

English edition

## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1190/2001**  
**of 18 June 2001**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 19 June 2001.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 18 June 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	82,1
	999	82,1
0707 00 05	052	117,3
	999	117,3
0709 90 70	052	83,9
	204	50,7
	388	70,2
	624	86,4
	999	72,8
0805 30 10	388	71,5
	528	70,0
	624	60,5
	999	67,3
0808 10 20, 0808 10 50, 0808 10 90	388	90,6
	400	102,0
	404	113,0
	508	83,2
	512	91,9
	524	66,1
	528	83,2
	720	140,9
	804	103,1
	999	97,1
	0809 10 00	052
999		222,6
0809 20 95	052	330,8
	064	175,3
	400	286,0
	616	287,5
	999	269,9

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 1191/2001**  
**of 18 June 2001**  
**amending Regulation (EC) No 1372/2000 establishing a forecast balance for the supply to the**  
**Canary Islands of milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2790/94 <sup>(3)</sup>, as last amended by Regulation (EC) No 1620/1999 <sup>(4)</sup>, in particular lays down detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands.
- (2) Commission Regulation (EC) No 1372/2000 <sup>(5)</sup> establishes a supply balance for milk products for the Canary Islands. That supply balance may be revised where this proves necessary, and the quantities of products adjusted during the year within the overall quantity fixed in line with the region's requirements. In order to meet the

Canary Islands' milk product requirements, the estimated quantities of such products in the forecast supply balance must be adjusted. The Annex to Regulation (EC) No 1372/2000 should accordingly be amended.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1372/2000 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 2000.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 13.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 296, 17.11.1994, p. 23.

<sup>(4)</sup> OJ L 192, 24.7.1999, p. 19.

<sup>(5)</sup> OJ L 156, 29.6.2000, p. 21.

## ANNEX

## 'ANNEX

**Forecast supply balance for milk and milk products for the Canary Islands for the period 1 July 2000 to 30 June 2001**

(tonnes)

CN code	Designation	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	106 250 <sup>(1)</sup>
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	26 400 <sup>(2)</sup>
0405	Butter and other fats and oils derived from milk; dairy spreads	4 000
0406	Cheeses	} 16 000
0406 30		
0406 90 23		
0406 90 25		
0406 90 27		
0406 90 76		
0406 90 78		
0406 90 79		
0406 90 81		
0406 90 86		
0406 90 87		} 1 800
0406 90 88		
1901 90 99	Milk-based preparations containing no fats	5 000 <sup>(3)</sup>
2106 90 92	Milk-based preparations for infants containing no milk fats, etc.	200

<sup>(1)</sup> Of which 1 250 tonnes are for the processing and/or packaging sector.

<sup>(2)</sup> To be allocated as follows:

- 6 000 tonnes covered by CN codes 0402 91 and/or 0402 99 for direct consumption.
- 6 400 tonnes covered by CN codes 0402 91 and/or 0402 99 for the processing and/or packaging sector,
- 14 000 tonnes covered by CN codes 0402 10 and/or 0402 21 for the processing and/or packaging sector.

<sup>(3)</sup> The entire amount is for the processing and/or packaging sector.'

**COMMISSION REGULATION (EC) No 1192/2001  
of 18 June 2001**

**amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1696/92 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2596/93 <sup>(4)</sup>, in particular lays down detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira.
- (2) Commission Regulation (EEC) No 2219/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 1030/2001 <sup>(6)</sup>, in particular lays down detailed rules for the application of the specific arrangements for the supply of milk products to Madeira and establishes the forecast supply balance for Madeira for the period 1 July 2000 to 30 June 2001.

- (3) That supply balance may be revised where this proves necessary, and the quantities of products adjusted during the year within the overall quantity fixed in line with the region's requirements. In order to meet Madeira's milk product requirements, the estimated quantities of such products in the forecast supply balance must be adjusted. Annex I to Regulation (EEC) No 2219/92 should accordingly be amended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 2000.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 173, 27.6.1992, p. 1.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 179, 1.7.1992, p. 6.

<sup>(4)</sup> OJ L 238, 23.9.1993, p. 24.

<sup>(5)</sup> OJ L 218, 1.8.1992, p. 75.

<sup>(6)</sup> OJ L 144, 30.5.2001, p. 3.

