Non-opposition to a notified concentration

(Case No IV/M.631 — Upjohn/Pharmacia)

(95/C 294/05)

(Text with EEA relevance)

On 28 September 1995, 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:

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

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

STATE AID

C 29/94 (ex NN 52/94)

Germany

(95/C 294/06)

(Text with EEA relevance)

(Article 6 (4) of Commission Decision No 3855/91/ECSC of 27 November 1991)

Commission notice pursuant to Article 6 (4) of Decision No 3855/91/ECSC to other Member States and interested parties concerning aid which Germany has granted to EKO Stahl GmbH, Eisenhüttenstadt

By means of the letter reproduced below, the Commission informed the German Government of its decision to terminate the procedure initiated on 6 July 1994.

'On 6 July 1994 the Commission decided to initiate the procedure pursuant to Article 6 (4) of Decision No 3855/91/ECSC (steel aids code — "SAC" [1]) with regard to the continued loss coverage and financing of investments for EKO Stahl GmbH by the public Treuhandanstalt (THA).

The Commission concluded, on the basis of the information provided by your Government, that THA had granted loans to cover losses of EKO Stahl GmbH and that it would be prepared to grant further loans according to the liquidity needs until the company would be privatized. In addition, the Commission concluded that the Treuhandanstalt had granted a 100 % deficiency guarantee covering a loan of the public bank Kreditanstalt für Wiederaufbau totalling DM 148,4 million for which EKO Stahl GmbH had to pay a commission of 0,25 %.

The Commission was of the opinion that these financial measures may constitute State aid that would be incompatible with the provisions of the SAC and the ECSC Treaty.

The letter, by which the German authorities were informed about the Commission's decision was published in the *Official Journal of the European Communities* on 1 October 1994 [2], inviting the other Member States and interested third parties to submit their comments.

[1] OJ No L 362, 31. 12. 1991, p. 57.

[2] OJ No C 274, 1. 10. 1994, p. 3.