

English edition

## Information and Notices

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## I

*(Information)*

## COUNCIL

## NOTICE

**Establishing by the Council of common positions under the cooperation procedure provided for by Article 149 (2) of the Treaty establishing the European Economic Community**

(92/C 92/01)

The Council has established common positions on the following proposals:

- Proposal for a Council Directive widening the scope of Directive 81/851/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to veterinary medicinal products and laying down additional provisions on homeopathic veterinary medicinal products

4973/1/92 + ADD 1

- Proposal for a Council Directive widening the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products and laying down additional provisions on homeopathic medicinal products

4167/92 + ADD (adopted on 25 February 1992)

The text of these common positions may be obtained from the General Secretariat of the Council, 170 rue de la Loi, B-1048 Brussels, Office 12/53; tel. 234 76 21, telefax 234 81 74. The reference number of this Official Journal and the serial number of the proposal concerned should be mentioned in any request.

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## COMMISSION

Ecu <sup>(1)</sup>

10 April 1992

(92/C 92/02)

Currency amount for one unit:

Belgian and Luxembourg franc	42,0849	United States dollar	1,25927
Danish krone	7,93656	Canadian dollar	1,49778
German mark	2,04543	Japanese yen	166,879
Greek drachma	239,513	Swiss franc	1,87694
Spanish peseta	128,636	Norwegian krone	8,02660
French franc	6,92788	Swedish krona	7,41333
Irish pound	0,767287	Finnish markka	5,57668
Italian lira	1541,34	Austrian schilling	14,3960
Dutch guilder	2,30333	Icelandic krona	73,7429
Portuguese escudo	175,668	Australian dollar	1,64891
Pound sterling	0,710570	New Zealand dollar	2,31611

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

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<sup>(1)</sup> Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

**Communication of Decisions under sundry tendering procedures in agriculture (cereals)**

(92/C 92/03)

*(See notice in Official Journal of the European Communities No L 360 of 21 December 1982, page 43)*

Standing invitation to tender	Weekly invitation to tender	
	Date of Commission Decision	Maximum refund
Commission Regulation (EEC) No 1144/91 of 3 May 1991 opening an invitation to tender for the refund for the export of durum wheat to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 112, 4. 5. 1991, p. 23)	—	No tenders received
Commission Regulation (EEC) No 1145/91 of 3 May 1991 on a special intervention measure for barley in Spain (OJ No L 112, 4. 5. 1991, p. 26)	—	No tenders received
Commission Regulation (EEC) No 1206/91 of 7 May 1991 opening an invitation to tender for the refund for the export of barley to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 116, 9. 5. 1991, p. 31)	9. 4. 1992	ECU 85,99/tonne
Commission Regulation (EEC) No 1207/91 of 7 May 1991 opening an invitation to tender for the refund for the export of common wheat to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 116, 9. 5. 1991, p. 34)	9. 4. 1992	Tenders rejected
Commission Regulation (EEC) No 2628/91 of 3 September 1991 opening an invitation to tender for the refund for the export of rye to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 246, 4. 9. 1991, p. 5)	—	No tenders received
Commission Regulation (EEC) No 2844/91 of 27 September 1991 on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries (OJ No L 272, 28. 9. 1991, p. 54)	—	No tenders received
Commission Regulation (EEC) No 2845/91 of 27 September 1991 opening an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 272, 28. 9. 1991, p. 56)	—	No tenders received
Commission Regulation (EEC) No 2846/91 of 27 September 1991 on an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 272, 28. 9. 1991, p. 58)	9. 4. 1992	ECU 263,00/tonne

**Notice pursuant to Article 19 (3) of Council Regulation No 17 (1) concerning Case IV/34.078  
— Independent Power Generators**

(92/C 92/04)

I

1. On 26 September 1991 the Commission received a joint request for negative clearance or exemption from Compagnie Générale des Eaux SA (GdE), East Midlands Electricity plc (EME), Électricité de France (EdF), Alcatel Alsthom Compagnie Générale d'Électricité (Alcatel Alsthom), Iberdrola I, SA (Iberdrola I) and Iberdrola II, SA (Iberdrola II) in respect of an agreement made by them on 29 July 1991 setting up a joint venture undertaking of indefinite duration, Independent Power Generators (IPG), to be engaged in the development, construction and operation of fossil fuel electricity power-generating stations with a capacity of 100 MW or more.

