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Legislation

Contents

I *Acts whose publication is obligatory*

Regulation (EEC) No 1023/73 of the Commission of 17 April 1973 fixing the levies on cereals and on wheat or rye flour, groats and meal	1
Regulation (EEC) No 1024/73 of the Commission of 17 April 1973 fixing the premiums to be added to the levies on cereals, flour and malt	3
Regulation (EEC) No 1025/73 of the Commission of 17 April 1973 altering the corrective amount applicable to the refund on cereals	5
Regulation (EEC) No 1026/73 of the Commission of 17 April 1973 fixing the import levies on white sugar and raw sugar	7
Regulation (EEC) No 1027/73 of the Commission of 17 April 1973 fixing the average producer prices for wine	8
Regulation (EEC) No 1028/73 of the Commission of 16 April 1973 on the supply of skimmed milk powder to the Arab Republic of Egypt as Community aid . . .	10
Regulation (EEC) No 1029/73 of the Commission of 16 April 1973 closing the standing invitation to tender for white sugar opened by the new Member States pursuant to Regulation (EEC) No 622/73	12

II *Acts whose publication is not obligatory*

Council

73/79/EEC :

Council Directive of 9 April 1973 varying the field of application of the reduced rate of capital duty provided for in respect of certain company reconstruction operations by Article 7 (1) (b) of the Directive concerning indirect taxes on the raising of capital	13
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73/80/EEC :

Council Directive of 9 April 1973 fixing common rates of capital duty	15
---	----

Contents (continued)

Commission

73/81/EEC :

Commission Decision of 12 April 1973 authorizing the French Republic not to apply Community treatment to knitted and crocheted garments and articles of clothing, of textiles other than cotton falling within heading Nos ex 60.05, ex 61.01, ex 61.02 and ex 61.03 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States 16

Public works contracts (Council Directive 71/305/EEC of 26 July 1971 supplemented by Council Directive 72/277/EEC of 26 July 1972) 17

Open procedures 19

Restricted procedure 21

I

(Acts whose publication is obligatory)

REGULATION (EEC) No 1023/73 OF THE COMMISSION
of 17 April 1973

fixing the levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 120/67/EEC ⁽¹⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by the Act ⁽²⁾ annexed to the Treaty ⁽³⁾ on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 13 ⁽⁵⁾ thereof ;

Having regard to the Opinion of the Monetary Committee ;

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 244/73 ⁽⁴⁾ and subsequent amending Regulations ;

Whereas, if the levy system is to operate normally, levies should be calculated on the basis of an exchange rate which is based, in the case of currencies which are floating or whose central rate differs from the official parity, on the effective rate or the

central rate of these currencies and, in the case of the US dollar, on the change in parity announced on 13 February 1973 ;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 244/73 to the offer prices and today's quotations known to the Commission that the levies at present in force should be altered as shown in the Annex to this Regulation ;

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation No 120/67/EEC are hereby fixed as shown in the Table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 18 April 1973.

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

Done at Brussels, 17 April 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 30, 1. 2. 1973, p. 1.

ANNEX

to the Commission Regulation of 17 April 1973 fixing the levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description of goods	u.a./ton
10.01 A	Common wheat, and meslin	46.19
10.01 B	Durum wheat	41.06 ⁽¹⁾ (⁴)
10.02	Rye	42.13 ⁽⁵⁾
10.03	Barley	37.90
10.04	Oats	26.40
10.05 B	Maize other than hybrid maize for sowing	37.65 ⁽²⁾ (³)
10.07 A	Buckwheat	0
10.07 B	Millet	37.36
10.07 C	Grain sorghum	37.21
10.07 D	Canary seed ; other cereals	0 ⁽⁴⁾
11.01 A	Wheat or meslin flour	83.42
11.01 B	Rye flour	69.35
11.02 A I a	Durum wheat groats and meal	72.53
11.02 A I b	Common wheat groats and meal	88.51

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽²⁾ Where maize originating in the AASM and OCT is imported into the French Overseas Departments, the levy is reduced by 6 u.a./metric ton.

⁽³⁾ Where maize originating in Tanzania, Uganda and Kenya is imported into the Community, the levy is reduced by 1 u.a./metric ton.

⁽⁴⁾ Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽⁵⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1234/71 and Commission Regulation (EEC) No 2622/71.

