

English edition

Information and Notices

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⁽¹⁾ Text with EEA relevance

I

(Information)

EUROPEAN PARLIAMENT

COUNCIL

COMMISSION

MODUS VIVENDI

of 20 December 1994 between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the EC Treaty

(96/C 102/01)

(This text replaces and cancels the text published in OJ No C 293 of 8 November 1995)

1. These guidelines are intended to overcome the difficulties which have arisen in the adoption of acts in accordance with the procedure laid down in Article 189b of the Treaty for reasons connected with the question of committee procedure.
2. They in no way prejudice the positions of principle expressed by the three institutions.
3. The three institutions note that the question of the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty, when the adoption of such measures is entrusted to the Commission, will be examined in the course of the revision of the Treaties planned for 1996, at the request of the European Parliament, the Commission and several Member States. The Reflection Group will be invited to examine the question.
4. The appropriate committee of the European Parliament shall be sent, at the same time and under the same conditions as the committee referred to in the basic act, any draft general implementing act submitted by the Commission and the timetable for it.

The Commission shall notify the appropriate European Parliament committee if a specific measure needs to be adopted urgently and shall also notify it of any other possible difficulty. The appropriate European Parliament committee shall undertake to use urgent procedure where necessary.

The Commission shall inform the appropriate European Parliament committee when measures adopted or envisaged by the Commission are not in accordance with the opinion delivered by the committee referred to in the basic act or when, in the absence of an opinion, the Commission must submit a proposal to the Council regarding a measure to be taken.

5. The Council shall adopt a draft general implementing act which has been referred to it in accordance with an implementing procedure only after:
 - informing the European Parliament, setting a reasonable time limit for obtaining its Opinion, and

— in the event of an unfavourable Opinion, taking due account of the European Parliament's point of view without delay, in order to seek a solution in the appropriate framework.

The act shall in any case be adopted by the deadlines laid down in the specific provisions of the basic act.

6. In the context of this *modus vivendi*, the Commission shall take account as far as possible of any comments by the European Parliament and shall keep it informed at every stage of the procedure of the action which it intends to take on them, so as to enable the Parliament to assume its own responsibilities in full knowledge of the facts.
7. This *modus vivendi* shall apply with effect from the date of its approval by the three institutions.

Done at Brussels on the twentieth day of December in the year one thousand nine hundred and ninety-four.

*For the Council
of the European Union*

Klaus KINKEL

*For the
European Parliament*

Nicole FONTAINE

*For the
European Commission*

Jacques DELORS

INTERINSTITUTIONAL AGREEMENT

of 20 December 1994

Accelerated working method for official codification of legislative texts

(96/C 102/02)

(This text replaces and cancels the text published in OJ No C 293 of 8 November 1995)

1. For the purpose of this working method, official codification means the procedure for repealing the acts to be codified and replacing them with a single act containing no substantive change to those acts.
2. Priority sectors for codification will be agreed by the three Institutions involved, on a proposal from the Commission. The Commission will include in its work programme the proposals for codification it intends to present.
3. The Commission undertakes not to introduce in its codification proposals any substantive changes to the acts to be codified.
4. The Consultative Working Party, consisting of the respective legal services of the European Parliament, the Council and the Commission, will examine such proposals upon adoption by the Commission. It will confirm at the earliest opportunity that they are indeed confined to straightforward codification without substantive changes.
5. The Community's normal legislative process will be complied with in full.
6. The purpose of the Commission proposal, namely the straightforward codification of existing texts, constitutes a legal limit, prohibiting any substantive change by the European Parliament or Council.
7. The Commission proposal will be studied in all its aspects under an accelerated procedure within the European Parliament (one committee to study the proposal and simplified procedure for its approval) and Council (examination by one working party and 'I/A items' procedure for Coreper-Council).

8. Should it prove necessary during the legislative process to go beyond straightforward codification and make substantive changes, it will be the Commission's responsibility to submit any proposal(s), where appropriate.

Done at Brussels on the twentieth day of December in the year one thousand nine hundred and ninety-four.

*For the Council
of the European Union*

Klaus KINKEL

*For the
European Parliament*

Nicole FONTAINE

*For the
European Commission*

Jacques DELORS

JOINT DECLARATIONS

On paragraph 4 of the accelerated working method for official codification of legislative texts

The European Parliament, the Council and the Commission agree that the Consultative Working Party will endeavour to give its opinion in time for it to be made available to the institutions before they begin their respective examinations of the proposal concerned.

On paragraph 7 of the accelerated working method for official codification of legislative texts

The European Parliament, the Council and the Commission state that the study of Commission proposals for official codification in all their aspects within the European Parliament and the Council will be conducted in such a way as to avoid calling into question the dual objectives of the method of codification, namely that it should be dealt with by a single body within the Institutions and by an almost automatic procedure.

In particular, the three Institutions agree that study of Commission proposals in all their aspects will not involve re-opening discussion on the substantive solutions accepted when the acts being codified were adopted.

On paragraph 8 of the accelerated working method for official codification of legislative texts

The European Parliament, the Council and the Commission note that if it should appear necessary to go beyond straightforward codification and make substantive changes, the Commission will be able to choose, case by case, whether to recast its proposal or whether to submit a separate proposal for amendment, leaving its codification proposal on the table, and then, once the substantive change has been adopted, incorporate it into the proposal for codification.

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EUROPEAN PARLIAMENT STATEMENT

On paragraph 5 of the accelerated working method for official codification of legislative texts

Parliament, for its part, considers that, particularly should there be any change either to the legal basis or to the procedure for adopting the text concerned, it must reserve its view as to whether codification is desirable, given the need to comply with the 'normal legislative process' within the meaning of paragraph 5 of this Agreement.

DECLARATION BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

of 6 March 1995

on the incorporation of financial provisions into legislative acts

(96/C 102/03)

(This text replaces and cancels the text published in OJ No C 293 of 8 November 1995)

THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION,

Whereas the Joint Declaration of 30 June 1982 ⁽¹⁾ states: 'In order that the full importance of the budget procedure may be preserved, the fixing of maximum amounts by regulation must be avoided, as must the entry in the budget of amounts in excess of what can actually be expended';

Whereas, according to a statement annexed to the Interinstitutional Agreement of 29 October 1993 ⁽²⁾, the budgetary procedure provisions should be reviewed 'at the Intergovernmental Conference scheduled for 1996 in order to achieve interinstitutional cooperation on a partnership basis',

HEREBY DECLARE AS FOLLOWS:

1. Legislative acts concerning multiannual programmes adopted under the codecision procedure

These acts shall contain a provision in which the legislative authority shall lay down the financial framework for the programme for its entire duration.

That amount shall constitute the principal point of reference for the budgetary authority during the annual budgetary procedure.

The budgetary authority and the Commission, when drawing up its preliminary draft budget (PDB), undertake not to depart from this amount unless new, objective, long-term circumstances arise for which explicit and precise reasons are given.

2. Legislative acts concerning multiannual programmes not subject to the codecision procedure

These acts shall not contain an 'amount deemed necessary'.

Should the Council wish to include a financial reference, this shall be taken as illustrating the will of the legislative authority and shall not affect the powers of the budgetary authority as defined by the Treaty. This provision will be mentioned in all acts which include such a financial reference.

If the amount concerned has been the subject of an agreement pursuant to the conciliation procedure provided for in the Joint Declaration of 4 March 1975 ⁽³⁾, it will be considered a reference amount within the meaning of point 1 of the present Declaration.

3. The financial statement provided for in Article 3 of the Financial Regulation shall reflect in financial terms the objectives of the proposed programme and include a schedule covering the duration of the programme. It shall be revised, where necessary, when the PDB is drawn up, taking account of the extent of implementation of the programme. The revised statement shall be forwarded to the budgetary authority together with the PDB.

⁽¹⁾ OJ No C 194, 28. 7. 1982, p. 1.

⁽²⁾ OJ No C 331, 7. 12. 1993, p. 1.

⁽³⁾ OJ No C 89, 22. 4. 1975, p. 1.

COMMISSION

Ecu ⁽¹⁾

3 April 1996

(96/C 102/04)

Currency amount for one unit:

Belgian and Luxembourg franc	38,9720	Finnish markka	5,93115
Danish krone	7,32043	Swedish krona	8,50230
German mark	1,89656	Pound sterling	0,839192
Greek drachma	308,612	United States dollar	1,28103
Spanish peseta	158,719	Canadian dollar	1,73771
French franc	6,46470	Japanese yen	137,108
Irish pound	0,814177	Swiss franc	1,52826
Italian lira	2002,40	Norwegian krone	8,21394
Dutch guilder	2,12074	Icelandic krona	84,8936
Austrian schilling	13,3355	Australian dollar	1,64129
Portuguese escudo	195,305	New Zealand dollar	1,87779
		South African rand	5,24010

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.

⁽¹⁾ 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).

