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Contents

I *Acts whose publication is obligatory*

Regulation (EEC) No 2868/73 of the Commission of 23 October 1973 fixing the levies on cereals and on wheat or rye flour, groats and meal	1
Regulation (EEC) No 2869/73 of the Commission of 23 October 1973 fixing the premiums to be added to the levies on cereals, flour and malt	3
Regulation (EEC) No 2870/73 of the Commission of 23 October 1973 altering the corrective amount applicable to the refund on cereals	5
Regulation (EEC) No 2871/73 of the Commission of 23 October 1973 fixing the import levies on white sugar and raw sugar	7
Regulation (EEC) No 2872/73 of the Commission of 23 October 1973 fixing the average producer prices for wine	8
Regulation (EEC) No 2873/73 of the Commission of 22 October 1973 fixing sluice-gate prices and levies for poultrymeat	10
Regulation (EEC) No 2874/73 of the Commission of 22 October 1973 fixing the sluice-gate prices and levies for eggs	13
Regulation (EEC) No 2875/73 of the Commission of 22 October 1973 fixing the sluice-gate prices and the import duties for ovalbumin and lactalbumin	15
Regulation (EEC) No 2876/73 of the Commission of 18 October 1973 concerning invitations to tender for the costs of delivery of skimmed-milk powder to the World Food Programme	17
Regulation (EEC) No 2877/73 of the Commission of 23 October 1973 amending the amounts applicable as compensatory amounts for cereals and rice	20

Contents (continued)

II *Acts whose publication is not obligatory*

Commission

73/323/EEC :

Commission Decision of 8 October 1973 relating to proceedings under Article 85 of the EEC Treaty (IV/26.825 — PRYM-BEKA) 24

Public works contracts (Council Directive 71/305/EEC of 26 July 1971 supplemented by Council Directive 72/277/EEC of 26 July 1972) 28

Open procedures 30

Restricted procedures 33

Notice 40

I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2868/73 OF THE COMMISSION**of 23 October 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 Regulation (EEC) No 1346/73 ⁽²⁾, 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 2076/73 ⁽³⁾ and subsequent amending Regulations ;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis :

- in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2.25 %, a rate of exchange based on their effective parity ;

- for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph ;

Whereas it follows from applying the provisions contained in Regulation (EEC) No 2076/73 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 24 October 1973.

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

Done at Brussels, 23 October 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 141, 28. 5. 1973, p. 8.

⁽³⁾ OJ No L 212, 1. 8. 1973, p. 1.

ANNEX

to the Commission Regulation of 23 October 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	0
10.01 B	Durum wheat	0 ⁽¹⁾⁽⁴⁾
10.02	Rye	8.26 ⁽⁵⁾
10.03	Barley	8.63
10.04	Oats	0
10.05 B	Maize other than hybrid maize for sowing	12.20 ⁽²⁾⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	8.49
10.07 C	Grain sorghum	8.52
10.07 D	Canary seed ; other cereals	0 ⁽⁴⁾
11.01 A	Wheat or meslin flour	0.15
11.01 B	Rye flour	30.31
11.02 A I a	Durum wheat groats and meal	0
11.02 A I b	Common wheat groats and meal	0

⁽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 2869/73 OF THE COMMISSION**of 23 October 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 organiza-
tion of the market in cereals, as last amended by Regu-
lation (EEC) No 1346/73 ⁽²⁾, 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
2077/73 ⁽³⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally,
levies should be calculated on the following basis:

- in the case of currencies which are maintained in
relation to each other, at any given moment,
within a band of 2.25 %, a rate of exchange based
on their effective parity;
- for other currencies an exchange rate based on the
arithmetic mean of the spot market rates of each

of these currencies recorded for a given period, in
relation to the Community currencies referred to
in the previous subparagraph;

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 Regula-
tion;

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 24 October
1973.

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

Done at Brussels, 23 October 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 141, 28. 5. 1973, p. 8.

⁽³⁾ OJ No L 212, 1. 8. 1973, p. 3.

ANNEX

to the Commission Regulation of 23 October 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 10	1st period 11	2nd period 12	3rd period 1
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	3.01	3.01	1.88
10.03	Barley	0	0	0	0
10.04	Oats	0	0.49	0.49	0
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Miller	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

⁽¹⁾ The period of validity of the licence is limited in accordance with Regulation (EEC) No 2196/71 (OJ No L 231, 14. 10. 1971, p. 28), as last amended by Regulation (EEC) No 2735/73 (OJ No L 282, 9. 10. 1973, p. 10).

B. Malt

(u.a./100 kg.)

CCT heading No	Description of goods	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

REGULATION (EEC) No 2870/73 OF THE COMMISSION**of 23 October 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 organization of the market in cereals, as last amended by Regulation (EEC) No 1346/73 ⁽²⁾, 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 2830/73 ⁽³⁾ and subsequent amending Regulations;

Whereas, if the refund system is to operate normally, refunds should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2.25 %, a rate of exchange based on their effective parity;

— for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments 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 24 October 1973.

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

Done at Brussels, 23 October 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 141, 28. 5. 1973, p. 8.

⁽³⁾ OJ No L 292, 19. 10. 1973, p. 5.

ANNEX

to the Commission Regulation of 23 October 1973 altering the corrective amount applicable to the refund on cereals

(u.a./ton)

CCT heading No	Description of goods	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
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 2871/73 OF THE COMMISSION
of 23 October 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 1928/73⁽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 1738/73⁽³⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2.25 %, a rate of exchange based on their effective parity;
- for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each

of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1738/73 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 24 October 1973.

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

Done at Brussels, 23 October 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 308, 18. 12. 1967, p. 1.

⁽²⁾ OJ No L 199, 19. 7. 1973, p. 7.

⁽³⁾ OJ No L 176, 30. 6. 1973, p. 30.

ANNEX

CCT heading No	Description of goods	Levy (u.s./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	 8.30 6.52 ⁽¹⁾ 8.30 6.52 ⁽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 2872/73 OF THE COMMISSION
of 23 October 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 Regulation (EEC) No 2592/73 ⁽²⁾, 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 ⁽³⁾ of 29 May 1970 on recording quotations and fixing average prices for table wines, as last amended by Regulation (EEC) No 765/72 ⁽⁴⁾ ;

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 ;

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, 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 24 October 1973.

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

Done at Brussels, 23 October 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ OJ No L 269, 26. 9. 1973, p. 1.

⁽³⁾ OJ No L 118, 1. 6. 1970, p. 16.

⁽⁴⁾ 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	1-604	Bordeaux	1-358
Montpellier	1-628	Nantes	No quotation
Narbonne	No quotation	Bari	No quotation
Nîmes	1-619	Cagliari	1-504
Perpignan	1-554	Chieti	No quotation
Asti	No quotation	Ravenna (Lugo, Faenza)	2-040
Firenze	2-160	Trapani (Alcamo)	No quotation
Lecce	No quotation	Treviso	No quotation ⁽¹⁾
Pescara	No quotation		
Reggio Emilia	No quotation		
Treviso	No quotation ⁽¹⁾		
Verona (for local wines)	2-080		
		A II	
R II		Rheinfalz (Oberhaardt)	25-95
Bari	No quotation	Rheinhessen (Hügelland)	27-32
Barletta	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Cagliari	No quotation		
Lecce	No quotation		
Taranto	No quotation		
		A III	
R III	u.a./hl	Mosel	40-98
Rheinfalz	No quotation	Rheingau	40-98
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 2873/73 OF THE COMMISSION
of 22 October 1973
fixing sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 123/67/EEC⁽¹⁾ of 13 June 1967 on the common organization of the market in poultrymeat, as last amended by the Act⁽²⁾, on the Conditions of Accession and Adjustments to the Treaties, and in particular Articles 3 and 7 (1) thereof;

Whereas the sluice-gate prices and levies for the products referred to in Article 1 (1) of Regulation No 123/67/EEC must be fixed quarterly in advance in accordance with the calculation methods laid down in Commission Regulation (EEC) No 2051/73⁽³⁾ of 25 July 1973 fixing sluice-gate prices and levies for poultrymeat;

Whereas sluice-gate prices and levies for poultrymeat were last fixed by Regulation (EEC) No 2051/73 for the period from 1 August 1973 to 31 October 1973 and whereas new prices and levies must be fixed for the period from 1 November 1973 to 31 January 1974; whereas these prices should be fixed in principle on the basis of prices for feed grain for the period from 1 February 1973 to 31 July 1973;

Whereas, when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain shall be taken into account only if the price of the quantity of feed grain shows a minimum variation from that used in calculating the sluice-gate price for the preceding quarter; whereas Council Regulation No 146/67/EEC⁽⁴⁾ of 21 June 1967 fixing the rules for calculating the levy and the sluice-gate price for poultrymeat, as amended by Regulation (EEC) No 988/73⁽⁵⁾, fixed this variation at 3 %;

Whereas the price of the quantity of feed grain varies by more than 3 % from that used for the preceding quarter; whereas this trend must therefore be taken into account in fixing the sluice-gate price for the period from 1 November 1973 to 31 January 1974;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain shall be taken into account only if at the same time a new sluice-gate price is being fixed;

Whereas new sluice-gate prices are being fixed and levies must consequently be fixed taking into account the trend in price for feed grain;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation No 123/67/EEC and the sluice-gate prices provided for in Article 7 thereof for the products referred to in Article 1 (1) of that Regulation are specified in the Annex.

