

Official Journal

of the European Communities

Volume 17 No L 19

23 January 1974

English Edition

Legislation

Contents

I Acts whose publication is obligatory

Regulation (EEC) No 157/74 of the Commission of 22 January 1974 fixing the import levies on cereals and on wheat or rye flour, groats and meal 1

Regulation (EEC) No 158/74 of the Commission of 22 January 1974 fixing the premiums to be added to the import levies on cereals, flour and malt 3

Regulation (EEC) No 159/74 of the Commission of 22 January 1974 altering the corrective amount applicable to the refund on cereals 5

Regulation (EEC) No 160/74 of the Commission of 22 January 1974 fixing the import levies on white sugar and raw sugar 7

Regulation (EEC) No 161/74 of the Commission of 22 January 1974 fixing the average producer prices for wine 8

★ Regulation (EEC) No 162/74 of the Commission of 18 January 1974 defining the conditions for the admission of certain kinds of frozen beef and veal to subheading No 02.01 A II a) 2 dd) 22 bbb) of the Common Customs Tariff . . . 10

Regulation (EEC) No 163/74 of the Commission of 22 January 1974 fixing the compensatory amounts for eggs 15

Regulation (EEC) No 164/74 of the Commission of 22 January 1974 fixing the compensatory amounts for poultrymeat 16

Contents (continued)

II Acts whose publication is not obligatory

Commission

74/15/EEC :

- ★ Commission Decision of 19 October 1973 authorizing the French Republic to exclude from the implementation of Council Regulation (EEC) No 2810/73 the products referred to in the said Regulation, imported into the Department of Réunion 17

74/16/EEC :

- ★ Commission Decision of 21 December 1973 concerning proceedings under Article 85 of the Treaty (IV/223 - Transocean Marine Paint Association) 18

74/17/EEC :

- ★ Commission Decision of 21 December 1973 relating to a proceeding under Article 85 of the EEC Treaty (IV/795 - Kali und Salz/Kali Chemie) 22

74/18/EEC :

Commission Decision of 17 January 1974 fixing the minimum export levy for the invitation to tender issued under Regulation (EEC) No 3281/73 27

Public work 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 32

I

(Acts whose publication is obligatory)

REGULATION (EEC) No 157/74 OF THE COMMISSION

of 22 January 1974

fixing the import 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 23 January 1974.

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

Done at Brussels, 22 January 1974.

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 22 January 1974 fixing the import 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	0 ⁽⁵⁾
10.03	Barley	0
10.04	Oats	0
10.05 B	Maize other than hybrid maize for sowing	0 ⁽²⁾⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0
10.07 C	Grain sorghum	0
10.07 D	Canary seed ; other cereals	0 ⁽⁴⁾
11.01 A	Wheat or meslin flour	0
11.01 B	Rye flour	0
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 158/74 OF THE COMMISSION**of 22 January 1974****fixing the premiums to be added to the import 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 23 January
1974.

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

Done at Brussels, 22 January 1974.

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 22 January 1974 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour ⁽¹⁾

(u.a./ton)

CCT heading No	Description of goods	Current 1	1st period 2	2nd period 3	3rd period 4
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	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	Millet	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 3148/73 (OJ No L 321, 22. 11. 1973, p. 13).

B. Malt

(u.a./100 kg)

CCT heading No	Description of goods	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
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 159/74 OF THE COMMISSION
of 22 January 1974
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 120/74 ⁽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 23 January 1974.

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

Done at Brussels, 22 January 1974.

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 15, 18. 1. 1974, p. 6.

ANNEX

to the Commission Regulation of 22 January 1974 altering the corrective amount applicable to the refund on cereals

(R.E. / ton)

CCT heading No	Description of goods	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
10.01 A	Common wheat, and meslin	—	—	—	—	—	—	—
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 160/74 OF THE COMMISSION
of 22 January 1974
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 23 January 1974.

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

Done at Brussels, 22 January 1974.