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

Cases where the Commission raises no objections

(96/C 102/06)

(Text with EEA relevance)

Date of adoption: 23. 1. 1995

Member State: Germany (Salzgitter, Wolfsburg, Braunschweig, Kassel (Lower Saxony and Hessen))

Aid No: N 405/94

Title: Regional aid for Volkswagen AG

Objective: To assist the firm with investments totalling DM 192,5 million (ECU 100,6 million)

Legal basis: Zonenrandförderungsgesetz § 3

Budget: DM 5,2 million (ECU 2,7 million) in the form of tax deferment (tax-free reserves)

Aid intensity: 2,7 % NGE

Date of adoption: 6. 11. 1995

Member State: Germany (New *Länder*)

Aid No: N 845/95

Title: Building up and certification of quality management systems in SMEs in the new *Länder*

Objective: To support the development and certification of quality management system

Legal basis: Haushaltsgesetz

Budget: DM 952 000 (ECU 476 000)

Aid intensity: As an average 25 000 ECU per company

Duration: 1996

Date of adoption: 21. 11. 1995

Member State: Germany (Sachsen)

Aid No: N 638/95

Title: Technology programme

Objective: Stimulation of research in the field of future technologies

Legal basis: Förderrichtlinie des Sächsischen Staatsministeriums für Wirtschaft und Arbeit

Budget: DM 32 million (ECU 17 million)

Aid intensity:

- 25 % for applied research and development
- SME bonus of 10 %, regional bonus of 10 % (maximum of cumulated bonuses: 15 %)

Duration: 1995 to 1999

Conditions:

- Annual report
- Notification of modifications

Date of adoption: 21. 11. 1995

Member State: Germany (Sachsen-Anhalt)

Aid No: N 709/95

Title: Lowering of interests for the Mittelständische Beteiligungsgesellschaft Sachsen-Anhalt mbH

Objective: Aid for an associated company to lower interest rates for equity capital for SMEs

Legal basis: Verwaltungsvorschriften zu § 44 der Landeshaushaltsordnung und des Verwaltungsverfahrensgesetzes des Landes Sachsen-Anhalt

Budget: DM 2,25 million (ECU 1,175 million)

Aid intensity: Up to 7,5 % of the investment. Participation of the associated company is fixed between DM 50 000 and 250 000 (ECU 26 812 to 134 060) per SME

Duration: Seven years (1995 to 2002)

Date of adoption: 21. 11. 1995

Member State: Germany (Thüringen)

Aid No: N 769/95

Title: Innovative information and communications technologies

Objective: To stimulate information and communication technologies

Legal basis: Haushaltsgesetz

Budget: DM 22 million (ECU 12 million)

Aid intensity:

- 25 % for demonstration projects
- SME bonus of 10 %, regional bonus of 10 % (maximum of cumulated bonuses: 15 %)

Duration: 1995 to 1999

Conditions:

- Annual report
- Notification of modifications

Date of adoption: 21. 11. 1995

Member State: The Netherlands

Aid No: N 841/95

Title: Dutch maritime research

Objective: To stimulate collaborative research between companies in the maritime sector

Legal basis: Subsidieregeling maritiem onderzoek

Budget: Fl 8 million (ECU 4 million) annually

Aid intensity:

- 50 % (basic industrial research)
- 25 % (applied research and development)

Duration: Unlimited

Conditions:

- Annual report
- Notification of modifications

Date of adoption: 23. 11. 1995

Member State: Germany (Bavaria)

Aid No: N 770/95

Title: Venture capital for young technology-oriented enterprises

Objective: To stimulate research by SMEs

Legal basis: Haushaltsgesetz des Freistaates Bayern

Budget: DM 60 million (ECU 32 million)

Aid intensity:

- 11 % for applied research and development
- 8 % for investment
- 0,5 % for investment by medium-sized enterprises

Duration: 1995 to 2002

Conditions:

- Annual report
- Notification of modifications

Date of adoption: 21. 12. 1995

Member State: Spain (Murcia)

Aid No: N 420/95

Title: Measures to promote employment

Objective: To promote employment and cooperative ventures

Legal basis: Orden de la Consejería de Fomento y Trabajo de Programas de Plan de Empleo Juvenil en Economía Social

Budget: ECU 1,67 million

Aid intensity:

- *Employment premiums*
Between Pta 700 000 and Pta 850 000 (ECU 4 312 to ECU 5 236)
- *Investment aid*
Between Pta 350 000 and Pta 850 000 per job created (ECU 2 156 to ECU 5 236)
- *Training*
100 %, including ESF joint financing

Duration: 1995

Date of adoption: 24. 1. 1996

Member State: Italy

Aid No: N 937/95, N 938/95, N 970/95, N 971/95, N 972/95, N 973/95, N 974/95, N 975/75 and N 976/95

Title: Aid for the closure of Siderurgica S. Stefano SpA, Cortenuova SpA, Falck Lamiere SRL, Falck Nastri SRL, Falck Vittoria SpA, ALFER SpA, Acciaieria di Darfo SpA, Acciaierie Sarde SpA, Acciaierie e Ferriere Leali Luigi SpA

Legal basis: Legge 3 agosto 1994, n. 481

Budget: Lit 360 billion for the nine aid measures

Date of adoption: 24. 1. 1996

Member State: Belgium (Flanders)

Aid No: N 999/95

Title: Environmental aid — Sidmar

Objective: Bringing into line of the enterprise's desulphurization plant with the new standards of Vlare II

Legal basis: Decreet tot bevordering van de economische expansie in het Vlaams Gewest van 15 december 1993

Budget: Bfr 162 million

Aid intensity: 7,4 %

Duration: 3 years following approval of the aid

Date of adoption: 31. 1. 1996

Member State: Germany (North Rhine Westfalia)

Aid No: N 915/95

Title: Technology programme

Objective: To stimulate research by industry, in particular SMEs (form of the aid: grants)

Legal basis: Jährliches Haushaltsgesetz

Budget: DM 150 million (ECU 82 million)

Aid intensity: 25 % for applied research and development SME bonus of 10 %

Duration: 1996

Conditions:

- Annual report
- Notification of modifications

Date of adoption: 7. 2. 1996

Member State: Spain (Balearic Islands)

Aid No: N 479/95

Title: Aid for the FONER II programme

Objective: Grants and interest relief grants to small firms situated in 5b areas of the region

Legal basis: Decreto por el que se establece un régimen de ayudas para la implementación del Programa Operativo 'FONER II' de desarrollo de las zonas rurales del Objetivo 5b de Baleares

Budget: Pta 14 429 million (\pm ECU 90 million) including investment projects where the *de minimis* rule will be observed

Aid intensity:

- 30 % gross investment
Activities not falling within Annex II of the EC Treaty will be subject to the *de minimis* rule
- Non-productive investment
Up to 100 % (the direct beneficiaries are public entities or non-profit-making entities): firms which

receive services from these entities must pay for them in part

— *Vocational training*

100 % of expenditure connected with the preparation, management and evaluation of training activities. Remaining expenditure to be borne by enterprises

— *Aid for employment creation*

Grants of ECU 3 000 for the creation of jobs or self-employed activities

Date of adoption: 7. 2. 1996

Member State: France

Aid No: NN 134/95

Title: Eureka EU 260 — Labimap 2001 Bertin et Cie

Objective: Research connected with the development of a line of compatible automata covering all the operations of molecular biology applied to the study of DNA functions.

Legal basis:

- Fonds de la recherche et de la technologie
- Grands projets innovants

Budget: FF 190 million (ECU 29,5 million)

Aid intensity:

- 50 % for basic research
- 18,8 % for applied research and development

Duration: 1991 to 1994

Date of adoption: 21. 2. 1996

Member State: United Kingdom

Aid No: N 610/94

Title: Roll-over relief

Objective: Tax measure, extending the period of roll-over of capital allowances balancing charges for shipowners replacing vessels

Legal basis: UK Finance Act 1994, in compliance with Article 92 3 (c) of the EC Treaty

Budget: Maximum £ 20 million per annum, decreasing after the year 2001

Aid intensity: Estimated to be below 600 000 ECU per vessel

Duration: Indefinite

Conditions: None

Date of adoption: 27. 2. 1996

Member State: Portugal (Palmela, Setúbal)

Aid No: N 1046/95

Title: Aid to Ford Electrónica Portuguesa Ltd

Objective: Regional aid (subsidized loans, training grants and fiscal benefits)

Legal basis: Sindepedip, FSE, Estatuto dos benefícios fiscais (Decreto-Lei 215/89)

Budget:

Esc 16 895,370 billion (some ECU 85,8 million)

Esc 34 379,179 billion (some ECU 174,5 million)

Aid intensity: 26 % gross

Duration: 1996 to 1998

Conditions: Respect of the notified aid terms

Date of adoption: 29. 2. 1996

Member State: Spain (Cataluña)

Aid No: N 725/95

Title: Aid to enterprises to carry out R&D projects with own resources or in cooperation with universities and research centres

Objective: To support research activities in the field of environment carried out by enterprises

Legal basis: Orden de subvención. Generalitat de Catalunya

Budget: Pta 120 million (ECU 0,7 million)

Aid intensity:

Maximum aid intensity:

— 25 % gross for applied research and development

— 50 % for basic industrial research

— Plus 5 % in Article 92 3 (c) areas

— Plus 10 % for SMEs

Duration: 1995 to 1997

Conditions:

— Annual report

— Notification of change in the content of the aid

Date of adoption: 29. 2. 1996

Member State: Spain (Catalonia)

Aid No: N 803/95

Title: Structural aid in fisheries and aquaculture

Objective: Improvement of structures in the fishing industry in Catalonia

Legal basis: Orden por la que se establecen medidas estructurales en el sector de la pesca y de la acuicultura adoptadas con arreglo al Real Decreto nº 2112 de 28 de octubre de 1994

Budget: Pta 1 million a year (about ECU 619 000)

Aid intensity: In accordance with the scales and rates of participation fixed in Annex IV to Council Regulation (EEC) No 3699/93

