
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**Notice regarding consultations on the application of the safeguard measures imposed on imports concerning certain prepared or preserved citrus fruits by Commission Regulation (EC) No 658/2004**

(2005/C 322/06)

Definitive safeguard measures were imposed on the imports of certain prepared or preserved citrus fruits (such as mandarins) on 7 April 2004 pursuant to Commission Regulation (EC) No 658/2004<sup>(1)</sup>. By virtue of Council Regulation (EC) No 3285/94<sup>(2)</sup> and Council Regulation (EC) No 519/94<sup>(3)</sup>, and in particular Article 21 and Article 18 thereof, the Commission has consulted the Member States on the application of the safeguard measures.

The Commission officially advised the Community producers and their association, the importers and traders and their associations, the suppliers, the exporting producers in China and their associations, of the initiation of a mid-term review, by a Notice of 4 June 2005<sup>(4)</sup>.

Following an examination of the effects, the appropriateness of continuing the measures, and the pace of liberalization, the Commission informed the Member States of the findings of the investigation. Consultations were held within the Advisory Committee established under Article 4 of Regulation (EC) No 3285/94 and Article 4 of Regulation (EC) No 519/94.

## 1. Product concerned

The product in question is prepared or preserved mandarins (including tangerines and satumas), clementines, wilkings and other similar citrus hybrids, not containing added spirit, but containing added sugar ('the product concerned').

The product concerned is currently classified within CN codes 2008 30 55 and 2008 30 75. These CN codes are given for information only.

## 2. Procedure

### 2.1. Scope of consultations

Article 21(1) of Regulation (EC) No 3285/94 and Article 18(1) of Council Regulation (EC) No 519/94 obliges the Commission to consult on the application of the measures with Member States no later than at the mid-point of the period of application of the measures.

<sup>(1)</sup> OJ L 104, 8.4.2004, p. 67.

<sup>(2)</sup> OJ L 349, 31.12.1994, p. 53.

<sup>(3)</sup> OJ L 67, 10.3.1994, p. 89.

<sup>(4)</sup> OJ C 137, 4.6.2005, p. 11.

In compliance with the relevant provisions, the purpose of the investigation has been to:

- (a) examine the effects of the safeguard measures;
- (b) determine whether and in what manner, it would be appropriate to accelerate the pace of liberalization; and
- (c) ascertain whether its application is still necessary.

### 2.2. Period of investigation

In this sector of activity, the canning season starts in October each year. Data are analysed on for each canning season, that is to say, according to periods running from October to September of the following year. The original investigation analysed the data relevant for the period 1998/1999 up to 2002/03. The current investigation covers the periods 2003/04 and 2004/05.

It is recalled that production of canned mandarins is concentrated in Spain.

### 2.3. Parties concerned by the proceeding

Questionnaires were sent to all parties known to be concerned by the proceedings and to all other companies that made themselves known within the deadlines set out in the Notice.

Replies were received from five Community producers, five suppliers, eleven importers, seven exporters/traders and two associations.

The Commission's services sought and verified all the information deemed necessary for the purpose of the investigation and verification inspections were carried out at the premises of the following companies:

#### *Community producers*

- Halcon Foods, S.A., Murcia, Spain
- Alcornia Alimentacion, s.l., Murcia, Spain
- Conservas y Fruta S.A., Murcia, Spain
- Industrias Videca S.A., Valencia, Spain
- Agricultura y Conservas, S.A., Valencia

*Suppliers*

— Cooperativa Agrícola Ntra Sra del Oreto Coop. V, Valencia

*Unrelated importers*

— Wünsche Handelsgesellschaft International mbH & Co., KG, Hamburg, Germany

— I. Schröder KG (GmbH & Co), Hamburg, Germany

— Edeka Zentrale AG & Co. KG, Hamburg, Germany

— Hüpeden & Co. (GmbH & Co.) KG, Hamburg, Germany

### 3. Restructuring

As is envisaged in recital 120 of Regulation (EC) No 658/2004, the restructuring efforts made by the Community's canned mandarin producers were examined in the review. The main result of the restructuring process thus far has been to cut last season's capacity of 33 000 tonnes. This cut corresponds to 25 % of the original total capacity. Efforts have also been undertaken to rationalise the supply of raw material and to establish more cost effective sales and distribution channels, with the aim of achieving a more efficient production chain whilst allowing greater economies of scale. Main features of the activities carried out to date include the cessation of mandarin-canning activities by certain producers, take-overs of companies, the establishment of a cooperative company for the purpose of joint purchasing, and the introduction of a new production line system.

The results of the restructuring are now becoming visible, and should over time encourage the initiation of even further restructuring activities. Expected activities include the finalisation of processes leading to technical improvement of the production. Further effects and economies of scale resulting from the consolidation of such activities as the reduction of production and establishment of cooperative companies are also envisaged.

### 4. Results of the investigation

Analysis of the measures in place is based on data gathered for the three last canning seasons. Figures supplied for the year 2002/03 are those reported in the Regulation (EC) No 658/2004 setting the definitive safeguard measures on imports of canned mandarins. These figures are reported here as a reflection of the situation in the industry at the time of initiation of the proceeding, before the original investigation took place. The data reported for the year 2003/04, which were checked during the current mid-term review, relate to a period when investigation leading to the imposition of the measures was underway. The data relating to the year 2004/05 correspond to a period falling after the measures were imposed.

### 4.1 Imports

#### 4.1.1. Volume of imports

The following tables present imports from China to the EU-25. Imports from all other countries are negligible as they represent less than 2 % of the total imports, or 1 000 tons per year. (Volume in Tonnes, seasonal data from October to September)

	2002/03	2003/04	2004/05 (*)
	50 500	63 900	46 600 (*)
Index	100	127	92

(\*) Extrapolated on the basis of 10 months sales

(Source: Eurostat)

During the season of 2004/05, import volumes stabilised at around 47 000 tonnes. Approximately 60 % of the 2004/05 imports took place in March and April 2005, just before the expiry of the licence period. This stabilisation in the imports followed a period of rise in imports, reaching a level of 63 900 tonnes in 2003/04. The import peak in 2003/04 was probably due to the anticipation of the imposition of definitive measures.

Imports into some Member States more than tripled between the 2002/03 season and the 2004/05 season. Other Member States, traditionally not importers, started to import canned mandarins from China. On the other hand, some of the accession countries imported big quantities during the two months leading up to the accession and then, in some cases, imports completely stopped after the enlargement of the European Union in May 2004.

It will be recalled that imports were subjected to a system of tariff quotas of around 32 000 tonnes for imports from China and of around 2 000 tonnes for imports originating in other countries. When the quota is exhausted a duty of EUR 301 per tonne ('EUR/T') is payable. On these grounds, it is clear that imports were made both within the quota and outside it, then the latter being subject to the payment of the duty. This demonstrates that EU demand is satisfied.

#### 4.1.2. Import prices

	2002/03	2003/04	2004/05 (10 months)
	595	524	520
Index	100	88	87

(Source: Eurostat)

Import prices at cif EU border level were found to be decreasing and fell from 595 EUR/T in 2002/03, down to 524 EUR/T in 2003/04 and further down to 520 EUR/T during the season 2004/05. Prices dropped by a total of 13 % between the season 2002/03 and the season 2004/05. This drop was mainly the result of the depreciation of the US dollar against the euro. It is recalled that imported canned mandarins are invoiced in US dollars, which depreciated by 18 % over the period. The increase of the invoiced price in US dollars of 5 % was therefore counterbalanced by the depreciation, resulting in an effective price drop of 13 % (18 %-5 %). A slight increase in the import price was, however, observed as from January 2005.

