

English edition

Information and Notices

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I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**19 October 2001**

(2001/C 295/01)

1 euro	=	7,4366	Danish krone
	=	9,4715	Swedish krona
	=	0,6249	Pound sterling
	=	0,9009	United States dollar
	=	1,4204	Canadian dollar
	=	109,1	Japanese yen
	=	1,4777	Swiss franc
	=	7,969	Norwegian krone
	=	92,65	Icelandic króna ⁽²⁾
	=	1,7793	Australian dollar
	=	2,1665	New Zealand dollar
	=	8,336	South African rand ⁽²⁾

⁽¹⁾ Source: reference exchange rate published by the ECB.

⁽²⁾ Source: Commission.

UNIFORM APPLICATION OF THE COMBINED NOMENCLATURE (CN)

(Classification of goods)

(2001/C 295/02)

Publication of explanatory notes made in accordance with Article 10(1) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Regulation (EC) No 1783/2001 ⁽²⁾.

The explanatory notes to the combined nomenclature of the European Communities ⁽³⁾ are amended as follows:

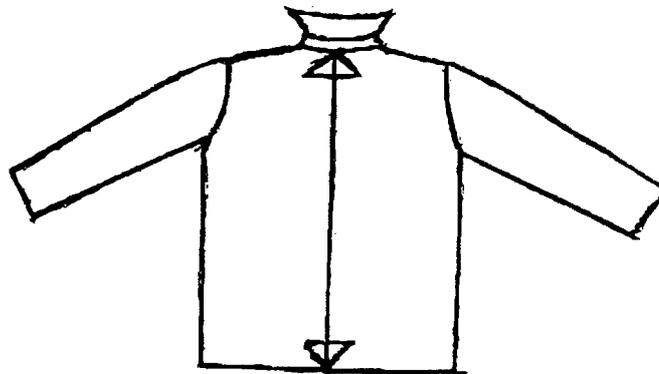
On page 222

The following text shall be added after the explanatory note to heading 6101:

**‘6101 10 10
6101 20 10
6101 30 10 Overcoats, car-coats, capes, cloaks and similar articles
and
6101 90 10**

One characteristic of these “overcoats and similar articles” is that, when worn, they should cover the body at least to mid-thigh.

In general, in the case of standard sizes (normal sizes) of men's garments (excluding boys) this minimum length, measured from the collar seam at the nape (seventh vertebra) to the bottom edge, with the garment laid flat, corresponds to the measurements in centimetres in the table below (see sketch below).



The measurements shown in the table represent averages taken from a range of garments in the standard sizes (normal sizes) for men (excluding boys) — S (small, small sizes), M (medium, medium sizes) and L (large, large sizes).

Length in centimetres measured down back of garment from nape seam to the bottom edge of the garment — men's standard sizes (excluding boys)

S (small) small sizes	M (medium) medium sizes	L (large) large sizes
86 cm	90 cm	92 cm

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 241, 11.9.2001, p. 7.

⁽³⁾ OJ C 199, 13.7.2000, p. 1.

Garments not long enough to be classified as overcoats or similar, with the exception of car-coats (car-coats and similar — see definition below) which also belong here, should be classified in subheadings 6101 10 90, 6101 20 90, 6101 30 90 or 6101 90 90.

CAR-COATS

Car-coats are loose-fitting outer garments with long sleeves and are worn over all other clothing for protection against the weather. They are generally made from non-lightweight textile fabrics other than those referred to in headings 5903, 5906 or 5907. Car-coats vary in length from below the crotch to mid-thigh. They can be single- or double-breasted.

Car-coats generally have the following features:

- a complete opening at the front fastened with buttons but sometimes with a zip or press studs,
- a lining which may be detachable (which may be padded and/or quilted),
- a centre back vent or side vents.

Optional features:

- pockets,
- collar.