II

2. The parties intend that IPG will set up power-stations in countries around the world where opportunities exist for independent generators to produce electricity in competition with established utilities. The notified arrangements concern IPG's plans to build and operate a power-station in the United Kingdom as its first venture in the European Community. It is also intended to set up a plant in the United States, where opportunities already exist for independent electricity generation.

3. The joint venture's technology will be developed and owned by Independent Power Generators Limited (IPGL), a company in which the parties' initial equity participations are: GdE 29 %; EME 27 %; EdF 19 %; Alcatel Alsthom 10 %; Iberdrola I and II 7,5 % each. IPGL will be responsible for identifying suitable projects and carrying out preparatory work (for example: applying for appropriate licences; negotiating contracts for plant construction and for future fuel purchases and electricity sales; setting up financing arrangements). A second company, Independent Power Generators Holdings Limited (IPGH), will invest in projects once they have been developed. The parties envisage that once each project reaches the construction stage it will be transferred to a separate operating company (OpCo) in which IPGH will hold a substantial equity interest: IPG will seek appropriate third parties to invest in each OpCo. So far as practicable IPG will operate independently of its parents. It will employ its own staff, determine its own procedures and enter into contracts for obtaining goods and services.

4. The agreement provides that the parties will not compete with IPG in the evaluation or development of projects of 100 MW or more in IPG's geographic area of operation (initially the United Kingdom and United States). However, they remain free to invest in the construction or operation of any power stations which may be developed by third parties and to supply goods or services to any other projects. Each party has agreed to inform the others before entering into any long-term independent generation joint venture outside IPG's geographic area.

III

5. The parties argue that IPG will, by establishing new generating facilities, assist the process of deconcentration of the electricity industry and thus contribute to improving production. It is intended that IPG will use modern, efficient generating technology offering environmental advantages (combined cycle gas turbine generators or clean coal-fired systems, according to available competitive fuel). Moreover the establishment of a long-term joint venture will allow IPG to create its own standard of technology so that it will be able to develop and manage future projects more effectively, efficiently and reliably than would have been possible if the parties had decided to invest in a series of unconnected, one-off projects. These developments will promote technical progress in the electricity generation industry. In order to break into a market currently dominated by established utilities, IPG will have to offer competitive pricing and conditions, thus benefiting consumers. In view of the very high costs involved, none of the parties would have been able acting alone to enter the United Kingdom market at a level capable of providing genuine competition. Rather than eliminating competition IPG introduces a potential new competitive force in electricity generation.

6. The parties have stated that IPG will seek the Commission's approval before either embarking upon projects in other Member States or transferring any project located within the European Community (including the initial project in the United Kingdom) to an OpCo once it reaches the construction stage.

IV

7. The Commission proposes to inform the parties that on the basis of the information available it has decided to take a favourable view of the arrangements setting up IPG as a joint venture. Before doing so, the Commission invites interested third parties to send their observations, within 30 days from the date of publication

(1) OJ No 13, 21. 2. 1962, p. 204/62.

of this notice and quoting the reference 'IV/34.078 — Independent Power Generators', to:

Commission of the European Communities,  
Directorate-General for Competition,  
Rue de la Loi 200,  
B-1049 Brussels.

**Notice pursuant to Article 19 (3) of Council Regulation No 17 <sup>(1)</sup> concerning the privatization of the electricity industry in Northern Ireland: Case IV/34.082 — Northern Ireland Electricity**

(92/C 92/05)

I

1. The United Kingdom Government is planning to privatize the electricity industry in Northern Ireland, currently in the hands of a single state-owned undertaking, Northern Ireland Electricity (NIE). On 30 September and 20 December 1991 the Department of Economic Development for Northern Ireland and NIE notified drafts of the most important agreements implementing the privatization arrangements to the Commission, together with explanatory memoranda describing the Government's proposals in considerable detail.

