II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/68/EEC
of 20 July 1992
amending Directive 90/684/EEC on aid to shipbuilding

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 92 (3) (d) and Article 113 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the shipbuilding industry is important for the structural development of the coastal region of the territories of the former German Democratic Republic;

Whereas the shipbuilding industry, as it existed in those territories at the time of their incorporation into the Community, requires urgent and comprehensive restructuring in order to become competitive; whereas the direct application of the common maximum ceiling for production aid does not allow for such measures and a special transitional arrangement should therefore be introduced to enable the shipbuilding industry in those territories to operate during the period fo gradual restructuring which should enable it to comply with the State aid rules applicable throughout the Community;

Whereas, moreover, competition considerations dictate that the sector of the shipbuilding industry of the territories in question should contribute significantly to the reduction of the excess capacity which, worldwide, continues to impede the restoration of normal market conditions for the shipbuilding industry;

Whereas Directive 90/684/EEC (4) should therefore be amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 90/684/EEC is amended as follows:

1. the title of chapter IV shall be replaced by the following:

'SPAIN, GREECE AND THE TERRITORY OF THE FORMER GERMAN DEMOCRATIC REPUBLIC';

2. the following Article shall be inserted:

'Article 10a

1. With the exception of Article 4 (6) and (7), Chapter II shall not apply to the shipbuilding and ship conversion activities of yards operating in the territories of the former German Democratic Republic on 1 July 1990.

2. Until 31 December 1993, operating aid for the shipbuilding and ship conversion activities of the yards referred to in paragraph 1 may be considered compatible with the common market provided that:

(a) aid to facilitate the continued operation of the yards during that period does not, for any of these yards, exceed a maximum ceiling of 36 % of a reference annual turnover calculated on the basis of three years of shipbuilding and ship conversion activites after restructuring; this aid must be paid by 31 December 1993;

(1) OJ No C 155, 20. 6. 1992, p. 20.
(2) Opinion delivered on 9 July 1992 (not yet published in the Official Journal).
(3) Opinion delivered on 1 July 1992 (not yet published in the Official Journal).
(4) OJ No L 380, 31. 12. 1990, p. 27.