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## Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	<b>Commission</b>	
98/C 329/01	Ecu .....	1
98/C 329/02	List of documents forwarded by the Commission to the Council during the period 12.10. to 16.10.1998 (*) .....	2
98/C 329/03	Opinion of the Advisory Committee on Concentrations delivered at its 49th meeting, held on 30 September 1997, concerning a preliminary draft Decision in Case IV/M.938 — Guinness/Grand Metropolitan .....	3
98/C 329/04	Prior notification of a concentration (Case No IV/M.1114 — SAP/Heidelberg) (*) .....	4
98/C 329/05	Application for negative clearance and notification for exemption (Case No IV/37.161 — Financial Times/Goldman Sachs) (*) .....	5
98/C 329/06	Authorisation for State aid pursuant to Articles 92 and 93 of the EC Treaty — Cases where the Commission raises no objections .....	6

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1

(\*) Text with EEA relevance

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
	II <i>Preparatory Acts</i>	
	<b>Commission</b>	
98/C 329/07	Amended proposal for a Council Regulation (EC) on the registration and use within the Community of certain types of civil subsonic jet aeroplanes which have been modified and recertified as meeting the standards of Volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993) <sup>(1)</sup> .....	10
98/C 329/08	Amended proposal for a Council Regulation (EC) on coordinating aid to the applicant countries in the framework of the pre-accession strategy .....	13

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

## I

*(Information)*

## COMMISSION

Ecu <sup>(1)</sup>

26 October 1998

(98/C 329/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,3607	Finnish markka	5,94914
Danish krone	7,43859	Swedish krona	9,09685
German mark	1,95643	Pound sterling	0,704639
Greek drachma	331,024	United States dollar	1,18464
Spanish peseta	166,205	Canadian dollar	1,83299
French franc	6,55970	Japanese yen	140,759
Irish pound	0,785258	Swiss franc	1,59749
Italian lira	1935,38	Norwegian krone	8,70710
Dutch guilder	2,20651	Icelandic krona	81,7046
Austrian schilling	13,7655	Australian dollar	1,91380
Portuguese escudo	200,559	New Zealand dollar	2,25861
		South African rand	6,81760

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789,
- give their own telex code,
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu,
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic fax answering service (No 296 10 97/296 60 11) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

<sup>(1)</sup> Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ L 379, 30.12.1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ L 189, 4.7.1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ L 349, 23.12.1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ L 349, 23.12.1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ L 345, 20.12.1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ L 345, 20.12.1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ L 311, 30.10.1981, p. 1).

**LIST OF DOCUMENTS FORWARDED BY THE COMMISSION TO THE COUNCIL  
DURING THE PERIOD 12.10. TO 16.10.1998**

(98/C 329/02)

(Text with EEA relevance)

*These documents may be obtained from the Sales Offices, the addresses of which are given on the  
back cover*

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(1998) 559	CB-CO-98-566-EN-C	Communication from the Commission to the Council and for information to the European Parliament, the Economic and Social Committee and the Committee of the Regions on the implementation and functioning of the Mobile Communication Frequency Directives <sup>(2)</sup>	12.10.1998	12.10.1998	62
COM(1998) 394	CB-CO-98-430-EN-C	Proposal for a European Parliament and Council Regulation amending Council Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community <sup>(2)</sup> <sup>(3)</sup>  Proposal for a European Parliament and Council Directive amending Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families  Proposal for a European Parliament and Council Decision establishing an Advisory Committee on freedom of movement and social security for Community workers and amending Council Regulations (EEC) No 1612/68 and (EEC) No 1408/71	22.7.1998	14.10.1998	50
COM(1998) 563	CB-CO-98-572-EN-C	Communication from the Commission to the Council and the European Parliament — A European Community strategy to support the development of sustainable tourism in the developing countries	14.10.1998	14.10.1998	26
COM(1998) 570	CB-CO-98-576-EN-C	Proposal for a Council Regulation (EC) amending Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms <sup>(2)</sup> <sup>(3)</sup>	14.10.1998	14.10.1998	7
COM(1998) 597	CB-CO-98-588-EN-C	Reexamined proposal for a Council Directive establishing a safety assessment of third countries aircraft using Community airports <sup>(2)</sup>	14.10.1998	14.10.1998	7
COM(1998) 564	CB-CO-98-573-EN-C	Proposal for a Council Decision on the position of the European Community on the draft Regulation of the United Nations Economic Commission for Europe concerning uniform provisions for the approval of tank vehicles of categories N and O with regard to roll-over stability	15.10.1998	15.10.1998	26

