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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

21 December 2005

(2005/C 325/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1872	SIT	Slovenian tolar	239,51
JPY	Japanese yen	139,18	SKK	Slovak koruna	37,851
DKK	Danish krone	7,4575	TRY	Turkish lira	1,6043
GBP	Pound sterling	0,67895	AUD	Australian dollar	1,6184
SEK	Swedish krona	9,4300	CAD	Canadian dollar	1,3918
CHF	Swiss franc	1,5529	HKD	Hong Kong dollar	9,2037
ISK	Iceland króna	75,42	NZD	New Zealand dollar	1,7444
NOK	Norwegian krone	8,0495	SGD	Singapore dollar	1,9788
BGN	Bulgarian lev	1,9558	KRW	South Korean won	1 209,04
CYP	Cyprus pound	0,5735	ZAR	South African rand	7,5800
CZK	Czech koruna	28,954	CNY	Chinese yuan renminbi	9,5884
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,4045
HUF	Hungarian forint	251,19	IDR	Indonesian rupiah	11 664,24
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,487
LVL	Latvian lats	0,6965	PHP	Philippine peso	63,343
MTL	Maltese lira	0,4293	RUB	Russian rouble	34,1854
PLN	Polish zloty	3,8283	THB	Thai baht	48,632
RON	Romanian leu	3,6619			

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

Notice concerning a request in accordance with Article 30 of Directive 2004/17/EC — Extension of the period

Request made on behalf of a Member State

(2005/C 325/02)

On 8 November 2005 the Commission received a request in accordance with Article 30(4) of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾.

This request, which comes from the United Kingdom, concerns the production of electricity in that country, with the exception of Northern Ireland (the request therefore concerns the production of electricity in England, Scotland and Wales). The request was published in OJ C 305/19 of 2.12.2005. The initial period expires on 9 February 2006.

Given that the Commission services need to obtain and examine further information and in compliance with the provisions laid down in the third sentence of Article 30(6), the period allowed to the Commission to take a decision on this request is extended by one month.

The final period will therefore expire on 10 March 2006.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.

Prior notification of a concentration
(Case COMP/M.4028 — Flaga/Progas/JV)

(2005/C 325/03)

(Text with EEA relevance)

1. On 14 December 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004⁽¹⁾ by which the undertakings Flaga GmbH ('Flaga', Austria) controlled by Eastfield International Holdings, Inc. and Progas GmbH & Co KG ('Progas', Germany) controlled by Familie Julius Thyssen Beteiligungsgesellschaft mbH acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of a newly created company constituting a joint venture ('JV') by way of purchase of shares. In a related transaction, Flaga acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Progas Flüssiggas HandelsGmbH ('Progas Austria', Austria) controlled by Progas by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Flaga: wholesale and retail sales and distribution of liquefied petroleum gas,
- for Progas: wholesale and retail sales and distribution of liquefied petroleum gas,
- for JV: wholesale and retail sales and distribution of liquefied petroleum gas,
- for Progas Austria: wholesale and retail sales and distribution of liquefied petroleum gas in Austria.

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.4028 — Flaga/Progas/JV, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Prior notification of a concentration
(Case COMP/M.4065 — BS Investimenti/MCC Sofipa/IP Cleaning)
Candidate case for simplified procedure

(2005/C 325/04)

(Text with EEA relevance)

1. On 14 December 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings BS Investimenti SGR S.p.A. ('BS', Italy) belonging to the BS Group, and MCC Sofipa SGR S.p.A. ('MCC Sofipa', Italy) belonging to the Capitalia Group, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking IP Cleaning S.p.A. ('IPC', Italy), currently solely controlled by BS, by way of contract of management or any other means.

2. The business activities of the undertakings concerned are:

- for BS: management of investment funds;
- for MCC Sofipa: management of investment funds;
- for IPC: production and distribution of cleaning machines.

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 ⁽²⁾ 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.4065 — BS Investimenti/MCC Sofipa/IP Cleaning, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.

Prior notification of a concentration
(Case COMP/M.4075 — Providence/Carlyle/Com Hem)
Candidate case for simplified procedure

(2005/C 325/05)

(Text with EEA relevance)

1. On 14 December 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾, by which Carlyle Europe Partners II L. P. ('Carlyle', USA) and Providence Equity Offshore Partners V LP ('Providence', Cayman Islands) acquire, within the meaning of Article 3(1)(b) of the Council Regulation, joint control of Nordic Communication Services AB, the ultimate parent of the Com Hem Group, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Carlyle: private global investment firm;
 - for Providence: private investment fund of Providence Equity Partners Inc. which is a global private investment firm specializing in equity investments in media and communications companies;
 - for Com Hem Group: provision of cable TV, telephony and broadband services in Sweden.
3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) 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 ⁽²⁾ 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.4075 — Providence/Carlyle/Com Hem to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.

Information concerning complaint No 2005/4347

(2005/C 325/06)

On 18 October 2005 the Commission addressed Italy a letter for formal notice concerning the abovementioned complaint, regarding the management of water in the Lago d'Idro area, with reference to a site of relevance under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

This infringement procedure does not relate to the violation of the provisions of Directive 92/43/EEC in the specific case, but to the violation of Article 10 EC Treaty due to the failure by Italy to cooperate with the Commission in providing the information requested by the Commission.

Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004

(2005/C 325/07)

(Text with EEA relevance)

I. INTRODUCTION AND SUBJECT-MATTER OF THE NOTICE

1. Access to the Commission file is one of the procedural guarantees intended to apply the principle of equality of arms and to protect the rights of the defence. Access to the file is provided for in Article 27(1) and (2) of Council Regulation (EC) No 1/2003 ⁽¹⁾, Article 15(1) of Commission Regulation (EC) No 773/2004 ('the Implementing Regulation') ⁽²⁾, Article 18(1) and (3) of the Council Regulation (EC) No 139/2004 ('Merger Regulation') ⁽³⁾ and Article 17(1) of Commission Regulation (EC) No 802/2004 ('the Merger Implementing Regulation') ⁽⁴⁾. In accordance with these provisions, before taking decisions on the basis of Articles 7, 8, 23 and 24(2) of Regulation (EC) No 1/2003 and Articles 6(3), 7(3), 8(2) to (6), 14 and 15 of the Merger Regulation, the Commission shall give the persons, undertakings or associations of undertakings, as the case may be, an opportunity of making known their views on the objections against them and they shall be entitled to have access to the Commission's file in order to fully respect their rights of defence in the proceedings. The present notice provides the framework for the exercise of the right set out in these provisions. It does not cover the possibility of the provision of documents in the context of other proceedings. This notice is without prejudice to the interpretation of such provisions by the Community Courts. The principles set out in this Notice apply also when the Commission enforces Articles 53, 54 and 57 of the EEA Agreement ⁽⁵⁾.
2. This specific right outlined above is distinct from the general right to access to documents under Regulation (EC) No 1049/2001 ⁽⁶⁾, which is subject to different criteria and exceptions and pursues a different purpose.
3. The term access to the file is used in this notice exclusively to mean the access granted to the persons, undertakings or association of undertakings to whom the Commission has addressed a statement of objections. This notice clarifies who has access to the file for this purpose.
4. The same term, or the term access to documents, is also used in the above-mentioned regulations in respect of complainants or other involved parties. These situations are, however, distinct from that of the addressees of a statement of objections and therefore do not fall under the definition of access to the file for the purposes of this notice. These related situations are dealt with in a separate section of the notice.
5. This notice also explains to which information access is granted, when access takes place and what are the procedures for implementing access to the file.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L 1, 4.1.2003, p. 1-25.

⁽²⁾ Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty, OJ L 123, 27.4.2004, p. 18-24.

⁽³⁾ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, OJ L 24, 29.1.2004, p. 1-22.

⁽⁴⁾ Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings, OJ L 133, 30.4.2004, p. 1-39. Corrected in the OJ L 172, 6.5.2004, p. 9.

⁽⁵⁾ References in this Notice to Articles 81 and 82 therefore apply also to Articles 53 and 54 of the EEA Agreement.

⁽⁶⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43. See for instance Case T-2/03, *Verein für Konsumenteninformation v. Commission*, judgment of 13 April 2005, not yet reported.

6. As from its publication, this notice replaces the 1997 Commission notice on access to the file ⁽¹⁾. The new rules take account of the legislation applicable as of 1 May 2004, namely the above referred Regulation (EC) No 1/2003, Merger Regulation, Implementing Regulation and Merger Implementing Regulation, as well as the Commission Decision of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings ⁽²⁾. It also takes into account the recent case law of the Court of Justice and the Court of First Instance of the European Communities ⁽³⁾ and the practice developed by the Commission since the adoption of the 1997 notice.

