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Information and Notices

<u>Notice No</u>	Contents	Page
	<i>I Information</i>	
	Council	
2001/C 273/01	Council Resolution of 19 June 2001 on the protection of animals during transport ...	1
	Commission	
2001/C 273/02	Euro exchange rates	2
2001/C 273/03	Summary of Community decisions on marketing authorisations in respect of medicinal products from 15 August to 15 September 2001 (<i>Published pursuant to Article 12 or Article 34 of Council Regulation (EEC) No 2309/93</i>)	3
2001/C 273/04	Withdrawal of notification of a concentration (Case COMP/M.2380 — FöreningsSparbanken/SEB) ⁽¹⁾	4
2001/C 273/05	Prior notification of a concentration (Case COMP/M.2613 — Alcoa/BHP Billiton/JV) — Candidate case for simplified procedure ⁽¹⁾	5
2001/C 273/06	Non-opposition to a notified concentration (Case COMP/M.2441 — Amcor/Danisco/Ahlstrom) ⁽¹⁾	6
2001/C 273/07	Non-opposition to a notified concentration (Case COMP/M.1339 — ABB/Elsag Bailey) ⁽¹⁾	6
2001/C 273/08	Non-opposition to a notified concentration (Case COMP/M.2166 — CSC Ploenzke/Dachser/E-Chain Logistics) ⁽¹⁾	7
2001/C 273/09	Non-opposition to a notified concentration (Case COMP/M.2556 — HUK Coburg/Wiener Städtische/HMA) ⁽¹⁾	7
2001/C 273/10	Non-opposition to a notified concentration (Case COMP/M.2233 — AGF/Zwolsche Allgemeine) ⁽¹⁾	8



<u>Notice No</u>	Contents (continued)	Page
2001/C 273/11	Non-opposition to a notified concentration (Case COMP/M.1406 — Hyundai/Kia) ⁽¹⁾	8
2001/C 273/12	Non-opposition to a notified concentration (Case COMP/M.2195 — CAP Gemini/Vodafone/JV) ⁽¹⁾	9

II Preparatory Acts

.....

III Notices

Commission

2001/C 273/13	Operation of scheduled air services — Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Lisbon and Terceira ⁽¹⁾	10
2001/C 273/14	Operation of scheduled air services — Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Lisbon and Horta ⁽¹⁾	11
2001/C 273/15	Operation of scheduled air services — Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Lisbon and Oporto/Ponta Delgada ⁽¹⁾	13
2001/C 273/16	Operation of scheduled air services — Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Funchal and Ponta Delgada ⁽¹⁾	14

Corrigenda

2001/C 273/17	Corrigendum to the call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration on 'Competitive and sustainable growth' — Call identifier: Growth 1999 (OJ C 72 of 16.3.1999)	16
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⁽¹⁾ Text with EEA relevance

I

*(Information)***COUNCIL****COUNCIL RESOLUTION****of 19 June 2001****on the protection of animals during transport**

(2001/C 273/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Whereas:

- Declaration No 24 annexed to the Final Act of the Treaty on European Union calls upon the European institutions and the Member States, when drafting and implementing Community legislation, in particular on the common agricultural policy, to pay full regard to the welfare requirements of animals;
 - the report from the Commission to the Council and the European Parliament on the experience acquired by Member States since the implementation of Council Directive 95/29/EC amending Directive 91/628/EEC concerning the protection of animals during transport has brought deficiencies to light in the application of the provisions laid down by the aforementioned Directive, particularly with regard to compliance with travelling time limits and loading densities and the lack of care for, and brutal mistreatment of, animals, mainly on long journeys;
 - the various animal health crises experienced by the Union in recent years (in particular classical swine fever in the Netherlands (1997/98) and more recently foot-and-mouth disease) have been exacerbated by the large number of movements of live animals both within the Member States affected by the epizootic diseases and between the various Member States;
 - use of the staging points established by Council Directive 95/29/EC to allow animals to be transported over long distances may involve a risk of spreading certain contagious diseases (such as foot-and-mouth disease and classical swine fever in particular);
 - the specialisation of livestock farms, the concentration and intensification of animal production in certain regions of the Member States and the rationalisation of slaughterhouses and establishments for processing their products have resulted in a significant increase in animal transport both within the Member States and in trade between Member States,
- CONSIDERS THAT:
- the Member States and the Commission should ensure the effective implementation and strict enforcement of existing legislation;
 - in the near future, new initiatives should be envisaged to improve the protection and welfare of animals as well as preventing the occurrence and spread of infectious animal diseases;
 - for movements which remain essential, in order to safeguard the welfare and health of animals during and after transport, more stringent requirements should be put in place, so as to prevent pain and suffering;
- INVITES the Commission to submit to the Council as rapidly as possible:
- suitable proposals for achieving these aims, in the light of the experience built up by Member States in implementing Directive 95/29/EC;
 - an animal health and welfare report on:
 - (a) issues arising from the transport of live animals also taking into account the public interest to prevent the spread of infectious animal diseases;
 - (b) economic consequences for the European Union generally or for regions thereof of any changes proposed.
-