Duration: Four years (1995 to 1999)

Date of adoption: 29. 2. 1996

Member State: Denmark

Aid No: N 856/95

Title: Export credits

Objective: To set up an export credit fund with a view to ensuring the international competitiveness of Danish exports as regards the cover of extraordinary export-related risks

Legal basis: Lov om Dansk Eksportkreditfond

Budget: Dkr 1,4 billion per year (ECU 192 million)

Duration: Indefinite

Date of adoption: 6. 3. 1996

Member State: Spain (Valencia)

Aid No: N 97/96

Title: Amendment to the aid scheme (N 145/95) in the natural gas sector. Second phase of the Valencia-Orihuela gas pipeline extension

Objective: Regional development

Legal basis: Texto refundido de la Ley de Hacienda pública de la Generalitat Valenciana (Decreto Legislativo de 26/6/91)

Budget: The same as for scheme N 145/95: Pta 1 588,3 million (approximately ECU 9,76 million)

Aid intensity:

— 50 % NGE in NUTS III of Alicante;

— 30 % NGE in the rest of the NUTS II of the region

Duration: 1995 to 1996

Conditions: None

STATE AID

C 55/95 (ex NN 46/95)

Italy

(96/C 102/07)

(Text with EEA relevance)

*(Articles 92, 93 and 94 of the Treaty establishing the European Community)***Commission notice pursuant to Article 93 (2) of the EC Treaty to other Member States and interested parties concerning State aid to the Enirisorse group**

By means of the letter reproduced below, the Commission informed the Italian Government of its decision to initiate the procedure provided for in Article 93 (2) of the EC Treaty.

'Enirisorse is a group of companies led by the company bearing the same name (Enirisorse SpA). The group is a subsidiary of ENI, the Italian conglomerate and one of the largest corporations of the world. Enirisorse has been active in various sectors of the metals and mining industry and currently operates mainly in the lead and zinc sectors.

The Commission, by letter of 20 October 1994 (IV/D/11185), requested the Italian Government to submit all information regarding certain measures related to Enirisorse Group that are likely to have involved State aid. The measures that might contain State aid were:

- capital injection of Lit 296 billion in 1991 by Enirisorse to its subsidiary Nuova Samim operating in the zinc and lead sectors, and
- an investment that Enirisorse had decided in 1994 to increase its zinc and lead productive capacity in its "Imperial Smelter" in Sardinia.

The Italian Government answered by letter received by the Commission on 5 January 1995. This letter was accompanied by documents referring to the policy of the Italian Government towards the restructuring of certain large Italian State-owned corporations including ENI Group, the restructuring of Enirisorse in the years to 1994 and the privatization of a number of companies of Enirisorse. It informed the Commission that Nuova Samim has been incorporated, as from 1 January 1993, into Enirisorse SpA and thus ceased to subsist as a legal entity.

At the same time, the Commission was carrying out (since 1 January 1994) a monitoring operation with

regard to the reduction of the indebtedness of ENI Group and its subsidiaries. This monitoring has been carried out under the provisions of the agreement of 1993 between Italy and the Commission, which has as its objects: (a) the reduction of the indebtedness of the undertakings owned 100 % by the Italian State at a normal level, that is acceptable to a private investor in a market economy; and (b) the reduction of the holding of the Italian Government in these corporations so as to exclude the unlimited liability of the State for their debts under Italian law ⁽¹⁾. The gradual reduction of debts is to be completed by the end of 1996.

In the context of this monitoring the Commission services analyzed the accounts of Enirisorse Group and found that in the years to 1994 large amounts of capital had been made available to Enirisorse to cover its huge losses and consequent indebtedness.

A meeting was held on 13 March 1995 between Commission officials and the management of Enirisorse Group to discuss about the restructuring of Enirisorse and the capital resources that the Italian Government has made and intends to make available to support this restructuring. The centre of discussion in that meeting was the restructuring support that has been and will be available to Enirisorse, amounting approximately to Lit 1 800 billion, in the years 1992 to 1996. This capital has been presented as necessary for the reorganization of Enirisorse, the closure and sales of a large number of companies and the restructuring of the remaining ones.

The aid measures that are the subject of this letter consist of the amount of approximately Lit 1 800 billion that, by the end of the period 1992 to 1996, ENI will have been injected into Enirisorse Group, according to the documents submitted by the Italian Government, for its restructuring operations, and of any other aid measure in general destined to benefit Enirisorse.

⁽¹⁾ OJ No C 267, 2. 10. 1993, p. 11. The agreement has been part of the Commission decision regarding the debts of the EFIM Group.

The Commission's study of the accounts of Enirisorse allows the conclusion that the abovementioned capital injection of Lit 296 billion, to which the letter of the Commission of 20 October 1994 and of the Italian authorities of 21 December 1994 referred, is included in the total capital (about Lit 1 800 billion) estimated for the complete restructuring of the Enirisorse Group. According to the documentation available from the Italian Government, the Lit 1 800 billion funds have been, and will be, used in the following way:

- Lit 500 billion to reduce the financial debts of the group,
- Lit 800 billion to cover losses from liquidation of certain companies and closure of industrial plants, and
- Lit 500 billion to cover exceptional costs in operating companies to facilitate redundancies, environmental protection measures, and similar measures.

In the same period the income of Enirisorse group from sale of companies or plants, minus the costs for purchases and incorporations, will be about Lit 860 billion. These resources will be sufficient to cover:

- the operating needs of the group at about Lit 410 billion,
- the financial charges at about Lit 320 billion, and
- the investments for the concentration of lead and zinc production at about Lit 130 billion.

However, the Commission has not been given evidence that the capital available to Enirisorse corresponds to exact costs arising from liquidation and sales of various companies and from the restructuring of the remaining ones, and has been used solely for this purpose. Enirisorse Group has had proceeds from sales and liquidation amounting Lit 860 billion which have not been used to contribute towards the costs of the restructuring, but instead have apparently been channelled to mitigating charges that should normally be included in the budget for the operation of the group.

In this respect, the Commission considers on the basis of documentation that has been submitted by the Italian authorities and from the discussion in the meeting of 13 March 1995, that the activities of Enirisorse in the lead

and zinc sectors, which currently account for about 90 % of its turnover, and which in 1992 accounted for 43 % of turnover and 45 % of losses, seems not to have been subject to any substantial restructuring which would render them viable and profitable.

As for the investment decision to increase lead and zinc productive capacity in the "Imperial Smelter" in Sardinia, the second aid measure referred to in the Commission's letter of 20 October 1994, the Italian authorities responded that such decision had never been taken. On the contrary, it was submitted, the Italian Government and ENI were looking into possible reorganization of the lead and zinc plants and any increase in production would depend on ceasing production at certain other plants.

The Green Paper on State shareholdings of November 1992 referred to the intention of the Italian Government to withdraw completely from the metal/mining industry through a series of suitable liquidations. The paper considered that the structural weaknesses of the metal activities of the companies that comprised Enirisorse Groupe (that is excessively fragmented production, remoteness of plants from markets and technological shortcomings) could not be overcome, not only because of the Community's unwillingness to authorize the granting of State aid to loss-making activities, but also due to the addition of cost effects of obtaining raw materials, lack of suitable vertical integration and the costs of dealing with pressing environmental problems.

Enirisorse has had a dominant position in the production of lead and zinc in Italy, although there is little vertical integration between mining and metal working. Its activity in the coal and chemical mineral sectors has not been very substantial by international standards. The loss-making performance necessitated a restructuring of the group which started at the end of 1992 and continued in 1993 and 1994. The restructuring plan which started to be implemented by the end of 1992 would lead to the transformation of Enirisorse from a holding company of mining and metal business into an industrial company operating its previous "core business", namely the production of lead and zinc.

With a view to concentrating its activities, the Enirisorse Group has sold and liquidated a large number of companies. The following table presents this evolution, in terms of number of companies, industrial plants and personnel between 31 December 1991 and 31 December 1994:

Sector	31. 12. 1991			31. 12. 1994			Variation	
	Compa- nies	Install- ations	Employees	Compa- nies	Install- ations	Employees	Personnel	%
Metallurgy	7	11	4 397	1	6	2 569	- 1 828	- 42
Mining	9	21	2 974	1	1	1 351	- 1 623	- 55
Coal, Coke	14	10	862	3	1	0	- 862	- 100
Chemical minerals	6	10	791	1	1	14	- 777	- 98
Terfin (textiles)	7	2	1 216	4	0	912	- 304	- 25
Total	43	54	10 240	10	9	4 846	- 5 394	- 52

Of the 33 companies that have been eliminated, six have been incorporated into Enirisorse, 14 have been liquidated and 13 companies or holdings have been sold. The exceptional charges borne by Enirisorse Group, and which correspond apparently to the costs of the restructuring operations, have been Lit 392 billion in 1992, Lit 338 billion in 1993 and Lit 91 in 1994 (a total Lit 821 billion).

The following table presents the economic and financial situation of Enirisorse Group to give a picture of the importance of the restructuring for the group.