#### 4.2 Situation of the Community producers

In order to assess the effect of the measures, an examination of the relevant economic factors has been conducted by the Commission. The fact that the production volume is decided once a year at the start of the canning season in November must be taken into account when analysing the findings of the investigation.

##### 4.2.1. Production capacity and capacity utilisation

	2002/03	2003/04	2004/05
Capacity	129 000	129 000	96 000
Capacity utilisation	31 %	22 %	40 %

Production capacity remained stable between the seasons 2002/03 and 2003/04 and decreased by around 25 % in the season 2004/05 (see point 3 above — restructuring). This led to a slight improvement of capacity utilisation from 20 % in 2003/04 to 40 % in 2004/05.

##### 4.2.2. Production

	2002/03	2003/04	2004/05
Tonnes	39 600	28 200	38 000
Index	100	71	96

Production recovered during 2004/05 — the season that followed the imposition of the definitive measures. EU production had, prior to this time, been in sharp and constant decline due to massive imports from China. The lowest point of production was reached in the season 2003/04 when the output was down to 28 200 tonnes. This downturn in production coincided with the period where definitive safeguard measures were not yet in place.

At the time, many of the Community producers were considering stopping the production of canned mandarins altogether, as they were close to bankruptcy.

Production volume is still mainly determined by the relationship between the cost of production and the expected sale price. The expected sale price is in turn mainly determined by the price level of imports from China. Imports from the quota allocated to countries other than China are minimal, and are therefore not having a material impact on Community producers' sale prices.

##### 4.2.3. EU sales

	2002/03	2003/04	2004/05 (€)
Tonnes	28 000	23 000	28 000
Index	100	82	100

(€) Extrapolated on the basis of 9 months sales

Owing to increased competitiveness and a moderate raise of the import prices during the last months, sales recovered during the 2004/05 season. This recent positive development follows a negative trend that had persisted until the 2003/04 season.

##### 4.2.4. Consumption

	2002/03	2003/04	2004/05 (€)
Tonnes	79 000	82 000	84 000 (€)
Index	100	104	106

(Source: Eurostat data and companies estimate)

EU-25 consumption has increased moderately in the last two seasons, mainly owing to a growing consumption as a consequence of the enlargement of the European Union in 2004.

##### 4.2.5. Market share

	2002/03	2003/04	2004/05
Community producers	35 %	28 %	33 %

The Community producer market share partially recovered to 33 % after the imposition of definitive safeguard measures in 2004/05. The recovery followed a decrease from 35 % in 2002/03 down to 28 % in 2003/04.

##### 4.2.6. Employment, hours worked and productivity

	2002/03	2003/04	2004/05
Employment	2 343	2 224	1 970
Hours worked	675 000	475 000	580 000
Hours worked/tonne	17,0	16,8	15,3

The production of canned mandarins is seasonal and a majority of the workforce is accordingly made up of temporary employees. Productivity for this mature product is fairly stable and variances are mainly linked to yield and the characteristics of the fresh product. The restructuring process during the investigated season of 2004/05 has, however, added technical improvements as a factor enhancing productivity and has resulted in a decrease in hours worked per tonne produced.

#### 4.2.7 Undercutting

The investigation revealed that the price undercutting increased after the imposition of definitive safeguard measures. The main factor contributing to this development would be the depreciation of the US dollar (refer to part 4.1.2 above).

(Source: Eurostat and companies' data)

#### 4.2.8 Profitability

	2002/03	2003/04	2004/05
Net profit/loss EU sales	- 4,3 %	- 6,5 %	- 5,5 %

(Source: Companies' results)

During the 2004/05 season, results of the Community Producers started to recover slowly as production increased and import prices first stabilised. As from January 2005, the prices started to increase. This positive development followed a period of poor results in 2003/04. Weak sales volumes, increasing import volumes at an extremely low price, and the fact that the provisional safeguard measures were yet not effective, were all factors that contributed to these weak results in 2003/04.

### 4.3. *Situation of other interested parties*

#### 4.3.1. Exporters

More than 98 % of the total exports originate in the People's Republic of China. Questionnaires were sent to the exporters, and the information gathered represented around 20 % of the total volume exported to the EU and therefore had to be complemented by data from Eurostat. The information obtained in the questionnaires roughly confirmed the data obtained through Eurostat.

#### 4.3.2. Importers/retail chains

On average, 75 % of the imports of canned satsumas to the EU are made by German importers and retail chains while the remaining 25 % is split mainly between the Czech Republic, the Netherlands, United Kingdom and Belgium. The current investigation confirmed that the licence system in place is functioning properly and that licenses are fully used by the traditional importers. The financial situation for the importers has continued to be secure with *inter alia* an average profitability of approximately 15 % for the canned mandarins sector.

## 5. Analysis of the findings

### 5.1 *Assessment of the effect of the measures*

Positive effects have been observed as a result of the measures imposed.

The imposition of the measures allowed the Community producers to embark on a restructuring process. The substantial cut in capacity achieved as a result thereof, in combination with measures still to be enacted, should allow the sector to become increasingly competitive, to maximise productivity and to take advantage of economies of scale.

Imports have stabilised after the peak in 2003/04 and in the 2004/05 season, the measures resulting in a decrease in the volume of imports. Import prices that previously had been decreasing began to increase in 2005.

The overall results of the Community producers for the investigated period are still negative, but are improving when compared to the previous season. The combination of increased competitiveness of the Community industry and the increase in import prices have resulted in a recovery of the EU producer's sales and production. Profitability, which in the season 2003/04, was down to -6,5 % has recovered to -5,5 % in the season 2004/05.

Considering the ongoing restructuring process, the import trends and the improving situation of the Community producers, the conclusion to be drawn is that the measures enacted under Commission Regulation (EC) No 658/2004 are effective.

### 5.2 *Assessment of the necessity to continue the application of the measures*

It is only the most recent trends that have shown that the positive results of the safeguard measures have begun to materialise. This is, however, to be expected, since definitive measures have only been effective for one canning season.

The restructuring process has begun and has so far resulted in a cut of capacity of 25 %. Further activities are to be expected in the coming years and the finalisation of this process will consequently require more time.

Although the volume of imports has decreased, the quota of 32 000 tonnes is exceeded regularly and price undercutting has increased, mainly on account of the depreciation of the US dollar.

As was concluded in Part 5 above, the financial results of the Community producers for the investigated period are improving in comparison to the previous season, but the overall results are still negative. Similarly, the production, market share and sales of the Community producers in 2004/05 are starting to recover but are still equal to, or slightly below, the figures in 2002/03.

Whilst recognising the increasingly positive effect of the measures, the Community producers have asked for an increase of the additional duty to a level which could prevent imports beyond the quota. Producers would, moreover, be in favour of the introduction of a minimum price system set at a reasonable level in order to prevent erratic import prices.

