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<u>Notice No</u>	Contents	Page
	I <i>Information</i>	
	Council	
2006/C 57/01	EU Action Plan on biological and toxin weapons, complementary to the EU Joint Action in support of the BTWC	1
	Commission	
2006/C 57/02	Euro exchange rates	3
2006/C 57/03	Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty — Cases where the Commission raises no objections	4
2006/C 57/04	Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty — Cases where the Commission raises no objections	7
2006/C 57/05	Prior notification of a concentration (Case COMP/M. 4148 — Nouveaux Constructeurs/Goldman Sachs Group/Deutsche Bank/Lone Star/Zapf) — Candidate case for simplified procedure ⁽¹⁾	10
2006/C 57/06	Information procedure — Technical rules ⁽¹⁾	11
2006/C 57/07	Commission communication in the framework of the implementation of Directive 94/9/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres ⁽¹⁾	17

EN

EUROPEAN ECONOMIC AREA

EFTA Court

2006/C 57/08	Judgment of the Court of 24 November 2005 in Case E-2/05 — EFTA Surveillance Authority v The Republic of Iceland (<i>State aid — Failure of a Contracting Party to fulfil its obligations — Second subparagraph of Article 1(2) of Part I of Protocol 3 SCA — Validity of a decision by the EFTA Surveillance Authority — Termination of tax measures and recovery of aid — Absolute impossibility to implement a decision of the EFTA Surveillance Authority</i>)	23
2006/C 57/09	Judgment of the Court of 25 November 2005 in Case E-1/05 — EFTA Surveillance Authority v The Kingdom of Norway (<i>Failure of a Contracting Party to fulfil its obligations — life assurance services — freedom to provide services and right of establishment — Article 33 of Directive 2002/83/EC — justification of restriction based on general good — proportionality</i>)	24
EFTA Surveillance Authority		
2006/C 57/10	Authorisation of State measure pursuant to Article 61 of the EEA Agreement and Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement	25
2006/C 57/11	Authorisation of State measure pursuant to Article 61 of the EEA Agreement and Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement	26



I

(Information)

COUNCIL

EU Action Plan on biological and toxin weapons, complementary to the EU Joint Action in support of the BTWC

(2006/C 57/01)

Introduction

The Council adopted on 27 February 2006 an EU Joint Action in support of the BTWC, including EU financial assistance. In addition, and complementary to the measures contained in that Joint Action, the EU hereby adopts an Action Plan on biological and toxin weapons. This Action Plan contains two measures to be implemented by EU Member States which do not require EU funding.

I. Efficient use of CBM

Purpose

The EU wishes to revitalise interest in and use of CBMs. Increased use of CBMs would increase transparency in implementation of the BTWC.

Description

To this end, all EU Member States will ensure the fulfilment of their obligation under the BTWC to file a CBM return each year, beginning with 2006 as a first step. Notably, the EU will ensure that the current nine topics, each of which has its own reporting form, are reported each year by every BTWC State Party of the EU. Submission of CBM's by all EU Member States on a yearly basis would allow the EU to take diplomatic action towards other States Parties to the BTWC to fulfil their obligations under the Convention. EU Member States will furthermore develop thoughts on how best to improve the effectiveness of CBM's in the context of the BTWC and discuss these with other BTWC States Parties.

II. Investigations of alleged use of BW

Purpose

The EU wishes to increase the effectiveness of the current UN Secretary General's mechanism for investigating cases of alleged use of (chemical) biological and toxin weapons. This mechanism is well established in legal terms, having received the endorsement of both the General Assembly and the Security Council. Separately the EU believes that the mechanism, which is now 15 years old, should be reviewed and updated as necessary.

Description

EU Member States will consider and volunteer expertise to the Secretary General in helping him update the lists of experts and laboratories that he may call on for an investigation. EU Member States will aim to submit information to the UN Secretary-General by the end of December 2006 and review and update this information every two years. EU Member States will keep partners informed of the steps they have taken to implement this action and will work with like-minded UN members to achieve this.

COMMISSION

Euro exchange rates ⁽¹⁾

8 March 2006

(2006/C 57/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1914	SIT	Slovenian tolar	239,54
JPY	Japanese yen	140,35	SKK	Slovak koruna	37,584
DKK	Danish krone	7,4586	TRY	Turkish lira	1,6100
GBP	Pound sterling	0,68605	AUD	Australian dollar	1,6227
SEK	Swedish krona	9,4720	CAD	Canadian dollar	1,3733
CHF	Swiss franc	1,5598	HKD	Hong Kong dollar	9,2469
ISK	Iceland króna	82,13	NZD	New Zealand dollar	1,8358
NOK	Norwegian krone	8,0075	SGD	Singapore dollar	1,9446
BGN	Bulgarian lev	1,9558	KRW	South Korean won	1 170,07
CYP	Cyprus pound	0,5747	ZAR	South African rand	7,5139
CZK	Czech koruna	28,805	CNY	Chinese yuan renminbi	9,5878
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,3230
HUF	Hungarian forint	255,80	IDR	Indonesian rupiah	11 097,89
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,431
LVL	Latvian lats	0,6960	PHP	Philippine peso	61,000
MTL	Maltese lira	0,4293	RUB	Russian rouble	33,4100
PLN	Polish zloty	3,8877	THB	Thai baht	46,705
RON	Romanian leu	3,4945			

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

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

Cases where the Commission raises no objections

(2006/C 57/03)

Date of adoption of the decision: 7.12.2005

Member State: The Netherlands

Aid No: N 605/2004

Title: Compensation for crop loss 2002

Objective: Under this measure a compensation will be given for damage to crops that occurred as a consequence of extreme weather conditions in August 2002.