II

2. The enabling legislation will be the Electricity (Northern Ireland) Order 1992. The Order will enable NIE's four power-stations — Ballylumford, Belfast West, Coolkeeragh and Kilroot — to be transferred to successor generator companies which will then be sold by private treaty to at least two purchasers after competitive tender: the two largest — Ballylumford and Kilroot — may not be acquired by the same purchaser. NIE's businesses of electricity transmission and supply (together with related activities) will be transferred to a separate new company, NIE plc.

3. The agreements notified to the Commission in draft form are the Power Station Agreements and Generating Unit Agreements, which deal with the provision of electricity generating capacity and the supply of electricity from each of the generating stations to NIE plc, and stipulate the terms on which that is to be done; and the Connection Agreements, which govern the conditions for connection to the Northern Ireland electricity grid and related matters. There will be separate agreements between NIE plc and each of the new generating companies.

III

4. The notified agreements form an integral part of the privatization plans, the overall purpose of which is to

create competition in the market for electricity in Northern Ireland, not only by breaking up the current NIE monopoly, but also by facilitating the entry of other operators both at generation and supply levels. The agreements will therefore have a beneficial effect on competition.

5. The Northern Ireland electricity industry has a distinguishing feature which means that the notified arrangements cannot in present circumstances affect trade between Member States. Since the destruction of the interconnector with the Electricity Supply Board's grid in the Republic of Ireland in 1975 there has been no physical link between the Northern Ireland electricity grid and any other. It is possible that circumstances may permit the re-establishment of the link in the future. Even if current proposals for an interconnector between Northern Ireland and Scotland are implemented, it will have a capacity of only 250 MW and will, particularly in view of Scotland's position as a net exporter of electricity, have no appreciable effect, for the purposes of Articles 85 or 86, on trade between the United Kingdom and France through the cross-channel interconnector.

IV

6. The Commission therefore proposes to inform the parties by letter that on the basis of all the information available to it there appears to be no need for action on its part under Articles 85 or 86. Before doing so, the Commission invites interested third parties to send their observations, within 30 days from the date of publication of this notice and quoting the reference 'IV/34.082 — Northern Ireland Electricity', to:

Commission of the European Communities,  
Directorate-General for Competition,  
Rue de la Loi 200,  
B-1049 Brussels.

<sup>(1)</sup> OJ No 13, 21. 2. 1962, p. 204/62.

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Directive harmonizing the term of protection of copyright and certain related rights**

(92/C 92/06)

COM(92) 33 final — SYN 395

*(Submitted by the Commission on 23 March 1992)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Articles 57 (2), 66, 100a and 113 thereof,

Having regard to the proposal from the Commission,

in cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Berne Convention for the protection of literary and artistic works and the Rome Convention for the protection of performers, producers of phonograms and broadcasting organizations lay down only minimum terms of protection of the rights they refer to, leaving the contracting states free to grant longer terms; whereas certain Member States have exercised this entitlement; whereas in addition certain Member States have not become party to the Rome Convention;

Whereas there are consequently differences between the national laws governing the terms of protection of copyright and related rights, which are liable to impede the free movement of goods and freedom to provide services, and to distort competition in the common market; whereas, therefore, with a view to the establishment of the internal market and its operation thereafter, the laws of the Member States should be harmonized so as to make terms of protection identical throughout the Community;

Whereas the minimum term of protection laid down by the Berne Convention, namely the life of the author and 50 years after his death, was intended to provide protection for the author and the first two generations of his descendants; whereas the average lifespan in the Community has grown longer, to the point where this term is no longer sufficient to cover two generations;

Whereas certain Member States have granted a term longer than 50 years after the death of the author in order to offset the effects of the World Wars on the exploitation of authors' works;

Whereas at the 1967 Stockholm conference for the revision of the Berne Convention certain Member States' delegations approved a resolution asking the contracting states to extend the term of copyright protection; whereas in the discussions which have taken place within the World Intellectual Property Organization (WIPO) in preparation for a possible Protocol to the Berne Convention this question has been put on the agenda;

Whereas for the protection of related rights certain Member States have introduced a term of 50 years after publication or dissemination; whereas in other Member States which are currently preparing legislation on the subject the term of protection chosen is likewise 50 years;

Whereas the Community proposals for the Uruguay Round negotiations under the General Agreement on Tariffs and Trade (GATT) provide for a term of protection for producers of phonograms of 50 years after first publication;



