

English edition

## Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	<b>Commission</b>	
96/C 45/01	Ecu .....	1
96/C 45/02	Communication of Decisions under sundry tendering procedures in agriculture (cereals) .....	2
96/C 45/03	List of establishments in Switzerland approved for the purpose of importing fresh meat into the Community <sup>(1)</sup> .....	3
96/C 45/04	List of establishments in Bulgaria approved for the purpose of importing fresh meat into the Community <sup>(1)</sup> .....	4
96/C 45/05	Uniform application of the Combined Nomenclature (CN) (Classification of goods)	4
96/C 45/06	Community framework for State aid for research and development <sup>(1)</sup> .....	5
96/C 45/07	Holidays in 1996 .....	17

---

### II *Preparatory Acts*

.....

---

**EN**

1

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

(Continued overleaf)

III *Notices***Commission**

96/C 45/08	Medium-term Community programme for equal opportunity for men and women (1996-2000) — Invitation to tender notice No V/001/96 — Open procedure . . . . .	21
96/C 45/09	Management consultancy and related services . . . . .	22
96/C 45/10	Products suitable for use as a marker system in gas oils and kerosene — Call for expressions of interest . . . . .	24
96/C 45/11	Analysis of certain trade and investment barriers of non-Community markets in the machinery industry . . . . .	25
96/C 45/12	Analysis of certain trade and investment barriers of non-Community markets in the automotive sector . . . . .	26
96/C 45/13	Analysis of certain trade and investment barriers of non-Community markets in the chemical industry . . . . .	27
96/C 45/14	Study on the effects of the 'Buy American' legislation in the United States of America and the effect on products from the European Community . . . . .	28
96/C 45/15	Computerized multimedia library management system — Post-information notice	29

---

**Corrigenda**

96/C 45/16	Urban pilot programme (OJ No C 38, 10. 2. 1996, p. 23) . . . . .	30
96/C 45/17	Technical assistance for the Commission of the European Communities with implementing the Media II programme — Intermediary Organization 'Training' (OJ No C 2, 5. 1. 1996, p. 9)	30
96/C 45/18	Technical assistance for the European Commission with implementing the Media II programme — Intermediary Organization 'Development' (OJ No C 2, 5. 1. 1996, p. 10) . . . . .	31
96/C 45/19	Technical assistance for the European Commission with implementing the Media II programme — Intermediary Organization 'Management' (OJ No C 2, 5. 1. 1996, p. 13) . . . . .	31

## I

(Information)

## COMMISSION

Ecu <sup>(1)</sup>

16 February 1996

(96/C 45/01)

Currency amount for one unit:

Belgian and Luxembourg franc	38,8214	Finnish markka	5,89600
Danish krone	7,30043	Swedish krona	8,90662
German mark	1,88760	Pound sterling	0,835470
Greek drachma	312,014	United States dollar	1,28846
Spanish peseta	159,061	Canadian dollar	1,77743
French franc	6,50029	Japanese yen	135,520
Irish pound	0,812295	Swiss franc	1,53933
Italian lira	2042,75	Norwegian krone	8,24616
Dutch guilder	2,11372	Icelandic krona	85,4122
Austrian schilling	13,2763	Australian dollar	1,70544
Portuguese escudo	196,491	New Zealand dollar	1,89843
		South African rand	5,02500

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 telex answering service (No 21791) and an automatic fax answering service (No 296 10 97) 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 No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).  
 Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).  
 Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).  
 Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).  
 Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).  
 Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

**Communication of Decisions under sundry tendering procedures in agriculture (cereals)**

(96/C 45/02)

*(See notice in Official Journal of the European Communities No L 360 of 21 December 1982, page 43)*

Standing invitation to tender	Weekly invitation to tender	
	Date of Commission Decision	Maximum refund
Commission Regulation (EC) No 1088/95 of 15 May 1995 opening an invitation to tender for the refund for the export of common wheat to all third countries (OJ No L 109, 16. 5. 1995, p. 13)	15. 2. 1996	ECU 17,99/tonne (*)
Commission Regulation (EC) No 1089/95 of 15 May 1995 opening an invitation to tender for the refund for the export of barley to all third countries (OJ No L 109, 16. 5. 1995, p. 16)	15. 2. 1996	Tenders rejected
Commission Regulation (EC) No 1090/95 of 15 May 1995 opening an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries (OJ No L 109, 16. 5. 1995, p. 19)	—	No tenders received
Commission Regulation (EC) No 1091/95 of 15 May 1995 opening an invitation to tender for the refund for the export of rye to all third countries (OJ No L 109, 16. 5. 1995, p. 22)	15. 2. 1996	Tenders rejected
Commission Regulation (EC) No 2428/95 of 16 October 1995 on an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 249, 17. 10. 1995, p. 19)	15. 2. 1996	Tenders rejected
Commission Regulation (EC) No 2429/95 of 16 October 1995 on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries (OJ No L 249, 17. 10. 1995, p. 22)	15. 2. 1996	ECU 298,00/tonne
Commission Regulation (EC) No 2430/95 of 16 October 1995 opening an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 249, 17. 10. 1995, p. 25)	15. 2. 1996	ECU 351,00/tonne
		Maximum reduction
Commission Regulation (EC) No 2875/95 of 13 December 1995 opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries (OJ No L 301, 14. 12. 1995, p. 17)	—	No tenders received
Commission Regulation (EC) No 2876/95 of 13 December 1995 opening an invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries (OJ No L 301, 14. 12. 1995, p. 18)	—	No tenders received
Commission Regulation (EC) No 2877/95 of 13 December 1995 opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries (OJ No L 301, 14. 12. 1995, p. 20)	—	No tenders received

(\*) Minimum export tax

**List of establishments in Switzerland approved for the purpose of importing fresh meat into the Community**

(96/C 45/03)

(Text with EEA relevance)

*Commission Decision C(96) 304 of 8 February 1996*

(Article 4 (1) of Council Directive 72/462/EEC)

Approval No	Establishment/address	Category (*)							
		SL	CP	CS	B	S/G	P	SP	SR
101	Städtischer Schlachthof, 8004 Zürich	×			×		×		
103	Städtischer Schlachthof, Basel	×			×		×		
		×						×	( <sup>1</sup> )
107	Städtischer Schlachthof, St. Gallen	×			×		×		
115	Gustav Spiess, 9442 Berneck	×	×		×		×		TF
121	Gehrig AG, 4710 Klus	×	×		×		×		TF
129	Zentralschlachthof AG, Hinwil, Zürich	×	×		×		×		( <sup>4</sup> )
141	Vulliamy SA, 1033 Cheseaux SL	×	×		×		×		
		×	×					×	( <sup>1</sup> )
145	Grieder AG, 4702 Oensingen	×	×		×		×		TF
155	Frischfleisch AG, 6210 Sursee	×	×		×		×		( <sup>2</sup> ) ( <sup>1</sup> )
157	Marmy viande en gros SA, 1470 Estavayer-le-lac	×	×		×				
240	Fleischhandel Crüzer AG, 7302 Landquart		×		×		×		
282	Tiefkühlager AG, 4623 Neuendorf			×					( <sup>1</sup> )
283	Frigo St. Johann, 4056 Basel			×					( <sup>1</sup> )
291	Kühlhaus Neuhof AG, 9202 Gossau			×					( <sup>1</sup> ) TF
297	Tiefkühlhaus AG, 8865 Bilten			×					( <sup>1</sup> ) TF
298	Bahnhof-Kühlhaus AG, 4313 Möhlin			×					( <sup>1</sup> )
307	Born AG, 3250 Lyss		×		×		×		
308	Tiefkühlager Sitterdorf, Sitterdorf			×					( <sup>1</sup> )
309	Metzgerei Gemperli AG, St. Gallen, St. Gallen		×		×		×		
310	Grauwiler Fleisch AG, Basel, Basel		×		×		×		

(\*) SL: Slaughterhouse  
CP: Cutting premises  
CS: Cold store

B: Bovine meat  
S/G: Sheepmeat/Goatmeat  
P: Pigeat  
SP: Meat from solipeds

SR: Special remarks

(<sup>1</sup>) Frozen packaged meat only.

(<sup>2</sup>) Pigeat: only packaged meat which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.

(<sup>3</sup>) Livers and kidneys excluded.

(<sup>4</sup>) Stomachs and intestine excluded.

(<sup>5</sup>) Fresh meat may be introduced into the territory of the Community only until 31 July 1996.