2. However, for products falling within heading No 02.03 and subheading Nos 15.01 B and 16.02 B I of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levies shall be limited to the amount resulting from that binding.

Article 2

This Regulation shall enter into force on 1 November 1973.

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

Done at Brussels, 22 October 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2301/67.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 208, 28. 7. 1973, p. 42.

⁽⁴⁾ OJ No 125, 26. 6. 1967, p. 2470/67.

⁽⁵⁾ OJ No L 99, 13. 4. 1973, p. 6.

ANNEX

Sluice-gate prices and levies for poultrymeat from 1 November 1973 to 31 January 1974

CCT heading No	Description of goods	Sluice-gate prices	Levy
1	2	3	4
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys, and guinea fowls :	in u.a./100 units	in u.a./100 units
	A. Of a weight not exceeding 185 g, known as 'chicks'	14.67	1.84
	B. Others :	u.a./100 kg	u.a./100 kg
	I. Fowls	52.88	7.90
	II. Ducks	54.35	9.92
	III. Geese	52.12	8.42
02.02	IV. Turkeys	62.06	9.49
	V. Guinea fowls	90.34	13.31
	Dead poultry (that is to say, fowls, ducks, geese, turkeys, and guinea fowls) and edible offals thereof (except liver), fresh, chilled, or frozen :		
	A. Whole poultry :		
	I. Fowls :		
	a) Plucked and gutted, with heads and feet, known as '83 % chickens'	63.71	9.51
	b) Plucked and drawn, without heads and feet, but with hearts, livers and gizzards, known as '70 % chickens'	75.54	11.28
	c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens'	81.34	12.15
	II. Ducks :		
	a) Plucked, bled, not drawn or gutted, with heads and feet, known as '85 % ducks'	63.93	11.68
	b) Plucked and drawn, without heads and feet, with hearts, livers and gizzards, known as '70 % ducks'	77.64	14.17
	c) Plucked and drawn, without heads and feet, without hearts, livers and gizzards, known as '63 % ducks'	86.26	15.76
	III. Geese :		
	a) Plucked, bled, not drawn, with heads and feet, known as '82 % geese'	74.45	12.03
	b) Plucked and drawn, without heads and feet, with or without hearts and gizzards, known as '75 % geese'	61.40	11.74
	IV. Turkeys	88.66	13.56
	V. Guinea fowls	129.05	19.02

(a) For the purpose of determining the percentage of poultrymeat, weight of any bones shall be disregarded.

REGULATION (EEC) No 2874/73 OF THE COMMISSION
of 22 October 1973
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 122/67/EEC⁽¹⁾ of 13 June 1967 on the common organization of the market in eggs, as last amended by the Act⁽²⁾ on the conditions of Accession and Adjustments to the Treaties, and in particular Articles 3 and 7 (1) thereof;

Whereas sluice-gate prices and levies for the products listed in Article 1 (1) of Regulation No 122/67/EEC must be fixed quarterly in advance using the methods of calculation determined in Commission Regulation (EEC) No 2050/73⁽³⁾ of 25 July 1973 fixing the sluice-gate prices and the levies on eggs;

Whereas Regulation (EEC) No 2050/73 fixed the sluice-gate prices and levies for eggs for the period from 1 August 1973 to 31 October 1973, they must be fixed again for the period from 1 November 1973 to 31 January 1974; whereas they must in principle be based on those for feed grain for the period from 1 February 1973 to 31 July 1973;

Whereas in fixing the sluice-gate prices operative from 1 November, 1 February and 1 May, account is to be taken of trends in world feed grain prices only if the price of the quantity of feed grain differs but slightly from that used in fixing the sluice-gate price for the preceding quarter; whereas the difference was fixed at 3 % by Council Regulation No 145/67/EEC⁽⁴⁾ of 21 June 1967 laying down rules for calculating the levy and the sluice-gate price for eggs;

Whereas the price of the quantity of feed grain differs by more than 3 % from that used in the preceding quarter; whereas this must be considered when the sluice-gate price is fixed for the period from 1 November 1973 to 31 January 1974;

Whereas in fixing the levy operative from 1 November, 1 February and 1 May, account is to be taken of trends in world feed grain prices only if new sluice-gate prices are fixed at the same time;

Whereas new sluice-gate prices are being fixed; whereas the levies must therefore be fixed in the light of feed grain price trends;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The levies provided for in Article 3 of Regulation No 122/67/EEC and the sluice-gate prices provided for in Article 7 of that Regulation for the products listed in Article 1 (1) of that Regulation shall be as shown in the Annex.

Article 2

This Regulation shall enter into force on 1 November 1973.

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

Done at Brussels, October 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 11., 19. 6. 1967, p. 2293/67.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 208, 28. 7. 1973, p. 39.

⁽⁴⁾ OJ No 125, 26. 6. 1967, p. 2467/67.

ANNEX

Sluice-gate prices and levies for eggs from 1 November 1973 to 31 January 1974

CCT heading No	Description of goods	Sluice-gate price	Rate of levies
1	2	3	4
04.05	Bird's eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not :	in u.a./100 units	in u.a./100 units
	A. Eggs in shell, fresh or preserved :		
	I. Poultry eggs :		
	a) Eggs for hatching (a)	7.22	1.00
		u.a./100 kg	u.a./100 kg
	b) Other	57.35	10.53
	B. Eggs, not in shell ; egg yolks :		
	I. Suitable for human consumption :		
	a) Eggs, not in shell :		
	1. Dried	241.17	44.65
	2. Other	66.88	12.21
	b) Egg yolks :		
	1. Liquid	129.87	21.48
	2. Frozen	138.39	22.96
	3. Dried	269.48	45.28

(a) Only poultry eggs which fulfil the conditions stipulated by the competent authorities of the European Communities are eligible for entry under this subheading.

REGULATION (EEC) No 2875/73 OF THE COMMISSION**of 22 October 1973****fixing the sluice-gate prices and the import duties for ovalbumin and lactalbumin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 170/67/EEC⁽¹⁾ of 27 June 1967 on the common system of trade in ovalbumin and lactalbumin and repealing Regulation No 48/67/EEC, as amended by Regulation (EEC) No 1081/71⁽²⁾, in particular Article 2(2) and the second subparagraph of Article 5(5) thereof;

Whereas the sluice-gate prices and the duties on imports of the products listed in Article 1 of Regulation No 170/67/EEC must be fixed quarterly in advance using the methods of calculation specified in Commission Regulation (EEC) No 2052/73⁽³⁾ of 25 July 1973 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin;

Whereas since the sluice-gate prices and the duties on imports of ovalbumin and lactalbumin were last fixed by Regulation (EEC) No 2052/73, for the period from 1 August 1973 to 31 October 1973, they must be fixed again, for the period from 1 November 1973 to 31 January 1974; whereas they must be based on the sluice-gate price and the levy for eggs in shell operative for the same period;

Whereas that sluice-gate price and that levy were fixed by Commission Regulation (EEC) No 2874/73⁽⁴⁾ of 22 October 1973 fixing the sluice-gate prices and levies for eggs;

Whereas that Regulation altered the sluice-gate price and levy for eggs; whereas the sluice-gate prices and duties on imports of ovalbumin and lactalbumin fixed by Regulation (EEC) No 2052/73 must therefore also be altered;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The duties on imports provided for in Article 2 of Regulation No 170/67/EEC and the sluice-gate prices provided for in Article 5 of that Regulation for the products listed in Article 1 of that Regulation shall be as shown in the Annex.

Article 2

This Regulation shall enter into force on 1 November 1973.