Enirisorse-Group	<i>(Lit billion)</i>			
	1991	1992	1993	1994
Turnover	2 212	1 864	1 287	1 363
Operating result	- 392	- 412	- 329	- 216
Final result	- 540	- 898	- 720	- 428
of which the group's	- 436	- 868	- 676	- 428
Net invested capital	1 661	1 705	756	363
Net final debt	1 157	1 274	683	377
Equity capital	505	431	73	70

As regards the company Enirisorse SpA, the net worth of the company has diminished from Lit 210 billion in 1991 to Lit 201 billion in 1992 to Lit 14 billion in 1993; whereas the share capital of the company has been Lit 632 billion. To maintain after 1991 the share capital at that level, the following capital injections have been made into the company:

— Lit 605 billion in 1992

— Lit 431 billion in 1993

— Lit 417 billion in 1991, and a projected one

— Lit 450 billion in 1995 to 1996.

The market for zinc and lead has been characterized by excess capacity in Europe in the recent years. Although these metals are commodities traded worldwide, which implies that over-capacity in a certain country or region may be possible to be absorbed by the demand in another part of the world, the markets have suffered from structural weaknesses which have resulted in rising stocks and falling prices.

Enirisorse has not adjusted its lead and zinc production in the years to 1994 so as to counter the effects of the slump in the market and also its own losses, which might have been faced with proper capacity and production cuts.

The financial situation of Enirisorse has not been rectified after the liquidations and sales of companies and a detailed restructuring plan leading to viability is missing. It must be verified whether the remaining activities continue to generate losses, mainly from the lead and zinc activities, which, as has been repeated above, makes up currently the 90 % of turnover. It is planned that these are going to be the only activities of Enirisorse beyond 1995.

It is remarkable that, while the Italian Government's policy document on State holdings of November 1992 provided for the abandonment of the metals sector, nothing, or perhaps little, has been made in the meanwhile to restructure and restore, if not abandon, the lead and zinc loss-making business. While all other activities have, or are going to be, sold or liquidated, the "core business" have not been restructured sufficiently not to generate losses. Nevertheless, these activities are

draining resources of ENI Group for the coverage of their persistent losses and debts.

It has not been proven in a sufficient way to the Commission whether the Lit 1 800 billion, which is presented as the capital needed approximately to cover Enirisorse's costs of restructuring in 1992 to 1996, and a substantial part of which has been already paid, correspond to the actual costs of restructuring. Moreover, it has not been sufficiently demonstrated that the restructuring will lead the Enirisorse Group to viability and profitability. The lead and zinc sector of the group will start only after 1995 to be subject to restructuring. More important, the proceeds from sale and liquidation of Enirisorse's assets have been presented as generating a substantial amount (around Lit 860 billion), which, as it appears from the file, has not been used to contribute towards costs arising from the restructuring but, instead, to finance investments and the loss-making operation of the group.

It is therefore highly doubtful whether a private investor in a market economy would have acted in the same way as Enirisorse did. Such an investor would raise on the financial markets only the capital strictly necessary to finance those activities for which his own resources were insufficient. Such fund-raising would normally be subject to stringent criteria of viability and profitability of the business concerned.

The Commission applies the private investor test in order to assess whether funds injected by the State to an undertaking constitute market risk capital, which a private investor would also make readily available, or State aid ⁽¹⁾.

The Commission observes that the ENI Group, the owner of Enirisorse, is a 100 % State-owned undertaking. The members of its administrative board are appointed by its public shareholder, the Ministry of the Treasury. Its capital constitutes public property, which, consequently, may be considered as falling within the concept of State resources of Article 92 (1) of the EC Treaty if its uses and disposals are not determined solely on the basis of market economy criteria ⁽²⁾.

It is a successful undertaking, recording profits for consecutive years, with the only exception the year 1992, in which it suffered losses of Lit 815 billion. In 1994 it provided substantial dividends of Lit 936 billion to its shareholder, the Italian Treasury. Yet, its remaining profits, indeed all its assets, are still public property. The

disposition of assets is a decision lying with the shareholders (in private as well as in State-owned undertakings), even after the eventual distribution of dividends to the shareholders.

In the case of a State-owned undertaking, the disposal of assets after the distribution of dividends to the State as shareholder, without the prospect of return, results in reduced capital value for the shareholder. Such reduction of capital value is a direct dispensation of State resources.

Where the State as shareholder decides to dispose off its assets, Article 92 (1) of the EC Treaty applies, since these assets are State resources, provided that a comparable private investor would not behave similarly under market economy criteria in equivalent circumstances.

It is necessary to verify whether a private investor comparable to ENI would not have withdrawn from Enirisorse after all these years of huge losses and debts. A public undertaking should, as if it were a private investor, be more sceptical in providing finance to a subsidiary that has underperformed for a large number of years. Because of lack of medium/long-term commercial viability, decisions to abandon or scale down its involvement should be expected by a public undertaking, as are expected as the normal behaviour of a comparable private investor.

There is no doubt, of course, that the timing of such decisions will depend on the overall credibility and structure of the State-owned group ⁽³⁾. This consideration, however, is justified where there is sufficient restructuring or reorganization of activities that, within a reasonable time context, necessitate additional loss-covering funding. In the case of Enirisorse, while the whole group has restructured and been relieved from numerous non-viable activities, its principal activity and main cause of losses seems untouched. Nor could the argument of the protection of the image of ENI be invoked, since the extent of Enirisorse's sale and liquidation of subsidiaries has already conveyed the impression of ENI's massive scaling down its investments in Enirisorse.

The cross-subsidization of Enirisorse by ENI cannot be justified as laying on a strategic plan of long-term profitability nor as involving a net benefit to ENI group as a whole. The lack of any substantial restructuring of the lead and zinc production of Enirisorse removes the assumption of strategic investment. Furthermore, the fact that the proceeds from sales and liquidations of the

⁽¹⁾ Commission communication on the application of Articles 92 and 93 of the EC Treaty and of Article 5 of Commission Directive 80/723/EEC to public undertakings in the manufacturing sector (OJ No C 307, 13. 11. 1993, p. 3).

⁽²⁾ See Case C-303/88, Italy v. Commission, (1991) ECR I-1433; see also Case C-305/89, Italy v. Commission, (1991) ECR I-1603.

⁽³⁾ Case C-303/88, Italy v. Commission (1991), ECR I-1433.

subsidiaries of Enirisorse, amounting to Lit 860 billion, do not appear to contribute towards the needs of the restructuring and does not reconcile with any claim of any net benefit to ENI group.

In conclusion, at this juncture, a private investor in the position of ENI would have taken into account the wider context in which Enirisorse operates and would have not provided, without specific demands for restructuring of the core business and for attainment of performance targets, the substantial extra finance that has been made available to Enirisorse Group.

Therefore, the conditions, as presented above, under which capital is, or going to be, injected into Enirisorse in the period 1992 to 1996 and possibly beyond, create the presumption that this financing involves, to a certain extent, State aid.

This aid falls under Article 92 (1) of the EC Treaty, since it is provided through State resources, that is ENI's assets, and affects trade in the common market for lead and zinc, and for other products of Enirisorse, for which intense intra-community trade exists.

This State aid cannot at the present stage be exempted under the provisions of Article 92 (3) to the EC Treaty. Given the nature of the aid, being a capital injection to cover losses and restructuring costs, it can only be examined under paragraphs (a) and (c) of Article 92 (3) of the EC Treaty.

However, the aid involved in the capital injections into Enirisorse cannot at this stage qualify as promoting the economic development of regions referred to in Article 92 (3)(a) of the EC Treaty, since Enirisorse has operations in various regions and the aid cannot be considered as corresponding to either investment or job creation. Moreover, the aid does not seem to sufficiently contribute towards viability and profitability of the core business of Enirisorse which could promote thus regional development; a sufficient restructuring plan for the lead and zinc business has not been presented to the Commission to justify such an assessment.

Nor the nature of the aid justifies the conclusion that it facilitates the development of the economic activity or economic areas concerned without adversely affecting trading conditions to an extent contrary to the common interest. The Commission has long established the criteria that loss-compensation without sufficient restructuring, involving proper capacity cuts and reorganization of activities to become viable and profitable, cannot be considered as promoting the Community objectives of

Article 92 (3) of the (c) EC Treaty⁽¹⁾. In this case such a detailed restructuring plan leading to viability and profitability is missing.

Thus, at the present stage of examination of the capital injections into Enirisorse, the Commission cannot reach a conclusion that any aid that should be involved is considered compatible with the common market under 92 (3) (a) or (c) of the EC Treaty. For the Commission to support such an assessment, sufficient evidence is needed that the promotion of the objectives sought by these provisions of Article 92 (3) EC are to be attained through appropriate restructuring of the loss-making Enirisorse Group.

Therefore, the Commission has decided to open the procedure of Article 93 (2) of the EC Treaty regarding the financing of Enirisorse Group by ENI in the period 1992 to 1996, and possibly beyond that, including mainly the provision of Lit 1 800 billion until 1996, aiming to enable it to continue through restructuring its operation despite its heavy losses.

As part of the procedure, the Commission gives hereby the Italian Government the opportunity to present, within one month of being notified of this letter, its comments as well as any information relevant for the assessment of the presumed aid.

The Commission would remind the Italian Government that since the presumed aid has been paid unlawfully, that is without prior notification to, and a final decision by, the Commission pursuant to Article 93 (3) of the EC Treaty, it may have to be recovered from the recipient firm, as it was stipulated in the Commission's communication published in *Official Journal of the European Communities* No C 318 of 24 November 1983, p. 3.

The abolition of aid unlawfully received involves repayment in accordance with the procedures and provisions of Italian law, in particular those relating to interest on arrears on State liabilities, with the interest starting to run on the date on which the unlawful aid was granted and which are based on the reference rate used in the context of regional aid. This measure is necessary to remove all the financial benefits that the firm receiving the unlawful aid has improperly enjoyed since the date on which the aid was paid⁽²⁾.