TF: The establishments with the indication 'TF' are authorized, within the meaning of Article 4 of Directive 77/96/EEC, to perform the freezing treatment provided for in Article 3 of the same Directive (TF).

**List of establishments in Bulgaria approved for the purpose of importing fresh meat into the Community**

(96/C 45/04)

(Text with EEA relevance)

*Commission Decision C(96) 303 of 8 February 1996*

(Article 4 (1) of Council Directive 72/462/EEC)

Approval No	Establishment/address	Category (*)							
		SL	CP	CS	B	S/G	P	SP	SR
21	Mecom Ltd, Silistra	×	×			×	×		( <sup>1</sup> ) ( <sup>1</sup> ) T
28	Mesokombinat Svichtov, Svichtov	×				×			( <sup>1</sup> ) ( <sup>1</sup> )
31	Mesokombinat Vratza, Vratza	×				×			( <sup>1</sup> ) ( <sup>1</sup> )

(\*) SL: Slaughterhouse  
CP: Cutting premises  
CS: Cold store

B: Bovine meat  
S/G: Sheepmeat/Goatmeat  
P: Pigmeat  
SP: Meat from solipeds

SR: Special remarks

T: The establishments with the indication 'T' are authorized, within the meaning of Article 4 of Directive 77/96/EEC, to perform the examination for detection of trichines provided for in Article 2 of the aforementioned Directive.

(<sup>1</sup>) Offal detached from carcass excluded.

(<sup>1</sup>) Chilled carcasses only.

(<sup>1</sup>) Fresh pigmeat intended exclusively for the manufacture of meat-based products on Bulgarian territory.

(<sup>1</sup>) Fresh meat may be introduced into the territory of the Community only until 29 February 1996.

**UNIFORM APPLICATION OF THE COMBINED NOMENCLATURE (CN)**

(Classification of goods)

(96/C 45/05)

*Publication of explanatory notes made in accordance with Article 10 (1) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (<sup>1</sup>), as last amended by Commission Regulation (EC) No 192/96 (<sup>2</sup>)*

The 'explanatory notes to the combined nomenclature of the European Communities' (<sup>1</sup>) are amended as follows:

*Page 151*

Insert the following text:

**'3002 10 91 Haemoglobin, blood globulins and serum globulins**

This subheading includes human normal immunoglobulin.'

**3002 10 95**

**and Other**

**3002 10 99**

Delete the expression 'human normal immunoglobulin,'.

(<sup>1</sup>) OJ No L 256, 7. 9. 1987, p. 1.

(<sup>2</sup>) OJ No L 26, 2. 2. 1996, p. 5.

(<sup>3</sup>) OJ No C 342, 5. 12. 1994, p. 1. The publication 'Explanatory Notes to the combined nomenclature of the European Communities' is at present available in all language versions, with the exception of Finnish and Swedish which are under preparation and will be published as soon as possible.

## COMMUNITY FRAMEWORK FOR STATE AID FOR RESEARCH AND DEVELOPMENT

(96/C 45/06)

(Text with EEA relevance)

**1. The role of research and development in improving growth, competitiveness and employment**

- 1.1. Article 130 (1) of the EC Treaty states that the Community and the Member States are to take action aimed at 'fostering better exploitation of the industrial potential of policies of innovation, research and technological development'.

In addition, Article 130 (3) stipulates that the Community is to contribute to the achievement of that objective 'through the policies and activities it pursues under other provisions of this Treaty'. Accordingly, this framework for aid to research aims to implement the competition rules while contributing to that objective.

- 1.2. Research and development can contribute to renewing growth, strengthening competitiveness and boosting employment. The Single European Act introduced *inter alia* Article 130f of the EC Treaty outlining the Community objective of strengthening the scientific and technological bases of Community industry and encouraging it to become more competitive internationally. The Maastricht Treaty confirmed that objective, along with the need for the Community to encourage cooperation on research and technological development between firms, research centres and universities.

- 1.3. One way to advance these goals is through the multiannual Research and Technological Development (RTD) framework programmes. The fourth framework programme (1994 to 1998), which has been adopted by the European Parliament and the Council <sup>(1)</sup>, comprises four main areas of activity:

- (a) implementation of research, technological development and demonstration programmes, by promoting cooperation with and between companies, research centres and universities;
- (b) promotion of cooperation in the field of Community research, technological development and demonstration with third countries and international organizations;
- (c) dissemination and optimization of the results of activities in Community research, technological development and demonstration;
- (d) stimulation of the training and mobility of research workers throughout the Community.

- 1.4. The White Paper on Growth, competitiveness and employment <sup>(2)</sup> identified the challenges and ways forward into the 21st century. It proposes a broad range of measures and actions to be taken jointly by the Member States and the Community in order to tackle unemployment in the European Union.

<sup>(1)</sup> OJ No L 126, 18. 5. 1994, p. 1.

<sup>(2)</sup> Bull. EC, Supplement 6/93.

It underscores the importance of general measures to promote RTD investment by firms, including favourable tax treatment and measures to enhance the effectiveness of research. In particular, it advocates 'transferring a higher proportion of research spending to the private sector and [...] shifting government intervention from direct support to indirect instruments'.

- 1.5. However, the White Paper indicates that most of the spending on R&D in the Community is carried out by Member States. The Community's research budget currently accounts for only about 4 % of total public civil research spending by the Member States. What is more, only 13 % of research spending within the Union is devoted to the coordination of research between firms from several Member States.
- 1.6. As the White Paper also points out, the Community invests proportionately less than some of its competitors in research and technological development. According to data collected since the implementation of the 1986 framework, and particularly the data covering the period 1990 to 1992, notified aid intended primarily for industrial R&D accounted for less than 5 % of total state aid.
- 1.7. It is also stressed that, reflecting the principle laid down in Article 3 (g) of the EC Treaty, measures taken by the Member States have to be compatible with the common market and the rules governing State aid, which are based on Articles 92 and 93 of the EC Treaty.
- 1.8. One aim of competition policy is to improve the international competitiveness of Community industry and thereby contribute to the achievement of the objectives set out in Article 130 (1) of the EC Treaty. The competition rules must therefore be applied constructively to encourage cooperation which helps new technology to be developed and disseminated in the Member States, while observing the rules on intellectual property rights. In the control of State aid, regard must be paid to the need for resources to be made available to those sectors which will contribute to improving the competitiveness of Community industry.
- 1.9. Traditionally, the Commission has taken a favourable view of State aid for R&D. This favourable attitude is justified on several counts: the aims of such aid, the often considerable financial requirements and risks of R&D operations and, given the distance from the market-place of such projects, the reduced likelihood that such aid will distort competition and trade.
- 1.10. The Commission has expressed this favourable attitude in more than 500 decisions taken on the basis of the Community framework for State aid for R&D ('the framework')<sup>(1)</sup>. It has been able to do so because Member States have always respected the restrictions set by the framework.
- 1.11. This revised version of the framework seeks to take account of recent developments and the experience gained over the years.

<sup>(1)</sup> OJ No C 83, 11. 4. 1986.



One such development is the Agreement on Subsidies and Countervailing Measures (SCM), which comes under the GATT 1994 Agreement. The SCM Agreement takes account of the special characteristics of research aid. Article 8 of the Agreement stipulates *inter alia* the conditions subject to which assistance for research activities conducted by firms or by higher-education or research establishments on a contract basis with firms are to be non-actionable. The framework also takes appropriate account of the other objectives and policies of the Union.

## 2. Applicability of the State aid rules to aid for R&D (Article 92 (1) of the EC Treaty)

- 2.1. Article 92 (1) of the EC Treaty states that any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, in so far as it affects trade between Member States, incompatible with the common market.
- 2.2. The closer the R&D is to the market, the more significant may be the distortive effect of the State aid. In order to determine the proximity to the market of the aided R&D, the Commission makes a distinction between fundamental research, industrial research and precompetitive development activity. Definitions of these various stages of R&D, which correspond to those laid down in the Agreement on Subsidies and Countervailing Measures, are set out in Annex I to the framework.
- 2.3. Innovation does not qualify as a separate category of R&D. Aid for activities that could be regarded as innovative but do not correspond to the categories mentioned in point 2.2 can benefit from state aid only if it conforms with the Commission policy on investment aid.
- 2.4. Public financing of R&D activities by public non-profit-making higher-education or research establishments is normally not covered by Article 92 (1) of the EC Treaty.

Where the results of publicly financed R&D projects carried out by such establishments are made available to Community industry on a non-discriminatory basis, the Commission will assume that State aid within the meaning of Article 92 (1) of the EC Treaty is not normally involved.