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

Done at Brussels, 22 October 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No 130, 28. 6. 1967, p. 2596/67.

⁽²⁾ OJ No L 116, 28. 5. 1971, p. 9.

⁽³⁾ OJ No L 208, 25. 7. 1973, p. 47.

⁽⁴⁾ See p. 13 of this Official Journal.

ANNEX

**Sluice-gate prices and duties on imports of ovalbumin and lactalbumin from 1 November 1973
to 31 January 1974**

CCT heading No	Description of goods	Sluice-gate price	Amount of the duty on imports
1	2	4	3
		u.a./100 kg	u.a./100 kg
35.02	Albumins, albuminates and other albumin derivatives : A. Albumins : II. Other (than unfit or rendered unfit for human consumption) : a) Ovalbumin and lactalbumin : 1. Dried (for example, in sheets, scales, flakes, powder) 2. Other		
		268.24	41.49
		36.72	5.79

REGULATION (EEC) No 2876/73 OF THE COMMISSION

of 18 October 1973

concerning invitations to tender for the costs of delivery of skimmed-milk powder to the World Food Programme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to the 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⁾ concerning the Conditions of Accession and the Adjustments to the Treaties, and in particular Articles 7 (5) and 28 thereof ;

Whereas Council Regulation (EEC) No 2721/72 ⁽³⁾ of 19 December 1972 on the supply of skimmed-milk powder as food aid, as amended by Regulation (EEC) No 2700/73 ⁽⁴⁾, provides for the delivery of certain quantities of skimmed-milk powder ; whereas the World Food Programme has requested delivery of 6 274.5 metric tons of skimmed-milk powder, which can be supplied by the Danish, German, French and Dutch intervention agencies ; whereas the delivery costs for these supplies must be determined for each of the relevant intervention agencies by inviting tenders in accordance with Commission Regulation (EEC) No 1885/73 ⁽⁵⁾ of 12 July 1973 concerning

invitations to tender for the cost of delivery, as food aid, of skimmed-milk powder held by the intervention agencies ;

Whereas certain details of Regulation (EEC) No 1885/73 must, however, be clarified, in particular as regards the time limit for submitting tenders and the terms of delivery of the skimmed-milk powder ;

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

Tenders shall be invited in conformity with Regulation (EEC) No 1885/73, to determine the costs of delivery fob to the WFP of 6 274.5 metric tons of skimmed-milk powder, divided as follows and bearing the inscription specified in the second paragraph of Article 2 on the packing in the language specified below :

- (a) to be taken over from the Danish intervention agency : 580 metric tons for the following destinations, to be delivered fob Esbjerg and/or Aarhus :

Madras / India	200 t	} inscription in English
Bombay / India	200 t	
Calcutta / in transit to Nepal via Calgallia Road	40 t	
Calcutta / in transit to Nepal via Nantanwa	50 t	
Calcutta / in transit to Nepal via Jogbani	50 t	
Karachi / Pakistan	40 t	

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 291, 28. 12. 1972, p. 28.

⁽⁴⁾ OJ No L 279, 5. 10. 1973, p. 1.

⁽⁵⁾ OJ No L 192, 13. 7. 1973, p. 31.

- (b) to be taken over from the German intervention agency : 2 186.5 metric tons for the following destinations, to be delivered fob Bremen and/or Hamburg :

Douala / Cameroun	15 t	} inscription in English
Aqaba / Jordan	234.5 t	
Calcutta / in transit to Nepal via Raxaul	100 t	
Alexandria / Arab Republic of Egypt	1 700 t	
Istambul / Turkey	105 t	
Hodeidah / People's Democratic Republic of the Yemen	32 t	

- (c) to be taken over from the French intervention agency : 2 005 metric tons for the following destinations, to be delivered fob Dunkerque and/or Le Havre :

Skikda / Algeria	380 t	} inscription in French
Oran / Algeria	230 t	
Algiers / Algeria	210 t	
Dar es Salam / in transit to Burundi	50 t	
Abidjan / Ivory Coast	10 t	} inscription in English
Djibouti / Ethiopia	15 t	
Banjul / Gambia	50 t	
Port Louis / Mauritius	460 t	} inscription in French
Tunis / Tunisia	600 t	

- (d) to be taken over from the Dutch intervention agency : 1 503 metric tons for the following destinations, to be delivered fob Rotterdam :

Bridgetown / Barbados	30 t	} inscription in English
Bombay / India	200 t	
Surabaya / Indonesia	224 t	
Djakarta / Indonesia	248 t	
Singapore for transshipment / Indonesia	122 t	
Nacala / Malawi	80 t	} inscription in Spanish
Assunción / Paraguay	79 t	
Port Sudan / Sudan	300 t	} inscription in English
Laurenco Marques / Swaziland	220 t	

Article 2

The Danish, German, French and Dutch Intervention Agencies shall invite tenders to determine the costs of delivery fob of the quantities that concern them respectively.

They shall ensure that the country of destination and the port of unloading as well as the following inscription are made on the packing in the language specified in Article 1 in letters at least 1 cm high, as required :

- 'Lait écrémé en poudre, Action Programme alimentaire mondial — Don de la Communauté économique européenne' ;
- 'Skimmed-milk powder — World Food Programme Action — Gift of the European Economic Community' ;
- 'Leche desnatada en polvo, Acción del Programa alimentario mundial — Donación de la Comunidad económica europea'.

In addition they shall supply 2 % of the number of bags, empty, identical to those containing the goods and to be delivered with the goods.

Article 3

Delivery fob shall be made on a date determined by the relevant intervention agency after 7 but before 23 December 1973.

Article 4

The closing date for submission of tenders shall be 20 November 1973 at noon.

Article 5

The intervention agencies shall, within 60 days following taking over of the relevant quantity by the WFP, pay to the WFP a standard-rate contribution of 80 US dollars per metric ton of skimmed-milk powder delivered, to cover transport and distribution costs.

Article 6

This Regulation shall enter into force on the third 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 October 1973.

For the Commission

The President

François-Xavier ORTOLI

REGULATION (EEC) No 2877/73 OF THE COMMISSION**of 23 October 1973****amending the amounts applicable as compensatory amounts for cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty ⁽¹⁾ concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels 22 January 1972;

Having regard to Council Regulation (EEC) No 229/73 ⁽²⁾ of 31 January 1973 laying down general rules for a system of compensatory amounts for cereals and fixing these amounts for certain products, as amended by Regulation (EEC) No 1967/73 ⁽³⁾, and in particular Article 7 thereof;

Having regard to Council Regulation (EEC) No 243/73 ⁽⁴⁾ of 31 January 1973 laying down general rules for a system of compensatory amounts for rice and fixing these amounts for certain products, and in particular Article 5 thereof;

Whereas compensatory amounts for cereals and rice have been fixed pursuant to Regulation (EEC) No 2659/73 ⁽⁵⁾, as last amended by Regulation (EEC) No 2867/73 ⁽⁶⁾;

Whereas the application of the rules referred to in Regulation (EEC) No 2659/73 requires that the amounts at present in force should be amended as shown in the Annex to this Regulation;

HAS ADOPTED THIS REGULATION:

Article 1

The amounts applicable as compensatory amounts shown in the Annexes to the amended Regulation (EEC) No 2659/73 are amended as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 October 1973.

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

Done at Brussels, 23 October 1973.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 27, 1. 2. 1973, p. 25.

⁽³⁾ OJ No L 201, 21. 7. 1973, p. 8.

⁽⁴⁾ OJ No L 29, 1. 2. 1973, p. 26.

⁽⁵⁾ OJ No L 273, 29. 9. 1973, p. 73.

⁽⁶⁾ OJ No L 295, 23. 10. 1973, p. 16.