Code	Catalogue No	Title	Date adopted by the Commission	Date forwarded to the Council	Number of pages
COM(1998) 569	CB-CO-98-575-EN-C	Green Paper — combating counterfeiting and piracy in the single market <sup>(*)</sup>	15.10.1998	15.10.1998	30
COM(1998) 581	CB-CO-98-584-EN-C	Proposal for a Council Regulation (EC) imposing a definitive anti-dumping duty on imports of stainless steel bars originating in India and collecting definitively the provisional duty imposed	16.10.1998	16.10.1998	27
COM(1998) 582	CB-CO-98-586-EN-C	Proposal for a Council Regulation (EC) imposing a definitive countervailing duty on imports of stainless steel bars originating in India and collecting definitively the provisional duty imposed	16.10.1998	16.10.1998	40

(\*) This document contains an impact assessment on business, and in particular on SMEs.

(†) This document will be published in the *Official Journal of the European Communities*.

(‡) Text with EEA relevance.

*NB:* COM documents are available by subscription, either for all editions or for specific subject areas, and by single copy, in which case the price is based pro rata on the number of pages.

## OPINION

### of the Advisory Committee on Concentrations delivered at its 49th meeting, held on 30 September 1997, concerning a preliminary draft Decision in Case IV/M.938 — Guinness/Grand Metropolitan

(98/C 329/03)

1. The committee agrees with the Commission that the transaction notified is a 'concentration' within the meaning of Article 3(1) of the Merger Regulation and that it has a 'Community dimension' as defined in Article 1 of the Regulation.
2. A majority of the committee agrees with the definition of the product markets set out in the Commission draft. A minority has reservations.
3. The committee considers that the Commission has defined the geographic markets correctly.
4. A majority of the committee agrees with the Commission that, as originally notified, the transaction would:
  - 4.1. in Greece, create a dominant position on the market in whiskey and strengthen the existing dominant positions on the markets in gin, brandy and rum;
  - 4.2. in Spain, create a dominant position on the market in Scotch Whisky;
  - 4.3. in Belgium/Luxembourg, create dominant positions on the markets in whiskey, gin and vodka;
  - 4.4. in Ireland, reduce to two the number of major independent distributors of spirits and, consequently, strengthen the existing dominant positions at wholesale distribution level on the markets in Scotch and brandy/cognac.

A minority has reservations regarding the views set out in subparagraphs 4.1 to 4.3.
5. A minority considers that the undertakings offered by the parties are sufficient to prevent the creation of dominant positions in Greece, Spain and Belgium/Luxembourg, and the strengthening of dominant positions in Greece and Ireland.

A minority considers that the undertakings offered are not sufficient as they stand. Another minority considers that these undertakings would be sufficient if the parties were to improve the present proposals.

6. A minority of the committee takes the view that the transaction proposed should be declared compatible with the common market and with the EEA Agreement provided that the parties comply with the undertakings they have given. A minority considers that the transaction should be declared incompatible. Another minority considers that the undertakings relating to subparagraph 4.4 are not sufficient.
7. The committee recommends that the Commission take account of all the observations put forward during the meeting, and especially those regarding the grounds for measures likely to resolve the competition problems identified.
8. The committee agrees to recommend that the Commission have this opinion published in the *Official Journal of the European Communities*.