⁽¹⁾ Endorsed by Case C-278/92, C-279/92 and C-280/92, Spain v. Commission (1994) ECR 4103. See also, for instance, Commission Decision 92/329/EEC, aid to IOR, OJ No L 183/30, 3. 7. 1992.

⁽²⁾ Case C-142/87, Belgium v. Commission, (1990) (ECR I-959).

The Commission also requests the Italian Government to inform the recipient undertaking, the Enirisorse Group, without delay for the a initiation of the procedure and that it may have to repay any aid improperly received.

The Commission is, by means of publication of the present letter in the *Official Journal of the European Communities*, giving also notice to the other Member States and third parties to submit, within one month as of publication, their comments on the measures in question.⁷

The Commission hereby gives the other Member States and interested parties notice to submit their comments on the measures in question within one month of the date of the publication of this notice to:

European Commission,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

The comments will be communicated to the Italian Government.

Notice of initiation of anti-dumping proceedings concerning imports of synthetic fibre ropes originating in India

(96/C 102/08)

(Text with EEA relevance)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 3283/94⁽¹⁾, alleging that imports of synthetic fibre ropes originating in India are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 23 February 1996 by the Liaison Committee of European Union Twine, Cordage and Netting industries (Eurocord).

2. Product

The product allegedly being dumped is twine, cordage, ropes and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics of polyethylene or polypropylene, other than binder and baler twine, measuring more than 50 000 decitex (5 g/m), plaited and other, as well as other synthetic fibres of nylon or other polyamides or of polyesters measuring more than 50 000 decitex (5 g/m), plaited and other, currently classifiable within CN codes 5607 49 11, 5607 49 19, 5607 50 11 and 5607 50 19. These CN codes are only given for information and have no binding effect on the classification of the product.

3. Allegation of dumping

The allegation of dumping is based on a comparison of normal value established on the basis of domestic prices in India with the export prices of the product concerned to the Community. On this basis the dumping margin calculated is substantial.

4. Allegation of injury

The complainant alleges and has provided evidence that imports from India have increased significantly in absolute terms and in terms of market share.

It is further alleged that the volume and prices of the imported products have, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

5. Procedure for determination of dumping and injury

Having determined, after consultation within the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of proceedings, the Commission has commenced an investigation pursuant to Article 5 of Regulation (EC) No 3283/94.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1.

(a) *Questionnaires*

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the complainants, exporters and importers named in the complaint. At the same time a copy of the questionnaire will be sent to any known representative association of exporters or importers.

Exporters and importers are invited to contact the Commission forthwith in order to find out whether or not they are listed in the complaint. The authorities of the exporting country will be notified of the exporters named in the complaint. The exporters and importers which are not named in the complaint, because they were not known, should request a copy of the questionnaire as soon as possible, as they are also subject to the limit set out in paragraph 7. Any request for questionnaires must be made in writing to the address mentioned below and should indicate the name, address, telephone, fax and/or telex numbers of the interested party.

(b) *Collection of information and holding of hearings*

All interested parties, provided that they can show that they are likely to be affected by the results of the investigation, are hereby invited to make their views known in writing and to provide supporting evidence.

Futhermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

6. Community interest

In accordance with Article 21 of Regulation (EC) No 3283/94, and in order that an informed decision may be reached as to whether, in the event that the allegations of dumping and injury are substantiated, the adoption of anti-dumping measures would be in the Community interest, the complainants, importers and

their representative associations, representative users and representative consumer organizations may, within the time limit specified in its notice, make themselves known and provide the Commission with information. It should be noted that any information submitted under this Article will only be taken into account if supported by factual evidence at the time of submission.

7. Time limit

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing and submit information within 37 days from the date of transmission of this notice to the authorities of the exporting country. Interested parties may also apply to be heard by the Commission within the same time limit. The transmission of this notice to the authorities of the exporting country shall be deemed to have taken place on the third day following its publication. This time limit also applies to all other interested parties, including the parties not named in the complaint, and it is consequently in the interest of these parties to contact the Commission without delay at the following address:

European Commission,
Directorate-General I,
External Relations: Commercial Policy and Relations
with North America, the Far East, Australia and New
Zealand,
Directorates C and E,
(Cort 100 4/30),
Rue de la Loi/Wetstraat 200,
B-1049 Bruxelles/Brussel;
Fax (32 2) 295 65 05,
Telex COMEU B 21877.

8. Non-cooperation

In cases in which any interested party refuses access to, or otherwise does not provide necessary information within the time limit, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of Regulation (EC) No 3283/94, on the basis of the facts available.

Non-opposition to a notified concentration
(Case No IV/M.702 — Starck/Wienerberger)

(96/C 102/09)

(Text with EEA relevance)

On 1 March 1996, 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⁽¹⁾. Third parties showing a sufficient interest can obtain a copy of the decision by making a written request to:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1049 Brussels;
fax (32 2) 296 43 01.

⁽¹⁾ OJ No L 395, 30. 12. 1989; Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

Prior notification of a concentration
(Case No IV/M.737 — Sandoz/Ciba-Geigy)

(96/C 102/10)

(Text with EEA relevance)

1. On 27 March 1996, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾ by which the undertakings Ciba-Geigy AG, Basle, and Sandoz AG, Basle, enter into a full merger within the meaning of Article 3 (1) (a) of that Council Regulation.

2. The business activities of the undertakings concerned are:

- Ciba-Geigy AG: research in, development, manufacture and sale of pharmaceuticals, agrochemicals and industrial chemicals,
- Sandoz AG: research in, development, manufacture and sale of pharmaceuticals, agrochemicals, nutrition, building chemicals.

3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax No (32 2) 296 43 01/296 72 44) or by post, under reference number IV/M.737 — Sandoz/Ciba-Geigy, to the following address:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1049 Brussels.

⁽¹⁾ OJ No L 395, 30. 12. 1989. Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

Non-opposition to a notified concentration
(Case No IV/M.698 — NAW/Saltano/Contrac)

(96/C 102/11)

(Text with EEA relevance)

On 26 February 1996, 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 ⁽¹⁾. Third parties showing a sufficient interest can obtain a copy of the decision by making a written request to:

European Commission,
Directorate General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1049 Brussels;
fax: (32 2) 296 43 01.

⁽¹⁾ OJ No L 395, 30. 12. 1989; Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

III

(Notices)

COMMISSION

Notice of invitation to tender for the refund or tax for the export of common wheat to Algeria,
Morocco and Tunisia

(96/C 102/12)

I. Subject

1. Tenders are invited for the refund or tax for the export to Algeria, Morocco and Tunisia of common wheat falling within CN code 1001 90 99.
 2. The total quantity in respect of which there may be fixed a maximum export refund or minimum export tax as provided in Article 4 (1) of Commission Regulation (EC) No 1501/95⁽¹⁾, as last amended by Regulation (EC) No 95/96⁽²⁾, is approximately 170 000 tonnes.
 3. The invitation to tender will be conducted in accordance with the provisions of:
 - Council Regulation (EEC) No 1766/92⁽³⁾;
 - Regulation (EC) No 1501/95,
 - Commission Regulation (EC) No 604/96⁽⁴⁾.
3. This notice is published only for the purposes of the present invitation to tender. Until such time as it is amended or replaced, its terms will apply to each weekly award held during the period of validity of this invitation.

III. Tenders

1. Tenders must be submitted in writing and may be delivered personally against a receipt or sent by registered post or by telex, telefax or telegram, but must in any event arrive not later than the time and date indicated in heading II above at one of the following addresses:
 - Bundesanstalt für Landwirtschaft und Ernährung (BLE), D-60322 Frankfurt am Main, Adickesallee 40 (telex: 699 76 24, 699 76 33; telefax: 1564-793, 1564-794),
 - Office national interprofessionnel des céréales, 21, avenue Bosquet, F-75326 Paris Cedex 07 (telex: OFILE 200490 F/OFIDM 203662 F; telefax: 47 05 61 32),
 - Ministero per il commercio con l'estero, direzione generale import-export, divisione IV, viale Shakespeare, I-00100 Roma (telex: MINCOMES 623437, 610083, 610471; telefax: 5926217),
 - Hoofdproduktschap voor Akkerbouwprodukten, Stadhoudersplantsoen 12, NL-2517 JL Den Haag (telex: HOVAKKER 32579, telefax: 461400),
 - Bureau d'Intervention et de Restitution Belge (BIRB)/Belgisch Interventie- en Restitutiebureau (BIRB), rue de Trèves, 82/Trierstraat 82, B-1040 Bruxelles/Brussel (téléx: BIRB 24076, 65567; télécopieur: 230 25 33, 280 03 07),
 - Intervention Board for Agricultural Produce, External Trade Division, Lancaster House, Hampshire Court, UK-Newcastle upon Tyne ME4 7YE (telex: 848302; telefax: 583626 (og 1) 2261839),

(¹) OJ No L 147, 30. 6. 1995, p. 7.

(²) OJ No L 18, 24. 1. 1996, p. 10.

(³) OJ No L 181, 1. 7. 1992, p. 21.

(⁴) OJ No L 86, 4. 4. 1996, p. 20.