Car-coats do not have the following features:

- hood,
- a drawstring or other means of tightening at the waist and/or at the bottom of the garment. However, this does not exclude a belt.

The expression “and similar”, as far as car-coats are concerned, includes also garments which have the same characteristics as car-coats but have a hood.;

On page 222

The following text shall be added after the explanatory note to heading 6102:

**‘6102 10 10,
6102 20 10,
6102 30 10 Overcoats, car-coats, capes, cloaks and similar articles
and
6102 90 10**

The explanatory notes to subheadings 6101 10 10, 6101 20 10, 6101 30 10 and 6101 90 10 apply *mutatis mutandis*, whereby the corresponding measurements for women's garments (excluding girls') are as follows:

Length in centimetres measured down back of garment from nape seam to the bottom edge of the garment — women's standard sizes (excluding girls)

S (small) small sizes	M (medium) medium sizes	L (large) large sizes
84 cm	86 cm	87 cm'

Notice under Section 12(6A) of the Telecommunications Act 1984**Modifications to the conditions of the licences of Vodafone Ltd and of BT Cellnet**

(2001/C 295/03)

1. The Secretary of State for Trade and Industry granted licences (the 'licences') to Telecom Securicor Cellular Radio Ltd on 22 March 1994 and to Vodafone Ltd on 9 December 1993 under Section 7 of the Telecommunications Act 1984 (the 'Act') for the running of the telecommunications systems specified in Annex A to the licences.
2. On 6 September 2001, the Director-General for Telecommunications (the 'Director'), in exercise of the powers conferred on him by Section 12 of the Act, as amended by the Electronic Communications Act 2000, made the following modification to the conditions in part K of schedule 1 to the licences:

A new Condition 70A was inserted after Condition 70.
3. In accordance with Section 12(6A) of the Act, the Director hereby gives notice that his reason for making the modification is to provide a mechanism so that, in the event of a reference being made by 31 January 2002 by the Director to the Competition Commission (the 'Commission') of any modifications to the licences that the Director might propose in the future as a result of his ongoing review of competition in the market for calls to mobile phones, the existing controls on termination charges in Condition 70 of the licences will be maintained for a further 12-month period beginning on 1 April 2002 and ending on 31 March 2003. In the Director's view, this extended period will allow the existing controls to be maintained until the Commission has had time to report on its findings and any of the Commission's recommendations to remedy any effects adverse to the public interest to be implemented by the Director.

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 11 October 2001

at the request of the Council of the European Union concerning a proposal for a Regulation of the European Parliament and of the Council concerning the labour cost index

(CON/2001/33)

(2001/C 295/04)