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**Prior notification of a concentration**  
**(Case No IV/M.1114 — SAP/Heidelberger)**

(98/C 329/04)

(Text with EEA relevance)

1. On 19 October 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertaking SAP Aktiengesellschaft Systeme, Anwendungen, Produkte in der Datenverarbeitung (SAP) and Heidelberger Druckmaschinen AG (Heidelberger) belonging to the RWE group acquire within the meaning of Article 3(1)(b) of the Regulation joint control of a newly created company constituting a joint venture by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- SAP: standard application software for business management, hereto related advisory and training service,
- Heidelberger: printing presses, pre-press and printing finishing equipment,
- joint venture: software solutions for the media sector.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. 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.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1114 — SAP/Heidelberger Druckmaschinen, to the following address:

European Commission,  
Directorate-General for Competition (DG IV),  
Directorate B — Merger Task Force,  
Avenue de Cortenberg/Kortenberglaan 150,  
B-1040 Brussels.

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

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**Application for negative clearance and notification for exemption****(Case No IV/37.161 — Financial Times/Goldman Sachs)**

(98/C 329/05)

(Text with EEA relevance)

1. On 21 July 1998 the Commission received an application for negative clearance/notification of agreements pursuant to Article 4 of Council Regulation No 17 from Goldman Sachs & Co., The Financial Times Limited, The McGraw Hill Companies, Inc. (acting through its Standard & Poor's division), and FTSE International Limited. These agreements, dated 19 May 1995, concern the compilation and commercial exploitation of a set of securities market indices formerly known as the FT-Actuaries World Indices and now known as the Financial Times/Standard & Poor's Actuaries World Indices.
2. The application/notification includes, *inter alia*, (a) an agreement dealing with the compilation and commercial exploitation of the indices, (b) an agreement regulating the rights and obligations of Goldman Sachs & Co., The Financial Times Limited and Standard & Poor's on the one hand, and the actuaries on the other hand, *inter alia* in relation to the intellectual property rights in the indices, (c) an agreement regulating the rights of The Financial Times Limited and Standard & Poor's in relation to their joint ownership, use and licensing of their trade marks in respect of the indices and (d) agreements regarding the termination of the contracts relating to the former FT-Actuaries World Indices and the consequences thereof.
3. On preliminary examination, the Commission finds that notified arrangements could fall within the scope of Regulation 17.
4. The Commission invites interested third parties to submit their possible observations on the arrangements.
5. Observations must reach the Commission not later than 30 days following the date of this publication. These can be sent by fax ((32-2) 296 98 07) or by post under reference IV/37.161/D1 to the following address:

European Commission,  
Directorate-General for Competition (DG IV),  
Directorate D,  
Office 5/52,  
Avenue de Cortenberg/Kortenberglaan 100,  
B-1040 Brussels.

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**Authorisation for State aid pursuant to Articles 92 and 93 of the EC Treaty**

**Cases where the Commission raises no objections**

(98/C 329/06)

**Date of adoption:** 29.7.1998

**Member State:** Italy (Sicily)

**Aid No:** N 689/A/97

**Title:** Measure to protect wild fauna and regulate hunting (Article 6 of Regional Law No 33 of 1 September 1997)

**Objective:** To subsidise the operating costs of wild animal rescue centres

**Legal basis:** Articolo 6 della legge regionale n. 33 dell'1.9.1997

**Budget:** ECU 50 000 (1998)

**Aid intensity:** The measure does not constitute aid within the meaning of Article 92(1) of the Treaty

**Duration:** Unspecified

**Conditions:** This decision is without prejudice to the assessment by the Commission of other provisions of Sicilian Regional Law No 33 of 1 September 1997

**Date of adoption:** 1.7.1998

**Member State:** Italy (Veneto)

**Aid No:** N 781/97

**Title:** Plan to prevent pollution and improve water in the catchment area emptying into the Venice lagoon — agriculture and livestock measures

**Objective:** To reduce pollution in the Venice lagoon caused by agriculture and stockfarming

**Legal basis:** Deliberazione n. 3286 del 23.9.1997 — Piano esecutivo per l'applicazione degli interventi nel settore agricolo-zootecnico approvati con PCR n. 1115 dell' 8.3.1995