Whereas due regard for established rights is one of the general principles of law protected by the Community legal order; whereas, therefore, a harmonization of the terms of protection of copyright and related rights cannot have the effect of reducing the protection currently enjoyed by rightholders in the Community; whereas in order to keep the effects of transitional measures to a minimum and to allow the internal market to begin operating in practice on 31 December 1992, the harmonization of the term of protection should take place on the basis of a long term;

Whereas in its communication of 17 January 1991, 'Follow-up to the Green Paper — Working programme of the Commission in the field of copyright and neighbouring rights' <sup>(1)</sup>, the Commission stresses the need to harmonize copyright and neighbouring rights at a high level of protection since these rights are fundamental to intellectual creation and their protection ensures the maintenance and development of creativity in the interest of authors, cultural industries, consumers and society as a whole;

Whereas in order to establish a high level of protection which at the same time meets the requirements of the internal market and the need to establish a legal environment conducive to the harmonious development of literary and artistic creation in the Community, the term of protection for copyright should be harmonized at 70 years after the death of the author or 70 years after the work is lawfully made available to the public, and for related rights at 50 years after the event which sets the term running;

Whereas these terms should be calculated from the first day of January of the year following the relevant event, as they are in the Berne and Rome Conventions;

Whereas Article 1 of Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs <sup>(2)</sup> provides that Member States are to protect computer programs, by copyright, as literary works within the meaning of the Berne Convention (Paris Act, 1971); whereas the present Directive harmonizes the term of protection of literary works in the Community; whereas Article 8 of Directive 91/250/EEC, which merely makes provisional arrangements governing the term of protection of computer programs, should accordingly be repealed;

Whereas Articles 9 and 10 of Council Directive ... on rental right, lending right, and on certain rights related to copyright make provision for minimum terms of protection only, subject to any later harmonization; whereas these Articles should be repealed, in order to align the terms of protection of those rights on the terms laid down in this Directive;

Whereas under the Berne Convention photographic works qualify for a minimum term of protection of only 25 years from their making; whereas, moreover, certain Member States have a composite system for the protection of photographic works, which are protected by copyright if they are considered to be artistic works within the meaning of the Berne Convention and protected under one or more other arrangements if they are not so considered; whereas provision should be made for the complete harmonization of these differing terms of protection;

Whereas in order to avoid differences in the term of protection it is necessary that when a term of protection begins to run in one Member State it should begin to run throughout the Community;

Whereas Article 6a (2) of the Berne Convention provides that the moral rights of the author are to be maintained after his death at least until the expiry of the economic rights; whereas that provision can usefully be taken over in this Directive, without prejudice to any possible later harmonization of moral rights;

Whereas the terms of protection laid down in this Directive should also apply to literary and artistic works whose country of origin within the meaning of the Berne Convention is a third country, but protection should not exceed that fixed in the country of origin of the work;

Whereas, where a rightholder who is not a Community national qualifies for protection under an international agreement, the term of protection of related rights should be the same as that laid down in this Directive, except that it should not exceed that fixed in the country of which the rightholder is a national;

Whereas this provision must not be allowed to bring Member States into conflict with their international obligations; whereas international obligations may require the Member States to accord different treatment to third-country nationals and their works, and this may lead to disturbances on the Community market; whereas a procedure should therefore be laid down which enables such difficulties to be remedied;

<sup>(1)</sup> COM(90) 584 final.

<sup>(2)</sup> OJ No L 122, 17. 5. 1991, p. 42.

Whereas rightholders should be able to enjoy the longer terms of protection introduced by this Directive equally throughout the Community provided their rights have not yet expired on 31 December 1994,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

1. The rights of an author of a literary or artistic work within the meaning of Article 2 of the Berne Convention shall run for the life of the author and for 70 years after his death, irrespective of the date when the work is lawfully made available to the public.

2. In the case of a work of joint authorship the term referred to in paragraph 1 shall be calculated from the death of the last surviving author.

3. In the case of anonymous or pseudonymous works, of works considered under the legislation of a Member State to have been created by a legal person and of collective works, the term of protection shall run for 70 years after the work is lawfully made available to the public. However, when the pseudonym adopted by the author leaves no doubt as to his identity, or if the author discloses his identity during the period referred to in the first sentence, the term of protection applicable shall be that laid down in paragraph 1.