1. On 17 September 2001, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a Regulation of the European Parliament and of the Council concerning the labour cost index (hereinafter referred to as the 'draft regulation').
2. The ECB's competence to deliver an opinion is based on the first indent of Article 105(4) of the Treaty establishing the European Community. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the ECB, this opinion has been adopted by the Governing Council of the ECB.
3. The objective of the draft regulation is to establish a common framework for the production, transmission and evaluation of comparable labour cost indices in the Community. In particular, the draft regulation requires the transmission of quarterly data on labour costs to the European Commission (Eurostat) by the Member States.
4. The ECB welcomes the draft regulation, which is part of the action plan on economic and monetary union (EMU) statistical requirements (hereinafter referred to as 'EMU action plan'), established at the request of the Ecofin Council by the Commission (Eurostat) in close collaboration with the ECB. The EMU action plan is a response to the report of the Monetary Committee on information requirements in EMU, endorsed by the Ecofin Council on 18 January 1999, and the first two progress reports on information requirements in EMU drawn up by the Economic and Financial Committee. The third progress report, endorsed by the Ecofin Council on 19 January 2001, also specified the timetable for modifying existing statistical regulations.
5. The provision of harmonised data on labour costs broadens and deepens the data available for the analysis and assessment of risks to price stability as carried out under the second pillar of the ECB's monetary policy strategy. Labour costs are a major element of production costs for the economy as a whole and have a significant impact on price formation. In addition, labour costs provide input for indicators of competitiveness. The European aggregate data on labour costs currently available, based on data transmitted to the Commission (Eurostat) voluntarily by national statistical institutes, reflect the significant differences in the definition of the national series used for the euro-zone series calculation. Quarterly compensation data available from the ESA 95 national accounts are not a substitute, as they are insufficient in terms of detail and their quality depends on the quality of the underlying primary labour cost statistics.
6. The ECB wishes to highlight the importance it attaches to several features of the draft regulation, which are already part of the EMU action plan, while also recognising that the need to limit the reporting burden for enterprises has required significant compromises to be made.
 - (a) The proposed NACE Rev. 1 coverage including the services sector: the draft regulation covers over 90 % of euro-zone employment whereas at present the data provided only cover around 65 %. This is an important improvement as it means a better understanding of the development of labour costs throughout the economy with, in particular, improved coverage of service sector costs.
 - (b) The proposed NACE Rev. 1 breakdown: the draft regulation increases the level of detail of data required, broken down by economic activities, which is important to explain changes in the overall results.
 - (c) The availability of an index of labour costs both including and excluding bonus payments: bonus payments tend to be a cyclical element of the overall labour costs. The analysis of data on labour costs will be greatly facilitated if it is possible to distinguish this element of overall labour costs.
 - (d) The proposed requirement that data be provided within 70 days: this would be an improvement as the current availability of labour cost data is extremely poor with first European aggregate estimates available only after approximately 100 days.

- (e) The availability of an appropriate amount of back data: it is important for analytical purposes to be able to assess labour cost indices over time. However, the ECB also recognises the burden which would be imposed on Member States if required to provide a full set of back data and hence supports limiting transmission of back data to a selected number of labour cost items and for NACE sections C-K only.
- (f) The improved comparability of data necessary for good euro-zone aggregates: as Member States would still be allowed to use a combination of different sources, the implementing procedures mentioned in Article 10 might usefully include a periodic assessment of the impact of their use on national results, and of other potential sources of non-comparability.
7. The ECB strongly supports the proposed timetable for the implementation of the draft regulation and calls on the Member States not to request derogations. If Member States took advantage of the derogations allowed to the fullest extent possible, fully harmonised European aggregates for NACE sections C-K would not become available until 2004 and complete European aggregates including NACE sections L-O would not become available until 2007. Even the target of 80 % coverage of the euro-zone by the end of 2002 — a target supported by the Ecofin Council — could be put at risk.
8. This opinion shall be published in the *Official Journal of the European Communities*.
- Done at Vienna on 11 October 2001.
- The President of the ECB*
Willem F. DUISENBERG
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II

(Preparatory Acts pursuant to Title VI of the Treaty on European Union)

Initiative of the Kingdom of the Netherlands with a view to the adoption of a Council Decision setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes

(2001/C 295/05)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Title VI of the Treaty on European Union, and in particular Article 31 and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of the Netherlands,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The International Criminal Tribunals for the former Yugoslavia and for Rwanda have since 1995 been investigating, prosecuting and bringing to justice violations of laws and customs of war, genocide and crimes against humanity.
- (2) The Rome Statute of the International Criminal Court of 17 July 1998 affirms that the most serious crimes of concern to the international community as a whole, in particular genocide, crimes against humanity and war crimes, must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation.
- (3) The Rome Statute recalls that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such international crimes.
- (4) The Rome Statute emphasises that the International Criminal Court established under it shall be complementary to national criminal jurisdictions.
- (5) All Member States of the European Union have either signed or ratified the Rome Statute.
- (6) Member States are being confronted with persons who were involved in such crimes and are seeking refuge within the European Union's frontiers.
- (7) The successful outcome of effective investigation and prosecution of such crimes at the national level depends to a high degree on close cooperation between the various authorities involved in combating them.
- (8) It is essential that the relevant authorities of the States Parties to the Rome Statute, including the Member States of the European Union, cooperate closely in this connection.