However, no provision for increasing the level of the protection as a result of the mid-term investigation is contained in Article 21 of the basic Regulation (EC) No 3285/94 on the common rules for imports or in the relevant WTO rules

The cooperating importers have opposed the establishment of a minimum price, arguing that such a system would be inappropriate, owing to the risk of cross-subsidisation between mandarins and other canned items that are imported. Furthermore, some of the traditional importers would prefer that their present ratio of 75 % allocated be increased to 95 % in order to prevent speculation on licences. As to the amount of the tariff quota, some of the importers ask for a substantial increase, alleging that the EU producers lack sufficient raw materials (fresh mandarins) to meet the demand of the domestic market.

The investigation has conversely revealed that the crop of fresh satsumas, although slightly decreasing, is available on the market in sufficient quantities and at reasonable prices. As to the arguments relating to the calculation and allocation of the amounts within the tariff quota, established practice in these cases requires that sufficient possibilities remain open to other actors on the market in order to ensure that competition is maintained. An amendment to the allocation and calculation of the quota would consequently be inappropriate.

Considering the existing Chinese capacities and the fact that the Community producers' situation is still fragile, the abolition of the measures would endanger the completion of the ongoing restructuring process. China has the capability to simultaneously supply the markets of Japan, USA and Europe and can easily adapt to world demand.

The additional duty, to be paid once the quota is used up, must similarly still be considered appropriate when taking into account the big gap between the Chinese prices at cif EU border level and European prices and the underselling found to exist.

In view of the above, the Commission therefore concludes that the application of the present safeguard measures is still neces-

sary to facilitate the adjustment of Community producers and to allow the continuation of the restructuring process as well as the further recovery from the current negative economic situation.

### 5.3 Assessment of the pace of liberalization

As foreseen by the WTO and the Community legal framework, a gradual liberalization of the measures is already in place. To this end, an annual 5 % increase of the quota is provided through Commission Regulation (EC) No 658/2004. Despite the additional duty, imports are above the ceiling of the 32 000 tonnes a year tariff quota. The investigation has demonstrated that improvement of the economic indicators of the EU producers and their ongoing restructuring process does not exceed the pace foreseen and matches the reasonable expectations of the time when the measures were imposed. Thus the recovery and restructuring process needs more time to achieve its effects than one single canning season. The situation of the importers has not changed and remains positive.

An expansion of the import tariff quota would indeed jeopardise the ongoing restructuring processes and would undermine the effect of the measures. On this basis, the Commission considers that the pace of liberalization of the imports foreseen in Regulation (EC) No 658/2004 is adequate and that it would be inappropriate to accelerate it.

## 6. Final considerations

The above findings demonstrate that the situation of the Community producers is gradually improving as a result of the measures. A restructuring process in line with the expectations of the current proceeding is also ongoing; the full effects are expected to materialise in the next years.

The established tariff quota has been exceeded throughout the period investigated, demonstrating that the specific duty is not excessive and allows ample outsourcing of the Community market. The current pace of liberalization should not be further accelerated if measures are to remain effective so as to allow the recovery of Community producers.

## 7. Conclusion

The Commission's analysis, supported by the Advisory Committee, therefore concludes that the application of the safeguard measures in force is effective, still necessary and that the current pace of liberalization is appropriate.

The measures in place should therefore continue in their current form and at their present level, without any amendments.

## Notice of initiation of an anti-dumping proceeding concerning imports of certain tungsten electrodes originating in the People's Republic of China

(2005/C 322/07)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')<sup>(1)</sup>, as last amended by Regulation (EC) No 461/2004<sup>(2)</sup>, alleging that imports of certain tungsten electrodes, originating in the People's Republic of China ('the country concerned'), are being dumped and are thereby causing material injury to the Community industry.

### 1. Complaint

The complaint was lodged on 4 November 2005 by Eurometaux ('the complainant') on behalf of producers representing a major proportion, in this case more than 25 %, of the total Community production of certain tungsten electrodes.

### 2. Product

The product allegedly being dumped is certain tungsten electrodes (including tungsten bars and rods), other than those obtained simply by sintering, whether or not cut to length originating in the People's Republic of China ('the product concerned'), normally declared within CN codes ex 8101 95 00 and ex 8515 90 90. These CN codes are only given for information.

### 3. Allegation of dumping

In view of the provisions of Article 2(7) of the basic Regulation, the complainant established normal value for the People's Republic of China on the basis of the price in a market economy country, which is mentioned in point 5.1(d). The allegation of dumping is based on a comparison of normal value, thus calculated, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margin calculated is significant.

### 4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from the People's Republic of China have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a

negative impact on the market share held, the quantities sold and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Community industry.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

#### 5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in the People's Republic of China is being dumped and whether this dumping has caused injury.

##### (a) Sampling

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling in accordance with Article 17 of the basic Regulation.

##### (i) Sampling for exporters/producers in the People's Republic of China

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the format indicated in point 7:

— name, address, e-mail address, telephone and fax numbers and contact person,

— the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Community during the period 1 October 2004 to 30 September 2005,

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1, as last amended by Council Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

<sup>(2)</sup> OJ L 77, 13.3.2004, p. 12.

- the turnover in local currency and the sales volume in tonnes for the product concerned on the domestic market during the period 1 October 2004 to 30 September 2005,
- whether the company intends to claim an individual margin <sup>(1)</sup> (individual margins can only be claimed by producers),
- the precise activities of the company with regard to the production of the product concerned,
- the names and the precise activities of all related companies <sup>(2)</sup> involved in the production and/or selling (export and/or domestic) of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample,
- by providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

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

#### (ii) Final selection of the sample

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

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

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

<sup>(1)</sup> Individual margins may be claimed pursuant to Article 17(3) of the basic Regulation for companies not included in the sample, Article 9(5) of the basic Regulation concerning individual treatment in cases involving non market economy countries/economies in transition, and Article 2(7)(b) of the basic Regulation for companies claiming market economy status. Note that claims for individual treatment necessitate an application pursuant to Article 9(5) of the basic Regulation and that claims regarding market economy status necessitate an application pursuant to Article 2(7)(b) of the basic Regulation.

<sup>(2)</sup> For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

#### (b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the sampled exporters/producers in the People's Republic of China, to any association of exporters/producers, to the importers, to any association of importers named in the complaint, and to the authorities of the exporting countries concerned.

Exporters/producers in the People's Republic of China claiming an individual margin, with a view to the application of Articles 17(3) and 9(6) of the basic Regulation, must submit a completed questionnaire within the time limit set in point 6(a)(ii) of this notice. They therefore have to request a questionnaire within the time limit set in point 6(a)(i) of this notice. However, such parties should be aware that if sampling is applied to exporters/producers, the Commission may nonetheless decide not to calculate an individual margin for them, if the number of exporters/producers is so large that individual examination would be unduly burdensome and would prevent the timely completion of the investigation.

#### (c) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence has to reach the Commission within the time limit set in point 6(a)(ii).

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

#### (d) Selection of the market economy country

In accordance with Article 2(7)(a) of the basic Regulation, it is envisaged to choose the United States of America as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in point 6(c).

(e) *Market economy status*

For those exporters/producers in the People's Republic of China who claim and provide sufficient evidence that they operate under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. Exporters/producers intending to submit duly substantiated claims must do so within the specific time limit set in point 6(d). The Commission will send claim forms to all exporters/producers in the People's Republic of China named in the complaint and to any association of exporters/producers named in the complaint, as well as to the authorities of the People's Republic of China.

publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limits specified in point 6(b)(iii).