COMMISSION

Euro exchange rates ⁽¹⁾

27 September 2001

(2001/C 273/02)

1 euro	=	7,4364	Danish krone
	=	9,8752	Swedish krona
	=	0,6244	Pound sterling
	=	0,9205	United States dollar
	=	1,4478	Canadian dollar
	=	109,75	Japanese yen
	=	1,4811	Swiss franc
	=	8,085	Norwegian krone
	=	93,72	Icelandic króna ⁽²⁾
	=	1,895	Australian dollar
	=	2,2925	New Zealand dollar
	=	8,281	South African rand ⁽²⁾

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

⁽²⁾ Source: Commission.

**Summary of Community decisions on marketing authorisations in respect of medicinal products
from 15 August to 15 September 2001**

(Published pursuant to Article 12 or Article 34 of Council Regulation (EEC) No 2309/93 ⁽¹⁾)

(2001/C 273/03)

**— Modification of a marketing authorisation (Article 12 of Regulation (EEC) No 2309/93):
Accepted**

Date of the decision	Name of the medicinal product	Holder of the marketing authorisation	Number of the entry in the Community Register	Date of notification
24.8.2001	Synagis	Abbott Laboratories Ltd Queenborough Kent ME11 5EL United Kingdom	EU/1/99/117/001-002	28.8.2001
30.8.2001	Twinrix Adult	SmithKline Beecham Biologicals SA Rue de l'Institut 89 B-1330 Rixensart	EU/1/96/020/001-009	21.9.2001
30.8.2001	Twinrix Paediatric	SmithKline Beecham Biologicals SA Rue de l'Institut 89 B-1330 Rixensart	EU/1/97/029/001-008	31.8.2001
10.9.2001	Visudyne	Novartis Ophthalmics Europe Ltd Delta House Southwood Crescent Southwood Farnborough Hants GU14 0NL United Kingdom	EU/1/00/140/001	12.9.2001
10.9.2001	Ovitrelle	Serono Europe Limited 56 Marsh Wall London E14 9TP United Kingdom	EU/1/00/165/001-006	12.9.2001
12.9.2001	Bondronat	Roche Registration Limited 40 Broadwater Road Welwyn Garden City Hertfordshire AL7 3AY United Kingdom	EU/1/96/012/001-005	14.9.2001
12.9.2001	Bonviva	Roche Registration Limited 40 Broadwater Road Welwyn Garden City Hertfordshire AL7 3AY United Kingdom	EU/1/96/013/001-004	14.9.2001
13.9.2001	Bondronat	Roche Registration Limited 40 Broadwater Road Welwyn Garden City Hertfordshire AL7 3AY United Kingdom	EU/1/96/012/006-008	14.9.2001
13.9.2001	Luveris	Serono Europe Limited 56 Marsh Wall London E14 9TP United Kingdom	EU/1/00/155/001-006	14.9.2001

⁽¹⁾ OJ L 214, 24.8.1993, p. 1.