ANNEXE A — BILAG A — ANHANG A — ALLEGATO A — BIJLAGE A — ANNEX A

Montants applicables au titre des montants compensatoires pour les céréales

Beløb, der skal anvendes som udligningsbeløb for korn

Für Getreide als Ausgleichsbeträge anzuwendende Beträge

Importi applicabili a titolo di importi di compensazione per i cereali

Als compenserende bedragen toe te passen bedragen voor granen

Amounts applicable as compensatory amounts for cereals

(RE/UC/u.a./1 000 kg)

N° du tarif douanier commun Position i den fælles toldtarif Nr. des Gemeinsamen Zolltarifs N. della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief CCT heading No	DK	IRL	UK
10.03	7,31	10-00	10-00
10.07 B	—	10-00	10-00

ANNEXE C — BILAG C — ANHANG C — ALLEGATO C — BIJLAGE C — ANNEX C

Montants applicables au titre des montants compensatoires pour les produits transformés à base de céréales et de riz

Beløb, der skal anvendes som udligningsbeløb for produkter, der er forarbejdet på basis af korn og ris

Für Getreide- und Reisverarbeitungserzeugnisse als Ausgleichsbeträge anzuwendende Beträge

Importi applicabili a titolo di importi di compensazione per i prodotti trasformati dei cereali e del riso

Als compenserende bedragen toe te passen bedragen voor op basis van granen en rijst verwerkte produkten

Amounts applicable as compensatory amounts for products processed from cereals or rice

(RE/UC/n.a./100 kg)

N° du tarif douanier commun Position i den fælles toldtarif Nr. des Gemeinsamen Zolltarifs N. della tariffa doganale comune Nr. van het gemeenschappelijk douanetarief CCT heading No	DK	IRL	UK
07.06 A	0,132	0-180	0-180
11.01 B ⁽¹⁾	—	1-000	1-000
11.01 C ⁽¹⁾	1,023	1-400	1-400
11.01 H ⁽¹⁾	—	1-020	1-020
11.02 A III ⁽¹⁾	1,023	1-400	1-400
11.02 A VIII ⁽¹⁾	—	1-020	1-020
11.02 B I a) 1 ⁽¹⁾	1,023	1-400	1-400
11.02 B I a) 4 ⁽¹⁾	—	1-400	1-400
11.02 B I b) 1 ⁽¹⁾	1,023	1-400	1-400
11.02 B I b) 4 ⁽¹⁾	—	1-400	1-400
11.02 C III ⁽¹⁾	1,023	1-400	1-400
11.02 C VII ⁽¹⁾	—	1-400	1-400
11.02 D III ⁽¹⁾	0,746	1-020	1-020
11.02 D VII ⁽¹⁾	—	1-020	1-020
11.02 E I a) 1 ⁽¹⁾	0,746	1-020	1-020
11.02 E I a) 4 ⁽¹⁾	—	1-020	1-020
11.02 E I b) 1 ⁽¹⁾	1,023	1-400	1-400
11.02 E I b) 4 ⁽¹⁾	—	1-400	1-400
11.02 F III ⁽¹⁾	0,746	1-020	1-020
11.02 F VIII ⁽¹⁾	—	1-020	1-020
11.06 A	0,132	0-180	0-180
11.07 A II a)	1,301	1-780	1-780
11.07 A II b)	0,972	1-330	1-330
11.07 B	1,133	1-550	1-550
23.02 A I a)	0,058	0-192	0-192
23.02 A I b) 1	0,058	0-192	0-192
23.02 A I b) 2	0,058	0-192	0-192
23.02 A II a)	0,058	0-192	0-192
23.02 A II b)	0,058	0-192	0-192

- (¹) Pour la distinction entre les produits des n^{os} 11.01 et 11.02, d'une part, et ceux de la sous-position 23.02 A, d'autre part, sont considérés comme relevant des n^{os} 11.01 et 11.02 les produits ayant simultanément :
- une teneur en amidon (déterminée d'après la méthode polarimétrique Ewers modifiée) supérieure à 45 % (en poids) sur matière sèche.
 - une teneur en cendres (en poids) sur matière sèche (déduction faite des matières minérales ayant pu être ajoutées) inférieure ou égale à 1,6 % pour le riz, 2,5 % pour le froment et le seigle, 3 % pour l'orge, 4 % pour le sarrasin, 5 % pour l'avoine et 2 % pour les autres céréales.
- Les germes de céréales, même en farines, relèvent en tout cas du n^o 11.02.
- (¹) Med henblik på sondringen mellem varer tariferet under pos. 11.01 og 11.02 på den ene side og under pos. 23.02 A på den anden side anses som tariferet under pos. 11.01 og 11.02 varer, der samtidig har
- et indhold af stivelse (bestemt ved Ewers modificerede polarimetriske metode) på over 45 vægtprocent, beregnet på grundlag af tørsubstansen,
 - et askeindhold (efter fradrag af eventuelle tilsatte mineralske stoffer) på 1,6 vægtprocent eller derunder for ris, 2,5 vægtprocent eller derunder for hvede og rug, 3 vægtprocent eller derunder for byg, 4 vægtprocent eller derunder for boghvede, 5 vægtprocent eller derunder for havre og 2 vægtprocent eller derunder for de øvrige kornsorter, beregnet på grundlag af tørsubstansen.
- Kim af korn samt mel deraf tariferes under alle omstændigheder under pos. 11.02.
- (¹) Für die Abgrenzung der Erzeugnisse der Tarifnummern 11.01 und 11.02 von denen der Tarifstelle 23.02 A gelten als Erzeugnisse der Tarifnummern 11.01 und 11.02 Erzeugnisse, die gleichzeitig folgendes aufweisen :
- einen auf den Trockenstoff bezogenen Stärkegehalt (bestimmt nach dem abgeänderten polarimetrischen Ewers-Verfahren) von mehr als 45 Gewichts Hundertteilen,
 - einen auf den Trockenstoff bezogenen Aschegehalt (abzüglich etwa zugesetzter Mineralstoffe) der bei Reis 1,6 Gewichts Hundertteile oder weniger, bei Weizen und Roggen 2,5 Gewichts Hundertteile oder weniger, bei Gerste 3 Gewichts Hundertteile oder weniger, bei Buchweizen 4 Gewichts Hundertteile oder weniger, bei Hafer 5 Gewichts Hundertteile oder weniger und bei anderen Getreidearten 2 Gewichts Hundertteile oder weniger beträgt.
- Getreidekeime, auch gemahlen, gehören auf jeden Fall zur Tarifnummer 11.02.
- (¹) Per la distinzione tra i prodotti delle voci nn. 11.01 e 11.02 da un lato, e quelli della sottovoce 23.02 A dall'altro, si considerano come appartenenti alle voci nn. 11.01 e 11.02 i prodotti che abbiano simultaneamente :
- un tenore in amido (determinato in base al metodo polarimetrico Ewers modificato), calcolato sulla materia secca, superiore al 45 % (in peso),
 - un tenore in ceneri (in peso), calcolato sulla materia secca (dedotte le sostanze minerali che possono essere state aggiunte), inferiore o pari a 1,6 % per il riso, a 2,5 % per il frumento e la segala, a 3 % per l'orzo, a 4 % per il grano saraceno, a 5 % per l'avena ed a 2 % per gli altri cereali.
- I germi di cereali, anche sfarinati, rientrano comunque nella voce n. 11.02.
- (¹) Voor het onderscheid tussen de produkten van de nummers 11.01 en 11.02 enerzijds en die van de onderverdeling 23.02 A anderzijds, worden geacht onder de nummers 11.01 en 11.02 te vallen de produkten die tegelijkertijd :
- een zetmeelgehalte hebben (bepaald volgens de gewijzigde polarimetrische methode van Ewers) van meer dan 45 gewichtspercenten, berekend op de droge stof, en
 - een asgehalte hebben (onder aftrek van eventueel toegevoegde minerale stoffen) berekend op de droge stof, van ten hoogste : 1,6 gewichtspercent voor rijst, 2,5 gewichtspercenten voor tarwe en rogge, 3 gewichtspercenten voor gerst, 4 gewichtspercenten voor boekweit, 5 gewichtspercenten voor haver en 2 gewichtspercenten voor andere granen.
- Graankiemen ook indien gemalen, vallen in elk geval onder nummer 11.02.
- (¹) For the purpose of distinguishing between products falling within headings Nos 11.01 and 11.02 and those falling within subheading No 23.02 A, products falling within headings Nos 11.01 and 11.02 shall be those meeting the following specifications :
- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
 - an ash content, by weight, referred to dry matter (after deduction of any added minerals) not exceeding 1.6 % for rice, 2.5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.
- Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 October 1973

relating to proceedings under Article 85 of the EEC Treaty (IV/26.825 — PRYM-BEKA)

(Only the French and German texts are authentic)

(73/323/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof;

Having regard to Council Regulation No 17⁽¹⁾ of 6 February 1962, and in particular Articles 2, 4 and 6 thereof;

Having regard to the application for negative clearance submitted on 9 April 1970 pursuant to Article 2 of Regulation No 17 and to the notification submitted on 18 May 1972 in accordance with Article 4 of Regulation No 17 aiming at a decision on the grounds of Article 85 (3) in respect of the supply agreement concluded on 11 August 1969 between the German undertaking William Prym-Werke KG of Stolberg (Rhineland) and the Belgian undertaking SA Manufacture Belge d'Aiguilles Beka of Eupen, concerning needles for domestic sewing machines;