REGULATION (EEC) No 1024/73 OF THE COMMISSION

of 17 April 1973

fixing the premiums to be added to the levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation No 120/67/EEC ⁽¹⁾ of 13 June 1967 on the common organization of the market in cereals, as last amended by the Act ⁽²⁾ annexed to the Treaty ⁽³⁾ on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 15 (6) thereof ;

Having regard to the Opinion of the Monetary Committee ;

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 1631/72 ⁽⁴⁾ and subsequent amending Regulations ;

Whereas, if the levy system is to operate normally, the levies should be calculated on the basis of an exchange rate which is based, in the case of cur-

rencies which are floating or whose central rate differs from the official parity, on the effective rate or the central rate of these currencies and, in the case of the US dollar, on the change in parity announced on 13 February 1973 ;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered as shown in the Tables annexed to this Regulation ;

HAS ADOPTED THIS REGULATION :

Article 1

The scale of the premiums to be added, pursuant to Article 15 of Regulation No 120/67/EEC, to the import levies fixed in advance in respect of cereals and malt is hereby fixed as shown in the Tables annexed to this Regulation.

Article 2

This Regulation shall enter into force on 18 April 1973.

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

Done at Brussels, 17 April 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 174, 1. 8. 1972, p. 3.

ANNEX

to the Commission Regulation of 17 April 1973 fixing the premiums to be added to the levies on cereals, flour and malt

A. Cereals and flour ⁽¹⁾

(u.a./ton)

CCT heading No	Description of goods	Current 4	1st period 5	2nd period 6	3rd period 7
10.01 A	Common wheat, and meslin	0	0	0	0.67
10.01 B	Durum wheat	0	2.90	2.90	3.32
10.02	Rye	0	3.11	3.11	3.40
10.03	Barley	0	2.90	2.90	3.73
10.04	Oats	0	7.88	7.88	8.70
10.05 B	Maize other than hybrid maize for sowing	0	0.75	0.75	0.99
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	1.24	1.24	1.24
10.07 C	Grain sorghum	0	0.33	0.33	0.33
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0.94

⁽¹⁾ The period of validity of the licence is limited to thirty days in accordance with Regulation (EEC) No 2196/71 (OJ No L 231, 14. 10. 1971, p. 28).

B. Malt

(u.a./100 kg)

CCT heading No	Description of goods	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0.119	0.119
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0.089	0.089
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0.516	0.516	0.664	0.664
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0.386	0.386	0.496	0.496
11.07 B	Roasted malt	0	0.450	0.450	0.578	0.578

**REGULATION (EEC) No 1025/73 OF THE COMMISSION
of 17 April 1973**

altering the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community ;

Having regard to Council Regulation No 120/
67/EEC ⁽¹⁾ of 13 June 1967 on the common organi-
zation of the market in cereals, as last amended by
the Act ⁽²⁾ annexed to the Treaty ⁽³⁾ on the Acces-
sion of new Member States to the European
Economic Community and the European Atomic
Energy Community, signed at Brussels on 22
January 1972, and in particular the second sentence
of the first subparagraph of Article 16 (4) thereof ;

Having regard to the Opinion of the Monetary
Committee ;

Whereas the corrective amount applicable to the
refund on cereals was fixed by Regulation (EEC)
No 991/73 ⁽⁴⁾ and subsequent amending Regulations ;

Whereas, if the refund system is to operate
normally, the refund should be calculated on the
basis of an exchange rate which is based, in the
case of currencies which are floating or whose

central rate differs from the official parity, on the
effective rate or the central rate of these currencies
and, in the case of the US dollar, on the change in
parity announced on 13 February 1973 ;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, taking foreseeable develop-
ments on the market into account, the corrective
amount at present applicable to the refund on
cereals should be altered ;

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 16 (4)
of Regulation No 120/67/EEC which is applicable
to the export refunds fixed in advance in respect of
cereals is hereby altered as shown in the Table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 18 April
1973.

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

Done at Brussels, 17 April 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 99, 13. 4. 1973, p. 13.

ANNEX

to the Commission Regulation of 17 April 1973 altering the corrective amount applicable
to the refund on cereals

(u.s./ton)

CCT heading No	Description of goods	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9	6th period 10
10.01 A	Common wheat, and mes- lin	—	—	—	—	—	—	—
10.01 B	Durum wheat	—	—	—	—	—	—	—
10.02	Rye	—	—	—	—	—	—	—
10.03	Barley	—	—	—	—	—	—	—
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—

**REGULATION (EEC) No 1026/73 OF THE COMMISSION
of 17 April 1973**

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 1009/67/EEC ⁽¹⁾ of 18 December 1967 on the common organization of the market in sugar, as last amended by Regulation (EEC) No 174/73 ⁽²⁾, and in particular Article 14 (7) thereof;

Having regard to the Opinion of the Monetary Committee;

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 254/73 ⁽³⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the basis of an exchange rate which is based, in the case of currencies which are floating or whose central rate differs from the official parity, on the effective rate or the central rate of these currencies and, in the case of

the US dollar, on the change in parity announced on 13 February 1973;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 254/73 to the information at present available to the Commission that the levies at present in force should be altered as shown in the Annex to this Regulation;

HAS ADOPTED THIS REGULATION:

Article 1

The levies referred to in Article 14 (1) of Regulation No 1009/67/EEC are, in respect of white sugar and standard quality raw sugar, hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 April 1973.