(9) Close cooperation will be enhanced if the Member States make provision for direct communication between centralised, specialised contact points.

(10) Close cooperation between such contact points may provide a more complete overview of persons involved in such crimes, including the question of in which Member States they are the subject of investigation.

(11) This Decision does not affect any convention, agreement or arrangement regarding mutual assistance in criminal matters between judicial authorities,

HAS DECIDED AS FOLLOWS:

Article 1

Designation and notification of contact points

1. Each Member State shall designate a contact point for the investigation of genocide, crimes against humanity and war crimes.
2. Each Member State shall notify the General Secretariat of the Council in writing of its contact point within the meaning of this Decision. The General Secretariat shall ensure that this notification is passed on to the Member States.

Article 2

Collection and exchange of information

1. Each contact point's primary task shall be to collect and manage information on the aforementioned crimes in the framework of their investigation.
2. Member States shall ensure that contact points exchange, spontaneously or on request, any available information that may be relevant to the investigation of such crimes, in accordance with their national powers.

Article 3

Clarification of requests

1. Each request made under this Decision shall be accompanied by a brief statement of the relevant facts known to the requesting contact point. The contact point shall specify in the request how the information sought will be used.

⁽¹⁾ OJ C ...

2. When a request is made in accordance with this Decision, the requested contact point shall provide all relevant information, without the need for a formal letter of request under applicable conventions or agreements between Member States.

3. A contact point may refuse to divulge information which could lead to impairment of a criminal investigation being conducted in the requested Member State or by the International Criminal Court or which, in relation to the latter, would justify invoking Article 72 of its Statute. Any refusal shall be duly explained.

Article 4

Use of information

1. Information or documents obtained under this Decision are intended to be used for the purposes laid down in Article 2(2).

2. When transmitting information or documents pursuant to this Decision, the transmitting contact point may impose restrictions and conditions on the use of information for purposes other than those stipulated in paragraph 1. The receiving contact point shall comply with these restrictions and conditions.

3. Where a Member State wishes to use information or documents transmitted to assist investigation for the purposes referred to in Article 2(2), the transmitting Member State may not refuse its consent to such use unless it does so on the basis of restrictions under its national law or conditions referred to in Article 3(3). Any refusal to grant consent shall be duly explained.

4. The information transmitted shall be protected, in conformity with the Council of Europe Convention of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data and taking account of Recommendation No R(87)15 of 17 September 1987 of the Committee of Ministers of the Council of Europe Regulating the use of personal data in the police sector, by at least the

same rules of confidentiality and protection of personal data as those that apply under the national legislation applicable to the requesting contact point.

Article 5

Transmission of data without request

1. Within the limits of the applicable national law, contact points may exchange information without a request to that effect.

2. Article 4 shall apply in relation to information forwarded under this Article.

Article 6

Implementation

Member States shall ensure that they are able to cooperate fully in accordance with the provisions of this Decision at the latest one year after this Decision takes effect.

Article 7

National responsibility for investigation and prosecution

The investigation and prosecution of, and exchange of information on, genocide, crimes against humanity and war crimes shall continue to be the responsibility of national authorities.

Article 8

Taking effect

This Decision shall take effect on the date of its adoption.

Done at ...

For the Council

The President

...