4. Anonymous or pseudonymous works shall not be protected if it is reasonable to presume that their author has been dead for 70 years.

5. Where a work is published in volumes, parts, instalments, issues or episodes and the term of protection runs from the time when the work was lawfully made available to the public, the term of protection shall run for each such item separately.

6. In the case of collective works or works created by a legal person, if publication as referred to in paragraph 3 has not taken place, the work shall be protected for 70 years from its creation.

#### *Article 2*

1. The rights of performers shall run for 50 years from the first publication of the fixation of the performance or if there has been no publication of the fixation, from the first dissemination of the performance. However, they shall expire 50 years after the performance if there has been no publication or dissemination during that time.

2. The rights of producers of phonograms shall run for 50 years from the first publication of the phonogram. However, they shall expire 50 years after the fixation was made if the phonogram has not been published during that time.

3. The rights of producers of the first fixations of cinematographic works and of sequences of moving images, whether or not accompanied by sound, shall expire 50 years after the first publication. However, they shall expire 50 years after the fixation was made if the work or sequence of moving images has not been published during that time.

4. The rights of broadcasting organizations shall run for 50 years from the first transmission of a broadcast.

#### *Article 3*

Protected photographs shall have the term of protection provided for in Article 1.

#### *Article 4*

1. When any of the terms referred to in Articles 1 to 3 begins to run in a Member State it shall be considered to begin to run throughout the Community.

2. Where the country of origin of a work, within the meaning of the Berne Convention, is a third country, and the author of the work is not a Community national, the term of protection granted by the Member States shall expire on the date of expiry of the protection granted in the country of origin of the work, but may not exceed the term laid down in Article 1.

3. The terms of protection laid down in Article 2 shall also apply in the case of rightholders who are not Community nationals, provided Member States grant them protection. However, the term of protection granted by Member States shall expire no later than the date of expiry of the protection granted in the country of which the rightholder is a national.

4. Pending the conclusion of any future international agreements on the term of protection by copyright or related rights, the decision may be taken by means of the procedure set out in Article 9:

(a) to waive or to vary the rule requiring a comparison of the terms of protection in certain third countries which is laid down in paragraphs 2 and 3, particularly in order to prevent Member States from being brought into conflict with their international obligations; in any event, however, the term granted may not exceed that laid down in Articles 1 and 2;

(b) to take appropriate measures where protection is granted to third-country nationals by some Member States only, and this fact causes appreciable distortion of competition or deflection of trade in the Community market.

*Article 5*

The terms laid down in this Directive shall run from the first day of January of the year following the event which gives rise to them.

*Article 6*

1. This Directive shall apply to rights which have not expired on or before 31 December 1994. However, this Directive shall not have the effect of shortening terms of protection which under the laws of Member States are already running.

2. The moral rights granted to the author shall be maintained at least until the expiry of the economic rights.

*Article 7*

1. Article 8 of Directive 91/250/EEC is hereby deleted.

2. Articles 9 and 10 of Directive ... are hereby deleted.

*Article 8*

1. Member States shall immediately notify the Commission of any plan to grant new related rights, indicating the grounds for their introduction and the term of protection envisaged.

2. Member States shall defer adoption of the plans referred to in paragraph 1 for three months from the date of notification to the Commission. This period shall be extended to 12 months if, within three months of notification, the Commission informs the Member State that it intends to propose a Directive on the subject.

*Article 9*

The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

*Article 10*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1 to 7 of this Directive by 31 December 1992.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

2. Member States shall apply Article 8 from the date on which this Directive takes effect.

*Article 11*

This Directive is addressed to the Member States.

**Amended proposal for a Council Directive amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers**

(92/C 92/07)

COM(92) 120 final — SYN 360

*(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 27 March 1992)*

The proposal is hereby amended as follows:

1. Article 2 (4),

the following sentence is added:

‘Approvals granted according to separate Directives which are part of the national type-approval mentioned above shall remain valid after 31 December 1997 unless one of the conditions of Article 5 (3), second indent, applies.’