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

Done at Brussels, 17 April 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 308, 18. 12. 1967, p. 1.

⁽²⁾ OJ No L 25, 30. 1. 1973, p. 1.

⁽³⁾ OJ No L 30, 1. 2. 1973, p. 30.

ANNEX

CCT heading No	Description of goods	Levy (u.a./100 kg)
17.01	Beet sugar and cane sugar, solid : A. Denatured : I. White sugar II. Raw sugar B. Undenatured : I. White sugar II. Raw sugar	 6.39 5.41 ⁽¹⁾ 6.39 5.41 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92‰; if the yield is other than 92‰, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

REGULATION (EEC) No 1027/73 OF THE COMMISSION

of 17 April 1973

fixing the average producer prices for wine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 816/70 ⁽¹⁾ of 28 April 1970 laying down additional provisions for the common organization of the market in wine as last amended by the Act ⁽²⁾ annexed to the Treaty ⁽³⁾ on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 4 (1) thereof;

Whereas Article 4 of Regulation (EEC) No 816/70 provides that an average producer price must be fixed for each type of wine for which a guide price is fixed; whereas this average price must be fixed for each marketing centre for the type of wine in question on the basis of all the facts available;

Whereas the marketing centres for table wines are determined in Commission Regulation (EEC) No 1020/70 ⁽⁴⁾ of 29 May 1970 on recording quotations and fixing average prices for table wines, as last amended by Regulation (EEC) No 765/72 ⁽⁵⁾;

Whereas Article 10 of Regulation (EEC) No 1020/70 provides that the average price must be fixed on the basis of the average of the quotations notified, particular account being taken of the extent to which these quotations are representative, the comments of the Member States, and the alcoholic strength and quality of table wines which have been the subject of transactions;

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

Done at Brussels, 17 April 1973.

Whereas arrangements for the notification by the Member States of quotations and information related thereto are specified in Regulation (EEC) No 1020/70; whereas, where this information is not available for any marketing centre, the average price for the preceding week must be maintained;

Whereas the average price for the type of wine in question must be fixed per degree/hl or per hl as appropriate; whereas this price must be fixed every Tuesday; whereas, if the Tuesday is a public holiday, the average price must be fixed on the following working day;

Whereas it follows from applying these rules to the information at present available to the Commission that the average price should be fixed as shown in the Annex to this Regulation;

HAS ADOPTED THIS REGULATION:

Article 1

The average prices referred to in Article 4 (1) of Regulation (EEC) No 816/70 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 April 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 118, 1. 6. 1970, p. 16.

⁽⁵⁾ OJ No L 89, 15. 4. 1972, p. 31.

ANNEX

Average prices for table wines at the various marketing centres

Type	u.a. per degree/hl	Type	u.a. per degree/hl
R I		A I	
Béziers	1-786	Bordeaux	No quotation ⁽¹⁾
Montpellier	1-752	Nantes	2-000
Narbonne	1-770	Bari	No quotation
Nîmes	1-725	Cagliari	No quotation
Perpignan	1-682	Chieti	No quotation
Asti	No quotation	Ravenna (Lugo, Faenza)	2-240
Firenze	2-288	Trapani (Alcamo)	No quotation
Lecce	No quotation	Treviso	2-320
Pescara	No quotation		
Reggio Emilia	2-032		
Treviso	2-360		
Verona (for local wines)	No quotation		
		A II	u.a./hl
R II		Rheinfalz (Oberhaardt)	No quotation
Bari	No quotation	Rheinhessen (Hügelland)	No quotation
Barletta	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Cagliari	No quotation		
Lecce	No quotation		
Taranto	No quotation		
	u.a./hl	A III	
R III		Mosel	No quotation
Rheinfalz	No quotation	Rheingau	No quotation
Rheinhessen (Hügelland)	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾

⁽¹⁾ Quotation not taken into account in accordance with Article 10 (1) of Regulation (EEC) No 1020/70.