Where R&D is carried out by public non-profit-making, higher-education or research establishments on behalf of or in collaboration with industry, the Commission will assume that State aid within the meaning of Article 92 (1) of the EC Treaty is not involved either:

- (a) where the public non-profit-making higher-education or research establishments contribute to research projects as a commercial firm would, e.g. in return for payment at the market rate for the services they provide;
- (b) or
  - where the industrial participants in the research bear the full cost of the project, or
  - where the results which do not give rise to intellectual property rights may be widely disseminated and any intellectual property rights to the R&D results are fully allocated to the public non-profit-making establishments, or

— where the public non-profit-making establishments receive from the industrial participants compensation equivalent to the market price for the intellectual property rights which result from the research project and which are held by those industrial participants, and where the results which do not give rise to intellectual property rights may be widely disseminated to interested third parties.

2.5. Public authorities may commission R&D from firms or buy the results of R&D directly from them. If there is no open tender procedure, the Commission will assume that there might be State aid within the meaning of Article 92 (1). If these contracts are awarded according to market conditions, in particular after an open tender procedure in accordance with Council Directive 92/50/EEC <sup>(1)</sup>, it will normally be assumed that no State aid within the meaning of Article 92 (1) of the EC Treaty is involved.

### 3. **Compatibility of aid for R&D (Article 92 (3) (b) and (c) of the EC Treaty)**

3.1. Where it satisfies the tests of Article 92 (1) of the EC Treaty and therefore has to be examined by the Commission, aid granted to firms for R&D may be regarded as compatible with the common market by virtue of one of the derogations provided for in Article 92 (3).

3.2. In all cases where, after examination, the Commission concludes that the purpose of the aid in question is to promote the execution of an important project of common European interest, that aid may qualify for the derogation contained in Article 92 (3) (b).

3.3. The common European interest must be demonstrated in practical terms: for example, it must be proved that the project represents a major advance over specific Community R&D programmes or that it enables significant progress to be made towards achieving specific Community objectives.

3.4. In the past, the Commission has applied the derogation contained in Article 92 (3) (b) in a limited number of cases. It has transpired that, as regards R&D, this derogation may apply particularly to transnational projects of major qualitative and, in principle, quantitative significance (e.g. projects related to the formulation of industrial standards that could enable the Community's industries to secure the full benefit of the single market). Thus, the Commission decided to regard a number of Eureka projects in the field of electronics (EU 127 JESSI, EU 102 EPROM, EU 147 DAB, EU 43 ESF) or high-definition television (EU 95 HDTV) as being of common European interest.

3.5. If State aid for R&D does not qualify for the derogation provided for in Article 92 (3) (b), it may nevertheless be compatible with the Treaty by virtue of Article 92 (3) (c), which provides a derogation for aid that facilitates the development of certain economic activities as long as it does not adversely affect trading conditions to an extent contrary to the common interest.

3.6. When examining whether or not Article 92 (3) (c) of the EC Treaty is applicable, the Commission will pay special attention to the type of research carried out, the beneficiaries, the aid intensity, the accessibility to the results and other relevant factors as mentioned in Sections 5 and 6.

<sup>(1)</sup> OJ No L 209, 24. 7. 1992.

4. **Notification of proposed State aid for R&D (Article 93 of the EC Treaty)**
- 4.1. State aid for R&D has to be notified to the Commission pursuant to Article 93 (3) of the EC Treaty. In order to assist the Member State, as well as the Commission departments, notification should be made by means of the standard form sent out in the Commission's letter to the Member States dated 22 February 1994, on standardized notifications and reports, as amended by the Commission's letter to the Member States dated 2 August 1995. The supplementary questionnaire on R&D, contained in Part A of Annex 2 to the letter dated 2 August 1995 (Information normally to be supplied in a notification of State aid for R&D under Article 93 (3) of the EC Treaty) is replaced by the new questionnaire annexed to this framework (Annex III).
- 4.2. The Commission aims to achieve the highest possible degree of transparency in the application of aid schemes. This means that there must be a clear statement of the objectives to be achieved, the beneficiaries, etc. The different categories of costs which the aid is designed to reduce must be specified and the aid must be granted in such a form that the intensity of the aid in relation to these costs, as listed in Annex II, can be calculated.
- 4.3. In these case of R&D projects, all types of aid may be authorized. Member States must nevertheless make it possible for the Commission to calculate the grant equivalent of the aid if the latter is not paid in the form of an outright grant and must consequently provide sufficient information to enable the Commission to do this.
- 4.4. Where a Member State is of the opinion that Article 92 (3) (b) of the EC Treaty is applicable, it must examine whether the relevant conditions are met and demonstrate to the Commission, in its notification, that they are met.
- 4.5. The Commission communication to the Member States on the accelerated clearance of aid schemes for SMEs and of amendments of existing schemes on standardized notifications and reports<sup>(1)</sup> applies in full to State aid for R&D, as does the *de minimis* rule<sup>(2)</sup>.
- 4.6. To date, the Commission, in response to its letter of 22 February 1994 (as amended on 2 August 1995), has received a significant number of notifications involving only the refinancing and/or extension of aid schemes consistent with the current Community framework for State aid for research and development and compatible with the common market. The Commission has never raised any objections to such notifications.

In the light of the experience it has acquired, the Commission considers therefore that a notification of the increase in the annual budget of an authorized scheme is no longer necessary if, expressed in ecus, it is not more than 100 % (in nominal terms) of the initial annual amount, provided that the scheme is of unlimited duration or that the increase takes place within the period of validity of a scheme of limited duration.

Extensions with or without a budgetary increase (up to the abovementioned limit of 100 %), without changes in the conditions for implementing the previously approved aid schemes and consistent with the new framework need be renotified only from the fifth year following the expiry of the validity of the original scheme. The Member States, however, are obliged to inform the Commission of such refinancing/extensions in advance and to continue to submit an annual report to it on the application of the schemes in question.

<sup>(1)</sup> OJ No C 213, 19. 8. 1992, p. 10.

<sup>(2)</sup> The *de minimis* rule currently applied is stated in point 3.2 of the Community guidelines on State aid for SMEs (OJ No C 213, 19. 8. 1992, p. 2).

- 4.7. Individual grants of aid under an R&D scheme that has been authorized by the Commission do not, in principle, need to be notified. However, in order to allow the Commission to assess significant amounts of aid under approved schemes and the compatibility of such aid with the common market, the Commission requires prior notification of any individual research project costing more than ECU 25 million and for which it is proposed to provide aid with a gross grant equivalent of more than ECU 5 million.

This new notification rule must be regarded as an appropriate measure within the meaning of Article 93 (1) of the EC Treaty. Its substance was examined by the representatives of the Member States at a multilateral meeting.

The Commission intends to amend the existing notification procedure for Eureka projects at a later stage and will propose appropriate measures to that effect (Article 93 (1) of the EC Treaty).

- 4.8. Individual grants of aid outside the scope of authorized R&D schemes are to be notified pursuant to Article 93 (3) of the EC Treaty unless they constitute *de minimis* awards.

## 5. Aid intensity

- 5.1. The allowable intensity of aid will be determined by the Commission on a case-by-case basis. The Commission assessment in each case will take into consideration the nature of the project or programme, overall policy considerations relating to the competitiveness of European industry, the risk of distortion of competition and the effect on trade between Member States. A general evaluation of such risks leads the Commission to consider that fundamental research and industrial research may qualify for higher levels of aid than precompetitive development activities, which are more closely related to the market introduction of R&D results and, if aided, could therefore more easily lead to distortions of competition and trade.
- 5.2. The public financing of fundamental research that is normally independently carried out by non-profit-making higher-education or research establishments does not constitute State aid within the meaning of Article 92 (1) of the EC Treaty.

In exceptional cases where fundamental research is carried out by or for firms, the aid would fall within Article 92 (1) of the EC Treaty but, since this type of research is far from the market and its results are in principle widely available for exploitation on a non-discriminatory basis and at market rates, it may be awarded at a gross aid intensity of up to 100 %.

To qualify as fundamental research, the work should not be linked to any industrial or commercial objectives of a particular enterprise, and a wide dissemination of the results of the research must be guaranteed.

- 5.3. As a general rule, the gross aid intensity for industrial research must not exceed 50 % of the eligible costs of the project (as defined in Annex II).
- 5.4. Technical feasibility studies preparatory to industrial research activities may qualify for aid amounting to 75 % of study costs, while such studies preparatory to precompetitive development activities may qualify for support amounting to 50 % of study costs; these ceilings have been set in the light of the negligible impact of such aid on competition and trade conditions.