Legal basis: Kaderwet LNV subsidies, Staatsblad 1997, nr. 710

Budget: This measure has a maximum budget of EUR 3,8 million

Duration: One off payment

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/

No of the aid: N 525/05

Title: Development of the Potato Sector (Amending aid scheme No N 297/00)

Objective: Support for investments in new or improved storage and marketing facilities for potatoes other than starch potatoes

Legal basis: Implemented by administrative provision (The scheme has been in operation since 2001)

Budget: EUR 5,5 million (as initially approved under N 297/00)

Aid intensity or amount: 35 %

Duration: 2000-2006 (Applications accepted until 31.12.2006)

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 of the decision: 15.12.2005

Member State: Spain (Castile-Leon)

Aid No: N 521/05

Title: Assistance for the potato market

Objective: Temporary assistance for the consumer potato market in the form of a withdrawal and private storage operation, in order to stabilise the market in this product

Legal basis: Orden AYG/1213/2005, de 22 de septiembre, por la que se regula una intervención en el mercado de la patata de consumo de la campaña 2005-2006

Budget: EUR 2 million

Aid intensity or amount: Varies according to the activity

Duration: From 23 September to 1 November 2005

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 of the decision: 15.12.2005

Member State: Italy (Friuli Venezia Giulia)

Aid No: N 545/2005

Title: Assistance in agricultural areas affected by natural disasters (hail of 29 June 2005 in three municipalities of the Friuli Venezia Giulia region, Udine province)

Objective: To compensate damage to farming structures caused by bad weather

Legal basis: Decreto legislativo n. 102/2004

Budget: See the approved scheme (NN 54/A/04)

Aid intensity or amount: Up to 100 % of the cost of the damage

Duration: Measure applying an aid scheme approved by the Commission

Other information: Measure applying an aid scheme approved by the Commission under State Aid NN 54/A/2004 (Commission Letter C(2005)1622 final of 7 June 2005)

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 of the decision: 22.12.2005

Member State: Ireland

Date of adoption of the decision: 9.12.2005

Member State: France (Cher)

Aid No: N 560/2005

Title: Aid for the acquisition of sires of high genetic value — General Council for the department of Cher

Objective: Investment aid

Legal basis: Articles L 1511-5 et s. du Code général des collectivités territoriales

Budget: EUR 15 000 per year

Aid intensity or amount: 15 % (with a maximum of 40 %)

Duration: Three years (2006-08)

Other information: Extension of Aid Scheme N 732/2002

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 of the decision: 26.12.2006

Member State: Austria (Niederösterreich)

No of the aid: N 564a/2004

Title: Guidelines of the Land of Niederösterreich for damages caused by natural disasters to agricultural production

Objective: The notified measure concerns the Guidelines of the *Land Niederösterreich* governing the granting of aid in exceptional emergency situations ('the notified Guidelines'). The notified measure regards only the application of those Guidelines to agricultural production. The eligible damage, aid intensity and the mechanics of the aid provision are identical with those approved by the Commission in the case N 564b/2004.

Every exceptional emergency situation giving rise to compensation to agricultural producers under the notified Guidelines would be individually notified to the Commission. No compensation would be paid until the Commission has approved the existence of a natural catastrophe in such an individually notified case

Legal basis: Richtlinien für die Gewährung von Beihilfen zur Behebung von Katastrophenschäden des Landes Niederösterreich. (Rechtsvorschrift des Bundes)

Budget: Ca. 70 000 EUR per annum. This is the total budget including aid to agricultural production

Aid intensity or amount: 20-70 % of the eligible damage

Duration: Unlimited

Other information: The Decision concerns only the legal framework constituted by the notified Guidelines and does not authorise the payment of any State aid under that framework. Such payment is subject to an individual notification to and authorisation by the Commission

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 of the decision: 23.11.2005

Member State: Denmark

Aid No: N 568/04

Title: Compensation for losses due to the presence of certain GMO material

Objective: In order to provide adequate coverage for the risk involved and thus to contribute to the successful establishment of the co-existence between GM and other crops the Danish authorities have decided to set up a compensation scheme financed by the growers of GM crops.

Each farmer cultivating genetically modified crops shall pay a cultivation fee of 100 DKK per hectare of land cultivated with such crops. The cultivation fees are integrally used to constitute a compensation fund, from which compensation would be paid to farmers who have sustained economic losses due to the presence of GM material in their crops.

Payment of compensation is limited to cases where GM material is found in the same non-GM crop as the GM crop or in a crop closely related to the GM crop (GM crops that can be crossed into non-GM crops) in the same season and within a specified area (distance from the GM crops). In the cultivation of organically grown seed only the condition concerning the season applies.

Compensation for losses can be paid only if the occurrence of GM material in the claimant's crop, as defined above, exceeds the threshold of 0,9 per cent. The threshold is the limit under which genetically modified food or feedstuffs do not have to be labelled for containing genetically modified organisms, as laid down in Regulation (EC) No 1829/2003.