REGULATION (EEC) No 1028/73 OF THE COMMISSION
of 16 April 1973
on the supply of skimmed milk powder to the Arab Republic of Egypt as
Community aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 804/68 ⁽¹⁾ of 27 June 1968 on the common organization of the market in milk and milk products, as last amended by the Act ⁽²⁾ annexed to the Treaty ⁽³⁾ concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Articles 7 ⁽⁵⁾ and 28 thereof;

Whereas Council Regulation (EEC) No 2721/72 ⁽⁴⁾ of 19 December 1972 on the supply of skimmed milk powder as food aid provides *inter alia* that 2 000 metric tons of skimmed milk powder shall be supplied to the Arab Republic of Egypt;

Whereas Article 3(1)(b) of the said Regulation provides for payment of a sum to cover delivery costs up to the cif stage; whereas the amount of these costs is to be determined by means of a tendering procedure; whereas the intervention agency responsible for supplying the milk powder should be called upon to organize such tendering procedure;

Whereas, having regard to the stocks held by the intervention agencies and to the situation of the market in skimmed milk powder, the French intervention agency is in a position to supply the quantity in question to the Arab Republic of Egypt;

Whereas it is necessary to designate the storage depots from which the quantity in question is to be taken;

Whereas 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

1. In accordance with Regulation (EEC) No 2721/72, 2 000 metric tons of skimmed milk powder

bought in pursuant to Article 7 of Regulation (EEC) No 804/68, shall be delivered to Alexandria (Arab Republic of Egypt). Such milk powder shall be taken from the stocks held by the French intervention agency.

2. The skimmed milk powder shall, as regards quality and packing, satisfy the requirements laid down in Annex I of Commission Regulation (EEC) No 1108/68 ⁽⁵⁾, of 27 July 1968 concerning the methods of public storage of skimmed milk powder, as last amended by Regulation (EEC) No 454/73 ⁽⁶⁾.

The packaging of the skimmed milk powder shall be marked in letters at least 1 cm high:

'Lait écrémé en poudre/Don de la Communauté économique européenne à la république arabe d'Egypte.'

Article 2

1. The skimmed milk powder shall be delivered after 30 May 1973 and before 16 June 1973.

2. The skimmed milk powder shall be taken from the storage depots listed in the Annex hereto.

Article 3

1. A tendering procedure shall be held to determine delivery costs incurred between removal of the goods from the intervention agency's storage depot and the time when the presence of the goods in the hold of the ship at port of unloading is verified, such costs not to include unloading costs (for example shifting, hoisting, reception costs) or lighterage costs.

2. The French intervention agency shall carry out the procedure provided for in paragraph 1.

3. The rates and rules for any demurrage costs at the port of unloading to be borne by the country of destination and any dispatch money to be paid to that

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 28.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁶⁾ OJ No L 53, 26. 2. 1973, p. 7.

country shall be specified in the contract between the successful tender and the shipper, and shall be agreed upon in advance between the successful tenderer and the reception agent in the country of destination.

Article 4

1. The intervention agency shall take effective supervision measures to ensure that the skimmed milk powder supplied is actually delivered to the port of destination.

2. It shall notify to the Commission as soon as possible the name, business name and address of the firm to which the contract is awarded and the amount of the delivery costs referred to in Article 3 (1).

Article 5

The French intervention agency shall :

1. notify to the recipient country, as soon as possible after the goods have left the port of shipment, the

loading date, the quantity and the quality of the goods as recorded on shipment, and the port of destination ;

2. at least ten clear days in advance, inform the recipient country of the expected date of arrival of the goods at the port of destination ;

3. at least two days in advance, inform the recipient country of the probable date of arrival of the goods at the port of destination.

Article 6

No refund or compensatory amount may be granted in respect of skimmed milk powder supplied pursuant to this Regulation.

Article 7

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, 16 April 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

- Magasins généraux à Châteauroux (Indre)
 - Centrale laitière de Penthièvre à Crehin (Côtes-du-Nord)
 - Entrepôts généraux d'Arnor à Guingamp (Côtes-du-Nord)
 - Magasins généraux à Roubaix (Nord)
 - Société anonyme Maury Potmaugis — Sedan (Ardenne)
 - Prospérité fermière à Saint Pol sur Terrenoire (Pas-de-Calais)
 - S.A.R.S.O. Villeneuve sur Lot (Lot-et-Garonne)
 - Les Docks sur Sursol — Montreuil-Belay — (Maine-et-Loire)
-

REGULATION (EEC) No 1029/73 OF THE COMMISSION**of 16 April 1973****closing the standing invitation to tender for white sugar opened by the new
Member States pursuant to Regulation (EEC) No 622/73**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to the Treaty ⁽¹⁾ concerning the Acces-
sion of new Member States to the European Economic
Community and the European Atomic Energy
Community, signed at Brussels on 22 January 1972,
and in particular Article 63 (1) of the Act ⁽²⁾ annexed
thereto;