## ANNEX

## ANNEX I

**Supply balance for milk products for Madeira for the period 1 July 2000 to 30 June 2001**

(tonnes)

CN code	Description	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	12 000
ex 0402	Skimmed-milk powder	800
ex 0402	Whole-milk powder	700
0405	Butter and other fats and oils derived from milk; dairy spreads	1 200
0406	Cheese	1 650



**COMMISSION REGULATION (EC) No 1193/2001**

**of 18 June 2001**

**opening tendering procedure No 40/2001 EC for the sale of wine alcohol for new industrial uses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, as amended by Regulation (EC) No 2826/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms <sup>(3)</sup>, as last amended by Regulation (EC) No 545/2001 <sup>(4)</sup>, and in particular Article 80 thereof,

Whereas:

- (1) Regulation (EC) No 1623/2000 lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol arising from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 held by intervention agencies.
- (2) Tendering procedures should be organised for the sale of wine alcohol for new industrial uses with a view to reducing the stocks of wine alcohol in the Community and enabling small-scale industrial projects to be carried out and such alcohol to be processed into goods intended for export for industrial uses. The wine alcohol of Community origin in storage in the Member States consists of quantities produced from distillation under Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(5)</sup>, as last amended by Regulation (EC) No 1677/1999 <sup>(6)</sup>, as well as Articles 27 and 28 of Regulation (EC) No 1493/1999.
- (3) Since the adoption of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(7)</sup>, the prices offered in tenders and securities must be expressed in euro and payments must be made in euro.
- (4) Minimum prices should be fixed for the submission of tenders, broken down according to the type of end-use.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

*Article 1*

Tendering procedure No 40/2001 EC is hereby opened for the sale of wine alcohol for new industrial uses. The alcohol concerned was produced from distillation under Articles 35 and 36 of Regulation (EEC) No 822/87, and under Article 27 of Regulation (EC) No 1493/1999 and is held by the French intervention agency.

The volume put up for sale is 100 000 hectolitres of alcohol at 100 % vol. The vat numbers, places of storage and the volume of alcohol at 100 % vol contained in each vat are detailed in the Annex hereto.

*Article 2*

The sale shall be conducted in accordance with Articles 79, 81, 82, 83, 84, 85, 95, 96, 97, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

*Article 3*

Tenders must be submitted to the intervention agency holding the alcohol concerned:

Onivins-Libourne Délégation nationale  
17 avenue de la Ballastière  
boîte postale 231  
F-33505 Libourne Cedex  
(tel. (33) 557 55 20 00; telex 57 20 25; fax (33) 557 55 20 59),

or sent by registered mail to that address.

Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 40/2001 EC for new industrial uses', the outer envelope bearing the address of the intervention agency concerned.

Tenders must reach the intervention agency concerned not later than 12 noon Brussels time on 9 July 2001.

All tenders must be accompanied by proof that a tendering security of EUR 4 per hectolitre of alcohol at 100 % vol has been lodged with the intervention agency concerned.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(2)</sup> OJ L 328, 23.12.2000, p. 2.

<sup>(3)</sup> OJ L 194, 31.7.2000, p. 45.

<sup>(4)</sup> OJ L 81, 21.3.2001, p. 21.

<sup>(5)</sup> OJ L 84, 27.3.1987, p. 1.

<sup>(6)</sup> OJ L 199, 30.7.1999, p. 8.

<sup>(7)</sup> OJ L 349, 24.12.1998, p. 1.

*Article 4*

The minimum prices which may be offered are EUR 7,5 per hectolitre of alcohol at 100 % vol intended for the manufacture of baker's yeast, EUR 7,5 per hectolitre of alcohol at 100 % vol intended for the manufacture of amine- and chloral-type chemical products for export and EUR 7,5 per hectolitre of alcohol at 100 % vol intended for other industrial uses.

*Article 5*

The formalities for sampling shall be as set out in Article 98 of Regulation (EC) No 1623/2000. The price of samples shall be EUR 10 per litre.

The intervention agency shall provide all the necessary information on the characteristics of the alcohol put up for sale.

*Article 6*

The performance guarantee shall be EUR 30 per hectolitre of alcohol at 100 % vol.

*Article 7*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## ANNEX

## INVITATION TO TENDER No 40/2001 EC FOR THE SALE OF ALCOHOL FOR NEW INDUSTRIAL USES

## Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulation (EEC) No 822/87 and (EC) No 1493/1999 Article	Type of alcohol	Alcoholic strength (in % vol)	
France	Deulep Bld Chanzy F-30800 Saint-Gilles-du-Gard	228	10 025,00	27	Raw	+ 92 %	
		228	3 720,00	35	Raw	+ 92 %	
	Onivins-Longuefuye F-53200 Longuefuye	8	22 890,00	27	Raw	+ 92 %	
		9	22 670,00	27	Raw	+ 92 %	
		9	175,00	35	Raw	+ 92 %	
		15	3 070,00	36	Raw	+ 92 %	
		12	22 450,00	27	Raw	+ 92 %	
	Onivins-Port-la-Nouvelle Av. Adolphe Turrel BP 62 F-11210 Port-la-Nouvelle	5	15 000,00	27	Raw	+ 92 %	
		Total		100 000			

**COMMISSION REGULATION (EC) No 1194/2001**  
**of 18 June 2001**  
**on the supply of broad beans as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security <sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of Decisions on the allocation of food aid, the Commission has allocated broad beans to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied

pursuant to Council Regulation (EC) No 1292/96 as Community food aid <sup>(2)</sup>. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Broad beans shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 166, 5.7.1996, p. 1.