The amount of compensation is limited to the price difference between the market price of a crop that has to be labelled as containing GM material and a crop for which no such labelling is required (i.e. GM material content less than 0,9 per cent). The market price will be determined by the Danish Plant Directorate on the basis of the monthly statistics from the Institute for Food economics (FØI)

Legal basis: Lov nr. 436 af 9. juni om dyrkning m.v. af genetisk modificerede afgrøder; bekendtgørelse om kompensation for tab på grund af visse forekomster af genetisk modificeret materiale (udkast).

Budget: DKK 300 000/EUR 40 540 in 2005

Aid intensity or amount: 100 % of the eligible costs

Duration: 5 years

Other information: It is the intention of the Danish authorities to limit the duration of the compensation scheme until a privately financed insurance solution is found

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 of the decision: 20.12.2005

Member State: Italy (Lombardy)

Aid No: N 577/05

Title: Assistance in farming areas affected by natural disasters (violent winds of 2 August 2005 in the province of Cremona)

Objective: To compensate for damage to agricultural production and farming structures caused by bad weather (violent winds of 2 August 2005 in the province of Cremona)

Legal basis: Decreto legislativo 102/2004: «Nuova disciplina del Fondo di solidarietà nazionale»

Budget: To be financed from the budget approved under Aid No NN 54/A/04

Aid intensity or amount: Up to 100 %

Duration: Measure applying an aid scheme approved by the Commission

Other information: Measure applying the scheme approved by the Commission under State aid NN 54/A/2004 (Commission letter C(2005)1622 final, dated 7 June 2005)

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 of the decision: 22.12.2005

Member State: United Kingdom (Wales)

Aid No: N 584/2005

Title: Extension to the Meat Generic Advertising Scheme (Wales)

Objective: Prolongation of the Meat Generic Advertising Scheme (Wales) for 1 year with an increase of the budget

Legal basis: Agriculture Act 1967 as amended; Welsh Development Agency Act 1975

Budget: Increase of the budget: GBP 2,25 million (EUR 3,32 million)

Aid intensity or amount: Up to 100 % (parafiscal levies)

Duration: Prolongation for 1 year until 31 March 2007

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 of the decision: 22.12.2005

Member State: United Kingdom (Wales)

Aid No: N 585/2005

Title: Extension to the Meat Quality Advertising Scheme (Wales)

Objective: Prolongation of the Meat Quality Advertising Scheme (Wales) for 1 year with an increase of the budget

Legal basis: Agriculture Act 1967 as amended; Welsh Development Agency Act 1975

Budget: Increase of the budget: GBP 2,25 million (EUR 3,32 million)

Aid intensity or amount: Up to 100 % (parafiscal levies)

Duration: Prolongation for 1 year until 31 March 2007

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/

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

(2006/C 57/04)

Date of adoption of the decision: 8.12.2005

Member State: Italy (Valle d'Aosta)

Aid No: N 135/04.

Title: 'Fontina Qualità' project

Objective: Aid to encourage the production and marketing of quality agricultural products; technical assistance; research and development aid; advertising aid

Legal basis: Piano di sviluppo rurale 2000-2006 della Regione Valle d'Aosta — Capitolo 16, Aspetti connessi agli aiuti di Stato; in particolare la misura II.C.1 «Commercializzazione di prodotti di qualità», azione II.C.1.1 «Segni di qualità, sistema di controlli, certificazioni»

Budget: EUR 2 125 000

Aid intensity or amount: Promotion and boosting of quality: 100 %, with a ceiling of EUR 100 000 per beneficiary per three-year period. Technical assistance: 100 %, with a ceiling of EUR 100 000 per beneficiary per three-year period (or 50 % in the case of SMEs, with the higher equivalent amount being applied to the latter).

Research and development: 100 %.

Advertising: 50 %

Duration: 6 years

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/

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 of the decision: 7.12.2005

Member State: United Kingdom (England and Northern Ireland)

Aid No: N 222/2005

Title: Beef Market Restoration Programme (England and Northern Ireland)

Objective: To restore beef obtained from cattle over thirty months old at slaughter ('OTM') into the food chain. Measures: technical support and encouraging the development of quality products. The programme is administrated by the Meat and Livestock Commission (MLC) and the Livestock and Meat Commission (LMC)

Legal basis: Agriculture Act 1967 and Livestock Marketing Commission Act (Northern Ireland) 1967

Budget: GBP 7 500 000 (EUR 11,08 million)

Aid intensity or amount: Up to 100 %

Duration: From the date of approval until 31 March 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/

Date of adoption of the decision: 12.4.2005

Member State: France

Aid No: N 160/2004

Title: Compensation for the floods of December 2003

Objective: To compensate for the losses suffered by farmers in the South of France as a result of the floods of December 2003

Budget: EUR 30 million (compensation under the natural disaster scheme); EUR 860 000 to ease the financial burden of firms

Aid intensity or amount: Variable

Date of adoption of the decision: 20.12.2005

Member State: Italy (Calabria)

Aid No: N 288/2004

Title: Assistance in farming areas affected by natural disasters (torrential rain and violent winds in the province of Reggio Calabria from 12 to 14 December 2003)

Objective: To compensate for damage to farming structures as a result of bad weather