Initiative of the Kingdom of Belgium, the French Republic, the Kingdom of Spain and the United Kingdom with a view to adopting a Council Framework Decision on joint investigation teams

(2001/C 295/06)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 34(2) (b) thereof,

Having regard to the initiative of the Kingdom of Belgium, the French Republic, the Kingdom of Spain and the United Kingdom,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) One of the Union's objectives is to provide citizens with a high level of safety within an area of freedom, security and justice and this objective is to be achieved by preventing and combating crime through closer cooperation between police forces, customs authorities and other competent authorities in the Member States.
- (2) The European Council held in Tampere on 15 and 16 October 1999 called for joint investigation teams as foreseen in the Treaty to be set up without delay, as a first step, to combat trafficking in drugs and human beings as well as terrorism.
- (3) Provision has been made in Article 13 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union on mutual assistance in criminal matters between the Member States of the European Union⁽¹⁾ for the establishment and operation of joint investigation teams.
- (4) The Council urges that all measures be taken to ensure that this Convention is ratified as soon as possible, and in any event in the course of 2002.
- (5) The Council recognises that it is important to respond quickly to the European Council's call for the setting up of joint investigative teams without delay.
- (6) The Council considers that for the purpose of combating international crime as effectively as possible, it is appropriate that at this stage a specific legally binding instrument on joint investigation teams should be adopted at the level of the Union which should apply to joint investigations into trafficking in drugs and human beings as well as terrorism.

- (7) The Council considers that such teams should be set up, as a matter of priority, to combat offences committed by terrorists.
- (8) The Member States that set up a team should decide on its composition, purpose and duration.
- (9) The Member States setting up a team should have the possibility to decide, where possible and in accordance with applicable law, to let persons not representing the competent authorities of Member States take part in the activities of the team, and that such persons may include representatives of, for example, Europol, the Commission (OLAF) or representatives of authorities of non-Member States, and in particular representatives of law enforcement authorities of the United States. In such cases the agreement setting up the team should specify issues relating to possible liability for such representatives.
- (10) A joint investigating team should operate in the territory of a Member State in conformity with the law applicable to that Member State.
- (11) This Framework Decision should be without prejudice to any other existing provisions or arrangements on the setting up or operation of joint investigation teams,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Joint investigation teams

1. By mutual agreement, the competent authorities of two or more Member States may set up a joint investigation team for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Member States setting up the team. The composition of the team shall be set out in the agreement.

A joint investigation team may, in particular, be set up where:

- (a) a Member State's investigations into criminal offences require difficult and demanding investigations having links with other Member States;
- (b) a number of Member States are conducting investigations into criminal offences in which the circumstances of the case necessitate coordinated, concerted action in the Member States involved.

⁽¹⁾ OJ C 197, 12.7.2000, p. 1.

A request for the setting-up of a joint investigation team may be made by any of the Member States concerned. The team shall be set up in one of the Member States in which the investigations are expected to be carried out.

2. In addition to the information referred to in the relevant provisions of Article 14 of the European Convention on Mutual Assistance in Criminal Matters and Article 37 of the Benelux Treaty of 27 June 1962, as amended by the Protocol of 11 May 1974, requests for the setting-up of a joint investigation team shall include proposals for the composition of the team.

3. A joint investigation team shall operate in the territory of the Member States setting up the team under the following general conditions:

- (a) The leader of the team shall be a representative of the competent authority participating in criminal investigations from the Member State in which the team operates. The leader of the team shall act within the limits of his or her competence under national law.
- (b) The team shall carry out its operations in accordance with the law of the Member State in which it operates. The members of the team shall carry out their tasks under the leadership of the person referred to in subparagraph (a), taking into account the conditions set by their own authorities in the agreement on setting up the team.
- (c) The Member State in which the team operates shall make the necessary organisational arrangements for it to do so.

4. In this Framework Decision, members of the joint investigation team from Member States other than the Member State in which the team operates are referred to as being 'seconded' to the team.

5. Seconded members of the joint investigation team shall be entitled to be present when investigative measures are taken in the Member State of operation. However, the leader of the team may, for particular reasons, in accordance with the law of the Member State where the team operates, decide otherwise.

6. Seconded members of the joint investigation team may, in accordance with the law of the Member State where the team operates, be entrusted by the leader of the team with the task of taking certain investigative measures where this has been approved by the competent authorities of the Member State of operation and the seconding Member State.