- 5.5. Precompetitive development activities are close to the market and there is a greater risk that any such aid will distort competition and intra-Community trade.

In line with Commission practice established over the past years, the permissible gross aid intensity is fixed at 25 % of the eligible costs for the project (as defined in Annex II).

- 5.6. As stated in point 4.3 of the framework, Member States are free to use all instruments of aid to support R&D. In the case of advances that are repayable only in the event of a successful outcome of research activities, the permissible aid intensity (in gross grant equivalent) is that stipulated by this framework for the various stages of research. In the event of failure of the research concerned, the Commission, in line with past practice, may allow a higher level of aid intensity since the project's failure reduces the risk of competition and trade being distorted.

When notifying reimbursable aid, Member States are required to inform the Commission of the amounts and exact procedures for repayment, with the proposed conditions being assessed by the Commission on a case-by-case basis.

- 5.7. With a view to encouraging dissemination of research results, the Commission considers that aid in support of patent applications and renewals by SMEs (within the meaning of the current Community definition) may be granted up to the same level as that for the research activities which first led to the patents concerned.
- 5.8. In the case of State aid for an R&D project being carried out in collaboration between public research establishments and enterprises, the combined aid deriving from direct government support for a specific research project and, where they constitute aid (see point 2.4), contributions from public research establishments to that project may not exceed the abovementioned aid ceilings.
- 5.9. In cases of R&D activity spanning industrial research and precompetitive development activities, the permissible aid intensity will not normally exceed the weighted average of the permissible aid intensities applicable to the two types of research.
- 5.10. Without prejudice to the case-by-case assessment, which, as indicated in point 5.1, will normally be made, the aid intensities specified in points 5.3 to 5.8 of the framework may be exceeded in the following situations:

5.10.1. Where the aid is to be given SMEs<sup>(1)</sup>: an extra 10 percentage points;

5.10.2. Where the research project is carried out in an Article 92 (3) (a) region: an extra 10 percentage points;

Where the research project is carried out in an Article 92 (3) (c) region: an extra 5 percentage points;

The abovementioned regional bonuses may be exceeded, taking into account the ceilings applicable to regional investment aid and the need to stimulate intangible investment in conformity with Commission policy, without however exceeding the limits set out in point 5.10.6.

<sup>(1)</sup> The definition currently applied is that in the Community guidelines on State aid for SMEs (OJ No C 213, 19. 8. 1992, p. 10).

- 5.10.3. Where the research project is in accordance with the objectives of a specific project or programme undertaken as part of the Community's current framework programme for R&D, it will qualify for an extra 15 percentage points.

That figure will rise to 25 percentage points where the project also involves effective cross-border cooperation between firms and public research bodies or between at least two independent partners in two Member States and where its results are widely disseminated and published, whilst observing intellectual and industrial property rights.

- 5.10.4. Where the research project is not in accordance with the objectives of a specific project or programme undertaken as part of the Community's current framework programme for R&D, the Commission will allow increases of up to 10 percentage points provided that at least one of the following conditions is satisfied:

- (a) the project involves effective cross-border cooperation between at least two independent partners in two Member States, particularly in the context of coordinating national RTD policies;
- (b) the project involves effective cooperation between firms and public research bodies, particularly in the context of coordination of national RTD policies;
- (c) the project's results are widely disseminated and published, patent licences are granted or other appropriate steps are taken under conditions similar to those for the dissemination of Community RTD results (Article 130j of the EC Treaty).

- 5.10.5. The Member State concerned must provide the Commission with sufficient information to enable it to assess whether these criteria are met.

- 5.10.6. The combination of the increases described at points 5.10.1 to 5.10.4 with the percentages specified at points 5.3 and 5.8 may not exceed a maximum gross intensity of 75 % for industrial research and 50 % for precompetitive development activities. These limits must be respected in all cases.

- 5.11. Where State aid for R&D qualifies for the derogation laid down in Article 92 (3) (b) of the EC Treaty, the gross aid intensity must not exceed the limits authorized by the WTO's Subsidies Code (75 % for industrial research, 50 % for precompetitive development activities).

- 5.12. The ceilings laid down above in respect of R&D aid apply to State aid.

However, when examining R&D aid, the Commission must take into account the effect on competition and trade of a combination of State aid with Community financing.

Where Community financing and State aid are combined, total official support may not exceed 75 % in the case of industrial research and 50 % in the case of precompetitive development activities.

- 5.13. Gross intensities of 75 % for industrial research and 50 % for precompetitive development activities (maximum intensities authorized by the WTO's Agreement on Subsidies and Countervailing Measures for non-actionable subsidies may be authorized

if similar projects or programmes of competitors located outside the European Union have received (in the last three years), or are going to receive, aid of an equivalent intensity for the two types of research.

If at all possible, the Member State concerned will provide the Commission with sufficient information to enable it to assess the situation, in particular regarding the need to offset the competitive advantage enjoyed by a third-country competitor.

If the Commission has evidence (official publication, notification to the WTO, OECD data, budgetary documents, etc.) that aid granted or proposed by a third country attains a rate that justifies a higher aid intensity, it will give its opinion on the notification requesting such alignment within 30 working days for an individual case and within two months for a scheme.

If there is only circumstantial evidence, the Commission, having collected all appropriate information from the Member States, will give its opinion on the advisability of alignment within two months.

The abovementioned time limits will run from the receipt of a detailed request from one or more Member States.

#### 6. Incentive effect of R&D aid

- 6.1. State aid for R&D should serve as an incentive for firms to undertake R&D activities in addition to their normal day-to-day operations. It may also encourage firms not carrying out research and development to undertake such activities. Where this incentive effect is not evident, the Commission may consider such aid less favourably than it usually does.
- 6.2. In order to verify that the planned aid will induce firms to pursue research which they would not otherwise have pursued, the Commission must take particular account of quantifiable factors (such as changes in R&D spending, in the number of people assigned to R&D activities and in R&D spending as a proportion of total turnover), market failures, additional costs connected with cross-border cooperation and other relevant factors indicated by the Member State that made the notification. Proposed aid may also be permitted if it contributes towards expanding the scope of research or speeding it up.
- 6.3. Accordingly, the Commission calls on Member States, both when notifying R&D aid and when submitting annual reports on the implementation of approved aid schemes, to demonstrate that the aid is necessary as an incentive, and is on no account operational aid.
- 6.4. The Commission may assume that the aid provides a necessary incentive if the recipient is an SME within the meaning of the current Community definition.
- 6.5. The Commission will attribute particular importance to the conditions at points 6.2 and 6.3:
  - in the case of individual, close-to-the-market research projects to be undertaken by large firms,
  - in all cases in which a significant proportion of the R&D expenditure has already been made prior to the aid application.

## 7. Annual reports

For each authorized aid scheme, the Commission will generally request an annual report on implementation. On the basis of these reports, the Commission will be in a position to monitor the allocation of aid and, if necessary, propose appropriate measures if it considers that the scheme is distorting, or is likely to distort, competition contrary to the common interest, e.g. by undue concentration on specific sectors or firms.

These reports have to be in accordance with the requirements set out in the Commission's letter to the Member States dated 22 February 1994, as amended on 2 August 1995, on standardized notifications and reports.

## 8. Implementation

8.1. The framework will be implemented in accordance with other Community policies on State aid, the provisions of other European treaties and legislation adopted pursuant to those Treaties. This applies in particular to State aid in the nuclear field, which is still covered by Article 232 (2) of the EC Treaty, by the provisions of the Euratom Treaty and, where defence aspects are concerned, by Article 223 of the EC Treaty.

8.2. Once the Regulation implementing the OECD Agreement respecting normal competitive conditions in the commercial shipbuilding and repair industry enters into force, State aid for R&D activities in the shipbuilding and ship repair sector will no longer be covered by the framework but will be evaluated in accordance with the provisions of that Regulation.

## 9. Duration

The Commission will review the framework in five years' time. It may also decide to amend it at any time, in cooperation with the Member States, should it prove necessary for reasons connected with competition policy or to take account of other Community policies and international commitments.

---

### ANNEX I

#### Definition of the stages of R&D for the purposes of Article 92 of the EC Treaty

The framework is intended to cover R&D aid linked directly to the subsequent production and marketing of new products, processes or services in so far as it meets the conditions of Article 92 (1) of the EC Treaty. The following definitions are designed to help Member States to formulate their notifications. They are intended to be indicative not normative.