II. SCOPE OF ACCESS TO THE FILE

A. Who is entitled to access to the file?

7. Access to the file pursuant to the provisions mentioned in paragraph 1 is intended to enable the effective exercise of the rights of defence against the objections brought forward by the Commission. For this purpose, both in cases under Articles 81 and 82 EC and in cases under the Merger Regulation, access is granted, upon request, to the persons, undertakings or associations of undertakings ⁽⁴⁾, as the case may be, to which the Commission addresses its objections ⁽⁵⁾ (hereinafter, 'the parties').

B. To which documents is access granted?

1. *The content of the Commission file*
8. The 'Commission file' in a competition investigation (hereinafter also referred to as 'the file') consists of all documents ⁽⁶⁾, which have been obtained, produced and/or assembled by the Commission Directorate General for Competition, during the investigation.
9. In the course of investigation under Articles 20, 21 and 22(2) of Regulation (EC) No 1/2003 and Articles 12 and 13 of the Merger Regulation, the Commission may collect a number of documents, some of which may, following a more detailed examination, prove to be unrelated to the subject matter of the case in question. Such documents may be returned to the undertaking from which those have been obtained. Upon return, these documents will no longer constitute part of the file.
2. *Accessible documents*
10. The parties must be able to acquaint themselves with the information in the Commission's file, so that, on the basis of this information, they can effectively express their views on the preliminary conclusions reached by the Commission in its objections. For this purpose they will be granted access to all documents making up the Commission file, as defined in paragraph 8, with the exception of internal documents, business secrets of other undertakings, or other confidential information ⁽⁷⁾.

⁽¹⁾ Commission notice on the internal rules of procedure for processing requests for access to the file in cases under Articles 85 and 86 [now 81 and 82] of the EC Treaty, Articles 65 and 66 of the ECSC Treaty and Council Regulation (EEC) No 4064/89, OJ C 23, 23.1.1997, p. 3.

⁽²⁾ OJ L 162, 19.6.2001, p. 21.

⁽³⁾ In particular Joint Cases T-25/95 et al., *Cimenteries CBR SA et al. v Commission*, [2000] ECR II-0491.

⁽⁴⁾ In the remainder of this Notice, the term 'undertaking' includes both undertakings and associations of undertakings. The term 'person' encompasses natural and legal persons. Many entities are legal persons and undertakings at the same time; in this case, they are covered by both terms. The same applies where a natural person is an undertaking within the meaning of Articles 81 and 82. In Merger proceedings, account must also be taken of persons referred to in Article 3(1)(b) of the Merger Regulation, even when they are natural persons. Where entities without legal personality which are also not undertakings become involved in Commission competition proceedings, the Commission applies, where appropriate, the principles set out in this Notice *mutatis mutandis*.

⁽⁵⁾ Cf. Article 15(1) of the Implementing Regulation, Article 18(3) of the Merger Regulation and Article 17(1) of the Merger Implementing Regulation.

⁽⁶⁾ In this notice the term 'document' is used for all forms of information support, irrespective of the storage medium. This covers also any electronic data storage device as may be or become available.

⁽⁷⁾ Cf. Article 27(2) of Regulation (EC) No 1/2003, Articles 15(2) and 16(1) of the Implementing Regulation, and Article 17(3) of the Merger Implementing Regulation. Those exceptions are also mentioned in Case T-7/89, *Hercules Chemicals v Commission*, [1991] ECR II-1711, paragraph 54. The Court has ruled that it does not belong to the Commission alone to decide which documents in the file may be useful for the purposes of the defence (Cf. Case T-30/91 *Solvay v. Commission*, [1995] ECR II-1775, paragraphs 81-86, and Case T-36/91 *ICI vs. Commission*, [1995] ECR II-1847, paragraphs 91-96).

11. Results of a study commissioned in connection with proceedings are accessible together with the terms of reference and the methodology of the study. Precautions may however be necessary in order to protect intellectual property rights.

3. *Non-accessible documents*

3.1. Internal documents

3.1.1 General principles

12. Internal documents can be neither incriminating nor exculpatory ⁽¹⁾. They do not constitute part of the evidence on which the Commission can rely in its assessment of a case. Thus, the parties will not be granted access to internal documents in the Commission file ⁽²⁾. Given their lack of evidential value, this restriction on access to internal documents does not prejudice the proper exercise of the parties' right of defence ⁽³⁾.

13. There is no obligation on the Commission departments to draft any minutes of meetings ⁽⁴⁾ with any person or undertaking. If the Commission chooses to make notes of such meetings, such documents constitute the Commission's own interpretation of what was said at the meetings, for which reason they are classified as internal documents. Where, however, the person or undertaking in question has agreed the minutes, such minutes will be made accessible after deletion of any business secrets or other confidential information. Such agreed minutes constitute part of the evidence on which the Commission can rely in its assessment of a case ⁽⁵⁾.

14. In the case of a study commissioned in connection with proceedings, correspondence between the Commission and its contractor containing evaluation of the contractor's work or relating to financial aspects of the study, are considered internal documents and will thus not be accessible.

3.1.2 Correspondence with other public authorities

15. A particular case of internal documents is the Commission's correspondence with other public authorities and the internal documents received from such authorities (whether from EC Member States (the Member States) or non-member countries). Examples of such non-accessible documents include:

- correspondence between the Commission and the competition authorities of the Member States, or between the latter ⁽⁶⁾;
- correspondence between the Commission and other public authorities of the Member States ⁽⁷⁾;
- correspondence between the Commission, the EFTA Surveillance Authority and public authorities of EFTA States ⁽⁸⁾;
- correspondence between the Commission and public authorities of non-member countries, including their competition authorities, in particular where the Community and a third country have concluded an agreement governing the confidentiality of the information exchanged ⁽⁹⁾.

⁽¹⁾ Examples of internal documents are drafts, opinions, memos or notes from the Commission departments or other public authorities concerned.

⁽²⁾ Cf. Article 27(2) of Regulation (EC) No 1/2003, Article 15(2) of the Implementing Regulation, and Article 17(3) of the Merger Implementing Regulation.

⁽³⁾ Cf. paragraph 1 above.

⁽⁴⁾ Cf. judgement of 30.9.2003 in Joined Cases T-191/98 and T-212/98 to T-214/98 *Atlantic Container Line and others v Commission (TACA)*, [2003] ECR II-3275, paragraphs 349-359.

⁽⁵⁾ Statements recorded pursuant to Article 19 or Article 20(2)(e) of Regulation 1/2003 or Article 13(2)(e) of Merger Regulation will also normally belong to the accessible documents (see paragraph 10 above).

⁽⁶⁾ Cf. Article 27(2) of Regulation (EC) No 1/2003, Article 15(2) of the Implementing Regulation, Article 17(3) of the Merger Implementing Regulation.

⁽⁷⁾ Cf. Order of the Court of First Instance in Cases T-134/94 et al *NMH Stahlwerke and Others v Commission* [1997] ECR II-2293, paragraph 36, and Case T-65/89, *BPB Industries and British Gypsum* [1993] ECR II-389, paragraph 33.

⁽⁸⁾ In this notice the term 'EFTA States' includes the EFTA States that are parties to the EEA Agreement.

⁽⁹⁾ For example, Article VIII.2 of the Agreement between the European Communities and the Government of the United States of America regarding the application of their competition laws (OJ No L 95, 27.4.1995, p. 47) stipulates that information provided to it in confidence under the Agreement must be protected 'to the fullest extent possible'. That Article creates an international-law obligation binding the Commission.

16. In certain exceptional circumstances, access is granted to documents originating from Member States, the EFTA Surveillance Authority or EFTA States, after deletion of any business secrets or other confidential information. The Commission will consult the entity submitting the document prior to granting access to identify business secrets or other confidential information.

This is the case where the documents originating from Member States contain allegations brought against the parties, which the Commission must examine, or form part of the evidence in the investigative process, in a way similar to documents obtained from private parties. These considerations apply, in particular, as regards:

- documents and information exchanged pursuant to Article 12 of Regulation (EC) No 1/2003, and information provided to the Commission pursuant to Article 18(6) of Regulation (EC) No 1/2003;
- complaints lodged by a Member State under Article 7(2) of Regulation (EC) No 1/2003.

Access will also be granted to documents originating from Member States or the EFTA Surveillance Authority in so far as they are relevant to the parties' defence with regard to the exercise of competence by the Commission ⁽¹⁾.

3.2. Confidential information

17. The Commission file may also include documents containing two categories of information, namely business secrets and other confidential information, to which access may be partially or totally restricted ⁽²⁾. Access will be granted, where possible, to non-confidential versions of the original information. Where confidentiality can only be assured by summarising the relevant information, access will be granted to a summary. All other documents are accessible in their original form.