<sup>(2)</sup> OJ L 346, 17.12.1997, p. 23.

## ANNEX

## LOTS A, B, C, D and E

1. **Action No:** 93/00 (A); 94/00 (B); 95/00 (C); 96/00 (D); 97/00 (E)
2. **Beneficiary** <sup>(?)</sup>: UNRWA, Supply division, Amman Office, PO Box 140157, Amman-Jordan [telex 21170 UNRWA JO; tel. (962-6) 586 41 26; fax 586 41 27]
3. **Beneficiary's representative:** UNRWA Field Supply and Transport Officer  
A+E: PO Box 19149, Jerusalem, Israel [tel. (972-2) 589 05 55; telex 26194 UNRWA IL; fax 581 65 64]  
B: PO box 947, Beirut, Lebanon [tel. (961-1) 840 461-6; fax: (961-1) 84 04 67]  
C: PO box 4313, Damascus, Syria [tel. (963-11) 613 30 35; telex 412006 UNRWA SY; fax 613 30 47]  
D: PO box 484, Amman, Jordan [tel. (962-6) 474 19 14/477 22 26; telex 23402 UNRWAJFO JO; fax 474 63 61]
4. **Country of destination:** A, E: Israel (A: Gaza; E: West Bank); B: Lebanon; C: Syria; D: Jordan
5. **Product to be mobilised:** broad beans
6. **Total quantity (tonnes net):** 628
7. **Number of lots:** 5 (A: 230 tonnes; B: 117 tonnes; C: 76 tonnes; D: 121 tonnes; E: 84 tonnes)
8. **Characteristics and quality of the product** <sup>(?)</sup>: see OJ C 312, 31.10.2000, p. 1 (B.4)
9. **Packaging** <sup>(?)</sup>: see OJ C 267, 13.9.1996, p. 1 (4.0, A 1.c, 2.c and B.4)
10. **Labelling or marking** <sup>(4)</sup>: see OJ C 114, 29.4.1991, p. 1 (IV.A(3))  
— language to be used for the markings: English  
— supplementary markings: 'NOT FOR SALE'  
the month and year of packing
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** <sup>(?)</sup>: A, C, E: free at port of landing — container terminal  
B, D: free at destination
13. **Alternative delivery stage:** free at port of shipment
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** A, E: Ashdod; C: Lattakia
16. **Place of destination:** UNRWA warehouse in: Beirut (B); Amman (D)  
— port or warehouse of transit: —  
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**  
— first deadline: A, B, C, E: 12.8.2001; D: 19.8.2001  
— second deadline: A, B, C, E: 26.8.2001; D: 2.9.2001
18. **Period or deadline of supply at the alternative stage:**  
— first deadline: 16 to 29.7.2001  
— second deadline: 30.7 to 12.8.2001
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**  
— first deadline: 3.7.2001  
— second deadline: 17.7.2001
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, Bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel; telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

## Notes:

- (<sup>1</sup>) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50); fax (32-2) 296 20 05.
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) On delivery, the supplier shall provide the beneficiary or his representative with:
- a phytosanitary certificate,
  - a certificate from an official entity confirming that the nuclear radiation standards in force have not been exceeded in the Member State where the product is mobilised. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

Lot C: The certificates must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.

- (<sup>4</sup>) Notwithstanding OJ C 114, 29.4.1991, point IV(A)(3)(c) is replaced by the following: 'the words "European Community".'
- (<sup>5</sup>) Shipment to take place in 20-foot containers: Lots A, C and E. The contracted shipping terms shall be considered full liner terms free port of landing container yard and is understood to cover 15 days — Saturdays, and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. *Bona fide* detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.

Ashdod: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.