Legal basis: Articolo 3, comma 2, lettera c) della legge 185/1992. Deliberazione della Giunta regionale della Calabria n. 105/2004

Budget: See the approved scheme (C 12/B/95)

Aid intensity or amount: Up to 100 % of the cost of the damage

Duration: Measure implementing a scheme approved by the Commission

Other information: Measure implementing the scheme approved by the Commission under State aid C 12/B/95 (Commission Decision 2004/307/EC, 16.12.2003, OJ L 99/2004)

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 of the decision: 7.12.2005

Member State: The Netherlands

Aid No: N 352/2004

Title: Increase of parafiscal levies and introduction of two new levies in support schemes in the poultry and eggs, rabbit keeping and mink/fox keeping sectors

Objective: This measure raises parafiscal levies to achieve more financing for research & development, promotion and the combat of animal diseases

Legal basis: Verordening van het Productschap voor Vee en Vlees ter wijziging van de eerdere verordeningen inzake parafiscale heffingen in de sectoren pluimvee en eieren, konijnen en edelpelsdieren

Budget: The total budget depends on the actual future costs for research and promotion activities and the combat of animal diseases in the various sectors. The new parafiscal levies of this measure financing these activities involve maximum rates; actual taxes can be lower depending on the actual costs faced

Duration: Indefinite

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 of the decision: 16.12.2005

Member State: Spain (Murcia)

Aid No: N 431/05

Title: Measures supporting SMEs engaged in the processing and marketing of agricultural products in certain municipalities of the region of Murcia

Objective: To promote the creation of new agrifood industries and improve existing plant, in order to restore and enhance the competitiveness of rural areas by contributing to the preservation and creation of jobs, and to the maintenance of population levels; to protect the environment; to bring production into line with market trends; and to improve processing techniques and marketing channels, as well as quality and health conditions

Legal basis: Proyecto de Orden de ... de ... 2005 de la Consejería de Agricultura y Agua por la que se establecen las bases reguladoras y se convocan subvenciones para el año 2006 para pequeñas y medianas empresas (PYME) dedicadas a la transformación de productos agrarios en determinados municipios de la región de Murcia

Budget: EUR 1 400 000

Aid intensity or amount: The normal rate of aid is 24 % of the total eligible cost, and may be increased to 28 %

Duration: Two years

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 of the decision: 8.12.2005

Member State: Germany

No of the aid: N 466/A/2005

Title: Hardship Fund for Compensation of Hardship Damages Caused by the Flood of August 2005 in Bavaria to Holdings in the Agriculture and Forestry Sector

Objective: Compensation of hardship damages caused by the flood in August 2005 to enterprises under endangered existence in the agriculture and forestry sector

Legal basis: Bayerische Haushaltsordnung

Vollzugshinweise des Bayerischen Staatsministeriums der Finanzen zum „Härtefonds zur Beseitigung von Notständen durch das Sommerhochwasser 2005 von Privathaushalten, Gewerbetreibenden und freiberuflich Tätigen sowie Unternehmen der Land- und Forstwirtschaft — Hochwasser-Härtefonds 2005“

Budget: EUR 30 million

Aid intensity or amount: Up to 100 %

Duration: One-off measure in 2005

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 of the decision: 15.12.2005

Member State: Italy (Abruzzo)

Aid No: N 472/2004

Title: Assistance in agricultural areas affected by natural disasters (hail of 8 August 2004)

Objective: To compensate damage to agricultural production caused by bad weather

Legal basis: Decreto legislativo n. 102/2004

Budget: See the approved aid scheme (NN 54/A/04)

Aid intensity or amount: Up to 100 % of the cost of the damage

Duration: Measure applying an aid scheme approved by the Commission

Other information: Measure applying an aid scheme approved by the Commission under State Aid NN 54/A/2004 (Commission Letter C(2005)1622 final of 7 June 2005)

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 of the decision: 7.12.2005

Member State: The Netherlands

Aid No: N 491/2005

Title: Subsidy arrangement reconstruction glass horticulture enterprises in environmentally vulnerable areas of the province of North Brabant

Objective: To create a lasting restoration of the scenic and environmental quality of the landscape of the province of North Brabant

Legal basis: (1) Provinciewet, artikel 143, (2) Verordening subsidies kwaliteits- en structuurverbetering Landelijk Gebied provincie Noord-Brabant 2001, artikel 4 (Provinciaal blad van Noord-Brabant, nr. 58/2001) en (3) Concept subsidieregeling sanering glastuinbouwbedrijven in kwetsbare gebieden provincie Noord-Brabant (30 juni 2005)

Budget: EUR 10 million

Duration: 2006-2008

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/

Date of adoption of the decision: 20.12.2005

Member State: Italy (Province of Bolzano)

No of the aid: N 517/2005.

Title: Compensation for drought damage in agricultural areas in 2005.

Objective: Compensation for weather-related losses in 2005. The compensation for would be available only for damage to forage production in less-favoured areas in the Province of Bolzano. According to the Italian authorities the investigations in the affected areas have revealed production losses ranging from 20 % to 80 %, the average loss being 30 %. The aid would be granted within the framework aid scheme NN 54/A/04, approved by the Commission with Decision C(2005)1622 of 7.6.2005. The Italian authorities have indicated that the notified aid measure constitutes an individual aid notification pursuant to point 58 of the above Decision

Legal basis: Decreto legislativo n. 102/2004: «Interventi finanziari a sostegno delle imprese agricole»

Budget: The annual budget of the framework aid scheme is ca EUR 100 Mio for weather-related compensation. The expense due to the notified measure is not yet known

Aid intensity or amount: 100 % of the eligible losses

Duration: One-off.