- Department of Agriculture, Food and Forestry, Cereals Division, Agriculture House, Kildare Street, IRL-Dublin 2 (telex: AGRI EI 93607; telefax: 6616263),
- EU-Direktoratet, Kampmannsgade 3, DK-1780 København (telex: 15137 DK; telefax: 33926948),
- Ministério do Comércio e Turismo, Direcção-Geral do Comércio, Av. da República, 79, P-1000 Lisboa (telex 13418, telefax: 7932210),
- Service d'économie rurale, office du blé, 113-115, route de Hollerich, L-1741 Luxembourg (telex: AGRIM L 2537, telefax: 450178),
- YDAGEP, 241, rue Acharnon, GR-10446 Athens (telex: 221736 ITAG GR, telefax: 8629373),
- Servicio Nacional de Productos Agrarios (SENPA), C/Beneficencia 8, E-28004 Madrid (telex: 41818, 23427 SENPA E; telefax: 5219832, 5224387),
- Statens Jordbruksverk, Vallgatan 8, S-55182 Jönköping (telex: 70991 SJV-S, telefax: 36190546),
- Maa- ja metsätalousministeriö, interventiokeskus, PL 232, FIN-00171 Helsinki (telefax: 90-1609760, 90-1609790),
- AMA (Agrarmarkt Austria), Dresdnerstraße 70, A-1200 Wien (telefax 0043-1-33151399, 0043-1-33151298).

Tenders not submitted by telex or telegram must be enclosed in a sealed envelope marked: 'Tender under invitation to tender for the refund or tax for the export of common wheat to Algeria, Morocco and Tunisia — Regulation (EC) No 604/96 — Confidential', itself enclosed in a further sealed envelope addressed as above. Once submitted, no tender may be withdrawn before the Member State concerned has informed the tenderer of the result of the tender.

2. Every tender and the accompanying proof and undertaking mentioned in Article 5 (3) of Regulation (EC) No 1501/95 must be in the official language, or in one of the official languages, of the Member State of the competent authority to which it is submitted.

IV. Security for tender

The security for tender must be made out in favour of the competent authority concerned.

V. Award of contracts

The award will:

- (a) give the party concerned the right to be issued, in the Member State in which the tender was submitted, with an export licence for the quantity in question indicating the export refund or tax specified in the tender;
- (b) oblige the party concerned to apply in the Member State mentioned in (a), for an export licence for that quantity.

Assistance to the 'Balkan Energy Interconnection' Task Force responsible for the examination of energy interconnection projects in the Balkans

Invitation to tender

(96/C 102/13)

1. **Awarding authority:** European Commission, Directorate-General for Energy, DG XVII-A4, International energy cooperation with third countries (Synergy), avenue de Tervuren 226-236, B-1150 Brussels.

Facsimile 295 98 16 (Jean-Claude Merciol).
2. **Description:** The Synergy programme of the Directorate-General for Energy (DG XVII) of the European Commission is a programme for cooperation on matters of energy policy with the third countries. Synergy will launch a project to assist a 'Balkan Energy Interconnection' Task Force, the creation of which was decided within the framework of the Black Sea Regional Energy Centre. This Task Force will have a mandate to ensure efficiency and coordination of initiatives regarding investment concerning the energy interconnection in the Balkan region.

The tenderer must, in particular:
 - contribute to the setting up of the Task Force,
 - contribute technical and administrative assistance.
3. **Place of performance of the services:** The European Union and the Balkan countries.
4. a)
 - b) **Reference of the law, regulation or administrative provision:** The service must be provided by a consortium made up of companies legally established in the European Union.
 - c) **Names and professional qualifications of persons responsible for the provision of the services required:**
5. **Possibility of tendering for a part of the services:** No.
6. **Variants:** None.
7. **Contract duration:** 12 months.
8. a) **Request for documents:** The tender documents may be requested from the address in 1.
 - b) **Final date for making such a request:** 40 calendar days following the date of publication.
9. **Address to which tenders must be sent:** See tender documents.
 - a) **Final date for the receipt of tenders:** 52 calendar days from the date of publication.
 - b) **Address to which they must be sent:** See tender documents.
 - c) **Languages in which they must be drawn up:** English.
10. a) **Persons authorized to be present at the opening of tenders:** Representatives of the tender opening commission and tenderers who express an interest in doing so.
 - b) **Date, time and place of the opening:** 62 days from the date of publication, at the address in 1.
11. **Deposits and guarantees:** See invitation to tender documents.
12. **Main terms concerning financing and payment:** See invitation to tender documents. Tenders must be expressed in ECUs.
- 13.
14. **Information concerning the service provider's own position, and information and formalities necessary for an appraisal of the minimum economic and technical standards required of him:**
 - a) The tenderers are required to forward the following documents:
 - certificate of enrolment in the professional register of the country in which the tenderer is established,
 - statement issued by the social security authorities to certify that the tenderer has fulfilled his obligations relating to the payment of social security contributions,
 - certificate to certify that the tenderer has fulfilled his obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established.
 - b) Financial and economic capacity which will be evaluated on the basis of:
 - balance sheets and results for the past 3 financial years (1992, 1993, 1994).
 - c) Technical capacity: see invitation to tender documents.

15. **Tender validity period:** 6 months from the date in 9. a).
16. **Contract award criteria:** The contract will be awarded to the economically most advantageous tender. Other than price, the following criteria will be taken into consideration:
- qualification of proposed experts,
 - expertise of the consortium on energy and financial matters in the Balkans,
 - proposed work programme,
 - project management,
 - incorporation of a network of local experts (from the Balkans), which is strongly recommended,
 - quality assurance.
17. **Other information:**
18. **Date of dispatch of the notice:** 25. 3. 1996.
19. **Date of receipt by the Office for Official Publications of the European Communities:** 25. 3. 1996.

Evaluation study of the Action Plan 16/9

Open procedure

(96/C 102/14)

1. **Awarding authority:** European Commission, Directorate-General X, 'Audiovisual Media, Information, Communication and Culture', Mr Gregory Paulger, Audiovisual Policy, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
- Tel. (32-2) 296 35 96. Facsimile (32-2) 296 69 92.
2. **Category of service and description:** Action Plan 16/9 (Council Decision 93/424/EEC) aims at promoting the 16/9 format.
- It enables the European audiovisual sector to benefit from 228 000 000 ECU of aid over a 4-year period, divided into 2 sections:
- section 1: aid for 16/9-format programme broadcasting,
 - section 2: aid for 16/9-format programme production,
- An external body will lend its assistance for:
- the evaluation of projects following calls for propositions,
 - the drafting of notifications of aid provided,
 - the preparation and execution of payment dossiers,
 - the technical verifications.
- In order to submit a final report on the implementation of the Action Plan and the results achieved, the Commission intends to commission an evaluation study of the actions of this plan for the section: '16/9 format programme production'.
- The study should cover, in 1 lot, the following main points:
- organization and methodology,
 - evaluation of propositions and management of payments,
 - efficiency and security of the computer system,
 - results and perspectives.
- The study will be drawn up in French or in English.
- In the common product classification, the services in question are referenced under No 862; category of service: 9.
- Invitation to tender No PO/96-15/D3.
3. **Place of performance:** The head office of the contractor, with interviews held by the services of the Commission and by the organisms/beneficiaries of aid under the Action Plan 16/9.

4. a), b)
- c) Legal persons will mention name and professional qualifications of persons responsible for carrying out the study.
5. The contract will comprise of 1 single and indivisible lot.
6. Variants are not permitted.
7. The work involved by the study must commence after 8/1996, and at the latest by 15. 9. 1996; the final report must be submitted at the latest by 1. 2. 1997.
8. a) The tender documents may be obtained at the following address:
- European Commission, Mr Costas Daskalakis, office 6/25, rue de la Loi/Wetstraat 102, B-1049 Bruxelles/Brussel.
- b) **Final date for requesting the tender documents:** 6. 5. 1996.
- c)
9. a) **Final date for the receipt of tenders:** 20. 5. 1996.
- b) They must be submitted to the address in 8. a).
- c) They must be drawn up in 1 of the 11 official languages of the European Community.
10. a) Tenders will be opened by the designated Commission officials, in the presence of tenderers wishing to assist.
- b) Opening of tenders will take place on 28. 5. 1996 (11.00), at the following address: rue de la Loi/Wetstraat 102, Eighth Floor, meeting room, B-1049 Bruxelles/Brussel.
- 11.
12. **The terms of payment anticipated are as follows:**
- 30 % upon signature of the contract,
 - 30 % upon submission of the interim report,
 - 40 % following acceptance of the final report.
13. In the case of a grouping, only 1 legal entity will be responsible for the contract before the Commission.
14. **Selection criteria:** Candidates should bring with them proof of their professional, economic, financial and technical capacity by providing the following documents:
- certificate of enrolment on a trade register,
 - company aim, or classification by kind of activity for the self-employed,
 - names and duties of management members,
 - balance sheet for the past 2 years or bank statement for the self-employed,
 - proof of experience in the field of evaluation studies and the management of public funds,
 - proof of familiarity of the audiovisual programme industry,
 - proof of skills in relation to management information systems,
 - proof of language abilities in French or English.
- The professional qualifications of persons responsible for the study will be mentioned.
- Tenderers having legal/economic ties with an operator in the sector in question will be excluded.
15. Tenderers are bound to keep open their tender until 20. 11. 1996.
16. **Award criteria:** The contract will be awarded to the economically most advantageous tender having regard to:
- the quality and clarity of the proposed work plan and methodology,
 - the speed of execution,
 - the overall price quoted.
- 17.
18. No pre-information notice has been published.
19. **Date of dispatch of the notice:** 26. 3. 1996.
20. **Date of receipt by the Office for Official Publications of the European Communities:** 26. 3. 1996.
21. The contract is covered by the GATT Agreement.