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## COMMISSION REGULATION (EC) No 1195/2001

of 18 June 2001

**fixing the compensatory aid for bananas produced and marketed in the Community in 2000, the time limit for payment of the balance of the aid and the unit value of the advances for 2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 216/2001 <sup>(2)</sup>, and in particular Articles 12(6) and 14 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1858/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 471/2001 <sup>(4)</sup>, lays down detailed rules for applying Regulation (EEC) No 404/93 as regards the aid scheme to compensate for loss of income from marketing in the banana sector.
- (2) Under Article 12 of Regulation (EEC) No 404/93, the compensatory aid is calculated on the basis of the difference between the flat-rate reference income and the average production income from bananas produced and marketed in the Community during the year in question. Supplementary aid is granted in one or more producer regions where the average income from production is significantly lower than the average for the Community.
- (3) Article 2(2) of Regulation (EEC) No 1858/93 fixes the flat-rate reference income at EUR 64,03 per 100 kilograms net weight of green bananas ex-packing shed for the aid to be calculated from 1999 on.
- (4) In 2000, the average production income, calculated on the basis of the average of the prices for bananas marketed outside the producer regions at the stage of delivery at first port of unloading (goods not unloaded) on the one hand and the selling prices on local markets for bananas marketed in their producer region on the other, less the flat-rate amounts laid down in Article 3(2) of Regulation (EEC) No 1858/93, was less than the flat-rate reference income fixed for 2000. The compensatory aid to be granted in respect of 2000 should be fixed accordingly.
- (5) The aid for 2000 is relatively high and the market prices recorded so far for 2001 have increased dramatically compared to those of the previous year. As a result, from the economic viewpoint the unit amount of advances should not be set at a relatively high level which could subsequently prove exorbitant when the aid

for 2001 is determined. The level of advances should be fixed at 60 % of the amount of aid granted for 2000.

- (6) The annual average production income from the marketing of bananas produced in Portugal and Guadeloupe has proved to be significantly lower than the Community average during 2000. As a result, supplementary aid should be granted in the producer regions in Portugal and Guadeloupe under Article 12(6) of Regulation (EEC) No 404/93, in accordance with the practice followed in recent years. As regards the regions in Portugal, and Madeira in particular, the data for 2000 reveal extremely difficult production and marketing conditions, requiring supplementary aid to be fixed at a level covering 75 % of the difference between the average income in the Community and the average recorded on selling products in that region. The continuing specific marketing difficulties in Guadeloupe justify the granting of supplementary aid above all to help to bring average income in Guadeloupe closer to a level of income which is not significantly lower than the Community average.
- (7) Given that not all the necessary data were available, it has not hitherto been possible to determine the compensatory aid for 2000. Provision should be made for the balance of the aid for 2000 and of the advances for bananas marketed during January and February 2001 to be paid within two months of the publication of this Regulation. In view of the latter points, provision should be made for this Regulation to enter into force on the day following its publication.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The compensatory aid provided for in Article 12 of Regulation (EEC) No 404/93 for fresh bananas falling within CN code ex 0803, excluding plantain bananas, produced and marketed in the Community in 2000 shall be EUR 38,29 per 100 kilograms.

2. The aid fixed in paragraph 1 shall be increased by EUR 3,32 per 100 kilograms for bananas produced in producer regions in Portugal and by EUR 1,91 per 100 kilograms for bananas produced in the region of Guadeloupe.

<sup>(1)</sup> OJ L 47, 25.2.1993, p. 1.

<sup>(2)</sup> OJ L 31, 2.2.2001, p. 2.

<sup>(3)</sup> OJ L 170, 13.7.1993, p. 5.

<sup>(4)</sup> OJ L 67, 9.3.2001, p. 52.

*Article 2*

By derogation from Article 4(2) of Regulation (EEC) No 1858/93, advances for bananas marketed from January to December 2001 shall amount to EUR 22,97 per 100 kilograms. The relevant security shall be EUR 11,48 per 100 kilograms.

*Article 3*

By derogation from Article 10 of Regulation (EEC) No 1858/93, the competent authorities of the Member States shall pay the balance of the compensatory aid to be granted in respect of

2000 and the advance for bananas marketed during January and February 2001 within two months of the entry into force of this Regulation.

*Article 4*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1196/2001****of 18 June 2001****closing invitations to tender for the refund on exports of wholly milled rice opened by Regulations (EC) No 2281/2000, (EC) No 2282/2000, (EC) No 2283/2000 and (EC) No 2284/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1667/2000 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) The quantities of rice exported in the 2000/01 marketing year under the invitations to tender for the export refund opened by Commission Regulations (EC) No 2281/2000 <sup>(3)</sup>, (EC) No 2282/2000 <sup>(4)</sup>, (EC) No 2283/2000 <sup>(5)</sup> and (EC) No 2284/2000 <sup>(6)</sup> have reached the forecasts without exceeding the limits laid down by the Uruguay Round agreement. Those invitations to tender should be closed.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The invitations to tender to determine the export refund on wholly milled rice opened by Regulations (EC) No 2281/2000, (EC) No 2282/2000, (EC) No 2283/2000 and (EC) No 2284/2000 are hereby closed.