(iii) *Hearings*

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

**5.2. Procedure for assessment of Community interest**

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii), make themselves known and provide the Commission with information. The parties which have acted in conformity with the precedent sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in point 6(a)(iii). It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

(b) *Specific time limit in respect of sampling*

(i) The information specified in point 5.1(a)(i) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

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

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

**6. Time limits**(a) *General time limits*

(i) For parties to request a questionnaire or other claim forms

All interested parties should request a questionnaire or other claim forms as soon as possible, but not later than 10 days after the publication of this notice in the *Official Journal of the European Union*.

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

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of

(c) *Specific time limit for the selection of the market economy country*

Parties to the investigation may wish to comment on the appropriateness of the United States of America which, as mentioned in point 5.1(d), is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

(d) *Specific time limit for submission of claims for market economy status and/or for individual treatment*

Duly substantiated claims for market economy status (as mentioned in point 5.1(e)) and/or for individual treatment pursuant to Article 9(5) of the basic Regulation, must reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.



## 7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' <sup>(1)</sup> and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission  
Directorate General for Trade  
Directorate B  
Office: J-79 5/16  
B-1049 Brussels  
Fax (32-2) 295 65 05.

## 8. Non-cooperation

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

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

## 9. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.

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<sup>(1)</sup> This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

# COURT OF JUSTICE

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

### **Constitution and composition of the Chambers, election of their Presidents and assignment of the Judges to Chambers**

(2005/C 322/08)

On 30 November 2005, in accordance with Article 3(3) and (4) and Article 4 of Council Decision 2004/752/EC, Euratom of 2 November 2004 establishing the European Union Civil Service Tribunal <sup>(1)</sup> and Article 4(2) and (3) of Annex I to the Statute of the Court of Justice and Article 10 of the Rules of Procedure of the Court of First Instance, the Civil Service Tribunal decided to sit in three Chambers and as a full Court. In addition, for the period from 30 November 2005 to 30 September 2008, it elected as Presidents of Chambers Judges H. KREPPEL and S. VAN RAEPENBUSCH and assigned the Judges to the Chambers as follows:

#### First Chamber

H. KREPPEL, President of Chamber,  
H. TAGARAS and S. GERVASONI, Judges,

#### Second Chamber

S. VAN RAEPENBUSCH, President of Chamber,  
I. BORUTA and H. KANNINEN, Judges,

#### Third Chamber, sitting with three Judges

P. MAHONEY, President of the Tribunal <sup>(2)</sup>;  
I. BORUTA, H. KANNINEN, H. TAGARAS and S. GERVASONI, Judges.

In the Third Chamber, the President will sit, alternately, either with Judges I. BORUTA and H. TAGARAS or with Judges H. KANNINEN and S. GERVASONI, subject always to connections between cases.

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<sup>(1)</sup> OJ 2004 L 333, p. 7.

<sup>(2)</sup> OJ 2005 C 271, p. 27.

**Criteria for the assignment of cases to Chambers**

(2005/C 322/09)

On 30 November 2005, in accordance with Article 4 of Annex I to the Statute of the Court of Justice and Article 12 of the Rules of Procedure of the Court of First Instance, the Tribunal decided, for an initial period, from the day of publication in the OJ of the decision of the President of the Court of Justice recording that the Civil Service Tribunal has been constituted in accordance with the law to 30 September 2006, as follows:

- the First Chamber shall hear all cases, with the exception of those principally concerning questions of recruitment, assessment/promotion and termination of service, which shall be heard by the Second Chamber;
- a number of cases shall be assigned to the Third Chamber, regardless of the subject-matter involved, at regular intervals to be determined at a meeting of the full Tribunal;
- derogations from the above rules for assignment may be made for reasons of connections between cases and to ensure a balanced and reasonably diversified workload within the Tribunal.

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**Designation of the Judge replacing the President of the Tribunal as Judge hearing applications for interim measures**

(2005/C 322/10)

On 30 November 2005, in accordance with Article 3(4) of Decision 2004/752 and Article 106 of the Rules of Procedure of the Court of First Instance, the Tribunal decided that, for the period from the day of publication in the OJ of the decision of the President of the Court of Justice recording that the Civil Service Tribunal has been constituted in accordance with the law to 30 September 2006, Judge S. Van Raepenbusch, President of the Second Chamber, shall replace the President of the Tribunal as Judge hearing applications for interim measures in the event of the President's absence or his being prevented from attending.

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**Notice**

(2005/C 322/11)

On 30 November 2005, Ms Waltraud Hakenberg, Registrar of the European Union Civil Service Tribunal <sup>(1)</sup>, took the oath in accordance with Articles 4 and 20 of the Rules of Procedure of the Court of First Instance and Article 3(4) of Council Decision 2004/752/EC, Euratom of 2 November 2004 establishing the European Union Civil Service Tribunal, and took up her duties for a term of six years expiring on 29 November 2011.

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<sup>(1)</sup> OJ 2005 C 296, p. 39.

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## III

(Notices)

## COMMISSION

**Call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration: 'Integrating and Strengthening of the European Research Area'**

(2005/C 322/12)

1. In accordance with Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities contributing to the creation of the European Research Area and to innovation (2002 to 2006) <sup>(1)</sup>, the Council adopted on 30 September 2002 the specific programme for research, technological development and demonstration: 'Integrating and strengthening the European Research Area' (2002-2006) <sup>(2)</sup> (referred to as 'the specific programme').

In accordance with Article 5(1) of the specific programme, the Commission of the European Communities (referred to as 'the Commission') has adopted on 9 December 2002 a work programme <sup>(3)</sup> (referred to as 'the work programme') setting out in greater detail the objectives and scientific and technological priorities of the specific programme, and the timetable for implementation.

In accordance with Article 9(1) of the Regulation of the European Parliament and of the Council of 16 December 2002 concerning the rules for the participation of undertakings, research centres and universities in, and for the dissemination of research results for, the implementation of the European Community Sixth Framework Programme (2002 to 2006) <sup>(4)</sup> (referred to as 'the rules for participation'), proposals for indirect RTD actions should be submitted under the terms of calls for proposals.

2. The present call for proposals for indirect RTD actions (referred to as 'the call') comprises the present general part and the specific conditions that are described in the annex. The annex indicates in particular, the date of closure for the submission of proposals for indirect RTD actions, an indica-

tive date for the completion of the evaluations, the indicative budget, the instruments and the areas concerned, the evaluation criteria for the evaluation of proposals for indirect RTD actions, the minimum number of participants, and any applicable restrictions.

3. Natural or legal persons fulfilling the conditions stated in the rules for participation and that do not fall under any of the exclusion cases in the rules for participation or in Article 114(2) of the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup> (referred to as 'the proposers') are invited to submit to the Commission proposals for indirect RTD actions subject to the conditions in the rules for participation and in the call concerned being fulfilled.

The conditions of participation of the proposers will be verified within the framework of the negotiation of the indirect RTD action. Before that however, proposers will have signed a declaration stating that they do not fall under any of the cases given by Article 93(1) of the Financial Regulation. They will also have given the Commission the information listed in Article 173(2) of the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(6)</sup>.

The European Community has adopted an equal opportunities policy and, on this basis, women are particularly encouraged to either submit proposals for indirect RTD actions or participate in the submission of proposals for indirect RTD actions.

<sup>(1)</sup> OJ L 232, 29.8.2002, p. 1.

<sup>(2)</sup> OJ L 294, 29.10.2002, p. 1.