Date of the decision	Name of the medicinal product	Holder of the marketing authorisation	Number of the entry in the Community Register	Date of notification
13.9.2001	Hycamtin	SmithKline Beecham plc New Horizons Court Brentford Middlesex TW8 9EP United Kingdom	EU/1/96/027/001-005	14.9.2001
17.9.2001	NeoRecormon	Roche Registration Limited 40 Broadwater Road Welwyn Garden City Hertfordshire AL7 3AY United Kingdom	EU/1/97/031/001-044	19.9.2001
17.9.2001	Novonorm	Novo Nordisk A/S Novo Allee DK-2880 Bagsværd	EU/1/98/076/001-002, 004-009, 011-016, 018-021	19.9.2001
18.9.2001	Pylobactell	Torbet Laboratories Limited The Guard House Church Lane The Historic Dockyard Chatham Kent ME4 4TE United Kingdom	EU/1/98/064/001	19.9.2001

Anyone wishing to consult the public assessment report on the medicinal products in question and the decisions relating thereto is invited to contact:

The European Agency for the Evaluation of Medicinal Products
7 Westferry Circus
Canary Wharf
London E14 4HB
United Kingdom

Withdrawal of notification of a concentration
(Case COMP/M.2380 — FöreningsSparbanken/SEB)

(2001/C 273/04)

(Text with EEA relevance)

On 11 June 2001 the Commission received notification of a proposed concentration, pursuant to Article 4 of Council Regulation (EEC) No 4064/89, between FöreningsSparbanken and SEB. On 19 September 2001, the notifying parties informed the Commission that they withdrew their notification.

Prior notification of a concentration**(Case COMP/M.2613 — Alcoa/BHP Billiton/JV)****Candidate case for simplified procedure**

(2001/C 273/05)

(Text with EEA relevance)

1. On 21 September 2001 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾, as last amended by Regulation (EC) No 1310/97⁽²⁾, by which the undertakings Alcoa Inc. USA (Alcoa) and BHP Billiton plc UK and Australia (BHP Billiton) acquire, within the meaning of Article 3(1)(b) of the Regulation, joint control of a newly created joint venture company (JV) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Alcoa: active at various levels of the aluminium industry,
- BHP Billiton: dual-listed (UK and Australia) international mining company,
- JV: it will distribute aluminium, steel and other metals in North America.

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. Pursuant to the Commission Notice on simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89⁽³⁾, 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.

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 COMP/M.2613 — Alcoa/BHP Billiton/JV, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
Rue Joseph II/Jozef II-straat 70,
B-1000 Brussels.

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

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

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Non-opposition to a notified concentration
(Case COMP/M.2441 — Amcor/Danisco/Ahlstrom)

(2001/C 273/06)

(Text with EEA relevance)

On 11 June 2001 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 301M2441. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations,
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration
(Case COMP/M.1339 — ABB/Elsag Bailey)

(2001/C 273/07)

(Text with EEA relevance)

On 16 December 1998 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(2) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
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Non-opposition to a notified concentration**(Case COMP/M.2166 — CSC Ploenzke/Dachser/E-Chain Logistics)**

(2001/C 273/08)

(Text with EEA relevance)

On 26 January 2001 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CDE' version of the CELEX database, under document No 301M2166. CELEX is the computerised documentation system of European Community law.

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L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration**(Case COMP/M.2556 — HUK Coburg/Wiener Städtische/HMA)**

(2001/C 273/09)

(Text with EEA relevance)

On 4 September 2001 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CDE' version of the CELEX database, under document No 301M2556. CELEX is the computerised documentation system of European Community law.

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Non-opposition to a notified concentration**(Case COMP/M.2233 — AGF/Zwolsche Algemeene)**

(2001/C 273/10)

(Text with EEA relevance)

On 18 December 2000 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 300M2233. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

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2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration**(Case COMP/M.1406 — Hyundai/Kia)**

(2001/C 273/11)

(Text with EEA relevance)

On 17 March 1999 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 399M1406. CELEX is the computerised documentation system of European Community law.

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2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration
(Case COMP/M.2195 — CAP Gemini/Vodafone/JV)

(2001/C 273/12)

(Text with EEA relevance)

On 29 November 2001 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 300M2195. CELEX is the computerised documentation system of European Community law.