3.2.1 Business secrets

18. In so far as disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking, such information constitutes business secrets ⁽³⁾. Examples of information that may qualify as business secrets include: technical and/or financial information relating to an undertaking's know-how, methods of assessing costs, production secrets and processes, supply sources, quantities produced and sold, market shares, customer and distributor lists, marketing plans, cost and price structure and sales strategy.

3.2.2 Other confidential information

19. The category 'other confidential information' includes information other than business secrets, which may be considered as confidential, insofar as its disclosure would significantly harm a person or undertaking. Depending on the specific circumstances of each case, this may apply to information provided by third parties about undertakings which are able to place very considerable economic or commercial pressure on their competitors or on their trading partners, customers or suppliers. The Court of First Instance and the Court of Justice have acknowledged that it is legitimate to refuse to reveal to such undertakings certain letters received from their customers, since their disclosure might easily expose the authors to the risk of retaliatory measures ⁽⁴⁾. Therefore the notion of other confidential information may include information that would enable the parties to identify complainants or other third parties where those have a justified wish to remain anonymous.

⁽¹⁾ In the merger control area, this may apply in particular to submissions by a Member State under Article 9 (2) of the Merger Regulation with regard to a case referral.

⁽²⁾ Cf. Article 16(1) of the Implementing Regulation and Article 17(3) of the Merger Implementing Regulation; Case T-7/89 *Hercules Chemicals NV v Commission*, [1991] ECR II-1711, paragraph 54; Case T-23/99, *LR AF 1998 A/S v Commission*, [2002] ECR II-1705, paragraph 170.

⁽³⁾ Judgement of 18.9.1996 in Case T-353/94, *Postbank NV v Commission*, [1996] ECR II-921, paragraph 87.

⁽⁴⁾ The Community Courts have pronounced upon this question both in cases of alleged abuse of a dominant position (Article 82 of the EC Treaty) (Case T-65/89, *BPB Industries and British Gypsum* [1993] ECR II-389; and Case C-310/93P, *BPB Industries and British Gypsum* [1995] ECR I-865), and in merger cases (Case T-221/95 *Endemol v Commission* [1999] ECR II-1299, paragraph 69, and Case T-5/02 *Laval v. Commission* [2002] ECR II-4381, paragraph 98 et seq.).

20. The category of other confidential information also includes military secrets.

3.2.3 *Criteria for the acceptance of requests for confidential treatment.*

21. Information will be classified as confidential where the person or undertaking in question has made a claim to this effect and such claim has been accepted by the Commission ⁽¹⁾.
22. Claims for confidentiality must relate to information which is within the scope of the above descriptions of business secrets or other confidential information. The reasons for which information is claimed to be a business secret or other confidential information must be substantiated ⁽²⁾. Confidentiality claims can normally only pertain to information obtained by the Commission from the same person or undertaking and not to information from any other source.
23. Information relating to an undertaking but which is already known outside the undertaking (in case of a group, outside the group), or outside the association to which it has been communicated by that undertaking, will not normally be considered confidential ⁽³⁾. Information that has lost its commercial importance, for instance due to the passage of time, can no longer be regarded as confidential. As a general rule, the Commission presumes that information pertaining to the parties' turnover, sales, market-share data and similar information which is more than 5 years old is no longer confidential ⁽⁴⁾.
24. In proceedings under Articles 81 and 82 of the Treaty, the qualification of a piece of information as confidential is not a bar to its disclosure if such information is necessary to prove an alleged infringement ('inculpatory document') or could be necessary to exonerate a party ('exculpatory document'). In this case, the need to safeguard the rights of the defence of the parties through the provision of the widest possible access to the Commission file may outweigh the concern to protect confidential information of other parties ⁽⁵⁾. It is for the Commission to assess whether those circumstances apply to any specific situation. This calls for an assessment of all relevant elements, including:
- the relevance of the information in determining whether or not an infringement has been committed, and its probative value;
 - whether the information is indispensable;
 - the degree of sensitivity involved (to what extent would disclosure of the information harm the interests of the person or undertaking in question)
 - the preliminary view of the seriousness of the alleged infringement.

Similar considerations apply to proceedings under the Merger Regulation when the disclosure of information is considered necessary by the Commission for the purpose of the procedure ⁽⁶⁾.

25. Where the Commission intends to disclose information, the person or undertaking in question shall be granted the possibility to provide a non-confidential version of the documents where that information is contained, with the same evidential value as the original documents ⁽⁷⁾.

C. When is access to the file granted?

26. Prior to the notification of the Commission's statement of objections pursuant to the provisions mentioned in paragraph 1, the parties have no right of access to the file.

⁽¹⁾ See paragraph 40 below.

⁽²⁾ See paragraph 35 below.

⁽³⁾ However, business secrets or other confidential information which are given to a trade or professional association by its members do not lose their confidential nature with regard to third parties and may therefore not be passed on to complainants. Cf. Joined Cases 209 to 215 and 218/78, *Fedetab*, [1980] ECR 3125, paragraph 46.

⁽⁴⁾ See paragraphs 35-38 below on asking undertakings to identify confidential information.

⁽⁵⁾ Cf. Article 27(2) of Regulation (EC) No 1/2003 and Article 15(3) of the Implementing Regulation.

⁽⁶⁾ Article 18(1) of the Merger Implementing Regulation.

⁽⁷⁾ Cf. paragraph 42 below.

1. *In antitrust proceedings under Articles 81 and 82 of the Treaty*

27. Access to the file will be granted upon request and, normally, on a single occasion, following the notification of the Commission's objections to the parties, in order to ensure the principle of equality of arms and to protect their rights of defence. As a general rule, therefore, no access will be granted to other parties' replies to the Commission's objections.

A party will, however, be granted access to documents received after notification of the objections at later stages of the administrative procedure, where such documents may constitute new evidence — whether of an incriminating or of an exculpatory nature —, pertaining to the allegations concerning that party in the Commission's statement of objections. This is particularly the case where the Commission intends to rely on new evidence.

2. *In proceedings under the Merger Regulation*

28. In accordance with Article 18(1) and (3) of the Merger Regulation and Article 17(1) of the Merger Implementing Regulation, the notifying parties will be given access to the Commission's file upon request at every stage of the procedure following the notification of the Commission's objections up to the consultation of the Advisory Committee. In contrast, this notice does not address the possibility of the provision of documents before the Commission states its objections to undertakings under the Merger Regulation ⁽¹⁾.

III. PARTICULAR QUESTIONS REGARDING COMPLAINANTS AND OTHER INVOLVED PARTIES

29. The present section relates to situations where the Commission may or has to provide access to certain documents contained in its file to the complainants in antitrust proceedings and other involved parties in merger proceedings. Irrespective of the wording used in the antitrust and merger implementing regulations ⁽²⁾, these two situations are distinct — in terms of scope, timing, and rights — from access to the file, as defined in the preceding section of this notice.

A. Provision of documents to complainants in antitrust proceedings

30. The Court of First Instance has ruled ⁽³⁾ that complainants do not have the same rights and guarantees as the parties under investigation. Therefore complainants cannot claim a right of access to the file as established for parties.

31. However, a complainant who, pursuant to Article 7(1) of the Implementing Regulation, has been informed of the Commission's intention to reject its complaint ⁽⁴⁾, may request access to the documents on which the Commission has based its provisional assessment ⁽⁵⁾. The complainant will be provided access to such documents on a single occasion, following the issuance of the letter informing the complainant of the Commission's intention to reject its complaint.

32. Complainants do not have a right of access to business secrets or other confidential information which the Commission has obtained in the course of its investigation ⁽⁶⁾.

⁽¹⁾ This question is dealt with in the Directorate General Competition document 'DG COMP Best Practices on the conduct of EC merger control proceedings', available on the web-site of the Directorate General for Competition: http://europa.eu.int/comm/competition/index_en.html.

⁽²⁾ Cf. Article 8(1) of the Implementing Regulation, which speaks about 'access to documents' to complainants and Article 17(2) of Merger Implementing Regulation which speaks about 'access to file' to other involved parties 'in so far as this is necessary for the purposes of preparing their comments'.

⁽³⁾ See Case T-17/93 *Matra-Hachette SA v Commission*, [1994] ECR II-595, paragraph 34. The Court ruled that the rights of third parties, as laid down by Article 19 of the Council Regulation No 17 of 6.2.1962 (now replaced by Article 27 of Regulation (EC) No 1/2003), were limited to the right to participate in the administrative procedure.

