

## **REGULATION ON A BOARD TO TEST A/S VINMONOPOLET'S PURCHASES ETC.**

Laid down by the Ministry of Health and Social Affairs on 16 January 1996 pursuant to Act no. 27 of 2 June 1989 on the Sale of ~~Alcoholic~~ Beverages etc., section 3-1 fifth paragraph, as amended by Act no. 42 of 23 June 1995.

### **Section 1 Purpose**

The board shall through its procedures ensure that A/S Vinmonopolet treats all offerers, suppliers and products on equal terms.

### **Section 2 Composition of the board**

The board shall have 4 members with personal alternates. The board's chairperson and alternate must meet the requirements of the Courts of Justice Act, section 54 second paragraph.

Members and alternates are appointed by the Ministry of Health and Social Affairs for four years at a time. At the initial appointment two members shall be appointed for a term of 2 years.

Remuneration to the members of the board shall be fixed by the Ministry of Health and Social Affairs.

### **Section 3 Powers of the board**

The board may revoke any decision taken by A/S Vinmonopolet in regard to price-setting, to the purchasing of a product or to the halting of further purchases that is not in conformity with Regulation of 30 November 1995 on A/S Vinmonopolet's Purchasing Activity etc.

The board may not test the commercial judgement exercised by A/S Vinmonopolet within the framework of the said regulation.

### **Section 4 Time limits etc.**

A/S Vinmonopolet's decisions, cf. section 3 first paragraph, may be referred to the board by the person at whom the decision is directed, hereafter termed the party.

The time limit shall be 3 weeks from the date that the person in question became aware of the decision or should have acquired knowledge of it.

### **Section 5 The board's administrative procedure**

An application to have a decision tested by the board shall be presented to A/S Vinmonopolet in writing. If A/S Vinmonopolet does not change its decision, A/S Vinmonopolet shall as soon as possible, and no

later than 3 weeks after receipt of the application, forward it to the board together with its comments and all information and correspondence in the case.

The party shall have a copy of the documents that are sent to the board. Concurrently, A/S Vinmonopolet shall notify the party that any comments the party may have must be sent directly to the board within 3 weeks of receipt of such notification.

The board shall ensure that case is sufficiently elucidated. It may obtain information by such means as it deems appropriate.

The board shall deal with the application on the basis of the written account provided by the parties and other information pertaining to the case.

#### **Section 6 *Access to documents***

Whoever refers the case to the board is entitled to peruse the documents of the case. This also applies after the board has issued its statement in the case. The person in question is not entitled to peruse documents that the board has drawn up during its own preparations for the case.

#### **Section 7 *Decision of the board***

The board shall reach its decision by ordinary majority vote. In the event of a tied vote the chairperson shall have the casting vote.

The board's statement shall be in writing giving grounds for the decision. It shall also briefly state the hour and date of the meeting of the board, the composition of the board, the names of the parties and the subject-matter of the case. The parties shall be informed of the statement in writing.

#### **Section 8 *Costs of the case***

Each party shall bear its costs.

#### **Section 9 *Commencement***

This regulation comes into force on 16 January 1996.