- By **fundamental research** is meant an activity designed to broaden scientific and technical knowledge not linked to industrial or commercial objectives.
- By **industrial research** is meant planned research of critical investigation aimed at the acquisition of new knowledge, the objective being that such knowledge may be useful in developing new products, processes or services or in bringing about a significant improvement in existing products, processes or services.
- By **precompetitive development activity** is meant the shaping of the results of industrial research into a plan, arrangement of design for new, altered or improved products, processes or services, whether they are intended to be sold or used, including the creation of an initial prototype which could not be used commercially. This may also include the conceptual formulation and design of other products, processes or services and initial demonstration projects or pilot projects, provided that such projects



cannot be converted or used for industrial applications or commercial exploitation. It does not include the routine or periodic changes made to products, production lines, manufacturing processes, existing services and other operations in progress, even if such changes may represent improvements.

---

## ANNEX II

### Eligible R&D costs for the purpose of calculating the aid intensity

The costs set out below will be regarded as eligible for the purposes of calculating the intensity of R&D aid (where generated by other activities as well — in particular other R&D activities — they must be broken down by type of activity):

- personnel costs (researchers, technicians and other supporting staff employed solely on the research activity),
- costs of instruments, equipment, and land and premises used solely and on a continual basis (except where transferred commercially) for the research activity,
- cost of consultancy and equivalent services used exclusively for the research activity, including the research, technical knowledge and patents, etc. bought from outside sources,
- additional overheads incurred directly as a result of the research activity,
- other operating expenses (e.g. costs of materials, supplies and similar products) incurred directly as a result of the research activity.

---

## ANNEX III

**Additional information normally to be supplied in the notification provided for by Article 93 (3) of the EC Treaty of State aid for R&D (schemes, cases of aid granted under an approved scheme and *ad hoc* aid cases)**

*(To be attached to the general questionnaire in Part A of Annex II to the letter of 2 August 1995 addressed by the Commission to the Member States concerning notifications and standardized annual reports)*

### 1. Objectives

Detailed description of the aims of the measure and of the type/nature of the R&D to be assisted.

### 2. Description of the R&D stages eligible for aid

- 2.1. Fundamental research
- 2.2. Definition stage or feasibility studies
- 2.3. Industrial research
- 2.4. Precompetitive development activity
- 2.5. Pilot or demonstration projects.

### 3. Details of cost items eligible for aid

- 3.1. Personnel costs (researchers, technicians and other supporting staff employed solely on the research activity).
- 3.2. Cost of instruments, equipment and land and premises used solely and on a continual basis (except where transferred commercially) for the research activity.

- 3.3. Cost of consultancy and equivalent services used exclusively for the research activity, including the research, technical knowledge and patents, etc. bought from outside sources.
  - 3.4. Additional overheads incurred directly as a result of the research activity.
  - 3.5. Other operating expenses (e.g. costs of materials, supplies and similar products) incurred directly as a result of the research activity.
- 4. Type and intensity of the aid**
- 4.1. Description of the type and intensity of the aid for each R&D stage qualifying for aid.
  - 4.2. Detailed description of any bonuses applicable, and maximum aid intensity.
  - 4.3. Specify whether the R&D activities eligible for aid are wholly or partly located in an assisted region (Article 93 (3) (a) or 92 (3) (c)).
- 5. Cooperative research**
- 5.1. Are projects carried out in cooperation between a number of firms eligible for aid? On special terms? If so, what are the terms?
  - 5.2. Does the aid proposal provide for cooperation between enterprises and other bodies, such as research institutes and universities? On special terms? If so, please describe.
  - 5.3. If research institutes receive aid for a specific research project, what is the amount and intensity of that aid?
- 6. Multinational aspects**
- Does the proposal (*ad hoc* case/scheme/programme) have any multinational aspects (e.g. Esprit or Eureka projects)? If so:
- 6.1. Does the proposal involve cooperation with partners in other countries? If so, state:
    - (a) which other Member States
    - (b) which other third countries
    - (c) which enterprises or research centres in other countries
  - 6.2. What is the total cost of the proposal (*ad hoc* case/scheme/programme)?
  - 6.3. Give the breakdown of the total cost by partner.
- 7. Application of the results**
- 7.1. Who will own the R&D results in question?
  - 7.2. Are any conditions attached to the granting of licences in respect of the results?
  - 7.3. Are there any rules governing the general publication/(dissemination of the R&D results)?
  - 7.4. Indicate the measures planned for the subsequent use/development of the results.
- 8. Incentive effect of R&D aid**
- 8.1. With regard to schemes, what measures are envisaged for ensuring that the aid has an incentive effect on R&D (see point 6 of the framework)?
  - 8.2. With regard to *ad hoc* aid — especially in the cases referred to at point 6.5 of the framework — what factors have been taken into account to ensure that the aid has an incentive effect on R&D?
-



	B	DK	D	GR	E	F	IRL	I	L	NL	AT	P	FI	SE	UK
All Saints' Day: 1. 11.	×		× <sup>(4)</sup>		×	×		×	×		×	×		2.11.	
All Souls' Day: 2. 11.													×		
Armistice 1918: 11. 11.	×					×									
Restoration of Independence: 1. 12.												×			
Constitution Day: 6. 12.					×										
Independence Day: 6. 12.													×		
Immaculate Conception: 8. 12.					9.12.										
Christmas Eve: 24. 12.											×		×		
Christmas: 25. 12.	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
Second Day of Christmas: 26. 12.	×	×	×	×	× <sup>(5)</sup>		×	×	×	×	×		×	×	×

## Notes

(<sup>1</sup>) Baden-Württemberg, Bayern, Hessen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland; Sachsen: in administrative districts in Bautzen, Hoyerswerda and Kamenz; Thüringen: in administrative districts with a predominantly Catholic population.

(<sup>2</sup>) Saarland; Bayern: in administrative districts with a predominantly Catholic population.

(<sup>3</sup>) Brandenburg, Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt; Thüringen: in administrative districts with a predominantly Protestant population.

(<sup>4</sup>) Baden-Württemberg, Bayern, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland; Thüringen: in administrative districts with a predominantly Catholic population.

(<sup>5</sup>) Optional public holidays. The Spanish autonomous regions may choose other holidays.

**Council — Commission**

4 April		Maundy Thursday
5 April		Good Friday
8 April		Easter Monday
1 May		Labour Day
9 May		Schuman declaration
16 May		Ascension
17 May		Day following Ascension
27 May		Whit Monday
21 July <sup>(1)</sup>		Belgian national holiday
15 August		Assumption
1 November		All Saints' Day
24 December to 31 December	}	Christmas and New Year

Total: 17 days

<sup>(1)</sup> *Luxembourg*:

Same days as Brussels, except for 21 July, which is replaced by 23 June, the Luxembourg national holiday.

**European Parliament**

19 February		Carnival Monday
5 April		Good Friday
8 April		Easter Monday
1 May		Labour Day
9 May		Schuman declaration
16 May		Ascension
27 May		Whit Monday
		National holiday <sup>(1)</sup> :
23 June		— Luxembourg
14 July		— France
21 July		— Belgium
15 August		Assumption
2 September		Schobermesse Monday
1 November		All Saints' Day
		All Souls' Day
24 December to 31 December	}	Christmas and New Year

<sup>(1)</sup> According to place of employment.

## EFTA States

			IS	N	LIE
New Year	1.	1.	×	×	×
Epiphany	6.	1.			×
Candlemas Day	2.	2.			×
Mardi Gras	20.	2.			×
Saint Joseph	19.	3.			×
Maundy Thursday	4.	4.	×	×	
Good Friday	5.	4.	×	×	×
Easter Monday	8.	4.	×	×	×
Sumardagurinn Fyrsti	25.	4.	×		
Labour Day	1.	5.	×	×	×
Ascension	16.	5.	×	×	×
Grunnlovsdag	17.	5.		×	
Whit Monday	27.	5.	×	×	×
Corpus Christi	6.	6.			×
National Day	17.	6.	×		
Fridagur Verslonarman	7.	8.	×		
Assumption	15.	8.			×
Birth of the Virgin Mary	8.	9.			×
All Saints' Day	1.	11.			×
Immaculate Conception Day	8.	12.			×
Christmas Eve	24.	12.	× <sup>(1)</sup>		×
Christmas Day	25.	12.	×	×	×
Second Day of Christmas	26.	12.	×	×	
New Year's Eve	31.	12.	× <sup>(1)</sup>		×

<sup>(1)</sup> Half a day only.