⁽⁴⁾ By means of a letter issued in accordance with Article 7(1) of the Implementing Regulation.

⁽⁵⁾ Cf. Article 8(1) of the Implementing Regulation.

⁽⁶⁾ Cf. Article 8(1) of the Implementing Regulation.

B. Provision of documents to other involved parties in merger proceedings

33. In accordance with Article 17(2) of the Merger Implementing Regulation, access to the file in merger proceedings shall also be given, upon request, to other involved parties who have been informed of the objections in so far as this is necessary for the purposes of preparing their comments.
34. Such other involved parties are parties to the proposed concentration other than the notifying parties, such as the seller and the undertaking which is the target of the concentration ⁽¹⁾.

IV. PROCEDURE FOR IMPLEMENTING ACCESS TO THE FILE

A. Preparatory procedure

35. Any person which submits information or comments in one of the situations listed hereunder, or subsequently submits further information to the Commission in the course of the same procedures, has an obligation to clearly identify any material which it considers to be confidential, giving reasons, and provide a separate non-confidential version by the date set by the Commission for making its views known ⁽²⁾:
- a) In antitrust proceedings
- an addressee of a Commission's statement of objections making known its views on the objections ⁽³⁾;
 - a complainant making known its views on a Commission statement of objections ⁽⁴⁾;
 - any other natural or legal person, which applies to be heard and shows a sufficient interest, or which is invited by the Commission to express its views, making known its views in writing or at an oral hearing ⁽⁵⁾;
 - a complainant making known his views on a Commission letter informing him on the Commission's intention to reject the complaint ⁽⁶⁾.
- b) In merger proceedings
- notifying parties or other involved parties making known their views on Commission objections adopted with a view to take a decision with regard to a request for a derogation from suspension of a concentration and which adversely affects one or more of those parties, or on a provisional decision adopted in the matter ⁽⁷⁾;
 - notifying parties to whom the Commission has addressed a statement of objections, other involved parties who have been informed of those objections or parties to whom the Commission has addressed objections with a view to inflict a fine or a periodic penalty payment, submitting their comments on the objections ⁽⁸⁾;
 - third persons who apply to be heard, or any other natural or legal person invited by the Commission to express their views, making known their views in writing or at an oral hearing ⁽⁹⁾;
 - any person which supplies information pursuant to Article 11 of the Merger Regulation.

⁽¹⁾ Cf. Article 11(b) of the Merger Implementing Regulation.

⁽²⁾ Cf. Article 16(2) of the Implementing Regulation and Article 18(2) of the Merger Implementing Regulation.

⁽³⁾ pursuant to Article 10(2) of the Implementing Regulation.

⁽⁴⁾ pursuant to Article 6(1) of the Implementing Regulation.

⁽⁵⁾ pursuant to Article 13(1) and (3) of the Implementing Regulation.

⁽⁶⁾ pursuant to Article 7(1) of the Implementing Regulation.

⁽⁷⁾ Article 12 of the Merger Implementing Regulation.

⁽⁸⁾ Article 13 of the Merger Implementing Regulation.

⁽⁹⁾ pursuant to Article 16 of the Merger Implementing Regulation.

36. Moreover, the Commission may require undertakings ⁽¹⁾, in all cases where they produce or have produced documents, to identify the documents or parts of documents, which they consider to contain business secrets or other confidential information belonging to them, and to identify the undertakings with regard to which such documents are to be considered confidential ⁽²⁾.
37. For the purposes of quickly dealing with confidentiality claims referred to in paragraph 36 above, the Commission may set a time-limit within which the undertakings shall: (i) substantiate their claim for confidentiality with regard to each individual document or part of document; (ii) provide the Commission with a non-confidential version of the documents, in which the confidential passages are deleted ⁽³⁾. In antitrust proceedings the undertakings in question shall also provide within the said time-limit a concise description of each piece of deleted information ⁽⁴⁾.
38. The non-confidential versions and the descriptions of the deleted information must be established in a manner that enables any party with access to the file to determine whether the information deleted is likely to be relevant for its defence and therefore whether there are sufficient grounds to request the Commission to grant access to the information claimed to be confidential.

B. Treatment of confidential information

39. In antitrust proceedings, if undertakings fail to comply with the provisions set out in paragraphs 35 to 37 above, the Commission may assume that the documents or statements concerned do not contain confidential information ⁽⁵⁾. The Commission may consequently assume that the undertaking has no objections to the disclosure of the documents or statements concerned in their entirety.
40. In both antitrust proceedings and in proceedings under the Merger Regulation, should the person or undertaking in question meet the conditions set out in paragraphs 35 to 37 above, to the extent they are applicable, the Commission will either:
- provisionally accept the claims which seem justified; or
 - inform the person or undertaking in question that it does not agree with the confidentiality claim in whole or in part, where it is apparent that the claim is unjustified.
41. The Commission may reverse its provisional acceptance of the confidentiality claim in whole or in part at a later stage.
42. Where the Directorate General for Competition does not agree with the confidentiality claim from the outset or where it takes the view that the provisional acceptance of the confidentiality claim should be reversed, and thus intends to disclose information, it will grant the person or undertaking in question an opportunity to express its views. In such cases, the Directorate General for Competition will inform the person or undertaking in writing of its intention to disclose information, give its reasons and set a time-limit within which such person or undertaking may inform it in writing of its views. If, following submission of those views, a disagreement on the confidentiality claim persists, the matter will be dealt with by the Hearing Officer according to the applicable Commission terms of reference of Hearing Officers ⁽⁶⁾.

⁽¹⁾ In merger proceedings the principles set out in the present and subsequent paragraphs also apply to the persons referred to in Article 3(1)(b) of Merger Regulation.

⁽²⁾ Cf. Article 16(3) of the Implementing Regulation and Article 18(3) of the Merger Implementing Regulation. This also applies to documents gathered by the Commission in an inspection pursuant to Article 13 of the Merger Regulation and Articles 20 and 21 of Regulation (EC) No 1/2003.

⁽³⁾ Cf. Article 16(3) of the Implementing Regulation and Article 18(3) of the Merger Implementing Regulation.

⁽⁴⁾ Cf. Article 16(3) of the Implementing Regulation.

⁽⁵⁾ Cf. Article 16 of the Implementing Regulation.

⁽⁶⁾ Cf. Article 9 of the Commission Decision of 23.5.2001 on the terms of reference of hearing officers in certain competition proceedings, OJ L 162 19.6.2001, p. 21.

43. Where there is a risk that an undertaking which is able to place very considerable economic or commercial pressure on its competitors or on its trading partners, customers or suppliers will adopt retaliatory measures against those, as a consequence of their collaboration in the investigation carried out by the Commission ⁽¹⁾, the Commission will protect the anonymity of the authors by providing access to a non-confidential version or summary of the responses in question ⁽²⁾. Requests for anonymity in such circumstances, as well as requests for anonymity according to point 81 of the Commission Notice on the handling of complaints ⁽³⁾ will be dealt with according to paragraphs 40 to 42 above.

C. Provision of access to file

44. The Commission may determine that access to the file shall be granted in one of the following ways, taking due account of the technical capabilities of the parties:
- by means of a CD-ROM(s) or any other electronic data storage device as may become available in future;
 - through copies of the accessible file in paper form sent to them by mail;
 - by inviting them to examine the accessible file on the Commission's premises.
- The Commission may choose any combination of these methods.
45. In order to facilitate access to the file, the parties will receive an enumerative list of documents setting out the content of the Commission file, as defined in paragraph 8 above.
46. Access is granted to evidence as contained in the Commission file, in its original form: the Commission is under no obligation to provide a translation of documents in the file ⁽⁴⁾.
47. If a party considers that, after having obtained access to the file, it requires knowledge of specific non-accessible information for its defence, it may submit a reasoned request to that end to the Commission. If the services of the Directorate General for Competition are not in a position to accept the request and if the party disagrees with that view, the matter will be resolved by the Hearing Officer, in accordance with the applicable terms of reference of Hearing Officers ⁽⁵⁾.
48. Access to the file in accordance with this notice is granted on the condition that the information thereby obtained may only be used for the purposes of judicial or administrative proceedings for the application of the Community competition rules at issue in the related administrative proceedings ⁽⁶⁾. Should the information be used for a different purpose, at any point in time, with the involvement of an outside counsel, the Commission may report the incident to the bar of that counsel, with a view to disciplinary action.
49. With the exception of paragraphs 45 and 47, this section C applies equally to the grant of access to documents to complainants (in antitrust proceedings) and to other involved parties (in merger proceedings).

⁽¹⁾ Cf. paragraph 19 above.