Having regard to Council Regulation No 1009/
67/EEC ⁽³⁾ of 18 December 1967 on the common
organization of the market in sugar, as last amended
by Regulation (EEC) No 174/73 ⁽⁴⁾, and in particular
Article 9 (8) thereof;

Whereas, Commission Regulation (EEC) No
622/73 ⁽⁵⁾ of 1 March 1973 on the opening by the
new Member States of a standing invitation to tender
for the purpose of determining denaturing premiums

for white sugar for feeding to bees provides that the
new Member States are to issue partial invitations to
tender for the purpose of determining the said
premiums; whereas the abovementioned standing invi-
tation to tender should be closed;

Whereas the measures laid down in this Regulation
are in accordance with the Opinion of the Manage-
ment Committee for Sugar;

HAS ADOPTED THIS REGULATION:

Article 1

The standing invitation to tender provided for in
Regulation (EEC) No 622/73 is hereby closed.

Article 2

This Regulation shall enter into force on 19 April
1973.

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

Done at Brussels, 16 April 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No 308, 18. 12. 1967, p. 1.

⁽⁴⁾ OJ No L 25, 30. 1. 1973, p. 1.

⁽⁵⁾ OJ No L 58, 3. 3. 1973, p. 12.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 9 April 1973

varying the field of application of the reduced rate of capital duty provided for in respect of certain company reconstruction operations by Article 7 (1) (b) of the Directive concerning indirect taxes on the raising of capital

(73/79/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 99 and 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas Article 7 (1) (b) of the Council Directive of 17 July 1969⁽¹⁾ concerning indirect taxes on the raising of capital provides for the application of a reduced rate of capital duty to certain company reconstruction operations involving the transfer of assets;

Whereas provision should be made to permit the extension of such reduced rate to transactions whereby a company which is in the process of being formed or is already in existence acquires, in exchange for its own shares, a proportion of the shares in another company such that it obtains complete control of such other company; whereas such transactions should be regarded in the same light, from the economic point of view, as the reconstruction operations to which Article 7 (1) (b) applies;

Article 1

The following shall be inserted in Article 7 (1) of the said Directive:

'(bb) the rate of capital duty may be reduced by 50 % or more where a capital company which is in the process of being formed or which is already in existence acquires shares representing at least 75 % of the issued share capital of another capital company. Where the said percentage is reached by means of two or more transactions, the reduced rate shall apply only to the transaction whereby this percentage is reached and to subsequent transactions.

However, the amount of the duty which by virtue of this provision is not charged shall become due if the company which acquires the shares does not retain, for a period of five years from the date of the transaction qualifying for the reduced rate, at least 75 % of the share capital of that company and all the shares of the other company which it holds following that transaction, including shares acquired before the transaction and held at the time thereof. However, the reduced rate shall remain applicable if during the relevant period the shares in question are transferred in the course of a transaction qualifying for the reduced rate pursuant to the foregoing sub-subparagraph or to subparagraph (b) of this paragraph or on liquidation of the company which acquired the shares.

⁽¹⁾ OJ No L 249, 3. 10. 1969, p. 25.

This reduction shall be subject to the condition that :

- the consideration for the shares acquired shall consist exclusively of the allocation of shares in the acquiring company, although the Member States may extend application of the reduction to cases where the consideration for the shares acquired consists of the allocation of shares in the acquiring company together with a payment in cash not exceeding 10 % of the nominal value of these shares,
- both companies taking part in the transaction, the company acquiring the shares and the company whose shares are acquired, have their effective centre of management or their registered office within the territory of a Member State.'

Article 2

Member States shall ensure that the texts of the main provisions of internal law which they subsequently adopt in the field covered by this Directive are forwarded to the Commission.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 9 April 1973.

For the Council

The President

A. LAVENS

COUNCIL DIRECTIVE
of 9 April 1973
fixing common rates of capital duty

(73/80/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Articles 99
and 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parlia-
ment;

Having regard to the Opinion of the Economic and
Social Committee;

Whereas Article 7 (2) of the Council Directive of 17
July 1969 ⁽¹⁾ concerning indirect taxes on the raising
of capital, as amended by the Directive of 9 April
1973 ⁽²⁾, provides that the Commission is to submit a
proposal to the Council before 1 January 1971 to
enable the Council to determine the common rates of
capital duty;

Whereas, to minimize obstacles to the development
and functioning of a common market for capital, the
rate of the capital duty provided for in the said Article
7 should be fixed as low as possible, account nonethe-
less being taken of the Member States' budgetary
requirements;

Whereas the reduced rate provided for in paragraph 1
(b) and (bb) of the said Article 7 in respect of certain
company reconstruction operations must be fixed suffi-
ciently low to eliminate any cumulative effects of
capital duty; whereas a rate of 0.50 % meets this

requirement; whereas, however, to encourage such
reconstruction operations as far as possible, the
Member States should be given the option of applying
a rate lower than 0.50 %;

Whereas the Member States should be given sufficient
time to introduce the common rates of capital duty;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The rate of the capital duty provided for in Article 7
of the Council Directive of 17 July 1969 concerning
indirect taxes on the raising of capital (69/335/EEC)
shall, with effect from 1 January 1976, be 1 %.