2. The following new Article 3 is added:

‘Article 3

1. The Commission shall report, on the basis of relevant informations to be made available by the approval authorities of the Member States by 31 December 1994, on the operation of the system and the effects of the total harmonization.

2. The Commission shall by 31 December 1995 submit to the Council a proposal for the consolidation of the Directives enumerated in Annex IV.’

3. The existing Article 3 becomes Article 4.

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**Amendment to the proposal for a Council Decision on the adoption of an action plan for the exchange of national officials between Member State administrations who are engaged in the enforcement of Community legislation required to build the single market**

(92/C 92/08)

COM(92) 113 final — SYN 364

*(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 31 March 1992)*

In response to the opinions delivered by Parliament at its sitting on 9 March 1992 and by the Economic and Social Committee at its meeting of 26 February 1992 in connection with the initial proposal, submitted to the Council on 6 November 1991, the Commission has decided, in accordance with Article 149 (3) of the Treaty establishing the European Economic Community, to amend its proposal as follows:

— in the German version ‘Beschluss’ is replaced by ‘Entscheidung’ in the title and body of the text (the correction has already been made in KOM(91) 408 endg./2 and /3),

— in the Danish version ‘afgørelse’ is replaced by ‘beslutning’ in the title and body of the text,

- 
- the following new recital is inserted between the seventh and eighth recitals:  
‘Whereas the exchange official will continue to receive his remuneration from his home administration and to enjoy all the rights attaching thereto;’,
  - the eighth recital is supplemented as follows:  
‘... whereas they will be informed of the rules governing civil liability to which they will be subject in the host country;’,
  - the tenth recital is amended as follows:  
‘Whereas the cost of financing the action plan will be shared by the Community and the Member States, the Community’s share being indicated in the Commission’s budget;’,
  - in the eleventh recital, ‘Commission’ is replaced by ‘Community’; this amendment does not concern the English-language version,
  - Article 8 (2) is amended as follows:  
‘The training should cover all official Community languages; emphasis shall be given to the official language of the host country.’,
  - Article 11 (1) is amended as follows:  
‘1. The action plan shall be multiannual, commencing in the 1993 financial year.’,
  - the beginning of Article 12 is replaced by the following:  
‘Before 1 July 1994, the Commission shall submit a report on the experience acquired in implementing the action plan to the European Parliament, to the Council and to the Economic and Social Committee, accompanied ...’,
  - in Article 9, ‘Commission’ is replaced by ‘Community’.
-

## III

*(Notices)*

## COMMISSION

**Prior notification of a concentration****(Case No IV/M.210 — Mondi/Frantschach)**

(92/C 92/09)

1. On 7 April 1992, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup> by which the undertaking Mondi Holding GmbH belonging to the group Anglo American Corporation of South Africa Limited and 'Frapag' Papiererzeugungs- und -vertriebs-Aktiengesellschaft acquire within the meaning of Article 3 (1) (b) of the Council Regulation joint control of the undertaking Frantschach AG by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are the pulp, paper and packaging sectors.
3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Council Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax No 32 2 236 43 01) or by post, under reference number IV/M.210 — Mondi/Frantschach, to the following address:

Commission of the European Communities,  
Directorate General for Competition (DG IV),  
Merger Task Force,  
150, Avenue de Cortenberg,  
B-1049 Brussels.

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<sup>(1)</sup> OJ No L 257, 21. 9. 1990, p. 13.

**INVITATION TO TENDER XI.C.3/1992/01**

The Commission of the European Communities proposes to enter into renewable contracts for two consultants, to be executed between 15 July 1992 and 14 April 1993, corresponding to 165 man/days for economists having skills for assistance in the preparation of environmental policy measures, in particular on fiscal and economic incentives in the field of energy taxation and transportation. The work place will be Brussels in the offices of the Commission of the European Communities.

For further information please contact the following address:

Commission of the European Communities,  
Directorate-General for the Environment, Nuclear Safety and Civil Protection —  
for the attention of Mr G. Schneider,  
Division XI.C.3,  
Boulevard du Triomphe 174,  
B-1160 Brussels.  
Tel.: (32-2) 23 69 152 or (32-2) 23 69 049;  
fax: (32-2) 23 69 559.

The tender must be lodged at the abovementioned address not later than 18 May 1992.