**Budget:** ITL 93 million (approximately ECU 46,5 million)

**Aid intensity:**

— Conversion of irrigation systems: between 20 % and 50 % <sup>(1)</sup>

— Introduction of controlled drainage systems: between 20 % and 50 %

— Installation of vegetation barriers: 70 %

— Reduction of the environmental impact of stock-farming: between 35 % and 70 %

**Duration:** Unspecified

**Date of adoption:** 2.7.1998

**Member State:** Italy

**Aid No:** N 744/97

**Title:** 'Camposole' project

**Objective:** Investment in the food industry — fruit and vegetables

**Legal basis:** Legge n. 236/93

**Budget:**

— ITL 13 000 million (approximately ECU 6,5 million) (nominal value), including:

— ITL 3 000 million: equity financing for 15 years

— ITL 10 000 million: reduced interest loan

**Aid intensity:** 48,9 % net grant equivalent

**Duration:** One-off

**Date of adoption:** 7.7.1998

**Member State:** Belgium

**Aid No:** N 638/97

**Title:** Measures to assist fruitgrowers

**Objective:** To optimise management by farmers

**Legal basis:**

— Projet d'arrêté ministériel relatif à l'octroi d'une aide nationale au 'VZW Proefcentrum voor fruitteelt (PCF)' visant à l'encadrement du secteur fruitier

— Ontwerp van ministerieel besluit inzake de toekenning van nationale steun aan het 'VZW Proefcentrum voor fruitteelt (PCF)' ten behoeve van begeleidingsmaatregelen in de fruitteelt

**Budget:** BEF 3 000 000 (approximately ECU 75 000) per year

**Aid intensity:** Up to 100 %

**Duration:** Six years

<sup>(1)</sup> Depending on the type of farmer and type of investment.



**Date of adoption:** 17.7.1998

**Member State:** Spain (Canary Islands)

**Aid No:** N 268/98

**Title:** Measures to assist the dairy sector

**Objective:** Investments to bring holdings into line with health and hygiene requirements

**Legal basis:** Proyecto de Orden por la que se regula el programa para el fomento de la adquisición de tanques refrigeradores de leche, equipos de ordeño y de elaboración de queso artesanal

**Budget:** In 1998: ESP 82 800 000 (approximately ECU 500 000)

**Aid intensity:** Between 40 % and 60 % of the cost of the investment

**Duration:** Unspecified

**Conditions:** These aid measures fall within the scope of Article 12(4) of Regulation EC No 950/97 and must be examined under that Regulation, Article 37(2) of which stipulates that Articles 92 to 94 of the Treaty cannot be applied

**Date of adoption:** 20.7.1998

**Member State:** Spain (Castile-Leon)

**Aid No:** N 293/98

**Title:** Aid to improve irrigation systems

**Objective:** To invest in infrastructure to improve, replace and repair irrigation supply networks

**Legal basis:** Proyecto de Orden por la que se regulan y convocan ayudas a las Comunidades de regantes para modernización y mejora de sus instalaciones de riego

**Budget:** ESP 1 700 million (approximately ECU 10 million)

**Aid intensity:** 70 % (80 % where the aid is combined)

**Duration:** Unspecified

**Date of adoption:** 20.7.1998

**Member State:** Italy (Valle d'Aosta)

**Aid No:** N 64/98

**Title:** Investment aid for farms

**Objective:** Grant of supplementary national aid under certain measures part-financed by the EAGGF (farm investments and launch of relief services)

**Legal basis:** Disposizioni di attuazione della normativa regionale applicativa in Valle d'Aosta del regolamento (CE) n. 950/97

**Budget:** Unspecified

**Aid intensity:**

— Investment aid — 10 % increase for investments in farm buildings and land improvement (aid part-financed at 45 %)

— Launch of relief services — increase of aid up to 75 % of eligible costs (part-financed aid: ECU 18 000 per relief worker)

**Duration:** Unspecified

**Date of adoption:** 23.7.1998

**Member State:** United Kingdom (Northern Ireland)

**Aid No:** N 15/98

**Title:** Farm and countryside enhancement scheme

**Objective:** To beautify the landscape

**Legal basis:** Farm and countryside enhancement scheme (Rural regeneration and cross-border development Regulations (Northern Ireland) 1996 SR No 450)