Having, in accordance with Article 19 (1) of Regulation No 17 and with the provisions of Regulation No 99/63/EEC⁽²⁾, heard the undertakings concerned;

Having regard to the publication of a summary of the notification, pursuant to Article 19 (3) of Regulation

No 17, in the *Official Journal of the European Communities*, No C 12, of 24 March 1973;

Having regard to the Opinion of the Advisory Committee on Restrictive Practices and Dominant Positions, obtained pursuant to Article 10 of Regulation No 17 on 18 May 1973;

I

Whereas, the notified agreement was concluded on 11 August 1969 by the following two undertakings:

- (a) William Prym-Werke (hereinafter called 'Prym'), a limited partnership under German law, which manufactures in several factories in Germany, employing some 4 500 persons, in addition to semi-finished brass products, a wide range of small haberdashery articles, mainly for clothing, such as fasteners of all kinds, buckles and needles, and
- (b) Manufacture Belge d'Aiguilles Beka (hereinafter called 'Beka'), a limited liability company under Belgian law, which is a subsidiary of the Belgian group Bekaert, one of the leading world producers of wire and wire products, and has a single factory employing some 350 persons which manufactures needles for both domestic and industrial sewing machines.

The two undertakings concluded the notified agreement for the following reasons:

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62 = OJ Special Edition 1959-1962, November 1972, p. 87.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63 = OJ Special Edition 1963-1964, November 1972, p. 47.

Having found that both were making and selling needles for domestic sewing machines, but that their respective capacities for producing these articles were too low to enable them to sell at sufficiently competitive prices, they decided in 1969 to concentrate their production in a single factory, that of Beka at Eupen, in order to be able to reduce manufacturing costs by means of production-line manufacture. As a result of that decision, the manufacture of needles at the Prym factory at Stolberg was to cease and the plant and equipment were to be transferred to Eupen. In return, Prym obtained a 25 % share in Beka's capital and a guarantee that it would be able to obtain all its long-term requirements of needles from Beka.

The notified agreement now provides as follows :

Prym undertakes :

- (a) after the end of 1970, not to manufacture or cause to be manufactured on its behalf needles for domestic sewing machines ;
- (b) not to buy or cause to be bought on its behalf any such needles from sources other than Beka ;
- (c) to obtain all its requirements solely from Beka, at the prices and on the terms laid down in the agreement ;
- (d) to send Beka at the end of each year a schedule of its requirements for the following year.

Beka undertakes to supply Prym, on the latter's instructions, with all the quantities of needles it requires, within normal delivery periods and on the special terms laid down in the agreement.

If Beka is unable to supply Prym's full requirements, even by purchases from third parties, Prym is entitled to obtain supplies elsewhere, on condition that it informs Beka of the name of the supplier and the quantities involved.

Beka is to sell the needles to Prym at provisional prices, which are fixed in the agreement and are to be altered proportionately if the factors on the basis of which they were calculated vary by more than 5 % on the whole as a result of wage increases, changes in prices of raw materials or savings resulting from rationalization. The final prices for Beka's deliveries to Prym, which are determined at the end of each year in accordance with a schedule annexed to the agreement, are calculated in relation to the final prices obtained from the customers by Prym ; however, they must never be less than Beka's production costs nor leave Prym a profit of more than a fixed percentage.

It has been agreed that standard quality needles are to bear the mark '555', whichever undertaking sells them, whereas superior quality needles are to be stamped 'Beka' or 'Prym' according to which party sells them.

The agreement is for an indefinite period. It cannot be terminated as long as Prym holds a share in Beka's capital and in any case not before 31 December 1984 (subject to five years' notice).

In its original version the agreement also provided that :

- (a) Prym would supply exclusively the haberdashery and hosiery trade and the retailers specializing in bicycles ;
- (b) Beka would supply exclusively the sewing machines sector (manufacturers of and specialized dealers in sewing machines and other needle manufacturers making deliveries to that sector), the thread manufacturers and the workshops where needles are made up into packets (in the case of needles in bulk or semi-packed) ;
- (c) Beka would only supply undertakings competing with Prym in the haberdashery and hosiery sector subject to Prym's consent ;
- (d) with certain specific exceptions, all exports to countries outside Europe would be reserved for Prym ;
- (e) both parties could trade with eastern countries.

In a communication giving the objections raised against them which it addressed to Prym and to Beka on 18 July 1972 in accordance with Article 19 (1) of Regulation No 17 and pursuant to Regulation No 99/63/EEC the Commission informed them that the terms set out above in points (a) to (c) not only came under the prohibition in Article 85 (1) of the Treaty in so far as they had as their object the sharing of the two parties' customers in their export market within the common market, but also would prevent any eventual application of Article 85 (3) to the agreement, in particular because they did not allow consumers a fair share of the benefit resulting from the rationalization of production.

Following that communication, the undertakings in question annulled the provisions to which objection had been raised in so far as they concerned the EEC market, by a decision taken by Prym on 15 September 1972 and by Beka on 10 October 1972.

In order to assess the effects of the agreement on competition within the common market, account should also be taken of the following facts.

The world output of needles for domestic sewing machines, which represents an annual value of some 50 million units of account, is produced by 25 to 30 undertakings situated mainly in western Europe, North America and the Far East.

Before they concentrated their production in a single factory, Beka produced some six per cent of the world output and Prym some three per cent.

Their main European competitors are the German company Schmetz, the needle factories of the American groups Singer and Torrington, and the Dutch company Musolf; but the manufacturers in Japan and Hong Kong are those exerting the greatest pressure on the market at the present time.

No observations from third parties were submitted to the Commission following publication of a summary of the notification.

II

Under Article 2 of Regulation No 17 the Commission may grant negative clearance if it finds, on the basis of the facts in its possession, that there are no grounds under Article 85 (1) of the EEC Treaty for action on its part in respect of the agreement in question.

Even in its amended version of 10 October 1972 the agreement concluded between Prym and Beka has as its object and effect a considerable restriction of competition within the common market in as much as it provides, for an indefinite period, as follows:

1. Prym is forbidden to manufacture needles for domestic sewing machines or cause them to be manufactured on its behalf by third parties;
2. Prym is obliged to buy its total requirements of needles for domestic sewing machines exclusively from Beka;
3. Beka is obliged to deliver to Prym all the quantities of such needles it requires and at preferential (selling) prices.

The agreement may affect trade between Member States because it gives to a Belgian undertaking the exclusive right to supply Prym, which is liable to jeopardize freedom of trade between Member States in a manner prejudicial to the attainment of the objectives of a single market.

The circumstances therefore exist in which the prohibition contained in Article 85 (1) of the Treaty becomes applicable; and there are thus no grounds for the Commission to grant the negative clearance applied for, even in respect of the amended version of the agreement of 10 October 1972.

III

Article 85 (3) provides that the provisions of paragraph 1 may be declared inapplicable in the case of any agreement between undertakings which contributes to improving the production or distribution of goods or

to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

1. The agreement does not satisfy the provisions of Commission Regulation (EEC) No 2779/72⁽¹⁾ of 21 December 1972 on the application of Article 85 (3) to categories of specialization agreements, since there is no reciprocal commitment by each of the parties to refrain, for the duration of the agreement, from the manufacture of certain products in order to entrust it to its partner, but only the unilateral commitment by Prym to cease its production of needles and transfer it to Beka.

Nevertheless, the concentration of manufacturing agreed on by Prym and Beka has, from the point of view of the improvement of production, favourable effects analogous to those of specialization; it causes an increase of at least 50 per cent in the quantity of needles to be manufactured in the Eupen factory, which makes it possible to make more intensive use of the existing plant and to introduce production-line manufacture.

This rationalization of production has in particular made it possible to reduce the very large proportion of labour costs in the producer's cost price. The producer's cost price of 'Standard' quality needles, which fell by some 20 per cent in 1970 after the concentration of production at Eupen, was still lower at the end of 1972 than in 1969 in spite of the increases in wages and in the cost of raw materials which had occurred during those four years. The introduction of mechanized production-line manufacture with increased productive capacity also makes it possible to manufacture articles of a more even quality.

2. The agreement allows consumers a fair share of the benefit resulting from it, as it must be supposed that because of the pressure of competition existing on the needle market the advantages resulting from rationalization will be passed on to consumers.