<sup>(3)</sup> Commission Decision C(2002)4789, as modified by C(2003)577, C(2003)955, C(2003)1952, C(2003)3543, C(2003)3555, C(2003)4609, C(2003)5183, C(2004)433, C(2004)2002, C(2004)2727, C(2004)3324, and C(2004)4178, all decisions unpublished.

<sup>(4)</sup> OJ L 355, 30.12.2002, p. 23

<sup>(5)</sup> OJ L 248, of 16.9.2002, p. 1.

<sup>(6)</sup> OJ L 357, of 31.12.2002, p. 1.

4. The Commission makes available to proposers a guide for proposers relating to the call which contains information on the preparation and the submission of a proposal for an indirect RTD action. The Commission also makes available Guidelines on Proposal Evaluation and Selection Procedures <sup>(1)</sup>. These guides and guidelines, as well as the work programme and other information relating to the call, can be obtained from the Commission via the following addresses:

European Commission  
The FP6 Information Desk  
Directorate General RTD  
B-1049 Brussels  
Internet address: [www.cordis.lu/fp6](http://www.cordis.lu/fp6)

5. Proposals for indirect RTD actions are invited to be submitted only as an electronic proposal via the web-based Electronic Proposal Submission System (EPSS <sup>(2)</sup>). In exceptional cases however, a coordinator may request permission from the Commission to submit on paper in advance of a call deadline. This should be done by writing to one of the following addresses:

European Commission  
INCO Information Desk  
Directorate N  
Directorate General RTD  
B-1049 Brussels

or email address: [inco@cec.eu.int](mailto:inco@cec.eu.int). The request must be accompanied by an explanation of why the exception is being sought. Proposers wishing to use paper submission take the responsibility for ensuring that such requests for exemption and the associated procedures are completed in time for them to meet the call deadline.

Proposals for indirect RTD actions may be prepared off-line or on-line and then submitted on-line.

The EPSS software tool (for off-line or on-line usage) is available via the Cordis website [www.cordis.lu](http://www.cordis.lu). Proposals for indirect RTD actions may then be submitted on-line via the same website.

Further details on the various proposal submission procedures are given in Annex J of the Guidelines on Proposal Evaluation and Selection Procedures.

Proposals for indirect RTD actions that are submitted on-line and which are incomplete <sup>(3)</sup>, illegible <sup>(4)</sup> or contain viruses will be excluded.

Versions of proposals for indirect RTD actions submitted on a removable electronic storage medium (e.g. CD-ROM, diskette), by email <sup>(5)</sup> or by fax will be excluded.

6. Proposals for indirect RTD actions have to reach the Commission at the latest on the closure date and at the time specified in the call concerned. Proposals for indirect RTD actions arriving after this date and time will be excluded.

Proposals for indirect RTD actions not satisfying the conditions relating to the minimum number of participants indicated in the call concerned will be excluded.

This also applies regarding any additional eligibility criteria given in the work programme.

7. In the case of successive submissions of the same proposal for an indirect RTD action, the Commission will examine the last version received before the closure date and time specified in the call concerned.
8. If foreseen in the relevant call, proposals for indirect RTD actions could be taken up in the framework of a future evaluation.
9. In all correspondence relating to a call (e.g. when requesting information, or submitting a proposal for an indirect RTD action), proposers are invited to cite the relevant call identifier.

<sup>(1)</sup> C(2003)883 of 27.3.2003, as last modified by C(2004)3337 of 1.9.2004.

<sup>(2)</sup> The EPSS is a tool to assist proposers to develop and submit their proposals electronically.

<sup>(3)</sup> All proposals for indirect RTD actions must contain two parts: the forms (Part A) and the content (Part B).

<sup>(4)</sup> Proposals for indirect RTD actions should be submitted in PDF ('portable document format', compatible with Adobe Version 3 or higher with embedded fonts). Compressed ('zipped') files will be excluded.

<sup>(5)</sup> This does not include proposals for indirect RTD actions that have been submitted on-line.

## ANNEX

1. **Specific programme:** Integrating and Strengthening the European Research Area
2. **Thematic priority/Domain:** Specific measures in support of international cooperation — Western Balkan Countries (WBC)
3. **Call title:** Specific Support Actions (SSA) for Western Balkan Countries
4. **Call identifier:** FP6-2005-INCO-WBC/SSA-3
5. **Date of publication:** 17.12.2005
6. **Closure date(s):** 6 March 2006 at 17.00 (Brussels local time)
7. **Total indicative budget:** EUR 4 million for 2006
8. **Area and instruments:**

Area	Instruments <sup>(1)</sup>
New specific area: Reinforcement of the WBC research capacities	SSA

<sup>(1)</sup> SSA = Specific support action

9. **Minimum number of participants <sup>(1)</sup>:**

Instrument	Minimum number
SSA	1 legal entity established in WBC

10. **Restriction to participation:** The coordinator should be a legal entity based in one of the WBC
11. **Consortium agreement:** Participants in RTD actions resulting from this call are not required to conclude a consortium agreement
12. **Evaluation procedure:**
  - The evaluation shall follow a single stage procedure.
  - Proposals will not be evaluated anonymously
13. **Evaluation criteria:** see Annex B of the work programme for the applicable criteria (including their individual weights and thresholds and the overall threshold) per instrument
14. **Indicative evaluation and selection delays:**
  - Evaluation results: estimated to be available within some 3 months after the closure date.
  - Contract signature: it is estimated that the first contracts related to this call will come into force 7 months after the closure date

<sup>(1)</sup> MS = Member States of the EU; AS (incl. ACC) = Associated States; ACC= Associated candidate countries. Western Balkan countries are defined in Annex C of the work programme.

**Amendments to Calls for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration: 'Integrating and strengthening the European Research Area'**

(Official Journal of the European Communities C 315 of 17 December 2002)

(2005/C 322/13)

The following amendments have been decided by the Commission on 7 July 2005 <sup>(1)</sup>:

- On page 51 (Annex 25) under point 7: call identifier: FP6-2002-INCO-DEV/SSA-1  
*for:* '**Total indicative budget:** EUR 1 million in 2003. Total indicative budget for 2004, 2005 and 2006 will be given in periodic updates of the work programme.'  
*read:* '**Total indicative budget:** EUR 2,4 million in 2006 (6 March deadline).'
- On page 52 (Annex 26) under point 7: call identifier: FP6-2002-INCO-MPC/SSA-2  
*for:* '**Total indicative budget:** EUR 0,6 million in 2003. Total indicative budget for 2004, 2005 and 2006 will be given in periodic updates of the work programme.'  
*read:* '**Total indicative budget:** EUR 1 million in 2006 (6 March deadline).'
- On page 53 (Annex 27): call identifier: FP6-2002-INCO-WBC/SSA-3  
For 2006 this call is cancelled and replaced by a new specific SSA call FP6-2005-INCO-WBC/SSA-3. Deadline 6 March 2006, published in this *Official Journal of the European Union*.
- On page 54 (Annex 28) under point 7: call identifier: FP6-2002-INCO-Russia+NIS/SSA-4.  
*for:* '**Total indicative budget:** EUR 0,6 million in 2003. Total indicative budget for 2004, 2005 and 2006 will be given in periodic updates of the work programme.'  
*read:* '**Total indicative budget:** EUR 0,7 million in 2006 (6 March deadline).'
- On page 55 (Annex 29) under point 7: call identifier: FP6-2002-INCO-COMultilatRTD/SSA-5.  
*for:* '**Total indicative budget:** EUR 0,6 million in 2003. Total indicative budget for 2004, 2005 and 2006 will be given in periodic updates of the work programme.'  
*read:* '**Total indicative budget:** EUR 2,3 million in 2006 (6 March deadline).'