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III

(Notices)

COMMISSION

Operation of scheduled air services

Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Lisbon and Terceira

(2001/C 273/13)

(Text with EEA relevance)

1. **Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, Portugal has decided to amend the public service obligations imposed on scheduled air services operated between Lisbon and Terceira.

The standards required by these public service obligations were published in *Official Journal of the European Communities* No C 271 of 26.9.2001.

Insofar as by 30.11.2001 no air carrier has applied to operate scheduled air services on the abovementioned route in accordance with the public service obligations imposed and without requesting financial compensation, Portugal has decided, in accordance with the procedure laid down by Article 4(1)(d) of that regulation, to limit access to this route to only 1 air carrier and to offer by public tender the right to operate these air services from 1.1.2002. Candidates must submit bids for the provision of services on the abovementioned route, as set out in this invitation to tender.

2. **Object of invitation to tender:** Operation from 1.1.2002 of scheduled air services between Lisbon and Terceira, in accordance with the public service obligations imposed on this route and published in *Official Journal* No C 271 of 26.9.2001.

3. **Participation:**

a) Participation is open to all air carriers holding a valid, appropriate operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

b) Air carriers will be permitted to subcontract to other air carriers, in accordance with the applicable legislation and regulations, any additional capacity needed to meet the requirements of flight schedules, but they

remain responsible for complying with their obligations.

4. **Procedure:** This invitation to tender is subject to points d), e), f), g), h) and i) of Article 4(1) of Regulation (EEC) No 2408/92.

5. **Tender dossier:** The complete tender dossier, comprising the specific rules governing the invitation to tender, may be obtained from: Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon.

6. **Financial compensation:** The tenders submitted must explicitly indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). The exact amount of compensation finally granted will be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender. In addition to this financial compensation, carriers will be reimbursed for expenses arising out of the public service fare obligations published in *Official Journal of the European Communities* No C 271 of 26.9.2001 for carrying passengers and freight to and from airports in the Azores having no direct scheduled service to the mainland or Funchal, by any operator of the corresponding air service within the Autonomous Region of the Azores.

7. **Duration, amendment and termination of contract:** The contract shall enter into force on 1.1.2002 and end on 31.12.2004.

The performance of the contract shall be subject to an annual review, in cooperation with the carrier, during November and December. The amount of the financial compensation may be revised in the event of unforeseen changes in the operating conditions.

8. **Penalties:** Should the carrier be unable to operate the service owing to force majeure, the amount of the financial compensation may be reduced in proportion to the flights not operated.

Should the carrier fail to operate the services for reasons other than force majeure or fail to fulfil the public service obligations, the Portuguese authorities may:

- reduce the amount of the financial compensation in proportion to the flights not operated;
 - request explanations from the carrier and, should these prove unsatisfactory, terminate the contract without notice and claim compensation for damages.
9. **Submission of tenders:** Tenders must be sent by registered letter with acknowledgement of receipt, the

postmark serving as proof, or delivered by hand with receipt, to the following address:

Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon,

within 30 days of the date of publication of this invitation to tender in the Supplement to the *Official Journal of the European Communities*. Tenders must be submitted before 17.00 (local time) on the closing date.

10. **Validity of invitation to tender:** In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier eligible to operate the services in question presents by the date referred to in the Commission notice an application to operate the route in question as from 1.1.2002, in accordance with the public service obligations imposed, without receiving any compensation.

Operation of scheduled air services

Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Lisbon and Horta

(2001/C 273/14)

(Text with EEA relevance)

1. **Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, Portugal has decided to amend the public service obligations imposed on scheduled air services operated between Lisbon and Horta.

The standards required by these public service obligations were published in *Official Journal of the European Communities* C 271 of 26.9.2001.

Insofar as by 30.11.2001 no air carrier has applied to operate scheduled air services on the abovementioned route in accordance with the public service obligations imposed and without requesting financial compensation, Portugal has decided, in accordance with the procedure laid down by Article 4(1)(d) of that regulation, to limit access to this route to only 1 air carrier and to offer by public tender the right to operate these air services from 1.1.2002. Candidates must submit bids for the provision of services on the abovementioned route, as set out in this invitation to tender.