⁽²⁾ Cf. Case T-5/02, *Tetra Laval vs. Commission*, [2002] ECR II-4381, paragraph 98, 104 and 105.

⁽³⁾ Commission Notice on the handling of complaints by the Commission under Articles 81 and 82 of the EC Treaty, OJ C 101, 27.4.2004, p. 65.

⁽⁴⁾ Cf. Case T-25/95 et al. *Cimenteries*, paragraph 635.

⁽⁵⁾ Cf. Article 8 of the Commission Decision of 23.5.2001 on the terms of reference of hearing officers in certain competition proceedings, OJ L 162, 19.6.2001, p. 21.

⁽⁶⁾ Cf. Articles 15(4) and 8(2) of the Implementing Regulation, respectively, and Article 17(4) of the Merger Implementing Regulation.

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

(2005/C 325/08)

(Text with EEA relevance)

Date of adoption: 7.10.2005**Member State:** Poland [Dolnośląskie]**Aid No:** N 221/2005**Title:** Program pomocy regionalnej dla przedsiębiorców inwestujących na terenie gminy Kobierzyce**Legal basis:** Ustawa o samorządzie gminnym z dnia 8 marca 1990 r.; Ustawa o podatkach i opłatach lokalnych z dnia 12 stycznia 1991 r.; Projekt Uchwały Rady Gminy w Kobierzycach w sprawie zwolnień z podatku od nieruchomości dla przedsiębiorców na terenie gminy Kobierzyce**Objective:** Regional development (All sectors)**Budget:** PLN 1,5 million**Duration:** 31.12.2006**Aid intensity or amount:** 50 %**Other information:** Aid scheme — Tax advantage

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

http://europa.eu.int/comm/secretariat_general/sgb/state_aids/**Date of adoption:** 13.9.2005**Member State:** Germany (Schleswig-Holstein)**Aid No:** N 345/05**Title:** Abänderung des EFRE-Risikokapitalfonds Schleswig-Holstein**Legal basis:** Beteiligungsgrundsätze**Objective:** Risk capital — All sectors**Budget:** EUR 500 000 — 750 000**Duration:** 31.12.2008

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

http://europa.eu.int/comm/secretariat_general/sgb/state_aids/

COMMUNICATION FROM THE COMMISSION

Corresponding values of the thresholds of Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council

(2005/C 325/09)

The corresponding values in the national currencies other than euro of the thresholds of Directives 2004/17/EC and 2004/18/EC, as last amended by Commission Regulation (EC) No 2083/2005 ⁽¹⁾, are the following:

EUR 80 000	CYP	Cyprus Pound	46 490
	CZK	Czech Koruna	2 505 315
	DKK	Danish Krone	595 338
	EEK	Estonian Kroon	1 251 728
	GBP	Pound Sterling	54 738
	HUF	Hungarian forint	20 101 006
	LTL	Lithuanian Litas	276 225
	LVL	Latvian Lats	53 821
	MTL	Maltese lira	34 299
	PLN	New Polish Zloty	350 962
	SEK	Swedish Krona	730 728
	SIT	Slovenian Tolar	19 098 173
SKK	Slovak Koruna	3 182 081	
EUR 137 000	CYP	Cyprus Pound	79 614
	CZK	Czech Koruna	4 290 353
	DKK	Danish Krone	1 019 516
	EEK	Estonian Kroon	2 143 584
	GBP	Pound Sterling	93 738
	HUF	Hungarian forint	34 422 973
	LTL	Lithuanian Litas	473 036
	LVL	Latvian Lats	92 169
	MTL	Maltese lira	58 737
	PLN	New Polish Zloty	601 022
	SEK	Swedish Krona	1 251 372
	SIT	Slovenian Tolar	32 705 621
SKK	Slovak Koruna	5 449 314	

(¹) OJ L 333, 20.12.2005, p. 28.

EUR 211 000	CYP	Cyprus Pound	122 618
	CZK	Czech Koruna	6 607 769
	DKK	Danish Krone	1 570 203
	EEK	Estonian Kroon	3 301 433
	GBP	Pound Sterling	144 371
	HUF	Hungarian forint	53 016 404
	LTL	Lithuanian Litas	728 544
	LVL	Latvian Lats	141 953
	MTL	Maltese lira	90 464
	PLN	New Polish Zloty	925 661
	SEK	Swedish Krona	1 927 295
	SIT	Slovenian Tolar	50 371 431
	SKK	Slovak Koruna	8 392 739
EUR 422 000	CYP	Cyprus Pound	245 235
	CZK	Czech Koruna	13 215 538
	DKK	Danish Krone	3 140 406
	EEK	Estonian Kroon	6 602 865
	GBP	Pound Sterling	288 741
	HUF	Hungarian forint	106 032 808
	LTL	Lithuanian Litas	1 457 088
	LVL	Latvian Lats	283 906
	MTL	Maltese lira	180 928
	PLN	New Polish Zloty	1 851 323
	SEK	Swedish Krona	3 854 590
	SIT	Slovenian Tolar	100 742 861
	SKK	Slovak Koruna	16 785 478

EUR 1 000 000	CYP	Cyprus Pound	581 126
	CZK	Czech Koruna	31 316 442
	DKK	Danish Krone	7 441 721
	EEK	Estonian Kroon	15 646 600
	GBP	Pound Sterling	684 221
	HUF	Hungarian forint	251 262 578
	LTL	Lithuanian Litas	3 452 816
	LVL	Latvian Lats	672 763
	MTL	Maltese lira	428 739
	PLN	New Polish Zloty	4 387 020
	SEK	Swedish Krona	9 134 099
	SIT	Slovenian Tolar	238 727 159
	SKK	Slovak Koruna	39 776 014
EUR 5 278 000	CYP	Cyprus Pound	3 067 181
	CZK	Czech Koruna	165 288 180
	DKK	Danish Krone	39 277 401
	EEK	Estonian Kroon	82 582 755
	GBP	Pound Sterling	3 611 319
	HUF	Hungarian forint	1 326 163 884
	LTL	Lithuanian Litas	18 223 961
	LVL	Latvian Lats	3 550 844
	MTL	Maltese lira	2 262 883
	PLN	New Polish Zloty	23 154 692
	SEK	Swedish Krona	48 209 777
	SIT	Slovenian Tolar	1 260 001 948
	SKK	Slovak Koruna	209 937 800

Notice of initiation of a partial interim review of the anti-dumping measures concerning imports of synthetic staple fibres of polyesters originating in the People's Republic of China, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India

(2005/C 325/10)

The Commission has decided on its own initiative to initiate a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')⁽¹⁾. The review is limited to the examination of the product scope as regards the exclusion of low melt polyester staple fibres ('LMP').

1. Product

The product under review is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning originating in the People's Republic of China, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India ('the product concerned') and is currently classifiable within CN code 5503 20 00. It is commonly referred to as polyester staple fibres or PSF. This CN code is given only for information.

2. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1522/2000⁽²⁾ concerning imports originating in Australia, Indonesia and Thailand, by Regulation (EC) No 2852/2000⁽³⁾ concerning imports originating in the Republic of Korea and India, by Council Regulation (EC) No 1799/2002⁽⁴⁾ concerning imports originating in Belarus and by Council Regulation (EC) No 428/2005⁽⁵⁾ concerning imports originating in the People's Republic of China and Saudi Arabia. On 14 July 2005⁽⁶⁾, a review of the existing measures concerning imports originating in Australia, Indonesia and Thailand was initiated on the basis of Article 11(2) of the basic Regulation.

3. Grounds for the review

The information at the Commission's disposal indicates that LMP, should be excluded from the scope of the product concerned, as it appears to have different basic physical and chemical characteristics and end uses in comparison to other types of polyester staple fibres. In particular, LMP appears to have inherent binding properties which differentiate it from other polyester staple fibres.

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

⁽²⁾ OJ L 175, 14.7.2000, p. 10.

⁽³⁾ OJ L 332, 28.12.2000, p. 17. Regulation as amended by Council Regulation (EC) No 428/2005 (OJ L 71, 17.3.2005, p. 1).

⁽⁴⁾ OJ L 274, 11.10.2002, p. 1.

⁽⁵⁾ OJ L 71, 17.3.2005, p. 1. Regulation as amended by Council Regulation (EC) No 1333/2005 (OJ L 211, 13.8.2005, p. 1).

⁽⁶⁾ OJ C 174, 14.7.2005, p. 15.

4. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation, limited in scope to the definition of the product concerned. The investigation will assess the need for the amendment of the scope of the existing measures.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the importers, to the users, to the Community industry, to exporting producers in the People's Republic of China, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India and to the authorities of all the countries concerned. This information and supporting evidence should reach the Commission within the time limit set in point 5(a).