Article 2

The reduced rates provided for in Article 7 (1) (b) and
(bb) of the same Directive shall, with effect from 1
January 1976, be any rate between 0 % and 0.50 %.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 9 April 1973.

For the Council

The President

A. LAVENS

⁽¹⁾ OJ No L 249, 3. 10. 1969, p. 25.

⁽²⁾ See p. 13 this Official Journal.

COMMISSION

COMMISSION DECISION

of 12 April 1973

authorizing the French Republic not to apply Community treatment to knitted and crocheted garments and articles of clothing, of textiles other than cotton falling within heading Nos ex 60.05, ex 61.01, ex 61.02 and ex 61.03 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States

(Only the French text is authentic)

(73/81/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof ;

Having regard to the application under the first paragraph of Article 115 of the Treaty made on 5 April 1973 by the French Government to the Commission by telex from the office of its Permanent Representative to the European Communities for authorization not to apply Community treatment to knitted and crocheted garments and articles of clothing, of textiles other than cotton falling within heading Nos ex 60.05, ex 61.01, ex 61.02 and ex 61.03 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States ;

Whereas differences in the measures of commercial policy taken in connection with these products by France and by the other Member States as regards Taiwan are giving rise to deflection of trade ;

Whereas this deflection of trade is preventing the execution of measures of commercial policy taken by France as regards Taiwan ;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States ;

Whereas authorization should be given, for a limited period, for the application of protective measures, under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 ⁽¹⁾, and in particular Article 1 thereof ;

HAS ADOPTED THIS DECISION :

Article 1

The French Government is authorized not to apply Community treatment to imports of the following products, where they originate in Taiwan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 27 March 1973 :

CCT heading No	Description
ex 60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized
ex 61.01	Men's and boys' outer garments
ex 61.02	Women's, girls' and infants' outer garments
ex 61.03	Men's and boys' undergarments, including collars, shirt fronts and cuffs

of textiles other than cotton.

Article 2

This Decision shall apply until 31 December 1973.

Article 3

This Decision is addressed to the French Government.

Done at Brussels, 12 April 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 121, 3. 6. 1971.

PUBLIC WORKS CONTRACTS

(Publication of notices of public works contracts and licences in conformity with Council Directive 71/305/EEC of 26 July 1971 supplemented by Council Directive 72/277/EEC of 26 July 1972)

MODEL NOTICES OF CONTRACTS**A. Open procedures**

1. Name and address of the authority awarding the contract (Article 16e) ⁽¹⁾ :
2. The award procedure chosen (Article 16b) :
3. a) The site (Article 16c) :
b) The nature and extent of the services to be provided and the general nature of the work (Article 16c) :
c) If the contract is subdivided into several lots, the size of the different lots and the possibility of tendering for one, for several, or for all of the lots (Article 16c) :
d) Information relating to the purpose of the contract if the contract entails the drawing up of projects (Article 16c) :
4. Any time limit for the completion of the works (Article 16d) :
5. a) Name and address of the service from which the contract documents and additional documents may be requested (Article 16f) :
b) The final date for making such request (Article 16f) :
c) Where applicable, the amount and terms of payment of any sum payable for such documents (Article 16f) :
6. a) The final date for receipt of tenders (Article 16g) :
b) The address to which they must be sent (Article 16g) :
c) The language or languages in which they must be drawn up (Article 16g) :
7. a) The persons authorized to be present at the opening of tenders (Article 16h) :
b) The date, time and place of this opening (Article 16h) :
8. Any deposits and guarantees required (Article 16i) :
9. The main procedure for financing and payment and/or references to the instruments regulating these (Article 16j) :
10. Where applicable, the specific legal form which must be assumed by the group of contractors to whom the contract is awarded (Article 16k) :
11. The minimum economic and technical standards required of the contractors (Article 16l) :
12. Period during which the tenderer is bound to keep open his tender (Article 16m) :
13. Criteria for the award of the contract. Criteria other than that of the lowest price shall be mentioned if they do not appear in the contract documents (Article 29) :
14. Other information :
15. The date of dispatch of the notice (Article 16a) :

⁽¹⁾ The Articles in brackets refer to Council Directive No 71/305/EEC of 26. 7. 1971 (OJ No L 185, 16. 8. 1971, p. 5).