2. **Object of invitation to tender:** Operation from 1.1.2002 of scheduled air services between Lisbon and Horta, in accordance with the public service obligations imposed on this route and published in Official Journal C 271 of 26.9.2001.

3. **Participation:**

- a) Participation is open to all air carriers holding a valid, appropriate operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.
- b) Air carriers will be permitted to subcontract to other air carriers, in accordance with the applicable legislation and regulations, any additional capacity needed to meet the requirements of flight schedules, but they remain responsible for complying with their obligations.

4. **Procedure:** This invitation to tender is subject to points d), e), f), g), h) and i) of Article 4(1) of Regulation (EEC) No 2408/92.
5. **Tender dossier:** The complete tender dossier, comprising the specific rules governing the invitation to tender, may be obtained from: Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon.
6. **Financial compensation:** The tenders submitted must explicitly indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). The exact amount of compensation finally granted will be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender. In addition to this financial compensation, carriers will be reimbursed for expenses arising out of the public service fare obligations published in *Official Journal of the European Communities* C 271 of 26.9.2001 for carrying passengers and freight to and from airports in the Azores having no direct scheduled service to the mainland or Funchal, by any operator of the corresponding air service within the Autonomous Region of the Azores.
7. **Duration, amendment and termination of contract:** The contract shall enter into force on 1.1.2002 and end on 31.12.2004.
- The performance of the contract shall be subject to an annual review, in cooperation with the carrier, during November and December. The amount of the financial compensation may be revised in the event of unforeseen changes in the operating conditions.
8. **Penalties:** Should the carrier be unable to operate the service owing to force majeure, the amount of the

financial compensation may be reduced in proportion to the flights not operated.

Should the carrier fail to operate the services for reasons other than force majeure or fail to fulfil the public service obligations, the Portuguese authorities may:

- reduce the amount of the financial compensation in proportion to the flights not operated;
- request explanations from the carrier and, should these prove unsatisfactory, terminate the contract without notice and claim compensation for damages.

9. **Submission of tenders:** Tenders must be sent by registered letter with acknowledgement of receipt, the postmark serving as proof, or delivered by hand with receipt, to the following address:

Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon ,

within 30 days of the date of publication of this invitation to tender in the Supplement to the *Official Journal of the European Communities*. Tenders must be submitted before 17.00 (local time) on the closing date.

10. **Validity of invitation to tender:** In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier eligible to operate the services in question presents by the date referred to in the Commission notice an application to operate the route in question as from 1.1.2002, in accordance with the public service obligations imposed, without receiving any compensation.

Operation of scheduled air services

Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Lisbon and Oporto/Ponta Delgada

(2001/C 273/15)

(Text with EEA relevance)

1. **Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, Portugal has decided to amend the public service obligations imposed on scheduled air services operated between Lisbon and Oporto/Ponta Delgada.

The standards required by these public service obligations were published in *Official Journal of the European Communities* C 271 of 26.9.2001.

Insofar as by 30.11.2001 no air carrier has applied to operate scheduled air services on the abovementioned route in accordance with the public service obligations imposed and without requesting financial compensation, Portugal has decided, in accordance with the procedure laid down by Article 4(1)(d) of that regulation, to limit access to this route to only 1 air carrier and to offer by public tender the right to operate these air services from 1.1.2002. Candidates must submit bids for the provision of services on the abovementioned route, as set out in this invitation to tender.

2. **Object of invitation to tender:** Operation from 1.1.2002 of scheduled air services between Lisbon and Oporto/Ponta Delgada, in accordance with the public service obligations imposed on this route and published in *Official Journal* C 271 of 26.9.2001.

3. **Participation:**

(a) Participation is open to all air carriers holding a valid, appropriate operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

(b) Air carriers will be permitted to subcontract to other air carriers, in accordance with the applicable legislation and regulations, any additional capacity needed to meet the requirements of flight schedules, but they remain responsible for complying with their obligations.