*Article 2*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 3.

<sup>(3)</sup> OJ L 260, 14.10.2000, p. 7.

<sup>(4)</sup> OJ L 260, 14.10.2000, p. 10.

<sup>(5)</sup> OJ L 260, 14.10.2000, p. 13.

<sup>(6)</sup> OJ L 260, 14.10.2000, p. 16.

**COMMISSION REGULATION (EC) No 1197/2001**  
**of 18 June 2001**  
**amending the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1666/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 2235/2000 <sup>(4)</sup>, and in particular Article 2(1) thereof,

Whereas:

(1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1189/2001 <sup>(5)</sup>.

(2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1189/2001,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 1189/2001 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 19 June 2001.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 June 2001.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 256, 10.10.2000, p. 13.

<sup>(5)</sup> OJ L 161, 16.6.2001, p. 35.

## ANNEX I

## Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports <sup>(2)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality <sup>(1)</sup>	0,00	0,00
1001 90 91	Common wheat seed	1,83	0,00
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	1,83	0,00
	medium quality	23,20	13,20
	low quality	59,03	49,03
1002 00 00	Rye	52,05	42,05
1003 00 10	Barley, seed	52,05	42,05
1003 00 90	Barley, other <sup>(3)</sup>	52,05	42,05
1005 10 90	Maize seed other than hybrid	75,36	65,36
1005 90 00	Maize other than seed <sup>(3)</sup>	75,36	65,36
1007 00 90	Grain sorghum other than hybrids for sowing	52,05	42,05

<sup>(1)</sup> In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

<sup>(2)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

<sup>(3)</sup> The importer may benefit from a flat-rate reduction of EUR 24 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

**Factors for calculating duties**

(for 15 June 2001)

## 1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	134,15	130,76	108,49	86,59	201,95 (**)	191,95 (**)	109,39 (**)
Gulf premium (EUR/t)	—	18,45	4,88	10,46	—	—	—
Great Lakes premium (EUR/t)	25,46	—	—	—	—	—	—

(\*) A discount of EUR 10/t (Article 4(1) of Regulation (EC) No 1249/96).

(\*\*) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 19,34 EUR/t; Great Lakes — Rotterdam: 30,30 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)  
0,00 EUR/t (SRW2).

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 15 June 2001

**conferring management of aid on implementing agencies for pre-accession measures in agriculture and rural development in the Republic of Estonia in the pre-accession period**

(notified under document number C(2001) 1649)

(2001/461/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 1266/1999 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/1989 <sup>(1)</sup>, and in particular Article 12(2) thereof,

Having regard to the Commission Regulation (EC) No 2222/2000 of 7 June 2000 laying down financial rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period <sup>(2)</sup>, and in particular Article 3(2) thereof,

Whereas:

- (1) In accordance with Article 4(5) of Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the Applicant Countries of central and eastern Europe in the pre-accession period <sup>(3)</sup>, a Programme for Agriculture and Rural Development was approved by Commission Decision C(2000) 3321 final on 17 November 2000 for the Republic of Estonia.
- (2) The government of the Republic of Estonia and the Commission, acting on behalf of the European Community, have signed on 25 January 2001 the Multi-

annual Financing Agreement laying down the technical, legal and administrative framework for the execution of the SAPARD Programme.

- (3) Regulation (EC) No 1266/1999 provides that the ex-ante approval requirement referred to in article 12(1) of Regulation (EC) No 1266/1999 may be waived on the basis of a case-by-case analysis of national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance; Regulation (EC) No 2222/2000 provides for detailed rules for the carrying out of said analysis.
- (4) The Competent authority of the Republic of Estonia has appointed, on the one hand, the *Agricultural Registers and Information Board* for the implementation of measures 'Investment support in agricultural holdings'; 'Investment support for improving the processing and marketing of agricultural and fishery products'; 'Investment support for the development and diversification of economic activities' and 'Investment support for the development and the improvement of rural infrastructure' as defined in the Programme for Agriculture and Rural Development that was approved by Commission Decision C(2000) 3321 final on 17 November 2000 for the Republic of Estonia and, on the other, the *Ministry of Finance, National Fund Department* for the financial functions it is due to perform in the framework of the implementation of the SAPARD programme.
- (5) Pursuant to Regulation (EC) No 1266/1999 and Regulation (EC) No 2222/2000, the Commission has analysed the national and sectorial programme/project

<sup>(1)</sup> OJ L 161, 26.6.1999, p. 68.

<sup>(2)</sup> OJ L 253, 7.10.2000, p. 5.