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in point 5(a).

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 5(b).

5. Time limits

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

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

(b) *Hearings*

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

6. 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' ⁽¹⁾ 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

7. 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, 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.

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the Gatt 1994 (Anti-dumping Agreement).

Communication of the Commission to Member States amending the communication pursuant to Article 93(1) of the EC Treaty applying Articles 92 and 93 of the Treaty to short-term export-credit insurance

(2005/C 325/11)

I. Introduction

The communication of the Commission to the Member States pursuant to Article 93(1) of the EC Treaty applying Articles 92 and 93 of the Treaty to short-term export-credit insurance ⁽¹⁾ (hereinafter referred to as 'the 1997 communication') was adopted in 1997 and was to apply for a period of five years from 1 January 1998 until 31 December 2002.

In 2001, the Commission adopted an amendment to the 1997 communication ⁽²⁾ (hereinafter referred to as 'the 2001 amendment') concerning the definition of 'marketable' risks which may not be covered by export-credit insurers with the support of the State. The 2001 amendment also extended the validity of the 1997 communication until 31 December 2004. The validity of the 1997 communication was further extended until 31 December 2005 by a communication adopted by the Commission in 2004 ⁽³⁾.

According to point 2.6 of the 1997 communication as laid down in the 2001 amendment:

'The capacity of the private reinsurance market varies. This means that the definition of marketable risks is not immutable and may change over time. The definition may, therefore, be reviewed, notably at the expiry of this communication on 31 December 2004. The Commission will consult Member States and other interested parties on such reviews ⁽¹⁰⁾. In so far as necessary, changes to the definition will have to take account of the scope of Community legislation governing export-credit insurance, in order to avoid any conflict or legal uncertainty.'

⁽¹⁰⁾ *Inter alia*, the Commission will call on the help of the Council (for example, its Export Credits Group)'.

The 2001 amendment also states in its introduction that:

'The Commission wishes to inform Member States and interested parties that it intends to undertake a further study in 2003 to verify the capacity of the private reinsurance market to adapt to a further extension of the definition of marketable risk to cover a wider range of commercial risks, possibly including commercial risks arising in all countries of the world. Should the results of that study and consultations with Member States confirm that such coverage is possible, it will amend the definition of market-

able risk accordingly as part of the general review of the 1997 communication in 2004.'

Following the completion of a study on the situation of the private reinsurance market in the field of export credit insurance, and after consultation of the Member States both within the Council Working Group on Export Credits and at a multi-lateral meeting on State aid as well as of other interested parties, the Commission has decided to leave unchanged the definition of 'marketable' risks contained in the 2001 amendment. However, due to the unavailable or insufficient cover in the majority of Member States of export-credit insurance offered by private insurers to small companies with a limited export turnover, which is caused by no or very low profitability reflecting an insufficient spread of foreign countries/buyers and lack of education and knowledge of the complexities of export-credit insurance among such companies entailing significant handholding and processing costs, the Commission is prepared to consider their export-related risks as temporarily 'non-marketable' in these Member States where there is no adequate offer by the private market, also in consideration of the need for the commercial insurers to adapt to the increased market size created by the EU enlargement.

This new provision will apply from 1 January 2006 until 31 December 2010. However, the Commission will assess the market situation for those SMEs with limited export turnover within three years. Should export-credit insurance cover for such SMEs prove to be sufficiently available in the private market, the Commission will amend this Communication by considering their export-related risks as 'marketable.'

The Commission has also decided to extend the validity of the 1997 Communication until 31 December 2010.

The Commission wishes to inform Member States and interested parties that in 2010 it will re-examine the capacity of the private reinsurance market to adapt the definition of 'marketable' risks accordingly if necessary, in particular with regard to the new situation considered to give rise to 'non-marketable' risks.

II. Amendments to the 1997 communication

The following amendments to the 1997 communication as amended by the 2001 amendment will take effect on 1 January 2006:

⁽¹⁾ OJ C 281, 17.9.1997, p. 4.

⁽²⁾ OJ C 217, 2.8.2001, p. 2.

⁽³⁾ OJ C 307, 11.12.2004, p. 12.

1. In point 2.5, the following paragraph is introduced after the first paragraph:

'Notwithstanding the definition of "marketable" risks contained in the first sentence of the previous paragraph, if and to the extent that no private insurance market exists in a Member State, commercial and political risks incurred on public and non-public debtors established in the countries listed in the Annex are considered to be temporarily non-marketable if incurred by small and medium-sized enterprises falling within the relevant EU definition ⁽¹⁾ and having a total annual export turnover not exceeding EUR 2 million ⁽²⁾. In such circumstances, a public or publicly supported export-credit insurer shall, as far as possible, align its premium rates for such "non-marketable" risks with the rates charged elsewhere by export-credit insurers for the type of risk in question, namely taking into account the limited spread of foreign buyers, the characteristics of the insured enterprises, and the associated costs. Member States intending to submit a notification to the Commission on the application of this clause shall be subject to the same procedure and the same conditions as set out in point 4.4 below for the application of the escape clause. The Commis-

sion reserves the right to discontinue this clause or to revise the conditions of its application in consultation with Member States if it finds that the capacity of the private insurance market in this segment changes during the period of validity of this Communication'.

2. Point 2.6 is replaced by the following:

'The capacity of the private reinsurance market varies. This means that the definition of marketable risks is not immutable and may change over time. The definition may, therefore, be reviewed, notably at the expiry of this communication. The Commission will consult Member States' representatives with relevant experience in this field and other interested parties on such reviews. In so far as necessary, changes to the definition will have to take account of the scope of Community legislation governing export-credit insurance, in order to avoid any conflict or legal uncertainty'.

3. Point 4.5 is replaced by the following:

'This Communication will apply until 31 December 2010'.

⁽¹⁾ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of small and medium-sized enterprises, OJ L 124, 20.5.2003, p. 36, as may be amended in the future.

⁽²⁾ The calculation of the relevant annual export turnover will be effected according to Article 4 of Annex I of Commission Recommendation 2003/361/EC of 6 May 2003, as may be amended in the future. The provisions laid down in Article 4(2) of Annex I will apply *mutatis mutandis* with respect to the annual export turnover of the relevant enterprise.

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

List of natural mineral waters in Iceland and Norway pursuant to Article 1 of Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters

(2005/C 325/12)

LIST OF NATURAL MINERAL WATERS RECOGNISED BY ICELAND:

Trade name	Name of source	Place of exploitation
Icelandic Spring	Jadar spring area	Reykjavik

LIST OF NATURAL MINERAL WATERS RECOGNISED BY NORWAY:

Trade name	Name of source	Place of exploitation
Farris	Kong Olavs kilde	Larvik
Fjellbekk	Ivar Aasen kilde	Volda
Fyresdal	Fyresdalkilden	Fyresdal
Olden	Blåfjellkilden	Olderdalen
Osa	Osakilden	Ilvik/Hardanger

III

(Notices)

COMMISSION

Call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration: 'Integrating and strengthening the European Research Area'**Activity: thematic priority area: information society technologies****Call identifier: FP6-2005-IST-6****Call identifier: FP6-2002-IST-C**

(2005/C 325/13)

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) ⁽¹⁾, 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) ⁽²⁾ (referred to as 'the specific programme').
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 annexes. The annexes indicate in particular, the dates 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.

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 ⁽³⁾ (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) ⁽⁴⁾ (referred to as 'the rules for participation'), proposals for indirect RTD actions should be submitted under the terms of calls for proposals.

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 ⁽⁵⁾ (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

⁽¹⁾ OJ L 232, 29.8.2002, p. 1.

⁽²⁾ OJ L 294, 29.10.2002, p. 1.

⁽³⁾ 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, and C(2004)2002, all decisions unpublished.

⁽⁴⁾ OJ L 355, 30.12.2002, p. 23.

⁽⁵⁾ OJ L 248, of 16.9.2002, p. 1.

Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾.

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 ⁽²⁾. 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 address:

European Commission
The IST Information Desk
Directorate General INFSO
BU31 1/19
B-1049 Brussels
E-mail address: ist@cec.eu.int
Internet address: www.cordis.lu/ist

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 ⁽³⁾). 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
The IST Information Desk
Directorate General INFSO
BU31 1/19
B-1049 Brussels
E-mail address: ist@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.

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

Proposals for indirect RTD actions 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.

Proposals for indirect RTD actions that are submitted on-line and which are incomplete, illegible or contain viruses will be excluded.

Versions of proposals for indirect RTD actions 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 that has been allowed to be submitted on paper and which is incomplete will be excluded.

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

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 evaluated 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.

⁽¹⁾ OJ L 357, of 31.12.2002, p. 1.