**Budget:** GBP 4,25 million (ECU 6,25 million)

**Aid intensity:** 60 % to 80 % of eligible costs

**Duration:** 28 January 1997 to the end of November 1997

**Date of adoption:** 27.7.1998

**Member State:** The Netherlands

**Aid No:** N 770/97

**Title:** Temporary scheme for private management of natural spaces

**Objective:** To promote viable long-term conservation and to extend woodlands and natural spaces, also for recreational purposes

**Legal basis:** Kaderwet LNV-subsidies

**Budget:** NLG 7,3 million

**Aid intensity:** Various

**Duration:** Unlimited

**Date of adoption:** 29.7.1998

**Member State:** The Netherlands

**Aid No:** N 12/98

**Title:** Take-over by the 'Productschap Tuinbouw' of measures run by the Landbouwschap

**Objective:**

- (a) To promote onion-growing
- (b) To reduce the systematic use of plant-protection products
- (c) To improve quality and develop new horticulture crops
- (d) To promote mushroom-growing
- (e) Weed control (*knolcyperus*)
- (f) To improve the energy yield in greenhouses

**Legal basis:**

- (a) Verordening PT bijzondere heffing 1998; verordening PT instelling financieringsfonds afzetbevordering uien 1997; heffingsverordening PT afzetbevordering uien 1997;
- (b) Verordening PT bijzondere heffing 1998;
- (c) Verordening PT bijzondere heffing 1998;
- (d) Verordening PT bijzondere heffing 1998;
- (e) Verordening PT vakheffing bloembollen leverbaar 1997; verordening PT financieringsfonds algemene doeleinden bloembollen;
- (f) Heffingsverordening PT verbruik aardgas 1998; verordening PT financieringsfonds energie; verordening PT stimulering W/K-voorzieningen voor de glastuinbouw 1998

**Budget:**

- (a) 1998: NLG 250 000
- (b) 1998: NLG 915 000
- (c) 1998: NLG 12 899 000
- (d) 1998: NLG 2 000 000
- (e) 1998: NLG 200 000
- (f) 1998: NLG 28 000 000

**Aid intensity:** Various

**Duration:** Unspecified

**Date of adoption:** 29.7.1998

**Member State:** Denmark

**Aid No:** N 224/98

**Title:** Tax on pesticides and aid for agriculture — amendment of existing environmental aid scheme (N 416/95)

**Objective:** To reduce the consumption of pesticides by imposing a higher tax on such products

**Legal basis:** Lov nr. 44 om ændring af lov om afgift på bekæmpelsesmidler og lov om ændring af forskellige punktafgiftslove

**Duration:** Unspecified

**Conditions:**

- Compliance with all the terms laid down by the Commission in the decision on aid N 416/95
- Notification under Article 93(3) of the EC Treaty of all draft aid measures financed by the additional revenue from the tax
- Communication to the Commission of all measures for part-financing within the meaning of Council Regulation (EEC) No 2078/92, where such measures have not already been authorised by the Commission

**Date of adoption:** 29.7.1998

**Member State:** Italy (Liguria)

**Aid No:** N 192/98

**Title:** Aid to farms under the Leader II CIP

**Objective:** To invest in primary production and in processing and marketing

**Legal basis:** Programma LEADER regionale

**Budget:** ECU 1 115 000

**Aid intensity:**

- (a) For investments in primary production, the aid rates are those referred to in Article 7(2) of Regulation (EC) No 950/97 on holdings eligible under that Regulation and the rates referred to in Article 12(4) for beneficiaries that are not eligible holdings under that Regulation  
For collective or industry-wide investments the above aid rates are increased to 50 %
- (b) For investments in processing and marketing, up to 55 %

**Duration:** Up to 1999

**Date of adoption:** 29.7.1998

**Member State:** Austria (Lower Austria)

**Aid No:** N 313/98

**Title:** Start-up aid for young farmers

**Objective:** To encourage young people to go into farming

**Legal basis:** Beschluß der Landesregierung

**Budget:** ATS 6,25 to 7,5 million (approximately ECU 0,45 to 0,54 million) per year

**Aid intensity:** Single premium of ATS 25 000 (approximately ECU 1 800)

**Duration:** Unlimited

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**Date of adoption:** 29.7.1998