3. The agreement does not contain restrictions which are not indispensable to the attainment of the said advantages. The favourable effects of the agreement are due essentially to the improvement in productivity resulting from a more intensive utilization of productive capacity, and that more intensive utilization is only possible if the quantities of needles

⁽¹⁾ OJ No L 292, 29. 12. 1972 OJ Special Edition 1972 (28-30 December), December 1972, p. 80.

to be manufactured are, and are to remain, considerably larger than before. That being so, it is essential that Prym should enter into a commitment for a long period, not only to cease manufacture, but also to purchase all its requirements of needles for domestic sewing machines from Beka, so as to provide a guarantee for an increased output by the latter.

The long-term commitment by Prym to obtain its supplies exclusively from Beka thus represents an indispensable restriction if the favourable effects of the agreement are to be achieved and, moreover, maintained. That commitment, moreover, does not go beyond what is strictly necessary, since it allows Prym the possibility, in the event of Beka being unable to meet its commitments, of buying from other sources and since, in any case, Prym gets the benefit of preferential prices.

4. The agreement does not afford the parties the possibility of eliminating competition in respect of a substantial part of the products in question. In the amended version in force since 10 October 1972 the agreement no longer prevents Beka and Prym from competing with each other on any EEC market, whether geographic or sectoral. Both undertakings rest exposed to the keen competition from other, sometimes larger, producers who appear as sellers within the EEC.

5. All the conditions necessary for the application of Article 85 (3) of the Treaty are thus fulfilled.

IV

In the form in which it was in force when notified to the Commission on 18 May 1972, the agreement did not fulfil the conditions necessary for the application of Article 85 (3), because its Article 4 contained clauses which had as their object the sharing of customers between the two parties within the common market.

In so far as they related to the EEC market, those clauses were annulled by the parties concerned on 10 October 1972; it is thus only as from that date that

the conditions necessary for the application of Article 85 (3) have been fulfilled and a decision pursuant to Article 6 (1) of Regulation No 17 can take effect.

In specifying, as provided in Article 8 (1) of Regulation 17, the period for which such a decision shall apply, account should be taken of the fact that the favourable effects of the agreement are dependent on long-term collaboration between the two parties,

HAS ADOPTED THIS DECISION :

Article 1

The application for negative clearance in respect of their supply agreement of 11 August 1969, which was submitted on 9 April 1970 by the undertakings William Prym-Werke KG of Stolberg and SA Manufacture Belge d'Aiguilles Beka of Eupen, is rejected.

Article 2

Pursuant to Article 85 (3), Article 85 (1) of the Treaty establishing the European Economic Community is declared inapplicable to the agreement referred to in Article 1 in its version modified on 10 October 1972.

Article 3

The declaration in Article 2 takes effect from 10 October 1972; it shall apply until 31 December 1984.

Article 4

This Decision is addressed to the undertakings William Prym-Werke KG, Zweifallerstraße 5/7, Stolberg/Rhineland (Germany), and SA Manufacture Belge d'Aiguilles Beka, Hütte 77, Eupen (Belgium).

Done at Brussels, 8 October 1973.

For the Commission

The President

François-Xavier ORTOLI

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 despatch of the notice (Article 16a):

⁽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).

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 despatch of the notice (Article 17a):
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⁽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. Landschaftsverband Westfalen-Lippe, Straßenbauverwaltung, Straßenbauneuamt Recklinghausen, 435 Recklinghausen, Westring 51, Federal Republic of Germany.
2. Public invitation to tender pursuant to the regulations governing construction work contracts — Part A (VOB/A).
3. a) Marl.
b) Construction of bridge on the L 612 n (L 609 n) over the Wanne-Eickel to Bremen and Gelsenkirchen-Buer-Nord to Haltern sections of the Federal Railway and over a farm track.
Effective span : 47.50 m + 47.50 m.
Effective width : 23.25 m.
Angle of intersection : 60%.
The superstructure is to be of compound steel construction with boxed principal girders in weatherproof structural steel.
330 m³ top soil stripping,
2 100 m³ forest soil stripping,
1 950 m³ soil excavation,
28 100 m³ soil placement,
80 m³ B 120 concrete,
2 600 m³ B 300 reinforced concrete,
210 m³ B 400 reinforced concrete,
150 m³ B 450 reinforced concrete,
2 175 m² compound steel superstructure with reinforced concrete carriageway slabs,
175 Mp reinforcing steel III.
c)
d)
4. 300 working days.
5. a) Landschaftsverband Westfalen-Lippe, Straßenneubauamt Recklinghausen, Westring 51, Federal Republic of Germany.
b) 29 October 1973.
c) The tender documents may be ordered in writing from the Straßenneubauamt Recklinghausen, enclosing non-negotiable cheque for the fee of DM 15, endorsed 'Brücke über die BB-Strecke Wanne-Eickel'. No refund will be made under any circumstances.
6. a) 22 November 1973.
b) See 5 a).
c) German.
7. a) Tenderers and their authorized representatives.
b) 22 November 1973 at 11 a.m., in the Straßenneubauamt Recklinghausen, Westring 51, Room 1.
8. 3 % of the contract value. Validity of the security : five years.
Security in the form of a guarantee bond is required for executing the work according to contract and fulfilment of the performance guarantee. Only guarantees from a credit insurer or credit institute approved in the Federal Republic of Germany will be accepted.
9. Instalments pursuant to the regulations governing construction work contracts — Part B (VOB/B).
For final settlement, the time limit for inspection and certification in accordance with VOB/B, DIN 1961, § 16, sub-paragraph 2, is extended from 2 to 4 months.
- 10.
11. When awarding the contract, only firms who have completed similar steel bridge-building projects under equally difficult conditions (heavy rail traffic), will be considered.
12. 6 weeks.
13. In accordance with § 25 VOB/A the contract will be awarded to the tender which, taking into consideration all technical and economic aspects, appears the most acceptable.
- 14.
15. 12 October 1973.

Open procedure

1. Staatliches Hochbauamt I Karlsruhe, 75 Karlsruhe 1, Schloßbezirk 6, Federal Republic of Germany.
2. Public invitation to tender for carcass work, pursuant to the regulations governing construction work contracts — Part A (VOB/A).
3. a) 75 Karlsruhe 21, Hertzstraße/Weissenburgerstraße
— Construction of a State Institute for industrial safety and industrial medicine, immission and radiation protection.
b) The project comprises the following buildings :
— Main building (institute building) with chemistry stores built in *in situ* concrete Bn 250. Outside walls of light-weight concrete as exposed concrete. External steel columns of weather-resistant steel. Basement partly in ground water, necessitating casing and sealing against pressure of water.
The building comprises 1 basement, 8 complete floors and a loft. It is connected by passageways to the 2-storey chemistry stores and the nuclear physics building.
Cubical content : approx. 27 000 m³.
— Nuclear physics building : structure as above. The building consists of basement, services floor, ground floor and loft. Cubic content : approx. 8 400 m³.
— Caretaker's lodge constructed in *in situ* concrete, with brickwork walls (cellar and ground floor)
Cubical content : approx. 1 200 m³.
Work put to tender includes :
earthworks, well construction, pre-drainage works, conduit-type sewers, sealing work, walls, concrete and reinforced concrete and steel construction work.
c) There will be no sub-division into lots.
d)
4. Work to begin : 4 March 1974.
Completion date : 31 October 1975.
5. a) Staatliches Hochbauamt I Karlsruhe, 75 Karlsruhe 1, Schloßbezirk 6, Room 302.
b) 4 p.m. on 15 November 1973.
c) The fee for submission of tenders is DM 90. Documents will be sent by post upon request, with payment in advance by account-only cheque, in German Marks.
6. a) 2 p.m. on 6 December 1973.
b) Staatliches Hochbauamt I Karlsruhe, 75 Karlsruhe 1, Schloßbezirk 6.
c) German.
7. a) Tenderers and their authorized representatives.
b) 2 p.m. on 6 December 1973, at the Staatliches Hochbauamt I in Karlsruhe, Schloßbezirk 6, Room 301.
8. A guarantee of 5 % of the tender price must be forwarded with the tender. For the execution of the work according to the terms of the contract, and as a performance guarantee, a security of 5 % of the contract price as agreed at the time the contract is awarded must be deposited. Only guarantees from a credit insurer or credit institution approved in the Federal Republic of Germany will be accepted.
9. Instalments and final payments pursuant to the regulations governing construction work contracts — Part B (VOB/B).
- 10.
11. Details of the yearly average number of workers employed in the past three completed financial years, by trades and skills.
Details of entry in the trade register at the locality of the applicant's head office or domicile.
12. Tenderers will be bound to their tender until 31 January 1974.
13. In accordance with § 25 VOB/A, the contract will be awarded to the tender which, taking into consideration all technical and economic aspects, appears to be the most acceptable.
- 14.
15. 20 October 1973.