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<sup>(1)</sup> Commission Decision C(2005)2076 of 7 July, unpublished.

**Call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration: 'Structuring the European Research Area'**

**Science and Society: René Descartes Prizes**

**Call identifier: FP6-2005-Science and Society-18**

(2005/C 322/14)

1. In accordance with Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities contributing to the creation of the European Research Area and to innovation (2002 to 2006) <sup>(1)</sup>, the Council adopted on 30 September 2002 the specific programme for research, technological development and demonstration: 'Structuring the European Research Area' (2002-2006) <sup>(2)</sup> (referred to as 'the specific programme').

In accordance with Article 5(1) of the specific programme, the Commission of the European Communities (referred to as 'the Commission') has adopted on 30 September 2002 a work programme <sup>(3)</sup> (referred to as 'the work programme') setting out in greater detail the objectives and scientific and technological priorities of the specific programme, and the timetable for implementation.

In accordance with Article 9(1) of the Regulation of the European Parliament and of the Council, of 16 December 2002, concerning the rules for the participation of undertakings, research centres and universities in, and for the dissemination of research results for, the implementation of the European Community Sixth Framework Programme (2002 to 2006) <sup>(4)</sup> (referred to as 'the rules for participation'), proposals for indirect RTD actions should be submitted under the terms of calls for proposals.

2. The present call for proposals for indirect RTD actions (referred to as 'the call') comprises the present general part and the specific conditions that are described in the annex. The annex indicates in particular, the date of closure for the submission of proposals for indirect RTD actions, an indicative date for the completion of the evaluations, the indicative budget, the instruments and the areas concerned, the evaluation criteria for the evaluation of proposals for indirect RTD actions, the minimum number of participants, and any applicable restrictions.

3. Natural or legal persons fulfilling the conditions stated in the rules for participation and that do not fall under any of the exclusion cases in the rules for participation or in Article 114(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(5)</sup> (referred to as 'the proposers') are invited to submit to the Commission proposals for indirect RTD actions subject to the conditions in the rules for participation and in the call concerned being fulfilled.

The conditions of participation of the proposers will be verified within the framework of the negotiation of the indirect RTD action. Before that however, proposers will have signed a declaration stating that they do not fall under any of the cases given by Article 93(1) of the Financial Regulation. They will also have given the Commission the information listed in Article 173(2) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(6)</sup>.

The European Community has adopted an equal opportunities policy and, on this basis, women are particularly encouraged to either submit proposals for indirect RTD actions or participate in the submission of proposals for indirect RTD actions.

4. The Commission makes available to proposers guides for proposers relating to the call which contain information on the preparation and the submission of a proposal for an indirect RTD action. The Commission also makes available Guidelines on Proposal Evaluation and Selection Procedures <sup>(7)</sup>. These guides and guidelines, as well as the work programme and other information relating to the call, can be obtained from the Commission via the following addresses:

European Commission  
The FP6 Information Desk  
Directorate General RTD  
B-1049 Brussels  
Email: rtd-descartes@cec.eu.int  
Internet address: [http://europa.eu.int/comm/research/descartes/index\\_en.htm](http://europa.eu.int/comm/research/descartes/index_en.htm)

<sup>(1)</sup> OJ L 232, 29.8.2002, p. 1.

<sup>(2)</sup> OJ L 294, 29.10.2002, p. 44.

<sup>(3)</sup> Commission Decision C(2002)4791, as amended by Commission Decisions C(2003)635, C(2003)998, C(2003)1951, C(2003)2708, C(2003)4571, C(2004)48, C(2004)3330, C(2004)4726, C(2005)969, C(2005)1447, C(2005)3190 and C(2005)4206, all unpublished.

<sup>(4)</sup> OJ L 355, 30.12.2002, p. 23.

<sup>(5)</sup> OJ L 248, of 16.9.2002, p. 1.

<sup>(6)</sup> OJ L 357, of 31.12.2002, p. 1.

<sup>(7)</sup> C(2003)883 of 27.3.2003, as last modified by C(2004)3337 of 1.9.2004.



5. Proposals for indirect RTD actions under area 4.3.4.2(a)(i): Descartes Prize (research) are invited to be submitted only as an electronic proposal via the web-based Electronic Proposal Submission System (EPSS<sup>(1)</sup>). In exceptional cases, however, a coordinator may request permission from the Commission to submit on paper in advance of a call deadline. This should be done by writing to the following address: *rtd-descartes@cec.eu.int*. The request must be accompanied by an explanation of why the exception is being sought. Proposers wishing to use paper submission take the responsibility for ensuring that such requests for exemption and the associated procedures are completed in time for them to meet the call deadline.

Proposals for indirect RTD actions under area 4.3.4.2(a)(i): Descartes Prize (research) may be prepared off-line or on-line and submitted on-line. Part B of proposals for indirect RTD actions can only be submitted in PDF ('portable document format', compatible with Adobe Version 3 or higher with embedded fonts). Compressed ('zipped') files will be excluded.

The EPSS software tool (for off-line or on-line usage) is available via the Cordis website [www.cordis.lu](http://www.cordis.lu).

Proposals for indirect RTD actions under area 4.3.4.2(a)(i): Descartes Prize (research) that are submitted on-line and which are incomplete, illegible or contain viruses will be excluded.

Versions of proposals for indirect RTD actions under area 4.3.4.2(a)(i): Descartes Prize (research) submitted on a removable electronic storage medium (eg, CD-ROM, diskette), by email or by fax will be excluded.

Any proposal for indirect RTD actions under area 4.3.4.2(a)(i): Descartes Prize (research) that has been allowed to be submitted on paper and which is incomplete will be excluded.

Proposals for indirect RTD actions under 4.3.4.2(a)(ii): Descartes Prize (communication) can only, on the other hand, be submitted in paper form.

Proposals for indirect RTD actions under 4.3.4.2(a)(ii): Descartes Prize (communication) must be prepared and submitted using the forms in the guide for proposers.

6. Proposals for indirect RTD actions under 4.3.4.2(a)(ii): Descartes Prize (communication) submitted by post must be received by the Commission at the following address, and labelled as follows:

FP6—Research Proposals  
FP6-2005-Science and Society 18  
European Commission  
B-1049 Brussels

For deliveries by hand or by representatives (including by private courier services<sup>(2)</sup>), the delivery should be to the following address, and labelled as follows:

FP6—Research Proposals  
FP6-2005-Science and Society 18  
European Commission  
Rue de Genève, 1  
B-1140 Brussels

All proposals for indirect RTD actions must contain two parts: the forms (Part A) and the content (Part B).

Further details on the various proposal submission procedures are given in Annex J of the Guidelines on Proposal Evaluation and Selection Procedures.

7. Proposals for indirect RTD actions have to reach the Commission at the latest on the closure date and at the time specified in the call concerned. Proposals for indirect RTD actions arriving after this date and time will be excluded.

Proposals for indirect RTD actions not satisfying the conditions relating to the minimum number of participants indicated in the call concerned will be excluded.

This also applies regarding any additional eligibility criteria given in the work programme.