B. Restricted procedures

1. Name and address of the authority awarding the contract (Article 17a) ⁽¹⁾ :
2. The award procedure chosen (Article 17a) :
3. a) The site (Article 17a) :
 - b) The nature and extent of the services to be provided and the general nature of the work (Article 17a) :
 - c) If the contract is subdivided into several lots, the size of the different lots and the possibility of tendering for one, for several or for all of the lots (Article 17a) :
 - d) Information relating to the purpose of the contract if the contract entails the drawing up of projects (Article 17a) :
4. Any time limit for the completion of the works (Article 17a) :
5. Where applicable, the specific legal form which must be assumed by the group of contractors to whom the contract is awarded (Article 17a) :
6. a) The final date for the receipt of requests to participate (Article 17b) :
 - b) The address to which they must be sent (Article 17b) :
 - c) The language or languages in which they must be drawn up (Article 17b) :
7. The final date for the dispatch of invitations to tender (Article 17c) :
8. Information concerning the contractor's personal position, and the minimum economic and technical standards required of him (Article 17d) :
9. The criteria for the award of the contract if these are not stated in the invitation to tender (Article 18d) :
10. Other information :
11. The date of dispatch of the notice (Article 17a) :

⁽¹⁾ The Articles in brackets refer to Council Directive No 71/305/EEC of 26 July 1971 (OJ No L 185, 16. 8. 1971, p. 5).

Open procedure

1. Universitätsbauamt Stuttgart, D-7 Stuttgart 80, Pfaffenwaldring 32.
2. Public invitation to tender pursuant to the regulations governing construction work contracts — Part A (VOB/A).
3. a) Stuttgart-Vaihingen, Federal Republic of Germany, University Campus.
b) Pile-driving, earthworks, bricklaying, sealing, concrete, reinforced concrete and sewer piping work for the building of a canteen, 65 000 m³ content.
c)
d) Reinforcement plan and shell plan for the total reinforced concrete work.
4. Start on construction : September 1973 ; construction period : 18 months.
5. a) Universitätsbauamt Stuttgart, D-7 Stuttgart 80 (Vaihingen), Pfaffenwaldring 32, 12. Stock.
b) 11 May 1973.
c) DM 140, payable to the Regierungsoberkasse Metzingen, account No 8 000 with the Württembergische Bank, Reutlingen branch, endorsing payment slip with : 'Mensa Stuttgart - Vaihingen', Kap. 1208, Tit. 75009.
The payment slip should be enclosed with the order.
6. a) 5 June 1973, at 1 p.m.
b) Universitätsbauamt Stuttgart, D-7 Stuttgart 80 (Vaihingen), Pfaffenwaldring 32.
c) German.
7. a) Tenderers or their authorized agents.
- b) 5 June 1973, at 2 p.m., Universitätsbauamt Stuttgart.
8. 5 % deduction from the instalments as guarantee for the completion of the contract. A guarantee of 5 % of the contract price from a credit insurer or credit institute approved in the Federal Republic of Germany.
9. Instalments and final payments pursuant to the regulations governing construction work contracts — Part B (VOB/B). Regulations for prepayments are set out in the specification.
- 10.
11. Details of :
 - turnover in building projects in the past three business years,
 - similar building projects carried out in the past three business years, indicating principal, type of work, and construction period,
 - the technical equipment available.
12. 31 August 1973.
13. In accordance with § 25 VOB/A, the contract will be awarded to the tender which, in consideration of all technical and economic aspects, appears the most acceptable.
14. Planning and building directorate : Atelier 5, Architekten und Planer, CH-3007 Bern, Sandrainstraße 3 Tel. : 22 36 36.
Further information may be obtained from this address, where the plans are also available for inspection.
15. 9 April 1973.