<sup>(3)</sup> OJ L 161, 26.6.1999, p. 87.

management capacity, financial control procedures and structures regarding public finance and has established that for the implementation of the aforementioned measures, the Republic of Estonia complies with the provisions of Articles 4 to 6 and of the Annex to the Regulation (EC) No 2222/2000, with the minimum conditions set out in the Annex to the Regulation (EC) No 1266/1999; in particular, the *Agricultural Registers and Information Board* has implemented the following key accreditation criteria satisfactorily: written procedures, segregation of duties, pre-project approval and pre-payment checks, payment procedures, accounting procedures, computer security and internal audit; the *Ministry of Finance, National Fund Department* has implemented the following criteria satisfactorily: audit trail, treasury management, receipt of funds, disbursement to the *Agricultural Registers and Information Board*, computer security and internal audit.

- (6) It is therefore appropriate to waive the ex-ante approval requirement referred to in article 12(1) of Regulation (EC) No 1266/1999 and to confer on the *Agricultural Registers and Information Board* and the *Ministry of Finance, National Fund Department* in the Republic of Estonia the management of aid on a decentralised basis.
- (7) However, since the verifications carried out by the Commission are based on an operational but not operating system and that it is therefore appropriate to confer the management of the SAPARD Programme on the *Agricultural Registers and Information Board* and on the *Ministry of Finance, National Fund Department* on a provisional basis, so that full conferral of management of the SAPARD Programme is only envisaged after further verifications in order to ensure that the system operates satisfactorily have been carried out and after any recommendations the Commission may issue, with regard to the conferral of management of aid on the *Agricultural Registers and Information Board* and on the *Ministry of*

*Finance, National Fund Department*, have been implemented,

HAS ADOPTED THIS DECISION:

*Article 1*

The requirement of ex-ante approval by the Commission of project selection and contracting by the Republic of Estonia is hereby waived.

*Article 2*

Management of the SAPARD Programme is conferred on a provisional basis to the *Agricultural Registers and Information Board*, Kreutzwaldi Str. 1, 51014 Tartu, Republic of Estonia for the implementation of measures 'Investment support in agricultural holdings'; 'Investment support for improving the processing and marketing of agricultural and fishery products'; 'Investment support for the development and diversification of economic activities' and 'Investment support for the development and the improvement of rural infrastructure' as defined in the Programme for Agricultural and Rural Development that was approved by Commission Decision C(2000) 3321 final on 17 November 2000 and to the *Ministry of Finance, National Fund Department*, Suur-Ameerika 1, 15006, Tallinn, Republic of Estonia, for the financial functions it is due to perform in the framework of the implementation of the SAPARD programme for the Republic of Estonia.

Done at Brussels, 15 June 2001.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION DECISION****of 23 May 2001****on the terms of reference of hearing officers in certain competition proceedings***(notified under document number C(2001) 1461)***(Text with EEA relevance)**

(2001/462/EC, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

to contribute to the objectivity, transparency and efficiency of those proceedings.

Having regard to the Treaty establishing the European Community,

- (4) The Commission created the post of hearing officer for these purposes in 1982 and last laid down the terms of reference for that post in Commission Decision 94/810/ECSC, EC of 12 December 1994 on the terms of reference of hearing officers in competition procedures before the Commission (7).

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to the Agreement on the European Economic Area,

- (5) It is necessary to further strengthen the role of the hearing officer and to adapt and consolidate those terms of reference in the light of developments in competition law.

Having regard to the Rules of Procedure of the Commission (1), and in particular Article 20 thereof,

Whereas:

- (1) The right of the parties concerned and of third parties to be heard before a final decision affecting their interests is taken is a fundamental principle of Community law. That right is also set out in Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (2), as last amended by Regulation (EC) No 1310/97 (3), Commission Regulation (EC) No 2842/98 of 22 December 1998 on the hearing of parties in certain proceedings under Articles 85 and 86 of the EC Treaty (4) and Commission Regulation (EC) No 447/98 of 1 March 1998 on the notifications, time limits and hearings provided for in Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings (5).

- (6) In order to ensure the independence of the hearing officer, he should be attached, for administrative purposes, to the member of the Commission with special responsibility for competition. Transparency as regards the appointment, termination of appointment and transfer of hearing officers should be increased.

- (2) The Commission must ensure that that right is guaranteed in its competition proceedings, having regard in particular to the Charter of Fundamental Rights of the European Union (6).

- (7) The hearing officer should be appointed in accordance with the rules laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities. In accordance with those rules, consideration may be given to candidates who are not officials of the Commission.