Open procedure

1. Tiefbauamt — Abteilung Straßen- und Brückenbau der Stadtverwaltung Ludwigshafen am Rhein, 67 Ludwigshafen am Rhein, Denisstraße 8, Federal Republic of Germany.
2. Public invitation to tender pursuant to the regulations governing construction work contracts — Part A (VOB/A), and the Special Conditions of Contract (BVStra).
3. a) Ludwigshafen am Rhein.
b) approx. 140 000 m³ earthworks,
approx. 4 000 m³ demolition work,
approx. 5 000 m³ timbering for trenches,
approx. 1 500 m³ concrete,
approx. 21 000 m³ reinforced concrete,
approx. 2 000 t reinforcing steel,
approx. 18 000 m² sealing
for the 'Hauptpost' junction station of the Ludwigshafen Stadtbahn (Municipal Railway System).
c) The project must be completed in a single lot.
d) The contract is not expected to entail the drawing up of plans.
4. Scheduled completion time : 35 months.
5. a) Stadtverwaltung — Tiefbauamt, 67 Ludwigshafen am Rhein, Denisstraße 8 — Tel. (0621) 504-2396.
b) As from 10 a.m. on 15 October 1973.
c) Contract documents will be forwarded after payment of DM 500 into Postal Cheque Account No 690, Ludwigshafen am Rhein, quoting Account No 652.3.211. This payment cannot be refunded once the documents have been dispatched.
6. a) 10 a.m. on 20 November 1973.
b) Stadtverwaltung — Tiefbauamt, Ludwigshafen am Rhein, Denisstraße 8, Room 122.
c) German.
7. a) Tenderers and their authorized representatives.
b) 10 a.m. on Tuesday 20 November 1973 at the Stadtverwaltung — Tiefbauamt, 67 Ludwigshafen am Rhein, Denisstraße 8, Room 122.
8. In accordance with the Supplementary Conditions of Contract (ZTB) enclosed with the bill of quantities, the contractor to whom the contract is awarded must provide a security of 5 % of the contract cost, for fulfilment of the guarantee, 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).
- 10.
11. Contractors must prove their financial, economic and technical competence by presenting the following documents :
— Statement of the contractor's total turnover and turnover in construction works in the past three business years, in building and other projects comparable with the work being put out to tender, including his share in consortia or with other joint bidders.
— List of building projects executed in the past five business years, together with attestations of satisfactory performance for the most important projects.
These attestations should show :
— the value of the project,
— the time and place of execution,
— whether the work was carried out in conformity with recognized technical regulations,
— whether performance of the work as a whole was satisfactory.
— Statement of the average number of employees per year in the past three business years, with numbers of managerial staff, in categories of trades and skills.
— Statement of the technical equipment available to the contractor for completion of the project.
— Evidence of the firm's entry in the Trade Register.
12. 3 months from submission of tenders.
13. In accordance with § 25 VOB/A, the contract will be awarded to the tender which, in consideration of all economic and technical aspects, appears the most acceptable.
- 14.
15. 11 October 1973.

Restricted procedure

1. London, Borough of Bexley, Town Hall, Erith, Kent, England.
 2. Lowest acceptable offer in competition among selected contractors.
 3. a) Thames Road, Crayford, Kent, England.
b) Erection and completion of Municipal Depot. Steel frame structure with traditional cladding. Site area 3.75 hectares. Floor area of building 6 800 m². Remainder of site will be developed for car parks and hard standing.
c)
d)
 4. 21 months from March 74 (see also item 10).
 5. The form of contract to be used is the Standard Form of Building Contract for Local Authorities with Quantities — 1963 Edition with latest revisions.
If a group of contractors submit a tender, in the event of their being awarded the contract, each contractor comprised in the group will be required to become jointly and severally responsible for the contract before acceptance of their tender.
 6. a) 5 November 73.
b) Roy D Thornley FRIBA, MRTPI, Borough Architect, Kingswood House, Sidcup Hill, Sidcup, Kent, DA14 6HR.
 - c) English.
 7. 31 December 1973.
 8. All references included in Articles 25 and 26 of Council Directive No 71/305/EEC.
The Council will wish evidence to be provided that none of the matters contained in Article 23 apply to the contractor, and that the contractor is enrolled in one of the registers referred to in Article 24.
 9. As item 2 above.
 10. Tenderers will be required to submit both firm and fluctuating tenders based on
— the stipulated period of 21 months, and
— an alternative period of the contractors choosing.
The Council will require the successful tenderer to enter into a Performance Bond to secure the satisfactory performance of the contract.
The consultant engineers for this project are Cooper Macdonald & Partners, Loxford House, East Street, Epsom, Surrey, England.
 11. 12 October 1973.
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Restricted procedure

1. St. Thomas Rural District Council, 31 Southernhay East, Exeter EX1 1NT, Devonshire, England.
2. Lowest acceptable offer in competition among selected contractors.
3. a) Adjacent to the village of Exton between Exeter and Exmouth.
b) Lymptone and Woodbury Sewerage and Sewage Disposal (Contract 1).
The construction of a Sewage Disposal Works comprising:
 - 1 No combined inlet structure,
 - 2 No Primary settlement tanks of 12.50 m diameter,
 - 2 No Storm water settlement tanks of 12.5 m diameter,
 - 2 No Final settlement tanks of 12.5 diameter,
 - 2 No Pairs of rectangular percolating filters with 5 000 m³ capacity,
 - 1 No Pumping station,
 - 1 No Sludge pressing plant and administration block,
 - 2 No Sludge conditioning tanks.Ancillary pipework, chambers, roads, paths, fences and an access road. The overall estimated cost of the contract is within the range of £ 850 000 to £ 900 000.
4. 24 months.
5. A group of contractors may submit a tender on the basis of a temporary association and without assuming any specific legal form but in the event of such a group being awarded the contract the authority will require each firm comprised in the group to become jointly and severally responsible for the contract before acceptance and the contract will so provide.
6. a) 5 November 1973.
b) The Clerk, St. Thomas RDC, 31 Southernhay East, Exeter, EX1 1NT, Devonshire, England.
- c) English.
7. 10 December 1973.
8. — Appropriate statements from bankers.
 - The presentation of the firm's balance sheets or extracts from the balance sheets, where publication of the balance sheet is required under company law in the country in which the contractor is established.
 - A statement of the firm's overall turnover and the turnover on construction works for the three previous financial years.
 - The contractor's education and professional qualifications and those of the firm's managerial staff, and in particular those of the persons responsible for carrying out the works.
 - A list of the works carried out over the past five years, accompanied by certificates of satisfactory execution for the most important works. These certificates shall indicate the value, date and site of the works and shall specify whether they were carried out according to the rules of the trade and properly completed.
 - A statement of the tools, plant and technical equipment available to the contractor for carrying out the work.
 - A statement of the firm's average annual manpower and the number of managerial staff for the last three years.
 - A statement of the technicians or technical divisions which the contractor can call upon for carrying out the work, whether or not they belong to the firm.
9. The lowest price only.
10. The Consulting Engineers to St. Thomas Rural District Council for this contract are:
Harvey McGill and Hayes, 8 Richmond Road, Exeter EX4 4JB, Devon.
11. 12 October 1973.

Restricted procedure

1. Greater London Council, The County Hall, London SE1 7PB, England.

2. Lowest acceptable offer in competition among selected contractors.

3. a) Swedenborg Square, Stage III, Tower Hamlets, London, England.

Map reference: Bartholomews Atlas 66Q.

b) Construction of twenty-eight dwellings in three blocks (one storey, two storey, five storey and stair tower), and an old persons' clubroom at an estimated cost of £ 424 000.

The buildings will be of brick crosswall construction with exposed aggregate concrete brick and timber panels. The roofs will be flat and finished with asphalt.

All measurements are in Imperial measure.

Principal nominated sub-contracts:

- Electrical installation estimated value £ 9 000.
- Mechanical services estimated value £ 36 000.

Tenders for these subcontracts may have been obtained before the main tender is accepted.

Conditions of contract to be GLC standard form based on Royal Institute of British Architects (1963 Edition as revised) with full fluctuations clause for both labour and materials. Bills of Quantities will be supplied to be fully priced and returned by tenderers.

c)

d)

4. Twenty-four calendar months from the date of the architect's order to commence work, expected to be in February 1974.

5. Should a group of contractors in temporary association be successful each firm to become jointly and severally responsible for the contract before acceptance.