**Member State:** Germany (Mecklenburg-Western Pomerania)

**Aid No:** N 332/98

**Title:** Programme to promote investments in hydraulic engineering

**Objective:** To promote hydraulic engineering works in the general interest

**Legal basis:** Richtlinien zur Förderung wasserwirtschaftlicher Vorhaben vom 8.10.1997

**Budget:** DEM 48 900 000 DEM (ECU 24 450 000) per year

**Aid intensity:** Up to 70 % of eligible costs

**Duration:** Unlimited

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## II

*(Preparatory Acts)*

## COMMISSION

**Amended proposal for a Council Regulation (EC) on the registration and use within the Community of certain types of civil subsonic jet aeroplanes which have been modified and recertified as meeting the standards of Volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993) <sup>(1)</sup>**

(98/C 329/07)

(Text with EEA relevance)

COM(1998) 549 final — 98/0070(SYN)

*(Submitted by the Commission pursuant to Article 189a(2) of the EC Treaty on 1 October 1998)*


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<sup>(1)</sup> OJ C 118, 17.4.1998, p. 20.

## ORIGINAL TEXT

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**Proposal for a Council Directive on the registration and use within the Community of certain types of civil subsonic jet aeroplanes which have been modified and recertified as meeting the standards of Volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993)**

## AMENDED TEXT

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**Amended proposal for a Council Regulation (EC) on the registration and use within the Community of certain types of civil subsonic jet aeroplanes which have been modified and recertified as meeting the standards of Volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993)**

## Second recital

Whereas the Commission Communication on the future development of the common transport policy: a global framework to the construction of a Community framework for sustainable mobility explicitly refers to the introduction of a non-addition rule for the noisiest aeroplanes;

Whereas the Communication on the future development of the common transport policy: a global framework to the construction of a Community framework for sustainable mobility explicitly refers to the introduction of a non-addition rule for the noisiest aeroplanes;

Whereas forecast growth in the air transport sector and the associated increase in noise pollution around airports indicate the need for the Commission, bearing in mind ICAO-activities in this regard, to submit further measures concerning new and more stringent noise emission standards for civil subsonic jet aeroplanes; whereas this also seems necessary if competition is not to be distorted;

## ORIGINAL TEXT

## AMENDED TEXT

## Sixth recital

Whereas a rule which prohibits the addition of those older modified types of aeroplanes to Member States' registers as from 1 April 1999 can be considered as a protective measure aimed at preventing a further deterioration of the noise situation around Community airports as well as improving the situation regarding fuel burn and gaseous emissions;

Whereas a rule which prohibits the addition of those older modified types of aeroplanes to Member States' registers as from 1 April 1999 can be considered as a protective measure aimed at preventing a further deterioration of the noise situation around Community airports as well as improving the situation regarding fuel burn and gaseous emissions;

Whereas the danger of a substantial increase in the number of registered 'hushkitted' Chapter 2 aeroplanes by 1 April 1999 indicates the need for the Commission to observe this trend closely;

## Eighth recital

Whereas in view of existing Community legislation on aeroplane noise, the present initiative needs to be taken at Community level by binding Community rules and, thus, is compatible with the subsidiarity principle by leaving to each Member State the right to decide the best implementation tools that fit its internal system;

Whereas in view of existing Community legislation on aeroplane noise, the present initiative needs to be taken at Community level by binding Community rules;

## Ninth recital

Whereas a non-addition rule combines technical feasibility with environmental benefits without imposing an undue economic burden;

Whereas a non-addition rule combines technical feasibility with environmental benefits without imposing an undue economic burden;

Whereas, if excessive noise pollution is to be avoided, it seems necessary to prohibit the abuse of the exemptions granted under Article 4(1),

HAS ADOPTED THIS DIRECTIVE:

HAS ADOPTED THIS REGULATION:

## Article 1

The objective of this Directive is to lay down rules to prevent future deterioration in the overall noise impact in the Community of recertified civil subsonic jet aeroplanes while at the same time limiting other environmental damage.