- (3) The conduct of administrative proceedings should therefore be entrusted to an independent person experienced in competition matters who has the integrity necessary

- (8) The terms of reference of the hearing officer in competition proceedings should be framed in such a way as to safeguard the right to be heard throughout the whole procedure.

- (9) When disclosing information on natural persons, particular attention should be paid to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (8).

(1) OJ L 308, 8.12.2000, p. 26.

(2) OJ L 395, 30.12.1989, p. 1 (corrected version in OJ L 257, 21.9.1990, p. 13).

(3) OJ L 180, 9.7.1997, p. 1.

(4) OJ L 354, 30.12.1998, p. 18.

(5) OJ L 61, 2.3.1998, p. 1.

(6) OJ C 364, 18.12.2000, p. 1.

(7) OJ L 330, 21.12.1994, p. 67.

(8) OJ L 8, 12.1.2001, p. 1.

- (10) This Decision should be without prejudice to the general rules granting or excluding access to Commission documents.
- (11) Decision 94/810/ECSC, EC should be repealed,

2. The provisions referred to in paragraph 1 are:
- (a) the first paragraph of Article 36 of the ECSC Treaty;
- (b) Regulation (EC) No 2842/98;
- (c) Regulation (EC) No 447/98.

HAS DECIDED AS FOLLOWS:

*Article 5*

*Article 1*

The Commission shall appoint one or more hearing officers (hereinafter 'the hearing officer'), who shall ensure that the effective exercise of the right to be heard is respected in competition proceedings before the Commission under Articles 81 and 82 of the EC Treaty, Articles 65 and 66 of the ECSC Treaty, and Regulation (EEC) No 4064/89.

The hearing officer shall ensure that the hearing is properly conducted and contributes to the objectivity of the hearing itself and of any decision taken subsequently. The hearing officer shall seek to ensure in particular that, in the preparation of draft Commission decisions, due account is taken of all the relevant facts, whether favourable or unfavourable to the parties concerned, including the factual elements related to the gravity of any infringement.

*Article 2*

1. The appointment of the hearing officer shall be published in the *Official Journal of the European Communities*. Any interruption, termination of appointment or transfer by whatever procedure, shall be the subject of a reasoned decision of the Commission. That decision shall be published in the *Official Journal of the European Communities*.

*Article 6*

1. Applications to be heard from third parties, be they persons, undertakings or associations of persons or undertakings, shall be submitted in writing, together with a written statement explaining the applicant's interest in the outcome of the procedure.

2. The hearing officer shall be attached, for administrative purposes, to the member of the Commission with special responsibility for competition (hereinafter 'the competent member of the Commission').

2. Decisions as to whether third parties are to be heard shall be taken after consulting the director responsible.

3. Where the hearing officer is unable to act, the competent member of the Commission, where appropriate after consultation of the hearing officer, shall designate another official, who is not involved in the case in question, to carry out the hearing officer's duties.

3. Where it is found that an application has not shown a sufficient interest to be heard, he shall be informed in writing of the reasons for such finding. A time limit shall be fixed within which he may submit any further written comments.

*Article 7*

*Article 3*

1. In performing his duties, the hearing officer shall take account of the need for effective application of the competition rules in accordance with the Community legislation in force and the principles laid down by the Court of Justice and the Court of First Instance of the European Communities.

1. Applications to be heard orally shall be made in the applicant's written comments on letters which the Commission has addressed to him.

2. The hearing officer shall be kept informed by the director responsible for investigating the case (hereinafter 'the director responsible') about the development of the procedure up to the stage of the draft decision to be submitted to the competent member of the Commission.

2. The letters referred to in paragraph 1 are those:
- (a) communicating a statement of objections;
- (b) inviting the written comments of a third party having shown sufficient interest to be heard;
- (c) informing a complainant that in the Commission's view there are insufficient grounds for finding an infringement and inviting him to submit any further written comments.

3. The hearing officer may present observations on any matter arising out of any Commission competition proceeding to the competent member of the Commission.

3. Decisions as to whether applicants are to be heard orally shall be taken after consulting the director responsible.

*Article 8*

*Article 4*

1. The hearing officer shall organise and conduct the hearings provided for in the provisions implementing Articles 81 and 82 of the EC Treaty, Articles 65 and 66 of the ECSC Treaty and Regulation (EEC) No 4064/89, in accordance with Articles 5 to 13 of this Decision.

1. Where a person, an undertaking or an association of persons or undertakings has received one or more of the letters listed in Article 7(2) and has reason to believe that the Commission has in its possession documents which have not been disclosed to it and that those documents are necessary for the proper exercise of the right to be heard, access to those documents may be sought by means of a reasoned request.