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

(u.e./100 kg)		
CCT heading No	Description of goods	Levy
17.01	Beet sugar and cane sugar, solid :	
	A. Denatured :	
	I. White sugar	0
	II. Raw sugar	0
	B. Undenatured :	
	I. White sugar	0
	II. Raw sugar	0

REGULATION (EEC) No 161/74 OF THE COMMISSION
of 22 January 1974
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 avail-

able 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, under Article 4 (b) (5) of Council Regulation (EEC) No 974/71⁽⁵⁾ of 12 May 1971, as last amended by Regulation (EEC) No 3450/73⁽⁶⁾, in the case where, when the Regulations laying down the rules for the common organization of the agricultural markets are applied, the prices on the Italian markets are concerned, the influence of the measures foreseen in paragraph 1 of the same Article is taken into consideration;

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 23 January 1974.

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

Done at Brussels, 22 January 1974.

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.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 353, 22. 12. 1973, p. 25.

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	1·631	Bordeaux	1·530
Montpellier	1·638	Nantes	1·377
Narbonne	1·658	Bari	1·546
Nîmes	1·622	Cagliari	No quotation
Perpignan	1·678	Chieti	1·458
Asti	2·079	Ravenna (Lugo, Faenza)	1·664
Firenze	2·036	Trapani (Alcamo)	1·517
Lecce	No quotation	Treviso	1·849
Pescara	No quotation ⁽¹⁾		
Reggio Emilia	2·036		
Treviso	1·852		
Verona (for local wines)	1·889		
			u.a./hl
R II		A II	
Bari	2·034	Rheinfalz (Oberhaardt)	20·93
Barletta	2·145	Rheinhessen (Hügelland)	23·64
Cagliari	2·083	The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Lecce	No quotation		
Taranto	No quotation		
	u.a./hl	A III	
R III		Mosel	32·79
Rheinfalz	19·13	Rheingau	32·79
Rheinhessen (Hügelland)	19·13	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 162/74 OF THE COMMISSION

of 18 January 1974

defining the conditions for the admission of certain kinds of frozen beef and veal to subheading No 02.01 A II a) 2 dd) 22 bbb) of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 805/68⁽¹⁾ of 27 June 1968 on the common organization of the market in beef and veal as last amended by Regulation (EEC) No 187/73⁽²⁾, and in particular Article 13 (5) thereof ;

Whereas imports of certain cuts of frozen beef and veal into the Community have increased substantially ; whereas these cuts were defined by Article 5 (6) of Commission Regulation (EEC) No 2260/73⁽³⁾ of 17 August 1973 laying down the bases for calculating the levy on certain kinds of frozen beef and veal, and whereas that Regulation also introduced a new tariff subheading for them ;

Whereas it is, however, difficult to identify these cuts when they are frozen ; whereas a product may be admitted to the subheading No 02.01 A II a) 2 dd) 22 bbb) of the Common Customs Tariff only when suitable evidence is provided ; whereas a certificate to this effect issued by the competent authorities of the exporting country would serve this end ;

Whereas, together with this system of certificates, provisions should be adopted under which, without prejudice to customs control, it is possible to verify that the product in question conforms to the description in Annex I to Regulation (EEC) No 2260/73 and, in certain cases, to check the conditions under which the certificates are issued ; whereas, furthermore, the system must provide the best possible safeguards against fraud ;

Whereas consideration of the export conditions of certain third countries shows that the agencies listed in Annex II to this Regulation meet the obligations required of certificates issued by them ;

Whereas the provisions of this Regulation are without prejudice to Community provisions pertaining to veterinary and foodstuffs legislation and aimed at protecting the health of people and animals and at preventing adulteration and fraud ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The admission of products from third countries to subheading No 02.01 A II a) 2 dd) 22 bbb) of the Common Customs Tariff (crop, brisket, chuck and blade) shall be subject to the production of a certificate which satisfies the requirements laid down in this Regulation.

Article 2

1. The certificate shall be drawn up as a form of the pattern appearing in Annex I of this Regulation. The size of the certificate shall be approximately 21 × 30 cm. Yellow paper shall be used.

2. Each certificate shall bear a serial number followed by the nationality sign of the issuing agency. The serial number shall be indicated on the parcel or parcels to which it belongs.

Article 3

The certificate shall be completed in either typescript or manuscript. Ink and capital letters shall be used for forms completed in manuscript. The text may also be given in the language or languages of the exporting country.

Article 4

The certificate shall be submitted to customs authorities of the importing Member State with the customs entry documents for the commodity to which it belongs.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 25, 30. 1. 1973, p. 23.

