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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Utilities Supply and Works Contracts Regulations 1992 (“the principal Regulations”) which implement Council Directive [90/531/EEC](#) (OJ No L297, 29.10.90, p.1).

The principal Regulations lay down requirements with respect to the seeking of offers in relation to the award of supply and works contracts by certain entities (“utilities”) operating in the water, energy, transport and telecommunications sectors.

Regulation 8 of the principal Regulations, however, provides for an exemption from these requirements for utilities operating in the oil, gas, coal or other solid fuel sectors in certain circumstances.

Where a utility benefits from that exemption article 3(2)(b) of Council Directive [90/531/EEC](#) provides that the member State must ensure that such a utility communicates information relating to contracts awarded by it to the Commission under conditions defined by the Commission. Commission Decision [93/327/EEC](#) of 13th May 1993 (OJ No L129, 27.5.93, p.25) defines those conditions.

Regulation 2(2) implements article 3(2)(b) in accordance with that Decision. It adds a new provision to regulation 8 of the principal Regulations which imposes the requirements and specifies what information must be supplied to the Commission. It also specifies when the information must be supplied. Consequential amendments to the report laying requirements of the principal Regulations are also made (regulation 2(3)).

The Regulations also make certain other amendments to the principal Regulations. The exclusion from the principal Regulations of the operation of a network to provide a bus transport service to the public where other persons are free to provide the same service has been moved from Schedule 2 to join the other exclusions in regulation 6 (regulations 2(1) and (4)) and an erroneous reference to a sub-paragraph in the definition of “private leased circuits” in Schedule 2 of the principal Regulations has been corrected (regulation 2(5)).