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

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

Prior notification of a concentration

(Case COMP/M. 4148 — Nouveaux Constructeurs/Goldman Sachs Group/Deutsche Bank/Lone Star/Zapf)

Candidate case for simplified procedure

(2006/C 57/05)

(Text with EEA relevance)

1. On 28 February 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾, by which Les Nouveaux Constructeurs S.A. (LNC, France), the Goldman Sachs Group Inc ('GS', USA), Deutsche Bank AG London ('DB', UK), and Lone Star Fund V L.P. ('LS V', USA) and Lone Star Fund V ('LS V', Bermuda) acquires, within the meaning of Article 3(1)(b) of the Council Regulation, joint control over Zapf GmbH ('Zapf', Germany) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for LNC: real estate development;
- for The Goldman Sachs Group Inc: investment banking and securities;
- for Deutsche Bank: universal banking business;
- for Lone Star V: private equity investment;
- Zapf: development of real estate, pre-assembled garages, wholesale of construction materials and water storage and sewage systems.

3. On preliminary examination, the Commission finds that the notified concentration 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.4148 — Nouveaux Constructeurs/Goldman Sachs Group/Deutsche Bank/ and Lone Star V/Zapf 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 procedure — Technical rules

(2006/C 57/06)

(Text with EEA relevance)

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

Notifications of draft national technical rules received by the Commission

Reference ⁽¹⁾	Title	End of three-month standstill period ⁽²⁾
2006/0100/LV	Draft Cabinet of Ministers' regulation entitled 'Requirements for ensuring the coexistence of genetically modified crops, and a monitoring and control procedure'	17-05-2006
2006/0101/P	Decree-Law laying down the conditions for the placing on the market of prestressed steel	17-05-2006
2006/0102/S	Administrative provisions amending the Swedish Chemicals Inspectorate's administrative provisions (KIFS 1998:8) on chemical products and biotechnical organisms	17-05-2006
2006/0103/A	Lower Austrian Act on slot machines	18-05-2006
2006/0104/PL	The draft regulation of the Minister for Transport and Construction on the technical conditions for technical supervision in respect of the designing, manufacturing, operation, repairing and upgrading of specialized non-stop local transportation devices	18-05-2006
2006/0105/NL	Smart Mix Subsidy Scheme	⁽⁴⁾
2006/0106/NL	a. Decree amending the Vehicles Regulations in connection with an amendment to the requirements for dipped beams with gas discharge lamps; b. Regulation amending the Regulation on permanent requirements in connection with the introduction of requirements for dipped beams with gas discharge lamps.	22-05-2006
2006/0107/DK	Draft Order on the protection of fur-bearing animals, Sections 24(3), 26, 31(3) and (4), 34, 35 and 40(1)	22-05-2006
2006/0108/PL	Minister of Transport and Construction Regulation specifying the requirements for technical inspection of the design, manufacture, operation, maintenance and modernisation of specialised pressure equipment	23-05-2006
2006/0109/F	Draft Decree on cosmetic vigilance, amending the Public Health Code (regulatory provisions)	23-05-2006
2006/0110/A	Radio interface description 'Radio relay' interface number: FSB-RR039	23-05-2006

⁽¹⁾ Year — registration number — Member State of origin.

⁽²⁾ Period during which the draft may not be adopted.

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

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

⁽⁵⁾ Information procedure closed.

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

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

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

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

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

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

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

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

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Commission communication in the framework of the implementation of Directive 94/9/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres

(2006/C 57/07)

(Text with EEA relevance)

(Publication of titles and references of harmonised standards under the directive)

ESO (*)	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of confor- mity of superseded standard Note 1
CEN	EN 1010-1:2004 Safety of machinery — Safety requirements for the design and construction of printing and paper converting machines — Part 1: Common requirements	—	
CEN	EN 1127-1:1997 Explosive atmospheres — Explosion prevention and protection — Part 1: Basic concepts and methodology	—	
CEN	EN 1127-2:2002 Explosive atmospheres — Explosion prevention and protection — Part 2: Basic concepts and methodology for mining	—	
CEN	EN 1710:2005 Equipment and components intended for use in potentially explosive atmospheres in underground mines	—	
CEN	EN 1755:2000 Safety of industrial trucks — Operation in potentially explosive atmospheres — Use in flammable gas, vapour, mist and dust	—	
CEN	EN 1834-1:2000 Reciprocating internal combustion engines — Safety requirements for design and construction of engines for use in potentially explosive atmospheres — Part 1: Group II engines for use in flammable gas and vapour atmospheres	—	
CEN	EN 1834-2:2000 Reciprocating internal combustion engines — Safety requirements for design and construction of engines for use in potentially explosive atmospheres — Part 2: Group I engines for use in underground workings susceptible to firedamp and/or combustible dust	—	
CEN	EN 1834-3:2000 Reciprocating internal combustion engines — Safety requirements for design and construction of engines for use in potentially explosive atmospheres — Part 3: Group II engines for use in flammable dust atmospheres	—	
CEN	EN 1839:2003 Determination of explosion limits of gases and vapours	—	
CEN	EN 12581:2005 Coating plants — Machinery for dip coating and electrodeposition of organic liquid coating material — Safety requirements	—	