⁽³⁾ OJ No L 233, 21. 8. 1973, p. 10.

Article 5

A certificate shall be valid only if duly authenticated by an agency appearing on the list in Annex II.

The certificate is duly authenticated when it shows the date and place of issue and is stamped by the issuing agency.

Article 6

1. An issuing agency may be included in the list referred to in Article 5 only if:

- (a) it is nominated as such by the exporting country;
- (b) it undertakes to verify the accuracy of the declarations made in the certificates;
- (c) it undertakes to supply the Commission and the Member States, upon request, with any informa-

tion that may be required to verify the particulars entered in the certificates.

2. The list shall be revised when the condition referred to in paragraph 1 (a) is no longer fulfilled or when an issuing agency does not fulfil one of the obligations it has undertaken.

Article 7

Member States shall take the measures necessary for supervising the proper functioning of the system of certificates established by this Regulation.

Article 8

This Regulation shall enter into force on 1 March 1974.

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

Done at Brussels, 18 January 1974.

For the Commission

The President

François-Xavier ORTOLI

BILAG I — ANHANG I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

CERTIFIKAT OM ÆGTLED
ECHTHEITSZEUGNIS
CERTIFICATE OF AUTHENTICITY
CERTIFICAT D'AUTHENTICITÉ
CERTIFICATO DI AUTENTICITÀ
CERTIFICAAT VAN ECHTHEID

N° de série et sigle
de nationalité

for frosset spiseligt kød af tamkvæg, udskæringer benævnt »crop«, »chuck and blade« og »brisket«
für Fleisch von Hausrindern, gefroren, als „crops“, „chuck and blade“ und „brisket“ gezeichnete Teilstücke
for frozen meat, for human consumption, of domestic bovine animals, crop, chuck and blade and brisket cuts
pour viande comestible de l'espèce domestique congelée, découpes de quartiers avant et de poitrines dites australiennes
per carni commestibili, della specie bovina domestica, congelate, tagli di quarti anteriori e di punta di petto, detti « crop »,
« chuck and blade » e « brisket »
voor eetbaar vlees van runderen, van huisdieren, bevroren, als „crops“, „chucks and blades“ en „briskets“ aangeduide delen

af underposition der Tarifstelle of subheading de la sous-position della sottovoce van onderverdeling	}	02.01 A II a) 2 dd) 22 bbb)	{	i den fælles toldtarif des Gemeinsamen Zolltarifs of the Common Customs Tariff du tarif douanier commun della tariffa doganale comune van het gemeenschappelijk douanetarief
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Den kompetente myndighed / Die zuständige Stelle / The competent authority / L'autorité compétente / L'autorità competente / De bevoegde autoriteit

certifikat om at det frosne oksekød beskrevet nedenfor svarer nøjagtigt til definitionerne i suppl. bestemmelse M i kapitel 2 i den fælles toldtarif ⁽¹⁾

bescheinigt, daß das nachstehend bezeichnete Rindfleisch den Begriffsbestimmungen der Zusätzlichen Vorschrift M zu Kapitel 2 des Gemeinsamen Zolltarifs entspricht ⁽¹⁾

certifies, that the cattle meat as described below corresponds to the additional note M to Chapter 2 of the Common Customs Tariff ⁽¹⁾

certifie que la viande bovine congelée décrite ci-dessous correspond aux définitions figurant dans la note complémentaire M du chapitre 2 du tarif douanier commun ⁽¹⁾

certifica che la carne bovina congelata descritta qui sotto corrisponde alle definizioni che figurano nella nota complementare M del capitolo 2 della tariffa doganale comune ⁽¹⁾

bevestigt dat het hieronder omschreven rundvlees overeenkomt met de definities welke zijn opgenomen in de aanvullende aantekening M van het hoofdstuk 2 van het gemeenschappelijk douanetarief ⁽¹⁾

Sted og dato for udstedelsen
Ort und Datum der Ausstellung
Place and date of issue
Lieu et date d'émission
Luogo e data di emissione
Plaats en datum van afgifte

Den udstedende myndigheds stempel
Stempel der ausstellenden Stelle
Stamp of issuing agency
Cachet de l'organisme émetteur
Timbro dell'organismo emittente
Stempel van het met afgifte belaste bureau

Forbeholdt det importerende medlemslands toldmyndigheder

Vermerke der Zollbehörde des einführenden Mitgliedstaats

Reserved for the customs authorities of the Member State of importation

Case réservée aux autorités douanières de l'État membre importateur

Riservato alle autorità doganali dello Stato membro importatore

Bestemd voor de douane-autoriteiten van de Lid-Staat van invoer

b) als „brisket” aangeduid deel, bedoeld bij onderverdeling 02.01 A II a) 2 dd) 22 bbb), het onderste gedeelte van de voorvoet, omvattende de puntborst, de borst en de naborst.”

