

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(86) 675 final

Brussels, 21 November 1986

Amended Proposal for a  
COUNCIL REGULATION (EEC)  
on the control of concentrations

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(submitted to the Council by the Commission pursuant to the second  
paragraph of Article 149 of the EEC Treaty)

COM(86) 675 final

**Amended proposal for a Council Regulation on the control of concentrations <sup>(1)</sup>**

COM(86) 675 final

*(Submitted by the Commission to the Council pursuant to the second paragraph of Article 149 of the EEC Treaty on 2 December 1986)*

(86/C 324/05)

The proposal submitted to the Council on 20 July 1973, as amended on 12 February 1982 and 23 February 1984, is hereby amended as follows:

## ORIGINAL PROPOSAL

## NEW PROPOSAL

*Article 19**Article 19***Liaison with the authorities of the Member States****Liaison with the authorities of the Member States**

1. The Commission shall forthwith transmit to the competent authorities of the Member States a copy of the notifications together with the most important documents lodged with the Commission pursuant to this Regulation.

1 to 4: Unchanged

2. The Commission shall carry out the procedure set out in this Regulation in close and constant cooperation with the competent authorities of the Member States; such authorities shall have the right to express their views upon that procedure, and in particular to request the Commission to commence proceedings under Article 6.

5. Consultation shall take place at a meeting convened at the invitation of the Commission. A summary of the facts, together with the most important documents and a preliminary draft of the decision to be taken, shall be sent with the invitation. When seeking the opinion of the Advisory Committee, the Commission may set a time limit within which such opinion shall be given.

3. The Advisory Committee on Restrictive Practices and Monopolies shall be consulted prior to the taking of any decision under Articles 3, 13 and 14.

4. The Advisory Committee shall consist of officials having responsibility for restrictive practices and monopolies. Each Member State shall appoint an official to represent it; he may be replaced by another official where he is unable to act.

5. Consultation shall take place, at a meeting convened at the invitation of the Commission, not earlier than 14 days following dispatch of the invitation. A summary of the facts, together with the most important documents and a preliminary draft of the decision to be taken, shall be sent with the invitation.

6. The Committee may deliver an opinion even if certain members are absent and unrepresented. The outcome of the consultation shall be annexed to the draft decision. The minutes shall not be published.

6. The Advisory Committee shall not vote on the outcome of its deliberations. However, any of its members may ask for his opinion to be recorded in the minutes, which shall be annexed to the draft decision but shall not be published.

<sup>(1)</sup> OJ No C 92, 31. 10. 1973, p. 1.

## ORIGINAL PROPOSAL

7. If a majority of the members of the Advisory Committee opposes the draft Decision under Article 3 (1), the Commission shall not adopt a decision until a period of 20 days has elapsed from the date on which the Advisory Committee was consulted.

8. If, within the period laid down in the preceding paragraph, a Member State raises in the Council an objective which in its opinion should be considered as having priority, within the meaning of Article 1 (3), the Council shall meet within 30 days of the date of the request made by the Member State concerned. In that case the Commission shall take no decision until after the Council meeting, and shall take account of the policy guidelines which emerged in the course of the Council's deliberations.

## NEW PROPOSAL

**7 and 8: Deleted.**