4. **Procedure:** This invitation to tender is subject to points d), e), f), g), h) and i) of Article 4(1) of Regulation (EEC) No 2408/92.

5. **Tender dossier:** The complete tender dossier, comprising the specific rules governing the invitation to tender, may be obtained from: Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon.

6. **Financial compensation:** The tenders submitted must explicitly indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). The exact amount of compensation finally granted will be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender. In addition to this financial compensation, carriers will be reimbursed for expenses arising out of the public service fare obligations published in *Official Journal of the European Communities* C 271 of 26.9.2001 for carrying passengers and freight to and from airports in the Azores having no direct scheduled service to the mainland or Funchal, by any operator of the corresponding air service within the Autonomous Region of the Azores.

7. **Duration, amendment and termination of contract:** The contract shall enter into force on 1.1.2002 and end on 31.12.2004.

The performance of the contract shall be subject to an annual review, in cooperation with the carrier, during November and December. The amount of the financial compensation may be revised in the event of unforeseen changes in the operating conditions.

8. **Penalties:** Should the carrier be unable to operate the service owing to force majeure, the amount of the financial compensation may be reduced in proportion to the flights not operated.

Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon,

Should the carrier fail to operate the services for reasons other than force majeure or fail to fulfil the public service obligations, the Portuguese authorities may:

within 30 days of the date of publication of this invitation to tender in the Supplement to the *Official Journal of the European Communities*. Tenders must be submitted before 17.00 (local time) on the closing date.

— reduce the amount of the financial compensation in proportion to the flights not operated;

— request explanations from the carrier and, should these prove unsatisfactory, terminate the contract without notice and claim compensation for damages.

9. **Submission of tenders:** Tenders must be sent by registered letter with acknowledgement of receipt, the postmark serving as proof, or delivered by hand with receipt, to the following address:

10. **Validity of invitation to tender:** In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier eligible to operate the services in question presents by the date referred to in the Commission notice an application to operate the route in question as from 1.1.2002, in accordance with the public service obligations imposed, without receiving any compensation.

Operation of scheduled air services

Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Funchal and Ponta Delgada

(2001/C 273/16)

(Text with EEA relevance)

1. **Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, Portugal has decided to amend the public service obligations imposed on scheduled air services operated between Funchal and Ponta Delgada.

public tender the right to operate these air services from 1.1.2002. Candidates must submit bids for the provision of services on the abovementioned route, as set out in this invitation to tender.

The standards required by these public service obligations were published in *Official Journal of the European Communities* C 271 of 26.9.2001.

2. **Object of invitation to tender:** Operation from 1.1.2002 of scheduled air services between Funchal and Ponta Delgada, in accordance with the public service obligations imposed on this route and published in *Official Journal* C 271 of 26.9.2001.

Insofar as by 30.11.2001 no air carrier has applied to operate scheduled air services on the abovementioned route in accordance with the public service obligations imposed and without requesting financial compensation, Portugal has decided, in accordance with the procedure laid down by Article 4(1)(d) of that regulation, to limit access to this route to only 1 air carrier and to offer by

3. **Participation:**

a) Participation is open to all air carriers holding a valid, appropriate operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