⁽²⁾ C(2003)883 of 27.3.2003, as last modified by C(2004)1855 of 18.5.2004.

⁽³⁾ The EPSS is a tool to assist proposers to develop and submit their proposals electronically.

ANNEX

IST Call 6

1. **Specific programme:** Integrating and Strengthening the European Research Area
2. **Thematic priority/domain:** Information Society Technologies (IST)
3. **Call title:** IST Call 6
4. **Call identifier:** FP6-2005-IST-6
5. **Date of publication:** 20.12.2005
6. **Closure date(s):** 25.4.2006 at 17.00 (Brussels local time)
7. **Total indicative budget:** EUR 140 million of which
 - EUR 37 million for Objective 2.6.1
 - EUR 40 million for Objective 2.6.2
 - EUR 30 million for Objective 2.6.3
 - EUR 3 million for Objective 2.6.4
 - EUR 30 million for Objective 2.6.5

8. **Areas and instruments:**

Proposals are invited to address the following objectives:

- 2.6.1: Advanced Robotics
- 2.6.2: Ambient Assisted Living (AAL) in the Ageing Society
- 2.6.3: Search Engines for Audio-Visual Content
- 2.6.4: Accompanying action in support of participation in Community ICT Research
- 2.6.5: International Cooperation

The objectives are open for actions using the following instruments:

Objective	Instrument(s)	Ratio New ⁽¹⁾ /traditional ⁽²⁾ Instruments (%)	Indicative Budget
2.6.1	STREPs, CAs, SSAs	0/100	37
2.6.2	IPs, STREPs, CAs, SSAs	50/50	40
2.6.3	IPs, STREPs, CAs	40/60	30
2.6.4	CAs, SSAs	0/100	3
2.6.5	STREPs, CAs, SSAs	0/100	30

⁽¹⁾ New Instruments: IPs and NoEs

⁽²⁾ Traditional instruments: STREPs, SSAs and CAs

9. **Minimum number of participants ⁽¹⁾:**

Objective	Minimum number
All objectives	For IPs, STREPs, CAs: Three independent legal entities from three different MS or AS, with at least two MS or ACC. For SSAs: One legal entity.

10. **Restriction to participation:**

Objective	Restriction
All objectives	No restriction.

⁽¹⁾ 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 required to conclude a consortium agreement
12. **Evaluation procedure:** The evaluation shall follow a one-stage procedure. Proposals will not be evaluated anonymously
13. **Evaluation criteria:**
 - For Sos 2.6.1, 2.6.2, 2.6.3 and 2.6.4, see section 4 of the IST 2005-06 Work Programme ⁽¹⁾.
 - For SO 2.6.5, see annex
14. **Indicative evaluation and selection delays:** Evaluation results are estimated to be available within two months after the closure date

CONTINUOUS SUBMISSION CALL (EXTENSION OF CALL FP6-2002-IST-C)

For the continuous submission call 'Future and Emerging Technologies (FET) — Open domain', closed on 20 September 2005 for CA and SSA proposals and for short STREP proposals, the final-cut-off date for submission of full proposals, following a successful short proposal, has been extended to 14 March 2006 at 17.00 (Brussels local time).

⁽¹⁾ Cf. Information Society Technologies on http://www.cordis.lu/fp6/sp1_wp.htm.

**Call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration: 'Integrating and strengthening the European Research Area'
'Policy support and anticipating scientific and technological needs'**

Call identifier: FP6-2005-SSP-5A

(2005/C 325/14)

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) ⁽¹⁾, 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) ⁽²⁾ (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 ⁽³⁾ (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) ⁽⁴⁾ (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 dates 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 ⁽⁵⁾ (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 ⁽⁶⁾.

⁽¹⁾ OJ L 232, 29.8.2002, p. 1.

⁽²⁾ OJ L 294, 29.10.2002, p. 1.

⁽³⁾ 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, C(2004)4178, C(2004)5286, C(2005)27, C(2005)961, C(2005)2076, C(2005)2747, C(2005)3244, C(2005)3390, C(2005)4006, C(2005)4008, and C(2005)5588, all decisions unpublished.

⁽⁴⁾ OJ L 355, 30.12.2002, p. 23.

⁽⁵⁾ OJ L 248, of 16.9.2002, p. 1.

⁽⁶⁾ OJ L 357, of 31.12.2002, p. 1.

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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 ⁽¹⁾. These guides and guidelines, as well as the work programme and other information relating to the calls, can be obtained from the Commission via the following addresses:

European Commission
Research Directorate-General
B-1049 Brussels
Fax: (32-2) 295 60 33

Email address: rtd-policies@cec.eu.int
Internet address: http://europa.eu.int/comm/research/fp6/ssp/index_en.htm

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 ⁽²⁾). 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
Unit A 1
Directorate General RTD
SDME 2/73
B-1049 Brussels

Email address: rtd-policies@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.

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⁽¹⁾ C(2003)883 of 27.3.2003, as last modified by C(2004)1855 of 18.5.2004.

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

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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 evaluated 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.
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ANNEX

1. **Specific Programme:** 'Integrating and strengthening the ERA'
2. **Activity:** Specific activity covering policy-orientated research under 'Policy support and anticipating scientific and technological needs'
3. **Call title:** Scientific Support to Policies
4. **Call identifier:** FP6-2005-SSP-5A
5. **Date of publication:** 22 December 2005
6. **Closure date(s):** 22 March 2006 at 17.00 (Brussels local time)
7. **Total indicative budget:**

Instrument (*)	EUR (millions)
STREP, CA and SSA	77

(*) STREP = Specific targeted research project; CA = Coordination action; SSA = Specific support action

8. **Areas called and instruments:**

Areas under priority 'Sustainable management of Europe's natural resources'	Tasks	Instruments	Indicative EC contribution (EUR millions)
8.1. B.1.1. Modernisation and sustainability of agriculture and forestry, including their multifunctional role in order to ensure the sustainable development and promotion of rural areas and	1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 24, 26	STREP	13,2
	10, 11, 17, 18, 19, 22, 23, 25, 27, 28, 29	SSA or CA	
	6, 30	CA	
8.1. B.1.3. Modernisation and sustainability of fisheries, including aquaculture-based production systems.	1, 2, 3, 4, 5, 6, 8, 9, 10, 11	STREP	13,6
	7, 12	CA	
	13	SSA	
8.1. B.1.4. New and more environment friendly production methods to improve animal health and welfare including research on animal diseases such as foot and mouth disease, swine fever and development of marker vaccines	1	CA	1,3
	2	STREP	
	3, 4, 5	SSA	
8.1. B.1.5. Environmental assessment (soil, water, air, noise, including the effects of chemical substances)	1, 2, 4, 5, 6, 8, 9	STREP	6,9
	3	SSA	
	7	CA	
8.1. B.1.6. Assessment of environmental technologies for support of policy decisions, in particular concerning effective but low-cost technologies in the context of fulfilling environmental legislation	1, 3	STREP	1,3
	2	CA	

Areas under priority 'Providing health, security and opportunity to the people of Europe'	Tasks	Instruments	Indicative EC contribution (EUR millions)
8.1. B.2.1. Health determinants and the provision of high quality and sustainable health care services and pension systems (in particular in the context of ageing and demographic change)	1, 4, 6	STREP	7,4 — 7,9
	2, 3, 7	CA	
	5	SSA	
8.1. B.2.2. Public health issues, including epidemiology contributing to disease prevention and responses to emerging rare and communicable diseases, allergies, procedures for secure blood and organ donations, non-animal test	1, 2, 3,	STREP	5,3 — 5,8
	4	CA	
	5	SSA	
8.1. B.2.3. The impact of environmental issues on health (including safety at work and methods for risk assessment and the mitigation of risks of natural disasters to people)	1, 3	STREP	2,5
	2	CA	
8.1. B.2.4. Quality of life issues relating to handicapped/disabled people (including equal access facilities)	1, 2	SSA	0,7 — 0,8
8.1. B.2.5. Comparative research of factors underlying migration and refugee flows, including illegal immigration and trafficking in human beings	1, 2	STREP or CA	1,0 — 1,5
8.1. B.2.6. Improved means to anticipate crime trends and causes, and to assess the effectiveness of crime prevention policies; assessment of new challenges related to illicit drug use	1, 2, 3	STREP or CA	1,5 — 2,25
8.1. B.2.7. Issues related to civil protection (including biosecurity and protection against risks arising from terrorist attacks), and crisis management	1	SSA	0,5
Areas under priority 'Underpinning the economic potential and cohesion of a larger and more integrated European Union'	Tasks	Instruments	Indicative EC contribution (EUR millions)
8.1. B.3.1. Underpinning European integration, sustainable development, competitiveness and trade policies (including improved means to assess economic development and cohesion)	CLOSED	CLOSED	CLOSED
8.1. B.3.2. The development of tools, indicators and operational parameters for assessing sustainable transport and energy systems performance (economic, environmental and social)	1, 5, 6	STREP	9,6
	2, 3, 4, 7, 8, 10	SSA	
	9	CA	
8.1. B.3.3. Global security analysis and validation systems for transport and research relating to accident risks and safety in mobility systems	1	SSA	1,1