7. Where the joint investigation team needs investigative measures to be taken in one of the Member States setting up the team, members seconded to the team by that Member State may request their own competent authorities to take those measures. Those measures shall be considered in that

Member State under the conditions which would apply if they were requested in a national investigation.

8. Where the joint investigation team needs assistance from a Member State other than those which have set up the team, or from a third State, the request for assistance may be made by the competent authorities of the State of operations to the competent authorities of the other State concerned in accordance with the relevant instruments or arrangements.

9. A member of the joint investigation team may, in accordance with his or her national law and within the limits of his or her competence, provide the team with information available in the Member State which has seconded him or her for the purpose of the criminal investigations conducted by the team.

10. Information lawfully obtained by a member or seconded member while part of a joint investigation team which is not otherwise available to the competent authorities of the Member States concerned may be used for the following purposes:

- (a) for the purposes for which the team has been set up;
- (b) subject to the prior consent of the Member State where the information became available, for detecting, investigating and prosecuting other criminal offences. Such consent may be withheld only in cases where such use would endanger criminal investigations in the Member State concerned or in respect of which that Member State could refuse mutual assistance;
- (c) for preventing an immediate and serious threat to public security, and without prejudice to subparagraph (b) if subsequently a criminal investigation is opened;
- (d) for other purposes to the extent that this is agreed between Member States setting up the team.

11. This Framework Decision shall be without prejudice to any other existing provisions or arrangements on the setting up or operation of joint investigation teams.

12. To the extent that the laws of the Member States concerned or the provisions of any legal instrument applicable between them permit, arrangements may be agreed for persons other than representatives of the competent authorities of the Member States setting up the joint investigation team to take part in the activities of the team. Such persons may, for example, include officials of bodies set up pursuant to the Treaty. The rights conferred upon the members or seconded members of the team by virtue of this Framework Decision shall not apply to these persons unless the agreement expressly states otherwise.

*Article 2***Criminal liability regarding officials**

During the operations referred to in Article 1, officials from a Member State other than the Member State of operation shall be regarded as officials of the Member State of operation with respect to offences committed against them or by them.

*Article 3***Civil liability regarding officials**

1. Where, in accordance with Article 1, officials of a Member State are operating in another Member State, the first Member State shall be liable for any damage caused by them during their operations, in accordance with the law of the Member State in whose territory they are operating.

2. The Member State in whose territory the damage referred to in paragraph 1 was caused shall make good such damage under the conditions applicable to damage caused by its own officials.

3. The Member State whose officials have caused damage to any person in the territory of another Member State shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.

4. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, each Member State shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of damages it has sustained from another Member State.

*Article 4***Implementation**

1. Member States shall take the necessary measures to comply with the provisions of this Framework Decision by 1 July 2002.

2. Member States shall transmit to the General Secretariat of the Council and the Commission the text of any provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of this and other information, the Commission shall, by 1 July 2004, submit a report to the Council on the operation of this Framework Decision. The Council shall assess the extent to which the Member States have complied with this Framework Decision.

*Article 5***Entry into force**

This Framework Decision shall enter into force on the date of its publication in the Official Journal of the European Communities. It shall cease to have effect when the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union has entered into force in all Member States.

Done at ...

For the Council

The President

...

CORRIGENDA

Corrigendum to the corrigendum concerning the call for proposals for indirect RTD actions under the specific programme for research, technological development and demonstration on 'Competitive and sustainable growth'

Call identifier: Growth 1999

(Official Journal of the European Communities C 273 of 28 September 2001)

(2001/C 295/07)

On page 16, under the heading '*SME specific measures* (indicative budget EUR 200 million)', third line:

for: 'The deadline for receipt of proposals by the Commission is 18 April 2002 at 5 p.m. ...',

read: 'The deadline for receipt of proposals by the Commission is 18 April 2001 at 5 p.m. ...'.