ESO (*)	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of confor- mity of superseded standard Note 1
CEN	EN 12757-1:2005 Mixing machinery for coating materials — Safety requirements — Part 1: Mixing machinery for use in vehicle refinishing	—	
CEN	EN 12874:2001 Flame arresters — Performance requirements, test methods and limits for use	—	
CEN	EN 13012:2001 Petrol filling stations — Construction and performance of automatic nozzles for use on fuel dispensers	—	
CEN	EN 13160-1:2003 Leak detection systems — Part 1: General principles	—	
CEN	EN 13237:2003 Potentially explosive atmospheres — Terms and definitions for equipment and protective systems intended for use in potentially explosive atmospheres	—	
CEN	EN 13463-1:2001 Non-electrical equipment for potentially explosive atmospheres — Part 1: Basic method and requirements	—	
CEN	EN 13463-2:2004 Non-electrical equipment for use in potentially explosive atmospheres — Part 2: Protection by flow restricting enclosure 'fr'	—	
CEN	EN 13463-3:2005 Non-electrical equipment for use in potentially explosive atmospheres — Part 3: Protection by flameproof enclosure 'd'	—	
CEN	EN 13463-5:2003 Non-electrical equipment intended for use in potentially explosive atmospheres — Part 5: Protection by constructional safety 'c'	—	
CEN	EN 13463-6:2005 Non-electrical equipment for use in potentially explosive atmospheres — Part 6: Protection by control of ignition source 'b'	—	
CEN	EN 13463-8:2003 Non-electrical equipment for potentially explosive atmospheres — Part 8: Protection by liquid immersion 'k'	—	
CEN	EN 13616:2004 Overfill prevention devices for static tanks for liquid petroleum fuels	—	
CEN	EN 13617-1:2004 Petrol filling stations — Part 1: Safety requirements for construction and performance of metering pumps, dispensers and remote pumping units	—	

ESO (*)	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of confor- mity of superseded standard Note 1
CEN	EN 13617-2:2004 Petrol filling stations — Part 2: Safety requirements for construction and performance of safe breaks for use on metering pumps and dispensers	—	
CEN	EN 13617-3:2004 Petrol filling stations — Part 3: Safety requirements for construction and performance of shear valves	—	
CEN	EN 13673-1:2003 Determination of the maximum explosion pressure and the maximum rate of pressure rise of gases and vapours — Part 1: Determination of the maximum explosion pressure	—	
CEN	EN 13673-2:2005 Determination of maximum explosion pressure and the maximum rate of pressure rise of gases and vapours — Part 2: Determination of the maximum rate of explosion pressure rise	—	
CEN	EN 13760:2003 Automotive LPG filling system for light and heavy duty vehicles — Nozzle, test requirements and dimensions	—	
CEN	EN 13821:2002 Potentially explosive atmospheres — Explosion prevention and protection — Determination of minimum ignition energy of dust/air mixtures	—	
CEN	EN 13980:2002 Potentially explosive atmospheres — Application of quality systems	—	
CEN	EN 14034-1:2004 Determination of explosion characteristics of dust clouds — Part 1: Determination of the maximum explosion pressure p_{max} of dust clouds	—	
CEN	EN 14034-4:2004 Determination of explosion characteristics of dust clouds — Part 4: Determination of the limiting oxygen concentration LOC of dust clouds	—	
CEN	EN 14373:2005 Explosion suppression systems	—	
CEN	EN 14522:2005 Determination of the auto ignition temperature of gases and vapours	—	
CEN	EN 14591-1:2004 Explosion prevention and protection in underground mines — Protective systems — Part 1: 2-bar explosion proof ventilation structure	—	
CENELEC	EN 50014:1997 Electrical apparatus for potentially explosive atmospheres — General requirements	—	
	EN 50014:1997/A1:1999	Note 3	
	EN 50014:1997/A2:1999	Note 3	
CENELEC	EN 50015:1998 Electrical apparatus for potentially explosive atmospheres — Oil immersion 'o'	—	