Satellite remote-sensing data

Open procedure

(96/C 102/15)

1. **Adjudicating body:** The Commission of the European Communities, Directorate-General JRC, Joint Research Centre, for the attention of Mr H. De Groof, TP 440, I-21010 Ispra (VA).
Tel. (39) 332 78 50 48. Facsimile (39) 332 78 90 74.
2. a) **Procedure:** Open.
b) **Type of contract subject matter of the call for proposals:** A framework contract is envisaged for supplies over a multi-annual period.
3. a) **Place of delivery:** As in 1.
b) **Products to be supplied:** The service of the Commission, including the Institute for Remote-Sensing Applications (IRSA) of the Joint Research Centre, wishes to receive proposals regarding the supply of satellite remote-sensing data.
The satellite remote-sensed data should be relevant to a range of activities such as environmental mapping and planning, marine and coastal zone observations, natural disaster and hazard monitoring, monitoring and mapping of land-use, agriculture and forestry, hydrology, atmospheric and meteorological applications.
c) **Quantity of products to be supplied:** Not known at this stage. Products will be purchased as and when required through the outline contract.
d) **Possibilities of partial proposals:** Proposals may be for 1 or more types of product relating to the type of activity mentioned in 3 b).
4. **Duration of contract:** 3 years.
5. a) **Address for the request of tender documentation:** As in 1.
b) **Final date for receipt of requests for tender documentation:** 25. 4. 1996 (time of arrival of the request).
6. a) **Final date for submission of proposals:** 14. 5. 1996 (time of arrival of the proposal).
b) **Address to which the proposal must be sent:** as in 1.
c) **Languages in which the proposal must be prepared:** Any language of the European Union.
7. a) **Persons authorized to be present at the opening of proposals:** JRC staff and representatives of the proposing organizations.
b) **Date and place of opening of the proposals:** 28. 5. 1996 (09.30), entry building, JRC I-Ispra.
- 8.
9. **Financing, payment schedules:** Will be specified in the tender documentation.
- 10.
11. **Evaluation of suppliers:** The following information must be included as a separate, distinct part of the proposal:
 - i) certification of the legal status of the company;
 - ii) a written declaration that the company is not in a situation of bankruptcy or any similar situation, according to the legislation in the country of origin;
 - iii) evidence of the inscription in professional registers under the conditions foreseen in the country of origin;
 - iv) a description of the data to be supplied, and of the methods employed by the supplier to assure its quality.
12. **Period of validity of the proposal:** 3 months from the date of the proposal.
13. **Criteria for awarding the contract:** Will be specified in the tender documentation.
- 14., 15.
16. **Date of publication of pre-information notice in the 'Supplement to the Official Journal of the European Communities':** Not published.
17. **Date of dispatch of this notice:** 26. 3. 1996.
18. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 26. 3. 1996.
19. **GATT:** This call for proposals is covered by the GATT.

Technical assistance

Notice of publication of the invitation to tender by open procedure No 96/03 concerning the provision of technical assistance in matters regarding regional policy carried out under Objective 1 in Spain, Ireland, the United Kingdom (Northern Ireland) and Italy

(96/C 102/16)

1. **Awarding authority:** European Commission, Directorate-General XVI, Regional Policies, Directorate C, interventions in Spain, Ireland, Northern Ireland and Italy, Mr Esben Poulsen, CSM 1 6/161, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.

Tel. (32-2) 295 00 07. Facsimile (32-2) 296 32 90.

2. **Category of service and description:** Management consultancy and associated services, CPC reference No 865/866.

The European Commission is seeking to award a framework contract to an international body for the provision of technical assistance for the analysis and evaluation of specific actions, co-financed by the structural funds, carried out under Objective 1 in Spain, Ireland, United Kingdom (Northern Ireland) and Italy.

The selected body will be responsible for setting up and managing a professional and immediate service on the analysis and evaluation of specific operational problems. The tenderer must have, at his disposal, a network of qualified experts with the necessary experience with regard to structural fund actions in the other countries in question and who will be capable of providing this service within the required deadlines.

3. **Place of delivery:** Address of the awarding authority.

4. **Qualifications of personnel:** Legal persons are required to indicate names and professional qualifications of personnel responsible for carrying out the service.

5. Service providers must tender for all the services outlined in 2.

6. **Variants:** Not applicable.

7. **Duration:** 1 year, from the date of signature of the contract. Where applicable, the contract will be renewable by agreement between the contractor and the European Commission 3 times for the same duration.

8. a) **Request for documents:** The tender documents may be requested from the address in 1.

b) **Final date for making such requests:** 12. 5. 1996.

9. a) **Final date for the receipt of tenders:** 18. 5. 1996.

b) **Address:** Tenders are to be addressed to

European Commission, Directorate-General XVI, Regional Policies, Directorate C, Unit 2, for the attention of Mr Esben Poulsen, building CSM1, office 6/161, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel

according to the specific terms of the tender documents.

c) **Language(s):** tenders must be drawn up in 1 of the official languages of the European Union and submitted in triplicate (1 original and 2 copies).

10. **Opening of tenders:** The Commission will be represented by officials from Directorate-General XVI, Directorates C and G. The tender opening session is accessible to tenderers. To this effect, each tenderer is invited to participate or be represented by a person from his company. The date, time and place will be specified in the tender documents.

11. **Deposits and guarantees:** As a guarantee for the performance of the programme, a deposit may be required from the service provider.

12. **Main terms concerning financing and payment:** See tender documents.

13. **Legal form:** Any grouping, regardless of their legal form, may submit an application.

14. **Selection criteria:** It is required of the tenderer to give evidence of his economic stability by providing a balance sheet and a trading account for the past 3 years of activity.

Selection will be based on the following criteria:

- independence,
 - knowledge of structural policies, and regional policies in particular,
 - knowledge of evaluation and assessment methods and techniques,
 - capacity and experience of the proposed team in relation to the management of complex regional operations, in particular in the field of evaluation,
- geographical cover.
15. **Award criteria:** See tender documents.
 16. **Tender validity period:** 6 months from the final date for the receipt of tenders.
 17. **Date of dispatch of the notice:** 27. 3. 1996.
 18. **Date of receipt by the Office for Official Publications of the European Communities:** 27. 3. 1996.
 19. The contract is subject to the GATT Agreement.

Value-added network

Open procedure

Call for tenders No DG23 95/535 value-added network and services

(96/C 102/17)

1. **Name and address of the contracting authority:** European Commission, Directorate-General for Enterprise Policy, Distributive Trades, Tourism and Cooperatives (DG XXIII), Mr J. García Fluxá, AN80 6/4, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel.
 - c) **Indication of whether legal persons should indicate the names and professional qualifications of the staff to be responsible for the execution of the service:**
2. **Category of service and description. CPC (common product classification) reference number:** The provision of a value-added network with a connection to Internet for the Directorate-General XXIII and its external partners, to include both physical connection and related services (lot 1).

The provision of network services for the Directorate-General XXIII and its external partners, to include electronic mail and conferences (lot 2).

DG XXIII's external partners are members of SME Information and Cooperation networks, to include Euro Info Centers, Business Cooperation Network and 'Bureau de Rapprochement des Entreprises'.

The DG XXIII's partners are located worldwide.

 5. **Indication of whether service providers can tender for a part of the services concerned:** Tenders may be made for 1 lot or for both lot 1 and lot 2.
 6. **Where applicable, non-acceptance of variants.**
 7. **Duration of contract or time-limit for completion of the service:** The contract will have a duration of 3 years with the possibility of prolongation for a further year.
3. **Place of delivery:** B-Brussels and L-Luxembourg.
 8. a) **Name and address of the service from which the necessary documents may be requested:** By letter or facsimile only to: European Commission, Directorate-General XXIII, Mr J. García Fluxá, AN80 6/4, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, facsimile (32-2) 296 17 50.
 - b) **Final date for making such requests:** 8. 5. 1996.
4. a) **Indication of whether the execution of the service is reserved by law, regulation or administrative provision to a particular profession:**
 - c) **Where applicable, the amount and terms of payment of any sum payable for such documents:**
- b) **Reference of the law, regulation or administrative provision:**
 9. a) **Final date for receipt of tenders:** 22. 5. 1996.