- b) Air carriers will be permitted to subcontract to other air carriers, in accordance with the applicable legislation and regulations, any additional capacity needed to meet the requirements of flight schedules, but they remain responsible for complying with their obligations.
4. **Procedure:** This invitation to tender is subject to points d), e), f), g), h) and i) of Article 4(1) of Regulation (EEC) No 2408/92.
5. **Tender dossier:** The complete tender dossier, comprising the specific rules governing the invitation to tender, may be obtained from: Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon.
6. **Financial compensation:** The tenders submitted must explicitly indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). The exact amount of compensation finally granted will be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender. In addition to this financial compensation, carriers will be reimbursed for expenses arising out of the public service fare obligations published in *Official Journal of the European Communities* C 271 of 26.9.2001 for carrying passengers and freight to and from airports in the Azores having no direct scheduled service to the mainland or Funchal, by any operator of the corresponding air service within the Autonomous Region of the Azores.
7. **Duration, amendment and termination of contract:** The contract shall enter into force on 1.1.2002 and end on 31.12.2004.
- The performance of the contract shall be subject to an annual review, in cooperation with the carrier, during November and December. The amount of the financial compensation may be revised in the event of unforeseen changes in the operating conditions.
8. **Penalties:** Should the carrier be unable to operate the service owing to force majeure, the amount of the financial compensation may be reduced in proportion to the flights not operated.
- Should the carrier fail to operate the services for reasons other than force majeure or fail to fulfil the public service obligations, the Portuguese authorities may:
- reduce the amount of the financial compensation in proportion to the flights not operated;
 - request explanations from the carrier and, should these prove unsatisfactory, terminate the contract without notice and claim compensation for damages.
9. **Submission of tenders:** Tenders must be sent by registered letter with acknowledgement of receipt, the postmark serving as proof, or delivered by hand with receipt, to the following address:
- Instituto Nacional de Aviação Civil, Rua B, Edifício 4, Aeroporto de Lisboa, P-1700 Lisbon,
- within 30 days of the date of publication of this invitation to tender in the Supplement to the *Official Journal of the European Communities*. Tenders must be submitted before 17.00 (local time) on the closing date.
10. **Validity of invitation to tender:** In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier eligible to operate the services in question presents by the date referred to in the Commission notice an application to operate the route in question as from 1.1.2002, in accordance with the public service obligations imposed, without receiving any compensation.
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CORRIGENDA

Corrigendum to the call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration on 'Competitive and sustainable growth'**Call identifier: Growth 1999**

(Official Journal of the European Communities C 72 of 16 March 1999)

(2001/C 273/17)

On page 33, point 4, part 2 is replaced by the following:

Marie Curie Fellowships (indicative budget EUR 12 million)

Industry host fellowships

Experienced Researchers' Fellowships

The deadline for receipt of proposals by the Commission is **28 February 2002** at 5 p.m. Proposals will be evaluated in batches according to the following tentative deadlines for receipt: 2.6.1999, 19.11.1999, 22.3.2000, 18.9.2000, 21.3.2001, 19.9.2001 and **28.2.2002** ⁽¹⁾.

SME specific measures (indicative budget EUR 200 million)

Exploratory awards

Coooperative research

The deadline for receipt of proposals by the Commission is 18 April 2002 at 5 p.m. for exploratory awards proposals and **28 February 2002** at 5 p.m. for cooperative research proposals. Proposals will be evaluated in batches according to the following tentative deadlines for receipt: exploratory awards proposals: 14.4.1999, 15.9.1999, 12.1.2000, 26.4.2000, 13.9.2000, 17.1.2001 and 18.4.2001; **cooperative research proposals**: 15.9.1999, 12.1.2000, 26.4.2000, 13.9.2000, 17.1.2001, 18.4.2001, 19.9.2001 and **28.2.2002** ⁽²⁾.

Accompanying measures (indicative budget EUR 28 million)

The deadline for receipt of proposals by the Commission is **28 February 2002** at 5 p.m. Proposals will be evaluated in batches according to the following tentative deadlines for receipt: 15.6.1999, 15.11.1999, 15.3.2000, 15.9.2000, 15.3.2001, 15.9.2001 and **28.2.2002** ⁽³⁾.

More information on SME specific measures can be obtained through the SME Helpdesk (Internet: www.cordis.lu/sme; e-mail: research-sme@cec.eu.int; fax (32-2) 295 71 10).

More information on Marie Curie Fellowships and accompanying measures can be obtained through the Growth Helpdesk (Internet: www.cordis.lu/growth; e-mail: growth@cec.eu.int; fax (32-2) 296 67 57).

⁽¹⁾ This date replaces the closing date of 20.3.2002 previously indicated in the former version of this call. Priority will be given to proposals involving NAS countries.

⁽²⁾ This date replaces the two cut-off dates of 16.1.2002 and 17.4.2002 previously indicated in the former version of this call.

⁽³⁾ This date replaces the closing date of 15.3.2002 previously indicated in the former version of this call.'