ESO (*)	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of confor- mity of superseded standard Note 1
CENELEC	EN 50017:1998 Electrical apparatus for potentially explosive atmospheres — Powder filling 'q'	—	
CENELEC	EN 50018:2000 Electrical apparatus for potentially explosive atmospheres — Flameproof enclosure 'd'	—	
	EN 50018:2000/A1:2002	Note 3	Date expired (30.06.2003)
CENELEC	EN 50019:2000 Electrical apparatus for potentially explosive atmospheres — Increased safety 'e' + Corri- gendum 04.2003	—	
CENELEC	EN 50020:2002 Electrical apparatus for potentially explosive atmospheres — Intrinsic safety 'i'	—	
CENELEC	EN 50021:1999 Electrical apparatus for potentially explosive atmospheres — Type of protection 'n'	—	
CENELEC	EN 50104:2002 Electrical apparatus for the detection and measurement of oxygen — Performance requirements and test methods	EN 50104:1998 Note 2.1	Date expired (01.02.2005)
	EN 50104:2002/A1:2004	Note 3	Date expired (01.08.2004)
CENELEC	EN 50241-1:1999 Specification for open path apparatus for the detection of combustible or toxic gases and vapours — Part 1: General requirements and test methods	—	
	EN 50241-1:1999/A1:2004	Note 3	Date expired (01.08.2004)
CENELEC	EN 50241-2:1999 Specification for open path apparatus for the detection of combustible or toxic gases and vapours — Part 2: Performance requirements for apparatus for the detection of combustible gases	—	
CENELEC	EN 50281-1-1:1998 Electrical apparatus for use in the presence of combustible dust — Part 1-1: Electrical apparatus protected by enclosures — Construction and testing + Corrigendum 08.1999	—	
	EN 50281-1-1:1998/A1:2002	Note 3	Date expired (01.12.2004)
CENELEC	EN 50281-1-2:1998 Electrical apparatus for use in the presence of combustible dust — Part 1-2: Electrical apparatus protected by enclosures — Selection, installation and maintenance + Corri- gendum 12.1999	—	
	EN 50281-1-2:1998/A1:2002	Note 3	Date expired (01.12.2004)
CENELEC	EN 50281-2-1:1998 Electrical apparatus for use in the presence of combustible dust — Part 2-1: Test methods — Methods for determining the minimum ignition temperatures of dust	—	

ESO ⁽¹⁾	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of confor- mity of superseded standard Note 1
CENELEC	EN 50284:1999 Special requirements for construction, test and marking of electrical apparatus of equip- ment group II, Category 1 G	—	
CENELEC	EN 50303:2000 Group I, Category M1 equipment intended to remain functional in atmospheres endan- gered by firedamp and/or coal dust	—	
CENELEC	EN 50381:2004 Transportable ventilated rooms with or without an internal source of release + Corri- gendum 12.2005	—	
CENELEC	EN 60079-7:2003 Electrical apparatus for explosive gas atmospheres — Part 7: Increased safety 'e' (IEC 60079-7:2001)	EN 50019:2000 Note 2.1	01.07.2006
CENELEC	EN 60079-15:2003 Electrical apparatus for explosive gas atmospheres — Part 15: Type of protection 'n' (IEC 60079-15:2001 (Modified))	EN 50021:1999 Note 2.1	01.07.2006
CENELEC	EN 61779-1:2000 Electrical apparatus for the detection and measurement of flammable gases — Part 1: General requirements and test methods (IEC 61779-1:1998 (Modified))	EN 50054:1998 Note 2.1	Date expired (30.06.2003)
	EN 61779-1:2000/A11:2004	Note 3	Date expired (01.08.2004)
CENELEC	EN 61779-2:2000 Electrical apparatus for the detection and measurement of flammable gases — Part 2: Performance requirements for group I apparatus indicating a volume fraction up to 5 % methane in air (IEC 61779-2:1998 (Modified))	EN 50055:1998 Note 2.1	Date expired (30.06.2003)
CENELEC	EN 61779-3:2000 Electrical apparatus for the detection and measurement of flammable gases — Part 3: Performance requirements for group I apparatus indicating a volume fraction up to 100 % methane in air (IEC 61779-3:1998 (Modified))	EN 50056:1998 Note 2.1	Date expired (30.06.2003)
CENELEC	EN 61779-4:2000 Electrical apparatus for the detection and measurement of flammable gases — Part 4: Performance requirements for group II apparatus indicating a volume fraction up to 100 % lower explosive limit (IEC 61779-4:1998 (Modified))	EN 50057:1998 Note 2.1	Date expired (30.06.2003)
CENELEC	EN 61779-5:2000 Electrical apparatus for the detection and measurement of flammable gases — Part 5: Performance requirements for group II apparatus indicating a volume fraction up to 100 % gas (IEC 61779-5:1998 (Modified))	EN 50058:1998 Note 2.1	Date expired (30.06.2003)
CENELEC	EN 62013-1:2002 Caplights for use in mines susceptible to firedamp — Part 1: General requirements — Construction and testing in relation to the risk of explosion (IEC 62013-1:1999 (Modified))	—	

(1) ESO: European Standardisation Organisation:

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- Note 1 Generally the date of cessation of presumption of conformity will be the date of withdrawal ('dow'), set by the European Standardisation Organisation, but attention of users of these standards is drawn to the fact that in certain exceptional cases this can be otherwise.
- Note 2.1 The new (or amended) standard has the same scope as the superseded standard. On the date stated, the superseded standard ceases to give presumption of conformity with the essential requirements of the directive.
- Note 3 In case of amendments, the referenced standard is EN CCCC:YYYY, its previous amendments, if any, and the new, quoted amendment. The superseded standard (column 3) therefore consists of EN CCCC:YYYY and its previous amendments, if any, but without the new quoted amendment. On the date stated, the superseded standard ceases to give presumption of conformity with the essential requirements of the directive.

NOTE:

- Any information concerning the availability of the standards can be obtained either from the European Standardisation Organisations or from the national standardisation bodies of which the list is annexed to Directive 98/34/EC ⁽¹⁾ of the European Parliament and of the Council amended by Directive 98/48/EC ⁽²⁾.
- Publication of the references in the *Official Journal of the European Union* does not imply that the standards are available in all the Community languages.
- This list replaces all the previous lists published in the *Official Journal of the European Union*. The Commission ensures the updating of this list.