8. In the case of successive submissions of the same proposal for an indirect RTD action, the Commission will examine the last version received before the closure date and time specified in the call concerned.

9. If foreseen in the relevant call, proposals for indirect RTD actions could be evaluated in the framework of a future evaluation.

10. In all correspondence relating to a call (e.g. when requesting information, or submitting a proposal for an indirect RTD action), proposers are invited to cite the relevant call identifier.

<sup>(1)</sup> The EPSS is a tool to assist proposers to develop and submit their proposals electronically.

<sup>(2)</sup> Users of courier services that ask for the recipient's telephone number should give the following number: (32-2) 299 11 11 (contact Ms. Maxwell or Ms Ritter ).

## ANNEX

1. **Specific programme:** Structuring the ERA
2. **Activity:** Science and Society
3. **Call title:** René Descartes Prizes 2006
4. **Call identifier:** FP6-2005-Science-and-society-18
5. **Date of publication:** 17 December 2005
6. **Closure dates:** 4 May 2006, 17:00 (Brussels local time).
7. **Total indicative budget:** EUR 1,425 million

Instrument <sup>(1)</sup>	EUR (millions)
SSA	1,425

<sup>(1)</sup> STREP = Specific targeted research project; CA = Coordination action; SSA = Specific support action.

8. **Area and instruments:** Proposals are invited in the following topics. The table gives short titles only. For a full description of the topics, applicants must refer to the Science and Society work programme.

Area	Instruments	Indicative budget (EUR millions)
4.3.4.2(a)(i): Descartes Prize (research)	SSA	1,0 for the laureates (minimum amount for a prize: EUR 200 000) EUR 150 000 for the finalists (EUR 30 000 per finalist)
4.3.4.2(a)(ii): Descartes Prize (communication)	SSA	0,25 for the laureates (minimum amount for a prize: EUR 50 000) EUR 25 000 for the finalists (EUR 5 000 per finalist)

9. **Minimum number of participants <sup>(1)</sup>:**

Instrument	Minimum number
SSA 4.3.4.2(a)(i): Descartes Prize (research)	Two legal entities from two different MS or AS, and including at least one MS or ACC
SSA 4.3.4.2(a)(ii): Descartes Prize (communication)	1 legal entity from 1 MS or AS

10. **Restriction to participation:** Providing the conditions set out below are satisfied, any legal entity established in a third country not covered by Article 6(2) of the Rules for Participation (entities in countries having concluded an S&T agreement with the Community may participate by right) may participate in this call providing that such an involvement would be beneficial or essential to the proposed activity, and is over and above the specified minimum number of participants from Member State or associated countries.

For the Descartes research Prize (4.3.4.2(a)(i)):

- Research teams or nominating bodies can only present one project per proposal.

For the Descartes communication Prize (4.3.4.2(a)(ii)):

- The evaluation may only apply to achievements related to the awarded prize, not to results obtained in the meantime.
- The candidate shall have received a scientific communication prize
- The proposal shall be submitted by the organisation which has awarded the prize to this candidate
- The organisation can only present one candidate per proposal.
- A copy of the prize certificate shall be handed in with the proposal

A proposal will not be evaluated unless all these eligibility criteria are satisfied.

<sup>(1)</sup> MS = Member States of the EU ; AS (incl. ACC) = Associated States ; ACC : Associated candidate countries.  
Any legal entity established in a Member State or Associated State and which is made up of the requested number of participant may be the sole participant in an indirect action.

11. **Consortium agreement:** Participants in RTD actions resulting from this call are not required to conclude a consortium agreement.
12. **Evaluation procedure:**
- The evaluation shall follow a single stage procedure
  - Proposals will not be evaluated anonymously
13. **Evaluation criteria:** For the René Descartes Prize (research), topic 4.3.4.2(a)(i) of the present Work Programme, the following evaluation criteria will apply:
1. Excellence and quality of the proposal (threshold score 4 out of 5; weighting = 3)
    - quality and novelty of the results achieved;
    - contribution to addressing key scientific and technological issues.
  2. European added value (threshold score 4 out of 5; weighting = 1)
    - The extent to which the results of the research can only be achieved if carried out at European level and beyond;
- Overall threshold score after application of the weightings: 17 out of 20.
- For the René Descartes Prize (communication), topic 4.3.4.2(a)(ii) of the present Work Programme, the following evaluation criteria will apply:
1. Excellence and quality of the proposal (threshold score 4 out of 5):
    - Adequacy, competence and innovativeness of the technical means invested in the communication,
    - Accuracy, appropriateness and soundness of the scientific content
  2. Relevance and impact (threshold score 3 out of 5):
    - Effectiveness of the communication activity in raising the profile of science, engineering or technology, seen through the eyes of the intended public
    - Capability of the science communication action to address the main concerns and/or expectations of the European society
  3. European added value (threshold score 3 out of 5); **weighting 2:**
    - Capability of the communication activity, or of the professional engaged in communication, to offer a model for its transposition into different cultural backgrounds
    - Capability of the communication activity or of the professional engaged in communication, to open new lines of thoughts and trigger subsequent initiatives in a wider context.
- Overall threshold score: **16 out of 20 (after the application of the weighting)**
14. **Indicative evaluation and selection delays:**
- Evaluation results: Estimated to be within 6 months after the closure date
  - Conclusion of **grant letters**: It is estimated that the prizes will be awarded before the end of 2006.
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**UK-Edinburgh: operation of scheduled air service****Invitation to tender issued by the United Kingdom under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of a scheduled air service between Glasgow and Barra (Scotland)**

(2005/C 322/15)

(Text with EEA relevance)

1. **Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, the United Kingdom has imposed a public service obligation (PSO) in respect of a scheduled air service operated between Glasgow-Barra. The standards required by this public service obligation were published in *Official Journal of the European Union* C 387/06 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/04 of 8.12.1999, C 310/08 of 13.12.2002, C 278/06 of 19.11.2003 and C 321 of 16.12.2005.

If, by 1.3.2006, no air carrier has commenced or is about to commence a scheduled air service between Glasgow and Barra in accordance with the PSO imposed and without requesting compensation, the United Kingdom has decided, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned Regulation, to continue to limit access to this route to a single air carrier and to offer the right to operate such a service from 1.4.2006 by public tender.

2. **Object of invitation to tender:** Operation from 1.4.2006 of a scheduled air service between Glasgow and Barra in accordance with the public service obligation imposed on the route and published in *Official Journal of the European Union* C 387/06 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/04 of 8.12.1999, C 310/08 of 13.12.2002, C 278/06 of 19.11.2003 and C 321 of 16.12.2005.

3. **Participation:** Participation is open to all air carriers holding a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers. The service will operate under the Civil Aviation Authority (CAA) regulatory regime.

4. **Tender procedure:** This invitation 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/qualifications etc.:** The complete tender documentation, including form of tender, specification, conditions of contract/schedule to the conditions of contract, as well as the text of the original public service

obligation published in *Official Journal of the European Union* C 387/06 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/04 of 8.12.1999, C 310/08 of 13.12.2002, C 278/06 of 19.11.2003 and C 321 of 16.12.2005, may be obtained free of charge from the awarding authority as follows:

Scottish Executive Enterprise, Transport and Lifelong Learning Department, Transport Division 2/2, Victoria Quay, Edinburgh EH6 6QQ, United Kingdom. Tel. (44-131) 244 08 54, fax (44-131) 244 08 71 (Contact: Grace McGuire, SEETLLD - Transport Division 2/2).