6. a) 2 November 1973.

b) The Architect (ref AR/F/C), Room 218, The County Hall, London SE1 7PB, England.

c) English.

7. 2 December 1973.

8. — Name and address of the contractor's bankers from whom the Council's bankers can enquire as to the contractor's financial standing.

— Balance sheets for the past three years.

— Overall turnover on construction works for the past three years.

— List of works completed over the past five years (over £ 400 000).

— Details of resources of labour and materials.

— Details of proposed organization and management techniques for handling the contract.

9. Lowest acceptable offer in competition subject to relationship of the price to the comparable estimate prepared by the architect, to approval by the Department of the Environment, and establishment of the contractor's financial stability.

10. — Six weeks will be allowed for tendering.

— The work will be supervised by the Council's architect. Directions on site may be given by a full time Clerk of Works.

— The preparation of the final account will be by the Council's quantity surveyor.

— A copy of the conditions of contract will be supplied to each tenderer together with two unbound copies of the Bills of Quantities. Additional unbound copies of the Bills, not exceeding two, will be supplied free of charge if requested.

— The tender and Bills of Quantities must be completed in sterling and payment will be made only in sterling.

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

11. 12 October 1973.

Restricted procedure

1. Salford City Council, Town Hall, Salford M60 9HN Lancashire, England.
 2. The contract will be awarded on the basis of the most economically advantageous tender having regard to price, period of completion, technical merit, and such other factors as may be stated in the invitation to tender.
 3. a) Land at Lower Broughton, Salford, forming part of the Lower Broughton Redevelopment Area No 2.
b) Design and construction of approximately 100 dwellings, in 2- and 3-storey construction; a gas-fired group heating scheme; and associated site-works, including road and sewer works.
c)
d)
 4. 12 months from the date of possession of the site.
 5. If the contract is awarded to a group of contractors in temporary association, each firm in the group will be required to become jointly and severally responsible for the contract before acceptance.
 6. a) Monday, 5 November 1973.
b) The City Engineer and Surveyor, Town Hall, Salford M3 6DH Lancashire, England.
c) English.
 7. Friday, 30 November 1973.
 8. Contractors wishing to be invited to tender must submit statements as to their personal position, financial and economic standing, and technical knowledge or ability, in accordance with the provisions of Articles 23, 25 and 26 of Council Directive 71/305/EEC.
 - 9.
 - 10.
 11. 12 October 1973.
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Restricted procedure

1. Direction départementale de l'équipement du Gard,
Place du 8 Mai, 30032 Nîmes.
 2. Restricted invitation to tender, with advance publicity.
 3. a) Nîmes ZUP. (area designated for immediate residential development) South (Gard)
b) Construction of an administrative building to be used as offices : ground floor, plus 5 storeys and basement, covered car park with surfacing work on 2 levels, floor areas : building, 8 400 m², car park 3 160 m². Work to be carried out in two phases.
 - Definite phase :
 - earthworks, reinforced concrete work, brickwork, sealing work, exterior joinery, carpentry, locksmithery, floor surfacing, ceilings, sanitary installations, heating and air conditioning, electricity, lifts and roadway drainage.
 - Conditional phase :
 - blinds, cupboards, painting and glazing, mobile partitions and green areas.
 - c)
 - d)
 4. Definite phase : 12 months.
Conditional phase : 3 months.
 5. Firms of general contractors only may submit tenders, using subcontractors to be named when the tender is submitted.
 6. a) 9 November 1973 at 5 p.m.
b) Direction départementale de l'équipement du Gard,
Place du 8 Mai, 30032 Nîmes.
c) French.
 7. 31 December 1973.
 8. — A completed information sheet must be submitted, as specified in the Council Directive of 14 March, 1973 (Annex III) enforcing Decree No 73.431 of 14 March 1973 (Official Journal of 10 April, 1973, amended by the Official Journal dated 13 April, 1973); and
— declaration as required by the Decree of 16 March, 1973 (Annex III of the above Directive).
Forms will be forwarded to applicants upon request.
 9. Cost of services, operating costs, technical merit, professional and financial guarantees.
 - 10.
 11. 10 October 1973.
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Restricted procedure

1. Torbay County Borough Council, Town Hall, Torquay, Devon, England.
 2. Restricted tendering procedure.
 3. a) Clennon Valley, Paignton, Torbay, Devon.
b) The work entailed consists of the construction of a 33.33 m swimming pool, learners pool, diving pit, changing accommodation, plant and ancillary rooms. The structural frame is of steel and reinforced concrete with steel, aluminium and brick work cladding.
The tenderer is to take note that this contract in the first phase of the construction of a sports centre, the second phase consisting of a Type A sports hall, squash courts and ancillary accommodation will proceed either concurrently or immediately after the completion of phase I.
c)
d) The contract does not entail the drawing up of a project.
 4. Time of construction for phase I only shall be either :
 - a) A duration offered by the contractor with the contract on a fixed rate basis, or
 - b) a duration of 25 months with the contract on a fluctuation basis.Alternative tender sums are to be submitted for selection by the authority.
 5. The form of contract shall be the current revision of the Standard Form of Building Contract (Local Authorities Edition) with Quantities and issued by the Joint Contractors Tribunal.
 6. a) 31 October 1973.
b) The Acting Director of Technical Services, Torbay County Borough Council, Public Works Department, Tor Hill House, Castle Circus, Torquay, Devon, England.
c) English.
 7. 1 November 1973.
 8. The authority will require the contractor to produce the following information :
 - Proof that none of the circumstances set out in Article 23 apply to the contractor.
 - Proof of the contractors financial and economic standing as set out in Article 25 (a), (b), and (c).
 - Proof of the contractors technical knowledge and ability as set out in Article 26 (a), (b), (c), (d) and (e).
 9. The contract will normally be awarded to the tenderer submitting the lowest tender but the Council does not bind itself to accept any tender.
 - 10.
 11. 10 October 1973.
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Restricted procedure

1. Cumbernauld Development Corporation, Cumbernauld House, Cumbernauld, Glasgow, United Kingdom.
 2. Lowest acceptable offer in competition among selected contractors.
 3. a) Wardpark South Industrial Area, Cumbernauld, Glasgow, United Kingdom.
b) The construction of four standard factories comprising:
 - one building 2 304 m² in area,
 - two buildings each 1 728 m² in area, and
 - one building 1 152 m² in area,each building constructed of structural steel frame on concrete *in situ* bases with three walls of patent wall panels and one wall in timber framed construction, roof covered with asbestos sheetings.
 - Associated external and site works incorporating tarmacadam yard area, car parking, footpaths, pavings, drainage and landscaping.The total estimated cost of the contract is within the range £ 400 000 to £ 450 000.
 - c) One contract but the works to be phased and handed over in stages.
 - d)
 4. 52 weeks from date of possession of site.
 5. In the event of a group of contractors submitting an acceptable offer it will be necessary for each member of the group to sign an undertaking that each company or firm will be jointly and severally responsible for the due performance of the contract.
 6. a) 31 October 1973.
b) Secretary and Legal Adviser, Cumbernauld Development Corporation, Cumbernauld House, Cumbernauld, Glasgow, United Kingdom.
 - c) English.
 7. Approx. 5 November 1973.
 8. The following information is required to facilitate assessment of expertise qualifications and reliability:
 - Proof of inscription of the company on a professional register or the Companies Register in the United Kingdom or Ireland.
 - Balance sheets/accounts for the past three years including a statement of turnover on construction work and proportion of turnover on civil engineering work.
 - A statement of the technical qualifications of the managerial and supervisory staff who would be responsible for executing the work, and any previous experience of UK construction practice.
 - A list of jobs over 1 million units of account carried out during the past five years, the value and site of each job and the authority for whom executed.
 - Details of plant and machinery available for executing the work.
 - Whether the contractor proposes to use his own labour force or to rely on locally recruited labour.
 9. Details of the award criteria will be shown in the tender invitation.
 10. The Conditions of Contract will be as contained in the Standard Form of Building Contract Local Authorities Edition with Quantities 1963 Edition (July 1973 Revision) published by the Joint Tribunal as amended by the Scottish Supplement July 1973.
 11. 12 October 1973.
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Notice

On behalf of the Ministry of Public Works, the Director-General gives notice that award of the contract for the work described in Specification No Z/73.G.96 has been postponed sine die.