- b) **Address to which they must be sent:** As in 8. a).
- c) **Language(s) in which they must be drawn up:** 1 of the 11 official languages of the European Union.
10. a) **Persons authorized to be present at the opening of tenders:**
- b) **Date, time and place of the opening:**
11. **Where applicable, any deposits and guarantees required:**
12. **Main terms concerning financing and payment and/or references to the relevant provision:** In accordance with the framework contract included with the specifications.
13. **Where applicable, the legal form to be taken by the grouping of service providers winning the contract:** Tenderers may submit a joint bid. Successful candidates may be required by the Commission to form a group with a legal form in conformity with the relevant national or European legislation before signing any contract.
14. **Information concerning the service provider's own position and the information and formalities necessary for an appraisal of the minimum economic and technical standards required of him:**
- 14.1. Tenderers who do not provide the following documents (Article 29 of Council Directive 92/50/EEC) will be excluded:
- copy of entry in the professional register in accordance with the legislation of the Member State in which the tenderer is established;
 - certificate from the social security authorities to the effect that the tenderer has fulfilled his obligations relating to the payment of social security contributions;
 - certificate to the effect that the tenderer has fulfilled his obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established.
- 14.2. Economic and financial capacity will be assessed (Articles 30 to 32 of Council Directive 92/50/EEC) on the basis of:
- a brief description of the tenderer's business activities relating to services of the type that are the subject of this notice of contract;
 - balance sheets and results for the past 3 financial years (1993, 1994, 1995) if publication of balance sheets is required by law in the country in which the tenderer is established;
 - interim accounts for the final quarter of 1995 if the balance sheets and results for 1995 are not yet available;
 - total turnover and turnover on services of the type that are the subject of this notice of contract during the past 3 financial years.
- 14.3. Technical capacity will be assessed on the basis of:
- proven supply and support capacity;
 - acceptable use policy;
 - availability of service;
 - standards policy;
 - qualifications of proposed subcontractors, if any.
- 14.4. In the case of consortia, this information must be provided for each tenderer in the group. The same applies if the tenderer wishes to utilize a guarantee from another company for his bid.
- 14.5. The Commission reserves the right to use any other information from public or specialist sources.
15. **Period during which the tenderer is bound to keep open this tender:** 9 months.
16. **Criteria for the award of the contract and, if possible, their order of importance. Criteria other than that of the lowest price shall be mentioned if they do not appear in the contract documents:** The contract will be awarded to the economically most advantageous bid. The award criteria will be given in the specifications.
17. **Other information:**
18. **Date of dispatch of the notice:** 28. 3. 1996.
19. **Date of receipt of the notice by the Office for Official Publications of the European Communities:** 28. 3. 1996.

Cleaning service
Restricted procedure
 (96/C 102/18)

1. **Awarding authority:** Commission of the European Communities, DG JRC, Joint Research Centre, Institute for Prospective Technological Studies (IPTS), Ed. World Trade Center, Isla de la Cartuja s/n, E-41092 Séville-Administration.
2. **Category of service and description:** Restricted procedure. Cleaning of the IPTS premises in Seville, including offices, library, meeting rooms, corridors and toilets, covering a total surface area of approximately 1 800 m².
 CPC reference No: 874.
3. **Place of delivery:** As in 1.
4. a), b), c)
5. **Division into lots:** Tender for the entire service; the division into lots is not expected.
6. **Number of service providers invited to tender:** All service providers having satisfied the conditions indicated in 13.
7. **Variants:** Variants will not be considered.
8. **Contract period or final date for the execution of the service:** 2-year contract period from 1. 8. 1996. This period may be extended from year to year for a maximum of 3 years.
- 9.
10. a)
 - b) **Final date for the receipt of requests to participate:** 37 days after the date of publication in the Official Journal.
 - c) **Address:** As in 1.
 - d) **Language(s):** 1 of the official languages of the European Communities.
11. **Final date for the dispatch of invitations to tender:** Immediately following the constitution of a list of candidates.
- 12.
13. **Selection criteria:** Participating service providers must:
 - 13.1. provide the following administrative information:
 - business name,
 - their capital base on the date of publication of this notice,
 - the date on which the company was established,
 - certificate of enrolment on the register of an appropriate court or chamber of commerce,
 - the value of annual invoicing for the past 3 years,
 - if possible, the company's memorandum of association and those of its branches or subsidiaries;
 - 13.2. state on the company's headed paper:
 - that they fulfil obligations relating to the payment of social security contributions for employees, in accordance with the legal provisions of the country of origin,
 - that they fulfil obligations relating to the payment of taxes in accordance with the legal provisions of that country,
 - that they are not in a situation of bankruptcy, liquidation, cessation of activity or scheme of composition or any other equivalent situation according to the legal provisions of the country of origin, and that no proceedings against the company leading to 1 of these situations is taking place;
 - 13.3. send:
 - a list of major works completed with an indication of the number of persons employed,
 - the list of personnel anticipated for the possible execution of the contract.
14. **Award criteria:** The contract award criteria will figure in the invitation to tender documents.

15. **Other information:** Invitations to tender shall contain:
- the contract project with the general terms,
 - the specifications of the premises,
 - an invitation to visit the premises where the contract is to be executed,
 - the tender documents (periodicity and frequency of performance).
- All the relevant documents will be drafted in Spanish.
- 16.
17. **Date of dispatch of the notice:** 27. 3. 1996.
18. **Date of receipt by the Office for Official Publications of the European Communities:** 27. 3. 1996.
19. The contract is covered by the GATT Agreement.

Remote sensing

Open procedure

(96/C 102/19)

1. **Awarding authority:** Commission of the European Communities, Joint Research Centre, Agricultural Information Systems Unit (AIS), TP 441, for the attention of Mr P. Vossen, I-21020 Ispra (VA).

Tel. (39-332) 78 98 09. Facsimile (39-332) 78 99 36.

2. **Category of service and description:** CPC reference No: 84.

The Agricultural Information Systems Unit aims at providing accurate, up-to-date and homogeneous information on European agriculture by means of remote sensing. Its main clients being Directorate-General VI and the Statistical Office 'Eurostat'. The information provided will concern, on the one hand, the identification of lands under cultivation and their surface area and, on the other hand, the level of production to be expected from this cultivation.

The following services must be provided:

Carrying out quality control of the monitoring operations by remote sensing of arable lands. Under the full supervision of the Agricultural Information Systems Unit, the service provider will carry out qualitative checks on work undertaken by contractors within the framework of remote sensing of arable lands. The service will consist in providing a technical coordinator for the work, photo-interpreters, operators, and computer facilities. The instrument used for carrying out photo-interpretation will be an adapted version of the Cachoo remote-sensing software. The number of sites to be

surveyed is specified in the invitation to tender documents, and the proposal should be capable of being adapted according to the number of sites in question.

Period: 1 campaign, twice renewable subject to availability of funds, programme continuity and acceptance of work carried out.

3. **Place of delivery:** As in 1.

The execution of these works will be physically carried out either within the JRC-Ispra, or within close proximity such that daily contact with personnel from the AIS unit may be possible.

4. a), b)

c) The proposal should indicate names and professional qualifications of personnel responsible for executing the works.

5. **Services to be provided:** The proposal should cover the entire service to be provided (technical coordinator, photo-interpreters, computer facilities); no division into lots is possible.

- 6.

7. **Time limit for the completion of works:** Works will commence 2 weeks following contract notification.
- The works will be completed on 30 November of each work campaign. The final dates for different stages are indicated in the invitation to tender documents.
8. a) **Address for requesting invitation to tender documents:** Mr P. Vossen, AIS Unit, Institute for Remote Sensing Applications, TP 441, I-21020 Ispra (VA), facsimile (39-332) 78 99 36.
- b) **Final date for making such requests:** 13. 5. 1996 (date of actual receipt of the request by mail or facsimile).
9. a) **Final date for the submission of proposals:** 24. 5. 1996 (date of actual receipt of the proposal).
- b) **Address to which tenders must be sent:** Mr R. Crandon, Institute for Remote Sensing Applications, TP 441, I-21020 Ispra (VA).
- c) **Languages in which proposals must be drawn up:** 1 of the Community languages. Translations into English and French would be appreciated.
10. a) **Persons authorized to be present at the opening of tenders:** JRC personnel and representatives of the tendering organizations.
- b) **Date and place of opening:** 29. 5. 1996 (09.30), JRC-Ispra, entrance building.
- 11.
12. **Terms of financing and payment:** As specified in the invitation to tender documents.
13. **Legal form of the service provider:** Any type of public institution, private company or grouping may participate in the invitation to tender (subject to the restrictions in 14. b).
14. **Evaluation of service providers:**
- a) The following information must be provided:
- a. name, address, telephone and facsimile numbers,
 - b. statement to certify the legal form of the company,
 - c. written statement certifying that the company is not undergoing bankruptcy or in any other similar situation, in accordance with the legal provisions of the country of origin,
 - d. written statement (maximum 1 page) indicating the company's experience in the required field as well as key personnel directly concerned by the service category of the proposal (see 2).
- b) The tenderer must have experience in the field of remote sensing, and also in relation to general quality control. In addition, he should demonstrate his capacity to set up procedures of confidentiality and objectivity in the processing of information. Also, the tenderer must not be a direct contractor within the framework of surveillance operations by remote sensing in 1996, 1997, 1998 (until these works are completed).
15. **Tender validity period:** 6 months from the final date for the submission of tenders.
16. **Contract award criteria:** Will be specified in the tender documents.
- 17., 18.
19. **Date of dispatch of the notice:** 27. 3. 1996.
20. **Date of receipt by the Office for Official Publications of the European Communities:** 27. 3. 1996.
21. The services in question are not covered by the GATT Agreement.
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CORRIGENDA**Contract for the supply of stationery and office materials to the Office for Harmonization in the Internal Market**

(Official Journal of the European Communities No C 63 of 2. 3. 1996, p. 14)

(96/C 102/20)

Office for Harmonization in the Internal Market, Avenida Aguilera, 20, E-03080 Alicante.

Tel. (34) 65 13 91 00. Facsimile (34) 65 13 91 72.

instead of:

7. a) **Opening of tenders:** In camera.

read:

7. a) **Opening of tenders:** Opening of tenders will take place in the offices of the IMHO, avenida Aguilera, 20, E-Alicante, on 24. 4. 1996 (12.00), and will be accessible to representatives of tendering organizations, who must produce the relevant documents to the effect that they are qualified as such.
