

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.

Amended proposal for a Council Regulation laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport ⁽¹⁾

COM(86) 676 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 324/06)

The proposal submitted to the Council on 16 October 1981 is hereby amended as follows:

ORIGINAL PROPOSAL

*Article 14***Liaison with the authorities of the Member States**

1. The Commission shall carry out the procedures provided for in this Regulation in close and constant liaison with the competent authorities of the Member States; these authorities shall have the right to express their views on such procedures.

2. The Commission shall immediately forward to the competent authorities of the Member States copies of the complaints and applications, and of the most important documents sent to it or which it sends out in the course of such procedures.

3. The Advisory Committee on Restrictive Practices and Monopolies in the Transport Industry established shall be consulted prior to the taking of any decision following upon a procedure under Article 9 or of any decision under the second subparagraph of Article 11 (3), or under the second subparagraph of paragraph 4 of the same Article. The Advisory Committee shall also be consulted prior to adoption of the implementing provisions provided for in Article 27.

NEW PROPOSAL

*Article 14***Liaison with the authorities of the Member States**

1 to 4: Unchanged

⁽¹⁾ OJ No C 282, 5. 11. 1981, p. 4.

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4. The Advisory Committee shall be composed of officials competent in the matter of restrictive practices and monopolies in maritime transport. Each Member State shall appoint two officials to represent it, each of whom, if prevented from attending, may be replaced by some other official.

5. Consultation shall take place at a joint meeting convened by the Commission; such meeting shall be held not earlier than 14 days after dispatch of the notice convening it. This notice shall, in respect of each case to be examined, be accompanied by a summary of the case together with an indication of the most important documents, and a preliminary draft decision.

6. The Advisory Committee may deliver an opinion notwithstanding that some of its members or their alternates are not present. A report of the outcome of the consultative proceedings shall be annexed to the draft decision. It shall not be made public.

*Article 15***Consideration by the Council of questions of principle concerning the common transport policy raised in specific cases**

1. The Commission shall not give a decision in respect of which consultation as laid down in Article 14 is compulsory until after the expiry of 20 days from the date on which the Advisory Committee has delivered its opinion.

2. Before expiry of the period specified in paragraph 1, any Member State may request that the Council be convened to examine with the Commission any question of principle concerning the common transport policy which such Member State considers to be involved in a particular case.

The Council shall meet within 30 days from the request by the Member State concerned for the sole purpose of considering such questions of principle.

The Commission shall not take its decision until after the Council meeting.

3. Further, the Council may at any time, at the request of a Member State or of the Commission, consider general questions raised by the implementation of the competition policy in the sea transport sector.

4. In all cases where the Council is asked to meet to consider, under paragraph 2, questions of principle or, under paragraph 3, general questions, the Commission shall, for the purposes of this Regulation, take into account the policy guidelines which emerge from that meeting.

NEW PROPOSAL

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.

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.

*Article 15***Deleted**