Open procedure

1. Landschaftsverband Rheinland, Landesstraßenbauamt Krefeld, 415 Krefeld 1, Grenzstraße 140, Postfach 1830.
2. Public invitation to tender pursuant to the regulations governing construction work contracts — Part A (VOB/A).
3. a) Federal Autobahn A 201 — formerly B 1 — between Hemmerden and Neuss.
b) Earthworks, drainage and pavement construction work.
The work includes :
processing
200 000 m³ topsoil work (removing-covering-trans-
porting),
processing and placing
410 000 m³ earth (earthwork balance),
processing and placing
180 000 m³ soil supplied by the principal,
supplying and placing
430 000 m³ earth masses,
supplying and placing
260 000 m³ frost blanket gravel,
producing
300 000 m² cement stabilization,
385 000 m² bituminous substructure (asphaltic
bitumen — coated gravel 6-18 cm
thick),
supplying and placing
770 000 m² bituminous header courses (3.5-5.0 and
8.5 cm thick),
supplying and placing
230 000 m² bituminous wearing course — mastic
asphalt 0/11,
supplying and placing
150 000 m² bituminous wearing course — fine
asphalt 0/11,
supplying and laying
20 000 m piping, plastic, stoneware and concrete
diameter 100-800 mm,
building 300 shaft constructions.
c)
d)
4. 22 months.
5. a) Landesstraßenbauamt Krefeld, 415 Krefeld, Grenz-
straße 140.
b) 19 April 1973 — postmark.
c) A receipt should be enclosed showing payment of
the DM 180 fee for two plans.
Payment to be made out to account No 652800
of the Stadtparkasse Krefeld, endorsing payment
slip with : 'Ausschreibungsunterlagen BAB A 201
Hemmerden-Neuss'.
6. a) End of May 1973. The exact date will be indicated
when the tender specification is dispatched.
b) Landesstraßenbauamt Krefeld, 415 Krefeld 1,
Grenzstraße 140.
c) German.
7. a) Tenderers and their authorized agents.
b) The exact date (place, time and hour) will be in-
dicated when the tender specification is dispatched.
8. A guarantee of 5 % of the contract price is required,
rounded off to the nearest DM 1 000. Only guaran-
tees from a credit insurer or credit institution ap-
proved in the Federal Republic of Germany will
be accepted.
9. Instalments and final payments pursuant to the regu-
lations governing construction work contracts —
Part B (VOB/B).
- 10.
11. The tenderer must prove his financial and economic
efficiency and his technical expertise. For this reason
his tender must include the following documents :
a) a certificate indicating the total turnover in 1972,
and the firm's turnover in the last three completed
business years, in so far as it concerns construction
and other work comparable to the work put out to
tender, including work done as part of a consor-
tium or with other group bidders ;
b) a certificate indicating the projects carried out in
the last 3 completed business years comparable to
the present project, also indicating the principal ;
c) a list of the yearly average number of workers
employed in the last 3 business years, broken
down into academics, trained technicians, master
craftsmen, craftsmen, other auxiliary workers,
sales staff ;
d) a list of technical equipment available to the ap-
plicant for completion of the contract put out to
tender ;
e) proof of entry in the trade register at the locality
of the applicant's head office or domicile.
12. 60 calendar days from the day of opening of tenders.
13. In accordance with § 25 VOB/A, the contract will be
awarded to the tender which, in consideration of all
technical and economic aspects, appears the most
acceptable.
- 14.
15. 10 April 1973.

Restricted procedure

1. Stadt Bergkamen — Bauamt — 4619 Bergkamen-Oberaden, Jahnstraße 31 — Tel.: (02306) 8676.

2. Restricted invitation to tender.

3. a) Construction of a town hall with council meeting area in the new town centre area in Töddinghauser Straße.

b) Carcase construction work (earthworks, sewerage work, bricklaying, concrete and reinforced concrete work, steel construction work, roofing work, lightning conductors and floor topping and insulation work) for the administration area with c. 27 500 m³ content and for the parliament area with c. 6 700 m³ content. Reinforced concrete framed construction method.

c) The contract cannot be divided into several lots.

d)

4. Date for submission: 24 May 1973 at 2 p.m.

Probable start on construction: 1 July 1973.

5.

6. a) 27 April 1973.

b) Stadt Bergkamen — Bauamt — 4619 Bergkamen-Oberaden, Jahnstraße 31 — Tel.: (02306) 8676.

c) Tendering and later correspondence in German.

7. Despatch of the competition documents: 2 May 1973.

8. Only those tenderers should submit who are in a position to carry out work of this scope using the latest methods and the recognized rules of building

techniques. Tenderers must provide the following evidence with their applications.

1. The firm's entry in the trade register.

2. Guarantee from a recognized secure bank and declarations of the total turnover and turnover in projects in the past three business years.

3. List of construction projects carried out in the past five years, of the same or a similar nature, and for the most important of these a certificate that the project was carried out satisfactorily, indicating contract price, time, place and adherence to the recognized rules of building techniques.

4. Declaration of the construction equipment and machines available for carrying out the project.

5. Yearly average number of workers and management staff over the past three years.

9. The contract criteria are set out in the tendering specification.

10. Payment according to a fixed payment timetable. At the time of submission the tenderer is obliged to name the sub-contractors who will cooperate in the tender and whom he intends to engage in the event of being awarded the contract. Approval must be obtained from the principal for the cooperation of the sub-contractors not named in the tender.

No right exists to participate in the competition. Nor can information be given as to the progress of the tenderer's application.

11. 9 April 1973.