## III

(Notices)

## COMMISSION

## Medium-term Community programme for equal opportunity for men and women (1996-2000)

## Invitation to tender notice No V/001/96

## Open procedure

(96/C 45/08)

1. **Awarding authority:** European Commission, Directorate-General for Employment, Industrial Relations and Social Affairs, Unit V/A/3, Building J27, 6/58, rue de la Loi/Wetstraat 200, B-1049 Brussels.

Facsimile (02) 296 35 62.

2. **Category of service and description:** The Commission seeks the support of a contracting party for the provision of technical assistance for the implementation, development, running, follow-up and continuous evaluation of the programme.

3. **Place of execution:** Technical assistance involves the provision of services requiring frequent contacts with the Commission's competent services.

4. None.

5. None.

6. None.

7. **Duration:** The above programme is intended for the period 1996-2000. The technical assistance missions defined in 2 will be the subject of a 1-year contract which can be renewed out in successive annual phases in order to guarantee the necessary tasks for the implementation of the programme.

8. a) **Requests for documents:** The file comprising the tender documents and standard reply form can be obtained free of charge, but exclusively on written request or by facsimile, to the address in 1.

b) **Final date for making such requests:** 15. 3. 1996.

9. a) **Final date for receipt of tenders:** 28. 3. 1996.

b) Tenders must be sent to the address in 1.

c) **Language(s):** 1 of the 11 official Community languages.

10. **Opening of tenders:** 15. 4. 1996 (10.00), at the following address:

European Commission, Directorate-General V, Employment, Industrial Relations and Social Affairs, rue Joseph II 27, B-1049 Bruxelles.

The tenderers or their authorized representatives may be present at the opening of tenders.

11. The successful organization will be required to produce a guarantee, in the form of an advance payment, of an amount equivalent to the payments made by the technical assistance services of the Commission.

12. The contract will be based on the principle of reimbursement of actual costs incurred by the organization (on presentation of supporting documents and according to the budget allocation limits to be fixed for each contract or annual endorsement).

The terms of payment for the technical assistance services are as follows: an advance payment of 30 % of the maximum anticipated budget allocation, then, bi-monthly payment of invoices of up to 70 % of their values and settlement of the balance following submission and acceptance by the Commission of the supporting invoices and a report on the activities carried out by the contracting party.

13. None.

14. **Selection criteria:** The tenderers should state:
- 1) proven experience in the running of programmes, networks, organizations or groups, communication, technical and financial management;
  - 2) their experience in cooperating at a European level;
  - 3) their experience in the areas covered by the programme;
  - 4) their capacity to set up a multinational team bringing together the experience and/or the necessary competences to undertake the tasks described in 2.1 to 2.8 of the tender documents;
  - 5) their financial and economic capacity enabling them to undertake the tasks of this contract notice. This may be supplied by way of bank statements, financial accounts or extracts from balance sheets, past 3 years' turnover, and certificates or extracts of enrolment on the trade register, as well as VAT or social security registrations.
15. Interested organizations are required to keep open their tenders until 30. 9. 1996.
16. **Award criteria:**
- running strategy proposed to ensure the coherence and integration of the activities of the programme,
  - methodology and organization of the proposed work with respect to fulfilling the aims of the programme,
  - value for money.
17. None.
18. No pre-information notice was published in the OJEC.
19. **Date of dispatch of the notice:** 5. 2. 1996.
20. **Date of receipt by the Office for Official Publications of the European Communities:** 5. 2. 1996.
21. The contract is covered by the GATT Agreement on public procurement contracts.

### Management consultancy and related services

(96/C 45/09)

1. **Awarding authority:** Commission of the European Communities, Statistical Office, Eurostat, Unit C1: Programming, Relations with European and International Institutions, European Economic Area, Enlargement, for the attention of Mrs Lemmel, rue Alcide de Gasperi, L-2920 Luxembourg-Kirchberg.
- Tel. (352) 43 01-344 65.  
Facsimile (352) 43 01-347 62.
2. **Category of service:**
- a) Management consultancy and related services, CPC reference Nos 865, 866.
  - b) Within the framework of a procedure to improve the quality of European statistics and of the reinforcement of programming and internal management of the Statistical Office of the European Communities, Eurostat is seeking to award the contract detailed below. The work to be carried out can be broken down into 3 distinct lots.
    - Lot 1) corporate planning - study and advisory activities, aiming at wording, drafting, communicating and implementing as widely as possible a Eurostat corporate plan (phases 1 and 2) and drafting of an evaluation report (phase 3).
    - Lot 2) analysis and support work setting out to develop and communicate the concept of total quality throughout the Statistical Office.
    - Lot 3) study activities (lot 1), support, analysis and advisory activities (lot 2) in the area of training and management, communication and change management.
3. **Place of delivery:** Luxembourg (as in 1).



4. a), b)
- c) Requirement to indicate the names and professional qualifications of the staff to be responsible for the execution of the service.
5. Companies may tender for 1, 2 or 3 lots (as in 2 (b)), but are required, for each lot, to submit a complete offer, i.e. catering for all the phases.
- In addition, for each lot, the division between the different phases should appear clearly, given that each phase will require a specific contract (see 2 (b) of the special terms and conditions).
6. **Variants:** Not allowed.
7. **Duration of contract:** See tender documents. Final date for completion of the service: at the latest in 6/1999 (see tender documents).
8. a) **Requests for tender documents:** As in 1.
- b) **Final date for requests for tender documents:** 15. 3. 1996.
- c) **Payment for tender documents:** None.
9. **Final date for receipt of tenders:** 1. 4. 1996.
10. **Opening of tenders:**
- a) **Persons authorized to be present at the opening of tenders:** 1 duly authorized representative per tenderer.
- b) **Date, time and place:** 11. 4. 1996 (15.00). Place: as in 1.
11. **Deposits and guarantees:** See tender documents.
12. **Terms concerning financing and payment:** See tender documents.
13. The tenderers may tender individually or in association with third parties. In the case of a joint offer submitted by different partners, 1 of these shall be appointed as principal contractor for the purposes of the contract.
14. **Minimum conditions:** Tenderers should provide:
- a) a statement of overall turnover for the past 2 financial years;
- b) a list of similar activities carried out over the past 2 years;
- c) the curricula vitae of each person involved in the work.
15. **Validity of the offer:** 12 months from the date of submission of tenders.
16. **Award criteria:** Selected tenders will be the economically most advantageous in terms of the following criteria:
- clarity, quality of the proposed methodology and understanding of the practical consequences of implementation,
- composition et competence of the study group,
- clarity and feasibility of the work programme along with a work schedule (including the deadline for completion of the works),
- price.
17. **Other information:**
- 18.
19. **Date of dispatch of the notice:** 1. 2. 1996.
20. **Date of receipt by the Office for Official Publications of the European Communities:** 6. 2. 1996.
21. **Contract covered by the GATT Agreement.**

**Products suitable for use as a marker system in gas oils and kerosene****Call for expressions of interest**

(96/C 45/10)

1. European Commission, Directorate-General XXI, Customs and Indirect Taxation, DG XXI C2 - Indirect taxation other than turnover taxes, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

Tel. 295 78 83. Facsimile 296 19 31.  
Telex COMEU B 21877.

2. Call for expressions of interest. Suppliers of fiscal-marking systems suitable for use in gas oils and kerosene are invited to nominate products for evaluation in the context of Council Directive 95/60/EC on fiscal marking of gas oils and kerosene which are subject to a reduced rate of duty.

Submission should cover both the marker which is to be added to the products in question as well as the procedures to be used to detect its presence and determine its concentration.

3. Products should conform to the following specifications as far as possible:

**for the marker:**

- it should be sufficiently soluble in the products in question, or their mixtures with an appropriate carrier, to give solutions a stability of between minus 40 and plus 40°C;
- it should be stable in solutions of the products in question at least down to concentrations equal to 2 % of the fully marked gas oils and kerosene,
- it should be difficult and economically unattractive to mask or to remove the marker from the products in question using any of the common absorbents (such as activated charcoal, fullers earth or alumina), or by any other generally available process (such as acids or alkalis),
- it must be demonstrated that neither the marker nor the chemicals used for its detection will have any adverse environmental or health effects and that the marker will not cause damage to engines in the concentrations used. Safety data sheets must be provided;

**for the detection process:**

- the marker should be qualitatively detectable by a simple road-side test for the marker at least down to concentrations equal to 2 % of the fully marked gas oils and kerosene,

— there should be straightforward procedures for qualitative and quantitative analysis of the marker using common laboratory techniques,

— it is particularly important that markers for rebated gas oils and kerosene and/or additives in non-marked gas oils and kerosene currently in use in Member States do not chemically interfere with either the detection or quantitative determination of the marker, and that the marker can be mixed with them in concentrated form enabling the whole mix to be applied from 1 pump.