Areas under priority 'Underpinning the economic potential and cohesion of a larger and more integrated European Union'	Tasks	Instruments	Indicative EC contribution (EUR millions)
8.1. B.3.4. Forecasting and developing innovative policies for sustainability in the medium and long term	1, 3, 4, 5, 6	STREP	3,9
	2	SSA	
8.1. B.3.5. Information Society issues (such as management and protection of digital assets, and inclusive access to the information society)	CLOSED	CLOSED	CLOSED
8.1. B.3.6. The protection of cultural heritage and associated conservation strategies	1, 2, 4, 5	STREP	4,0
	3	CA	
	6, 7	SSA	
8.1. B.3.7. Improved quality, accessibility and dissemination of European statistics	CLOSED	CLOSED	CLOSED

9. **Minimum number of participants** ⁽¹⁾:

Instrument	Minimum number of participants
STREP and CA	3 independent legal entities from 3 different MS or AS, with at least 2 MS or ACC.
SSA	1 legal entity from a MS or AS

10. **Restriction on participation:** None.

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 contractual timetable:**

Evaluation results: Considering the wide scope of SSP and the need to ensure coherence with thematic priorities of the work programme, evaluations will be carried out at various dates and the results are not expected to become available earlier than July 2006.

Contract signature: it is estimated that the first contracts related to this call will come into force in the final quarter of 2006.

⁽¹⁾ 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.

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

'Policy support and anticipating scientific and technological needs'

Call identifier: FP6-2005-SSP-5B-Influenza

(2005/C 325/15)

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) ⁽¹⁾, 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) ⁽²⁾ (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 ⁽³⁾ (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) ⁽⁴⁾ (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 dates 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 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 ⁽⁵⁾ (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 ⁽⁶⁾.

⁽¹⁾ OJ L 232, 29.8.2002, p. 1.

⁽²⁾ OJ L 294, 29.10.2002, p. 1.

⁽³⁾ 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, C(2004)4178, C(2004)5286, C(2005)27, C(2005)961, C(2005)2076, C(2005)2747, C(2005)3244, C(2005)3390, C(2005)4006, C(2005)4008, C and C(2005)5588, all decisions unpublished.

⁽⁴⁾ OJ L 355, 30.12.2002, p. 23.

⁽⁵⁾ OJ L 248, of 16.9.2002, p. 1.

⁽⁶⁾ OJ L 357, of 31.12.2002, p. 1.

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 ⁽¹⁾. These guides and guidelines, as well as the work programme and other information relating to the calls, can be obtained from the Commission via the following addresses:

European Commission
Research Directorate-General
B-1049 Brussels
Fax: (32-2) 295 60 33

Email address: rtd-policies@cec.eu.int
Internet address: http://europa.eu.int/comm/research/fp6/ssp/index_en.htm

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 ⁽²⁾). In exceptional cases, however, a co-ordinator 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
Unit A 1
Directorate General RTD
SDME 2/73
B-1049 Brussels

Email address: rtd-policies@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.

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

Proposals for indirect RTD actions 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.

Proposals for indirect RTD actions that are submitted on-line and which are incomplete, illegible or contain viruses will be excluded.

Versions of proposals for indirect RTD actions 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 that has been allowed to be submitted on paper and which is incomplete will be excluded.

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

⁽¹⁾ C(2003)883 of 27.3.2003, as last modified by C(2004)1855 of 18.5.2004.

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

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 evaluated 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.
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ANNEX

1. **Specific Programme:** 'Integrating and strengthening the ERA'
2. **Activity:** Specific activity covering policy-orientated research under 'Policy support and anticipating scientific and technological needs'
3. **Call title:** Scientific Support to Policies: Special call on avian/pandemic influenza
4. **Call identifier:** FP6-2005-SSP-5B-INFLUENZA
5. **Date of publication:** 22 December 2005
6. **Closure date(s):** 22 March 2006 at 17.00 (Brussels local time)
7. **Total indicative budget:**

Instrument (*)	EUR (millions)
STREP, CA and SSA	20

(*) STREP = Specific targeted research project; CA = Coordination action; SSA = Specific support action

8. **Areas called and instruments:**

Areas under priority 'Sustainable management of Europe's natural resources'	Tasks	Instruments	Indicative EC contribution (EUR millions)
8.1. B.1.4. New and more environment friendly production methods to improve animal health and welfare including research on animal diseases such as foot and mouth disease, swine fever and development of marker vaccines.	1, 2, 3, 5	STREP	10
	6	CA	
	4	STREP or CA	
	7	CA or SSA	
Areas under priority 'Providing health, security and opportunity to the people of Europe'	Tasks	Instruments	Indicative EC contribution (EUR millions)
8.1. B.2.2. Public health issues, including epidemiology contributing to disease prevention and responses to emerging rare and communicable diseases, allergies, procedures for secure blood and organ donations, non-animal test	1, 2, 3	STREP	10
	4	SSA	

9. **Minimum number of participants (1):**

Instrument	Minimum number of participants
STREP and CA	3 independent legal entities from 3 different MS or AS, with at least 2 MS or ACC.
SSA	1 legal entity from a MS or AS

10. **Restriction on participation:** None.
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.

(1) 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.

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 contractual timetable:**

Evaluation Results: Considering the wide scope of SSP and the need to ensure coherence with thematic priorities of the work programme, evaluations will be carried out at various dates and the results are not expected to become available earlier than July 2006.

Contract signature: it is estimated that the first contracts related to this call will come into force in the final quarter of 2006.

Notice of invitation to tender for the reduction in the import duty on maize imported from non-member countries

(2005/C 325/16)

I. SUBJECT

1. Notice is hereby given of an invitation to tender for the reduction in the duty on imports from non-member countries of maize falling within subheading 1005 90 00 of the Combined Nomenclature.

2. The total quantity in respect of which the reduction in the import duty may be fixed is 700 000 tonnes.

3. This notice is published, and the tendering procedure conducted, in accordance with the provisions of Commission Regulation (EC) No 2093/2005 ⁽¹⁾.

II. TIME LIMITS

1. The period for submission of tenders for the first weekly invitation begins on 30 December 2005 and expires on 5 January 2006 at 10 a.m.

2. The period for submission of tenders for subsequent weekly invitations begins on the Friday of each week and expires on the following Thursday at 10.00.

This notice is published only in respect of the issue of this invitation to tender. Unless amended or replaced, this notice is valid for all weekly invitations issued during the period of validity of this invitation to tender.

However, the submission of tenders will be suspended for weeks from 7 to 13 April 2006 and from 19 to 25 May 2006.

III. TENDERS

1. Tenders must be submitted in writing and must either be delivered personally against a receipt or be sent by electronic transmission, arriving no later than the date and time stated in Title II, to the following address:

Fondo Español de Garantía Agraria (FEGA)
C/Beneficencia 8
E-28004 Madrid
E-mail: secreint@fega.mapya.es
Fax (34) 91 521 98 32, (34) 91 522 43 87

Tenders not submitted by electronic transmission must be enclosed in a sealed envelope marked 'Tender for the reduction in the import duty on maize — Regulation (EC) No 2093/2005'. This envelope must itself be enclosed in another sealed envelope bearing the address in question.

Tenders submitted shall remain firm until the Member State concerned informs the interested party that his tender has been successful.

2. The tender and the proof and declaration referred to in Article 6(3) of Commission Regulation (EC) No 1839/95 ⁽²⁾ shall be written in the official language, or one of the official languages, of the Member State whose competent authority has received the tender.

IV. SECURITY FOR TENDER

The tendering security shall be made payable to the competent authority.

V. AWARD OF THE CONTRACT

The award of the contract shall establish:

- (a) the successful tenderer's entitlement to be issued, in the Member State in which the tender was submitted, with an import licence stating the reduction in the import duty mentioned in the tender for the quantity in offered;
- (b) the successful tenderer's obligation to apply, in the Member State referred to in (a), for an import

⁽¹⁾ OJ L 335, 21.12.2005, p. 3.

⁽²⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Reg. 1558/2005 (OJ L 249/2005 of 24.9.2005, p. 6)