More information about harmonised standards on the Internet at

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/>

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

⁽²⁾ OJ L 217, 5.8.1998, p. 18.

EUROPEAN ECONOMIC AREA

EFTA COURT

JUDGMENT OF THE COURT

of 24 November 2005

in Case E-2/05

EFTA Surveillance Authority v The Republic of Iceland

(State aid — Failure of a Contracting Party to fulfil its obligations — Second subparagraph of Article 1(2) of Part I of Protocol 3 SCA — Validity of a decision by the EFTA Surveillance Authority — Termination of tax measures and recovery of aid — Absolute impossibility to implement a decision of the EFTA Surveillance Authority)

(2006/C 57/08)

In Case E-2/05, EFTA Surveillance Authority v the Republic of Iceland — APPLICATION for a declaration that the Republic of Iceland has failed to fulfil its obligations under points 2, 3 and 4 of the EFTA Surveillance Authority's Decision No 21/04/COL of 25 February 2004 with regard to International Trading Companies, the Court, composed of: Carl Baudenbacher, President and Judge-Rapporteur, Per Tresselt and Stefán Már Stefánsson (ad hoc), Judges, gave judgment of 24 November 2005, the operative part of which is as follows:

1. Declares that by failing to terminate the tax scheme declared incompatible with the EEA Agreement by Decision No 21/04/COL of 25 February 2004, to recover the aid provided, and to inform the EFTA Surveillance Authority as required, the Republic of Iceland has failed to fulfil its obligations under points 2, 3 and 4 of the said decision.
 2. Orders the Republic of Iceland to pay the costs of the proceedings.
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JUDGMENT OF THE COURT**of 25 November 2005****in Case E-1/05****EFTA Surveillance Authority v The Kingdom of Norway**

(Failure of a Contracting Party to fulfil its obligations — life assurance services — freedom to provide services and right of establishment — Article 33 of Directive 2002/83/EC — justification of restriction based on general good — proportionality)

(2006/C 57/09)

In Case E-1/05, EFTA Surveillance Authority v the Kingdom of Norway — APPLICATION for a declaration that the Kingdom of Norway has failed to fulfil its obligations pursuant to Article 33 of Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance, referred to at point 11 of Annex IX to the EEA Agreement, as adapted to the EEA Agreement by Protocol 1 thereto, the Court, composed of: Carl Baudenbacher, President, Per Tresselt and Thorgeir Örylgsson (Judge-Rapporteur), Judges, gave judgment of 25 November 2005, the operative part of which is as follows:

1. Declares that, by maintaining in force Section 3(2) of the Norwegian Regulation of 21 November 1989 No 1167 on the Allocation of Costs, Losses, Income, Funds etc between Insurance Undertakings in a Concern and between Branches and Contracts of Insurance Undertakings, read with Section 10 of the Norwegian Regulation of 22 September 1995 No 827 on Insurance Services and the Establishment of a Branch of an Insurance Undertaking with Headquarters in another EEA State, the Kingdom of Norway has failed to fulfil its obligations pursuant to Article 33 of Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance, referred to at point 11 of Annex IX to the EEA Agreement, as adapted to the EEA Agreement by Protocol 1 thereto.
2. Orders the Kingdom of Norway to pay the costs of the proceedings.

EFTA SURVEILLANCE AUTHORITY

Authorisation of State measure pursuant to Article 61 of the EEA Agreement and Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement

(2006/C 57/10)

The EFTA Surveillance Authority has decided not to raise objections to the notified measure.

Date of adoption: 15 July 2005

EFTA State: Norway

Aid No: 56846

Title: EFTA Surveillance Authority decision of 15 July 2005 on the notification of a new risk capital scheme: Nationwide Seed Capital Investment Companies

Objective: To increase the supply of seed capital

Legal basis: St.prp. nr.1 (2004-2005, Budsjett-innst. S.nr. 6 (2004-2005) and Budsjett-innst. S. nr. 8 (2004-2005)

Duration: Up to 15 years

Budget: Subordinated loans of NOK 667 million (approximately EUR 81 million) and a loss-fund of NOK 167 million (approximately EUR 20 million)

Authorisation of State measure pursuant to Article 61 of the EEA Agreement and Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement

(2006/C 57/11)

The EFTA Surveillance Authority has decided not to raise objections to the notified measure.

Date of adoption: 15 July 2005

EFTA State: Norway

Aid No: 55211

Title: EFTA Surveillance Authority decision of 15 July 2005 on the notification of a new risk capital scheme: Regional seed capital investment scheme for assisted areas

Objective: To increase the supply of seed capital and to promote the development of assisted areas

Legal basis: St.prp. nr. 65 (2002-2003), inst. S. nr. 260 (2002-2003), St.prp. nr. 1 (2003-2004), Budsjett-innst. S. nr. 8 (2003-2004), St.prp. nr.1 Tillegg nr. 1 (2004-2005, St.prp. nr. 16 (2004-2005, Budsjett-innst. S.nr. 8 (2004-2005) and Budsjett-innst. S. nr. 8 (2004-2005)

Duration: Up to 15 years

Budget: Subordinated loans of NOK 700 million (approximately EUR 85 million), administrative costs of NOK 50 million (approximately EUR 6,1 million) and a loss-fund of NOK 175 million (approximately EUR 21 million)