2. The reasoned decision on any such request shall be communicated to the person, undertaking or association that made the request and to any other person, undertaking or association concerned by the procedure.

#### Article 9

Where it is intended to disclose information which may constitute a business secret of an undertaking, it shall be informed in writing of this intention and the reasons for it. A time limit shall be fixed within which the undertaking concerned may submit any written comments.

Where the undertaking concerned objects to the disclosure of the information but it is found that the information is not protected and may therefore be disclosed, that finding shall be stated in a reasoned decision which shall be notified to the undertaking concerned. The decision shall specify the date after which the information will be disclosed. This date shall not be less than one week from the date of notification.

The first and second paragraphs shall apply *mutatis mutandis* to the disclosure of information by publication in the *Official Journal of the European Communities*.

#### Article 10

Where a person, undertaking or association of persons or undertakings considers that the time limit imposed for its reply to a letter referred to in Article 7(2) is too short, it may, within the original time limit, seek an extension of that time limit by means of a reasoned request. The applicant shall be informed in writing whether the request has been granted.

#### Article 11

Where appropriate, in view of the need to ensure that the hearing is properly prepared and particularly that questions of fact are clarified as far as possible, the hearing officer may, after consulting the director responsible, supply in advance to the parties invited to the hearing a list of the questions on which he wishes them to make known their views.

For this purpose, after consulting the director responsible, the hearing officer may hold a meeting with the parties invited to the hearing and, where appropriate, the Commission staff, in order to prepare for the hearing itself.

The hearing officer may also ask for prior written notification of the essential contents of the intended statement of persons whom the parties invited to the hearing have proposed for hearing.

#### Article 12

1. After consulting the director responsible, the hearing officer shall determine the date, the duration and the place of the hearing. Where a postponement is requested, the hearing officer shall decide whether or not to allow it.

2. The hearing officer shall be fully responsible for the conduct of the hearing.

3. The hearing officer shall decide whether fresh documents should be admitted during the hearing, what persons should be heard on behalf of a party and whether the persons concerned should be heard separately or in the presence of other persons attending the hearing.

4. Where appropriate, in view of the need to ensure the right to be heard, the hearing officer may, after consulting the Director responsible, afford persons, undertakings, and associations of persons or undertakings the opportunity of submitting further written comments after the oral hearing. The hearing officer shall fix a date by which such submissions may be made. The Commission shall not be obliged to take into account written comments received after that date.

#### Article 13

1. The hearing officer shall report to the competent member of the Commission on the hearing and the conclusions he draws from it, with regard to the respect of the right to be heard. The observations in this report shall concern procedural issues, including disclosure of documents and access to the file, time limits for replying to the statement of objections and the proper conduct of the oral hearing.

A copy of the report shall be given to the Director-General for Competition and to the director responsible.

2. In addition to the report referred to in paragraph 1, the hearing officer may make observations on the further progress of the proceedings. Such observations may relate among other things to the need for further information, the withdrawal of certain objections, or the formulation of further objections.

#### Article 14

Where appropriate, the hearing officer may report on the objectivity of any enquiry conducted in order to assess the competition impact of commitments proposed in relation to any proceeding initiated by the Commission in application of the provisions referred to in Article 1. This shall cover in particular the selection of respondents and the methodology used.

#### Article 15

The hearing officer shall, on the basis of the draft decision to be submitted to the Advisory Committee in the case in question, prepare a final report in writing on the respect of the right to be heard, as referred to in Article 13(1). This report will also consider whether the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known their views, and, where appropriate, the objectivity of any enquiry within the meaning of Article 14.

The final report shall be submitted to the competent member of the Commission, the Director-General for Competition and the director responsible. It shall be communicated to the competent authorities of the Member States and, in accordance with the provisions on cooperation laid down in Protocol 23 and Protocol 24 of the EEA Agreement, to the EFTA Surveillance Authority.

*Article 16*

1. The hearing officer's final report shall be attached to the draft decision submitted to the Commission, in order to ensure that, when it reaches a decision on an individual case, the Commission is fully apprised of all relevant information as regards the course of the procedure and respect of the right to be heard.

2. The final report may be modified by the hearing officer in the light of any amendments to the draft decision up to the time the decision is adopted by the Commission.

3. The Commission shall communicate the hearing officer's final report, together with the decision, to the addressees of the decision. It shall publish the hearing officer's final report in the *Official Journal of the European Communities*, together with the decision, having regard to the legitimate interest of undertakings in the protection of their business secrets.

*Article 17*

Decision 94/810/ECSC, EC is repealed.

Procedural steps already taken under that Decision shall continue to have effect.

Done at Brussels, 23 May 2001.

*For the Commission*

Mario MONTI

*Member of the Commission*

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