The objective of this Regulation is to lay down rules to prevent future deterioration in the overall noise impact in the Community of recertified civil subsonic jet aeroplanes while at the same time limiting other environmental damage.

## ORIGINAL TEXT

## AMENDED TEXT

## Article 2, introductory sentence

For the purposes of this Directive, the following definitions shall apply:

For the purposes of this Regulation, the following definitions shall apply:

## Article 4, add a paragraph 3

1. Member States may grant temporary exemptions from the provisions of Article 3 for civil subsonic jet aeroplanes whose operations are of such an exceptional nature that it would be unreasonable to withhold a temporary exemption, such as for emergencies or for humanitarian aid.

Unchanged

2. Member States may grant exemptions from the provisions of Article 3 for civil subsonic jet aeroplanes which are exclusively operated outside the territory of the Community and for those operated in the overseas departments of France.

3. Member States shall inform the Commission of the exemptions granted under this Article.

## Article 5

Member States shall lay down the system of penalties applicable to infringement of the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify the relevant provisions to the Commission not later than the date specified in Article 6(1), first subparagraph and shall notify any subsequent changes as soon as possible.

Member States shall lay down the system of penalties applicable to infringement of the provisions of this Regulation and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify the relevant provisions to the Commission not later than the date specified in Article 7 and shall notify any subsequent changes as soon as possible.

## Article 6

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...]. They shall forthwith inform the Commission thereof.

Delete

## ORIGINAL TEXT

## AMENDED TEXT

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the provisions of domestic law which they adopt in the field governed by this Directive.

## Article 7

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

## Article 8

This Directive is addressed to the Member States.

Delete

## Add final formula

This Regulation shall be binding in its entirety and directly applicable in all Member States.

**Amended proposal for a Council Regulation (EC) on coordinating aid to the applicant countries in the framework of the pre-accession strategy**

(98/C 329/08)

COM(1998) 551 final — 98/0094(CNS)

(Submitted by the Commission pursuant to Article 189a(2) of the EC Treaty on 30 September 1998)

THE COUNCIL OF THE EUROPEAN UNION,

in addition to the PHARE programme, aid to agriculture and for structural measures;

Having regard to the Treaty establishing the European Community and in particular Article 235 thereof,

Whereas Regulation (EC) No 622/98 of 16 March 1998 on assistance to the applicant countries in the framework of the pre-accession strategy provides for the creation of Accession Partnerships which provide a single framework for programming the priorities and financial resources of pre-accession aid;

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Regulation (EC) No . . . set up an agricultural instrument for application mainly in areas such as modernising the structure of agricultural holdings, improving processing and distribution structures, developing inspection activities and rural development;

Whereas the Luxembourg European Council advocated a substantial increase in pre-accession aid so as to include,

Whereas the structural instrument created by Regulation (EC) No ... (the ISPA), is intended to finance infrastructure in the transport and environment fields;

Whereas the PHARE programme set up by Regulation (EEC) No 3906/89, as last amended by Regulation (EC) No 753/96, will in future focus on the essential priorities linked to adoption of the *acquis communautaire*, i.e. building up the administrative and institutional capacities of the applicant countries and financing investments designed to help them comply with Community law as soon as possible;

Whereas it is important to ensure that Community operations under the three pre-accession instruments achieve optimum economic impact;

Whereas the above instruments should remain distinct but there must be coordination between operations under them as well as with operations funded by the European Investment Bank, the European Bank for Reconstruction and Development, the Community's other financial instruments and the other international financial institutions;

Whereas it is necessary to foresee reciprocal information and cooperation between the Commission and the candidate countries for on-the-spot control and verification to ensure efficient protection of the financial interests as well as to combat fraud and other irregularities;

Whereas management of pre-accession assistance should gradually be decentralised to the applicant countries themselves, taking account of their management and financial control capacities, so that they can be more closely involved in the pre-accession aid process;

Whereas the Commission should submit regular reports on pre-accession aid to the applicant countries,

HAS ADOPTED THIS REGULATION:

#### Article 1

Coordination and coherence between assistance granted in the framework of the pre-accession strategy under PHARE, the agricultural and rural development

instrument (hereinafter the 'agricultural instrument') and the structural instrument shall be ensured in accordance with this Regulation.

