It is noted that part of the aid was indeed granted before the approval of the European Commission. This is illegal. We would remind you that it is absolutely necessary to wait for the Commission's approval beforehand.

The Commission would ask you to inform the recipient firm without delay of the initiation of proceedings and that it might have to repay any aid unlawfully received.

If the Commission were to decide that the aid was not compatible with the common market, that aid would in principle have to be recovered from the recipient in accordance with the substantive and procedural requirements of German law, with interest at the reference rate for the calculation of regional aid running from the date on which the aid was disbursed.'

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 publication of this notice to:

European Commission,
Directorate-General for Competition (DG IV),
'State Aid II' Directorate,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels;
Fax (32-2) 299 27 58

The comments will be communicated to the German Government

Non-opposition to a notified concentration

(Case No IV/M.1143 — DSM/Koninklijke Gist-Brocades)

(98/C 353/04)

(Text with EEA relevance)

On 7 May 1998, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

— as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),

— in electronic form in the 'CEN' version of the CELEX database, under document number 398M1143. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/4B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29-42455, fax (352) 29 29-42763.