The Commission, together with national fiscal authorities, will assess the marking systems submitted for consideration. Appropriate measures will then need to be adopted for the introduction of a common Communities marker system for gas oils and kerosene.

4. Any submission should be received within 40 days of publication of this notice.

5. Those companies interested in participating should submit details of their products (in writing) to: Mr S. Bill, DG XXI C2, Customs and Indirect Taxation, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

6. Participating suppliers should provide sufficient supporting documentation relating to the specifications listed in 3 in order to facilitate evaluation of the proposals. Failure to provide such documentation could adversely affect the outcome of the evaluation.

Any products submitted should be approved and registered within the Communities in accordance with the requirements of the European inventory of existing commercial chemical substances. Furthermore, any potential suppliers must be able to satisfy the Commission and national fiscal authorities as to the certainty of making sufficient quantities of the products available throughout the Communities. Where the products (markers, chemicals used for their detection, etc.) are the subject of patents or licences, this must be disclosed in the proposal in order to allow the Commission to negotiate licensing conditions to third parties before the marker is chosen.

Participating suppliers must be prepared to provide the Commission and national fiscal authorities with sufficient samples of the proposed system to allow testing to take place. They should also be prepared to meet all reasonable requests for information or assistance needed for such testing.

**Analysis of certain trade and investment barriers of non-Community markets in the machinery industry**

(96/C 45/11)

1. **Awarding authority:** European Commission, DG I, 'External Relations: Commercial policy and relations with North America, the Far East, Australia and New Zealand', unit for steel, coal, shipbuilding and other industries (ID2), Office B 28-5/42, rue de la Loi/Wetstraat 200, B-1049 Brussels.  
Tel. (32-2) 299 49 53/12 66.  
Facsimile (32-2) 299 02 07.
2. **Category of service and description:** Category 11, management consultancy services and related services, CPC reference Nos 865 and 866. Analysis of, and information on, market access barriers, such as domestic legislation, for the machinery sector in non-Community markets.
3. **Delivery to:** As in 1.
4. a) Reserved for a particular profession: No.  
b) The sector comprises the machinery defined in No 84 of section XVI of Commission Regulation (EC) No 1359/95, but excluding nuclear reactors and computers.  
c) Names and qualifications of personnel: Yes.
5. **Division into lots:** No.
6. **Number of service providers which will be invited to tender:** At least 6 potential contractors will be invited.
7. **Variants:** No variant will be accepted.
8. **Duration of the contract:** 12 months.
9. **Legal form in case of group bidders:** No specific legal form is required but each service provider will be required to become jointly and severally responsible under the contract.
10. a)  
b) **Deadline for receipt of applications:** 29. 3. 1996.
- c) **Address:** As in 1, for the attention of Mr E. Weizenbach, applications should mention the reference: machinery tender.
- d) **Languages:** 1 of the official languages of the European Union.
11. **Final date for the dispatch of invitations to tender:** 1. 4. 1996.
12. **Deposits and guarantees:** None required.
13. **Qualifications:**
  - the details of educational and professional qualifications of the persons providing the services;
  - a list of the principal related projects in the past 3 years proving experience on legal issues arising from international trade agreements, in particular from those of the World Trade Organisation including the Agreement on Trade-Related Investment Measures, past work on the international machinery industry and competitive conditions;
  - evidence of solid financial and economic standing.
14. **Award criteria:** Economically most advantageous tender. Criteria to be applied are price, the proposed methodology, easy access to domestic sources of information for certain non-Community countries which will be listed in the specifications of the invitation to tender.
15. **Other information:** Tendered prices will be quoted in ECU and free of all duties, taxes and other charges, including VAT. The contract and matters arising out of it will be considered as a contract made in Belgium and subject to Belgian law.
16. **Notice postmarked:** 2. 2. 1996.
17. **Notice received on:** 7. 2. 1996.

**Analysis of certain trade and investment barriers of non-Community markets in the automotive sector**

(96/C 45/12)

1. **Awarding authority:** European Commission, DG I, 'External Relations: Commercial policy and relations with North America, the Far East, Australia and New Zealand', unit for steel, coal, shipbuilding and other industries (ID2), Office B 28-5/42, rue de la Loi/Wetstraat 200, B-1049 Brussels.  
Tel. (32-2) 299 49 53/299 12 66. Facsimile (32-2) 299 02 07.
2. **Category of service and description:** Category 11, management consultant services and related services, CPC reference Nos 865 and 866. Analysis of, and information on, market-access barriers such as domestic legislation and domestic and competitive structure for the automotive sector in non-Community markets.
3. **Delivery to:** As in 1.
4. a) Reserved for a particular profession: No.  
b) The sector refers to the Council resolution on market access for EU automobiles of 22. 4. 1994, point II.9, and to closely connected industries such as utility vehicles, parts and accessories and motorcycles.  
c) Names and qualifications of personnel required: Yes.
5. **Division into lots:** No.
6. **Number of service providers which will be invited to tender:** At least 6 potential contractors will be invited.
7. **Variants:** No variant will be accepted.
8. **Duration of the contract:** 12 months.
9. **Legal form in case of group bidders:** No specific legal form is required, but each service provider will be required to become jointly and severally responsible under the contract.
10. a)  
b) **Deadline for receipt of applications:** 29. 3. 1996.
- c) **Address:** As in 1, for the attention of Mr E. Weizenbach. Applications should mention the reference: automotive industry.
- d) **Languages:** 1 of the official languages of the European Union.
11. **Final date for the dispatch of invitations to tender:** 1. 4. 1996.
12. **Deposits and guarantees:** None required.
13. **Qualifications:**
  - the details of educational and professional qualifications of the persons providing the services;
  - a list of the principal related projects in the past 3 years proving experience on legal issues arising from international trade agreements, in particular from those of the World Trade Organisation, including the Agreement on Trade-Related Investment Measures, past work on the automotive markets and competitive conditions;
  - evidence of solid financial and economic standing.
14. **Award criteria:** Economically most advantageous tender. Criteria to be applied are price, the proposed methodology and easy access to domestic sources of information for certain non-Community countries which will be listed in the specifications of the invitation to tender.
15. **Other information:** Tendered prices will be quoted in ecu and be free of all duties, taxes and other charges, including VAT. The contract and matters arising out of it will be considered as a contract made in Belgium and subject to Belgian law.
16. **Notice postmarked:** 2. 2. 1996.
17. **Notice received on:** 7. 2. 1996.

**Analysis of certain trade and investment barriers of non-Community markets in the chemical industry**

(96/C 45/13)

1. **Awarding authority:** European Commission, DG I, 'External Relations: Commercial policy and relations with North America, the Far East, Australia and New Zealand', unit for steel, coal, shipbuilding and other industries (ID2), Office B 28-5/42, rue de la Loi/Wetstraat 200, B-1049 Brussels.  
Tel. (32-2) 299 49 53/299 12 66. Facsimile 299 02 07.
2. **Category of service and description:** Category 11, management consultant services and related services, CPC reference Nos 865, 866. Analysis of, and information on, market-access barriers, such as domestic legislation, for the chemical industry in non-Community markets.
3. **Delivery to:** As in 1.
4. a) Reserved for a particular profession: No.  
b) The sector comprises all products of the chemical or allied industries as defined in section VI of Commission Regulation (EC) No 1359/95 of 13. 6. 1995.  
c) Names and qualifications of personnel: Yes.
5. **Division into lots:** No.
6. **Number of service providers which will be invited to tender:** At least 6 potential contractors will be invited.
7. **Variants:** No variant will be accepted.
8. **Duration of the contract:** 12 months.
9. **Legal form in case of group bidders:** No specific legal form is required, but each service provider will be required to become jointly and severally responsible under the contract.
10. a)  
b) **Deadline for receipt of applications:** 29. 3. 1996.
- c) **Address:** As in 1, for the attention of Mr E. Weizenbach, applications should mention the reference: chemical industry.
- d) **Languages:** 1 of the official languages of the European Union.
11. **Final date for the dispatch of invitations to tender:** 1. 4. 1996.
12. **Deposits and guarantees:** None required.
13. **Qualifications:**
  - the details of educational and professional qualifications of the persons providing the services;
  - a list of the principal related projects in the past 3 years, proving experience on legal issues arising from international trade agreements, in particular from those of the World Trade Organisation, including the Agreement on Trade-Related Investment Measures, past work on the chemical or allied industry and competitive conditions;
  - evidence of solid financial and economic standing.
14. **Award criteria:** Economically most advantageous tender. Criteria to be applied are price, the proposed methodology, easy access to domestic sources of information for certain non-Community countries which will be listed in the specifications of the invitation to tender.
15. **Other information:** Tendered prices will be quoted in ecu and free of all duties, taxes and other charges, including VAT. The contract and matters arising out of it will be considered as a contract made in Belgium and subject to Belgian law.
16. **Notice postmarked:** 2. 2. 1996.
17. **Notice received on:** 7. 2. 1996.