#### Article 2

Measures to improve the structure of agricultural holdings, the processing and marketing of agricultural and fisheries products, phytosanitary and veterinary inspection and the quality of foodstuffs shall be financed by the agricultural instrument set up by Regulation (EC) No ... Funding shall also be provided for integrated rural development, including rural infrastructure and agri-environment schemes.

#### Article 3

Investment projects in the following areas shall be financed from the pre-accession aid structural instrument established by Regulation (EC) No ...:

- measures in the environment sector which allow the beneficiary countries to comply with the requirements of the *acquis* in relation to the environment and with the objectives of the Accession Partnerships,
- measures relating to transport infrastructure designed to promote sustainable modes of transport, in particular those that constitute projects of common interest based on Council Decision No 1692/96 and measures allowing the beneficiary countries to comply with the objectives of the Accession Partnerships; this shall include interconnection and interoperability of national networks as well as with the trans-European networks together with access to such networks.

#### Article 4

1. Funding under the PHARE programme shall focus on the main priorities for the adoption of the *acquis communautaire*, i.e. building up the administrative and institutional capacities of the applicant States and investment, except for the type of investments covered by the two instruments referred to in Articles 2 and 3.

2. However, PHARE funding may also be used to finance the measures in the fields of environment, transport and agricultural and rural development which form an indispensable part of integrated industrial reconstruction or regional development programmes.



*Article 5*

Aid for schemes or measures financed in the framework of pre-accession aid may be granted from one only of the instruments referred to in this Regulation.

*Article 6*

Financing of the schemes or measures provided for in this Regulation shall be subject to compliance with the conditions laid down in Regulation (EC) No 622/98 of 16 March 1998 and in the Accession Partnerships and to the relevant provisions of Regulations (EEC) No 3906/89 of 18 December 1989, as last amended by Regulation (EC) No 753/96 of 22 April 1996, (EC) No ... (SAPARD) and (EC) No ... (ISPA) and of this Regulation.

*Article 7*

Beneficiary States shall contribute to the financing of investments.

*Article 8*

Schemes or measures financed under the three instruments referred to in Articles 2, 3 and 4 shall be decided in accordance with the provisions laid down in the relevant Regulation relating to that instrument.

*Article 9*

1. The Commission shall be responsible for coordinating operations under the three instruments, and in particular for establishing the pre-accession aid guidelines for each country. It is assisted, for this purpose, by the committee set up by Regulation (EEC) No 3906/89, as last amended by Regulation (EC) No 753/96, in accordance with the following procedure.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter if necessary by taking a vote.

3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

*Article 10*

The Commission shall ensure coordination and coherence between operations undertaken pursuant to this Regulation under the Community budget, operations funded by the European Investment Bank or other financial instruments of the Community, and operations funded by international financial institutions.

*Article 11*

1. The Commission shall implement the Community aid in accordance with the rules of transparency and the Community's Financial Regulation and without prejudice to this Regulation.

2. Pre-accession aid shall also cover expenditure relating to the monitoring, inspection and evaluation of operations.

3. Financing decisions and any contracts or implementing instruments resulting therefrom shall expressly provide for inspection by the Commission and the Court of Auditors to be carried out on the spot, if necessary.

*Article 12*

1. The applicant countries may manage the aid granted to them on a decentralised basis subject to specific provisions concerning, *inter alia*, invitations to tender, scrutiny and evaluation of tenders and the award of contracts.

2. The above specific provisions shall be laid down in financing agreements with the beneficiary countries and shall take account of their management and financial control capacities.

3. The Commission shall adopt rules governing inspection and evaluation.

*Article 13*

Every two years the Commission shall present a report on the overall pre-accession aid for each country to the Council and to Parliament.

*Article 14*

This Regulation enters into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation is binding in its entirety and directly applicable in all Member States.