Airlines will be required to include in their tender documents, evidence of their financial standing (an annual report and audited accounts for the past 3 years must be provided and must include turnover and pre-tax profit for the past 3 years), previous experience and technical capability to provide the service described. The awarding authority reserves the right to solicit further information about any applicant's financial and technical resources and abilities.

Tenders should be priced in sterling and all supporting documents must be in English. The contract shall be considered as a contract made under Scottish law and subject to the exclusive jurisdiction of the Scottish courts.

6. **Financial compensation:** Tenders submitted should indicate the amount required by way of grant for operating the service for 3 years from the scheduled starting date (with an analysis for each year). The grant should be calculated in accordance with the specification. The maximum limit finally granted may be revised only in the event of an unforeseen change in the operating conditions.

The contract will be awarded by the Scottish Ministers. All payments under the contract will be in sterling.

7. **Period of validity, amendment and termination of the contract:** A 3-year contract commencing 1.4.2006 will terminate on 31.3.2009. Any amendment or termination of the contract will be in accordance with the conditions of contract. Variations in the service will be permitted only with the agreement of the awarding authority.

8. **Penalties in the event of the carrier failing to comply with the contract:** In the event of the carrier failing to operate a flight for any reason then, subject as aftermentioned, the Scottish Ministers may reduce the grant on a pro rata basis for each occasion on which a flight is not operated provided that the Scottish Ministers shall not make any such reduction in the grant where the failure to operate the flight is as a consequence of any of the following, and the appropriate occurrence has not arisen as a consequence of the acts or omissions of the carrier:

- weather/tidal conditions;
- closure of the airports;
- security reasons;
- strikes;
- reasons of safety.

An explanation from the carrier for such non-operation is also required in accordance with the conditions of contract.

9. **Deadline for submission of bids:** One month after the date of publication of this notice.

10. **Application procedure:** Tenders must be sent to the address at 5 above. Persons admitted to open tenders are designated staff from the Scottish Executive's Enterprise, Transport and Lifelong Learning Department and Procurement and Commercial Services Division at the Scottish Executive.

11. **Validity of invitations to tender:** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no community air carrier presents, by 1.3.2006, a programme for operating the route in question from 1.4.2006 or before that date, in accordance with the PSO imposed, as amended, without receiving any subsidy.

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**UK-Edinburgh: operation of scheduled air services****Invitation to tender issued by the United Kingdom under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Glasgow-Campbeltown and Glasgow-Tiree (Scotland)**

(2005/C 322/16)

(Text with EEA relevance)

1. **Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, the United Kingdom has imposed public service obligations (PSOs) in respect of scheduled air services operated between Glasgow-Campbeltown and Glasgow-Tiree. The standards required by these public service obligations were published in *Official Journal of the European Union* C 387/06 and C 387/07 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/03 of 8.12.1999, C 310/07 of 13.12.2002, C 278/05 of 19.11.2003 and C 321 of 16.12.2005.

If, by 1.3.2006, no air carrier has commenced or is about to commence scheduled air services between Glasgow-Campbeltown and Glasgow-Tiree in accordance with the PSOs imposed and without requesting compensation, the United Kingdom has decided, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned regulation, to continue to limit access to these routes to a single air carrier and to offer the right to operate such services from 1.4.2006 by public tender.

2. **Object of invitation to tender:** Operation from 1.4.2006 of scheduled air services between Glasgow-Campbeltown and Glasgow-Tiree in accordance with the public service obligations imposed on these routes and published in *Official Journal of the European Union* C 387/06 and C 387/07 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/03 of 8.12.1999, C 310/07 of 13.12.2002, C 278/05 of 19.11.2003 and C 321 of 16.12.2005.

3. **Participation:** Participation is open to all air carriers holding a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers. The services will operate under the Civil Aviation Authority (CAA) regulatory regime.

4. **Tender procedure:** This invitation 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/qualifications etc.:** The complete tender documentation, including form of tender, specification, conditions of contract/schedule to the conditions of contract, as well as the text of the original public service

obligations published in *Official Journal of the European Union* C 387/06 and C 387/07 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/03 of 8.12.1999 and C 310/07 of 13.12.2002, C 278/05 of 19.11.2003 and C 321 of 16.12.2005, may be obtained free of charge from the awarding authority as follows:

Scottish Executive Enterprise, Transport and Lifelong Learning Department, Transport Division 2/2, Victoria Quay, Edinburgh EH6 6QQ, United Kingdom. Tel. (44-131) 244 08 54, fax (44-131) 244 08 71. (Contact: Grace McGuire, SEETLLD — Transport Division 2/2).

Airlines will be required to include in their tender documents, evidence of their financial standing (an annual report and audited accounts for the past 3 years must be provided and must include turnover and pre-tax profit for the past 3 years), previous experience and technical capability to provide the services described. The awarding authority reserves the right to solicit further information about any applicant's financial and technical resources and abilities.

The right to operate the Glasgow-Campbeltown and Glasgow-Tiree services is being offered on the basis that they may be combined together into one contract, or tenders may be made to operate either of the services. Accordingly, the awarding authority reserves the right to exercise discretion in accepting bids which are to provide one service only or both services, and tenderers should provide separate costings for each bid. Bids whether separate or combined will be evaluated according to which bid(s) is/are the most economically advantageous and will secure the operation of each of the 2 services for the duration of the specified tender period. Tenders should be priced in sterling and all supporting documents must be in English. The contract(s) shall be considered as a contract(s) made under Scottish law and subject to the exclusive jurisdiction of the Scottish courts.

6. **Financial compensation:** Tenders submitted should indicate the amount required by way of grant for operating the services for 3 years from the scheduled starting date (with an analysis to each year). The grant should be calculated in accordance with the specification. The maximum limit finally granted may be revised only in the event of an unforeseen change in the operating conditions.

The contract will be awarded by the Scottish Ministers. All payments under the contract will be in sterling.

7. **Period of validity, amendment and termination of the contract:** A 3-year contract commencing 1.4.2006 will terminate on 31.3.2009. Any amendment or termination of the contract will be in accordance with the conditions of contract. Variations in the service will be permitted only with the agreement of the awarding authority.

8. **Penalties in the event of the carrier failing to comply with the contract:** In the event of the carrier failing to operate a flight for any reason then, subject as mentioned below, the Scottish Ministers may reduce the grant on a pro rata basis for each occasion on which a flight is not operated provided that the Scottish Ministers shall not make any such reduction in the grant where the failure to operate the flight is as a consequence of any of the following, and the appropriate occurrence has not arisen as a consequence of the acts or omissions of the carrier:

- weather/tidal conditions;
- closure of the airports;
- security reasons;

- strikes;
- reasons of safety.

An explanation from the carrier for such non-operation is also required in accordance with the conditions of contract.

9. **Deadline for submission of bids:** One month after the date of publication of this notice.
10. **Application procedure:** Tenders must be sent to the address at 5 above. Persons admitted to open tenders are designated staff from the Scottish Executive's Enterprise, Transport and Lifelong Learning Department and Procurement and Commercial Services Division at the Scottish Executive.
11. **Validity of invitation to tender:** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community air carrier presents, by 1.3.2006, a programme for operating the routes in question from 1.4.2006 or before that date, in accordance with the PSOs imposed, as amended, without receiving any subsidy.
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