Study on the effects of the 'Buy American' legislation in the United States of America and the effect on products from the European Community

(96/C 45/14)

1. **Awarding authority:** European Commission, DG I, 'External Relations: Commercial policy and relations with North America, the Far East, Australia and New Zealand', unit for new technologies, intellectual property and public procurement (ID3), Office B 28-5/42, rue de la Loi/Wetstraat 200, B-1049 Brussels.  
Tel. (32-2) 299 49 53 or (32-2) 295 35 52. Facsimile 299 02 07.
2. **Category of service and description:** Category 11, Management consultant services and related services, CPC reference No 865, 866. Examination of the local and national preferential legislation in the United States, indication of the European products affected and analysis of the results.
3. **Delivery to:** As in 1.
4. a) Reserved for a particular profession: No.  
b) Reference of the law: Tariff agreements within the GATT.  
c) Names and qualifications of personnel: Yes.
5. **Division into lots:** No.
6. **Number of service providers which will be invited to tender:** At least 4 potential contractors will be invited.
7. **Variants:** No variant will be accepted.
8. **Duration of the contract:** 12 months.
9. **Legal form in case of group bidders:** No specific legal form is required but each service provider will be required to become jointly and severally responsible under the contract.
10. a)
  - b) **Deadline for receipt of applications:** 29. 3. 1996.
  - c) **Address:** As in 1, for the attention of Mr E. Weizenbach, applications should mention the reference: Buy American tender.
  - d) **Languages:** 1 of the official languages of the European Union.
11. **Final date for the dispatch of invitations to tender:** 1. 4. 1996.
12. **Deposits and guarantees:** None required.
13. **Qualifications:**
  - the details of educational and professional qualifications of the persons providing the services;
  - a list of the principal related projects in the past 3 years proving experience in international trade law, with particular knowledge of tariffs in the GATT/WTO context, and experience with US law applicable in the public procurement market;
  - evidence of solid financial and economic standing.
14. **Award criteria:** Economically most advantageous tender. Criteria to be applied are price, the proposed methodology, ability in having access to US sources of information both at government (federal as well as local) and industry level, presence of at least 1 office in the United States.
15. **Other information:** Tendered prices will be quoted in ECU and free of all duties, taxes and other charges, including VAT. The contract and matters arising out of it will be considered as a contract made in Belgium and subject to Belgian law.
16. **Notice postmarked:** 5. 2. 1996.
17. **Notice received on:** 7. 2. 1996.

### Computerized multimedia library management system

#### Post-information notice

(96/C 45/15)

1. **Name and address of the awarding authority:** European Commission, Informatics Directorate, Information Systems Support, Mr G. Gascard, IMCO 1/1, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
    - conformity to official standards and public specifications,
    - conformity to the Commission's computer set-up,
    - reliability of the tender,
  2. **Award procedure chosen:** Open invitation to tender No DI 95/05. 3-year contract, renewable up to a maximum of 5 years.
    - technical experience of project supervisors,
    - adherence to scheduling,
  3. **Service description:** Turnkey management system for the European Commission's multimedia library, comprising:
    - a) documentary management and handling of audiovisual funds (video, photographs, sound),
    - b) planning and audiovisual production,
    - c) electronic distribution of audiovisual funds.
    - ability to guarantee single project managership,
    - quality scheme, supported by an ISO 9000 certificate,
    - cost of the proposed solution.
  4. **Date of award of contract:** 30. 11. 1995.
  5. **Contract award criteria:** The contract was awarded to the most advantageous tender, based on the following criteria:
    - compliance of the tender to the requirements specified in the tender documentation,
    - validity of the proposed technical solutions: performance, quality of equipment,
    - development potential of the solution,
  6. **Number of tenders received:** 7.
  7. **Name and address of the successful bidder:** Marben SA, boulevard du Souverain 400, B-1160 Brussels.
  8. **Price or range of prices paid:** 994 400 ECU over a 3-year period (estimate).
  - 9., 10.
  11. **Date of publication of the contract notice in the Official Journal of the European Communities:** 6. 5. 1995.
  12. **Date of dispatch of the notice:** 7. 2. 1996.
  - 13.
-

## CORRIGENDA

## Urban pilot programme

(Official Journal of the European Communities No C 38, 10. 2. 1996, p. 23)

(96/C 45/16)

European Commission, Directorate-General for Regional Policy and Cohesion (DG XVI), Unit A-1, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

Tel. (32-2) 295 71 01/295 14 03. Facsimile (32-2) 296 32 73.

instead of:

6. **Deadline for requests:** 3 weeks after publication date.
7. **Deadline for receipt of tenders:** 52 days after the awarding authority's publication request.
9. **Opening of tenders:** The opening of the envelopes will take place in CSM2 (41, av. de Tervuren, B-1040 Bruxelles/Brussel) 3 weeks after the date in point 7.

read:

6. **Deadline for requests:** 4. 3. 1996.
7. **Deadline for receipt of tenders:** 25. 3. 1996.
9. **Opening of tenders:** The opening of the envelopes will take place in CSM2 (41, av. de Tervuren, B-1040 Bruxelles/Brussel) on 15. 4. 1996.

---

Technical assistance for the Commission of the European Communities with implementing the Media II programme — Intermediary Organization 'Training'

(Official Journal of the European Communities No C 2, 5. 1. 1996, p. 9)

(96/C 45/17)

European Commission, DG X 'Audiovisual Media, Information, Communication and Culture', 'Media Programme' Unit, Mr Jacques Delmoly, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

With regard to the details requested by potential tenderers for this contract, the awarding authority has decided to extend the time limit for the receipt of tenders. As a result the original notice has been modified as follows:

8. b) **Final date for requesting tender documents:** 4. 3. 1996.
  9. a) **Final date for receipt of tenders:** 14. 3. 1996.
  10. b) Tenders will be opened on 21. 3. 1996 (12.00), at the following address: rue de la Loi 102, Eighth Floor, Conference Room, B-1040 Brussels.
-



**Technical assistance for the European Commission with implementing the Media II programme —  
Intermediary Organization 'Development'**

*(Official Journal of the European Communities No C 2, 5. 1. 1996, p. 10)*

(96/C 45/18)

European Commission, DG X 'Audiovisual Media, Information, Communication and Culture', 'Media Programme' Unit, Mr Jacques Delmoly, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

With regard to the details requested by the potential tenderers for the contract, the awarding authority has decided to extend the time limit for receipt of tenders. As a result the original notice has been modified as follows:

8. b) *Final date for requesting tender documents:* 4. 3. 1996.
9. a) *Final date for receipt of tenders:* 14. 3. 1996.
10. b) Tenders will be opened on 21. 3. 1996 (14.00), at the following address: rue de la Loi 102, Eighth Floor, Conference Room, B-1040 Brussels.

---

**Technical assistance for the European Commission with implementing the Media II programme —  
Intermediary Organization 'Management'**

*(Official Journal of the European Communities No C 2, 5. 1. 1996, p. 13)*

(96/C 45/19)

European Commission, DG X 'Audiovisual Media, Information, Communication and Culture', 'Media Programme' Unit, Mr Jacques Delmoly, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

With regard to the details requested by potential tenderers for this contract, the awarding authority has decided to extend the time limit for the receipt of tenders. As a result the original notice has been modified as follows:

8. b) *Final date for requesting tender documents:* 4. 3. 1996.
  9. a) *Final date for receipt of tenders:* 14. 3. 1996.
  10. b) Tenders will be opened on 21. 3. 1996 (16.00), at the following address: rue de la Loi 102, Eighth Floor, Conference Room, B-1040 Brussels.
-