ANNEX II

Third countries	Issuing agency	
	Designation	Location
Argentina	Junta Nacional de Carnes	San Martin 459, Buenos Aires
Australia	Australian Meat Board	30, Grosvenor Street, Sydney
New Zealand	New Zealand Meat Producers Board	Massey House, Lambton Quay, Wellington
Uruguay	Direction de l'industrie animale du ministère de l'élevage et de l'agriculture	892, rue Colonia, Montevideo

REGULATION (EEC) No 163/74 OF THE COMMISSION
of 22 January 1974
fixing the compensatory amounts for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 on 22 January 1972;

Having regard to Council Regulation (EEC) No 237/73 ⁽²⁾, as amended by Regulation (EEC) No 2880/73 ⁽³⁾, of 31 January 1973 laying down general rules for the system of compensatory amounts for eggs, and in particular Article 9 ⁽³⁾ thereof;

Whereas the compensatory amounts for egg products were fixed by Council Regulation (EEC) No 237/73 and Commission Regulation (EEC) No 2053/73 ⁽⁴⁾ of 25 July 1973; whereas, however, the compensatory amounts are determined in accordance with Article 4 of Regulation (EEC) No 237/73 where the situation envisaged in Article 7 of Council Regulation (EEC) No 229/73 ⁽⁵⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for cereals arises;

Whereas in the sector of eggs the calculation of the compensatory amounts for trade with Denmark, Ireland and the United Kingdom results in minimal amounts; whereas there is therefore no need to fix compensatory amounts,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts provided for in Article 4 of Regulation (EEC) No 237/73 as compensatory amounts for eggs, ovalbumin and lactalbumin for the period of February, March and April 1974 are fixed at 0.

Article 2

This Regulation shall enter into force on 1 February 1974.

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

Done at Brussels, 22 January 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 29, 1. 2. 1973, p. 9.

⁽³⁾ OJ No L 297, 25. 10. 1973, p. 4.

⁽⁴⁾ OJ No L 208, 28. 7. 1973, p. 49.

⁽⁵⁾ OJ No L 27, 1. 2. 1973, p. 25.

REGULATION (EEC) No 164/74 OF THE COMMISSION
of 22 January 1974
fixing the compensatory amounts for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 on 22 January 1972;

Having regard to Council Regulation (EEC) No 235/73 ⁽²⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for poultrymeat, as last amended by Regulation (EEC) No 2880/73 ⁽³⁾, and in particular Article 8 (3) thereof;

Whereas the compensatory amounts for poultrymeat products were fixed by Council Regulation (EEC) No 235/73 and Commission Regulation (EEC) No 2054/73 ⁽⁴⁾ of 25 July 1973; whereas, however, the compensatory amounts are determined in accordance with Article 3 of Regulation (EEC) No 235/73 where the situation envisaged in Article 7 of Council Regulation (EEC) No 229/73 ⁽⁵⁾ of 31 January 1973 laying down general rules for the system of compensatory amounts for cereal arises;

Whereas in the sector of poultrymeat the calculation of the compensatory amounts for trade with Denmark, Ireland and the United Kingdom results in minimal amounts; whereas there is therefore no need to fix compensatory amounts,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts provided for in Article 3 of Regulation (EEC) No 235/73 as compensatory amounts for poultrymeat for the period of February, March and April 1974 are fixed at 0.

Article 2

This Regulation shall enter into force on 1 February 1974.

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

Done at Brussels, 22 January 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 73, 27. 3. 1972, p. 5.

⁽²⁾ OJ No L 29, 1. 2. 1973, p. 4.

⁽³⁾ OJ No L 297, 25. 10. 1973, p. 4.

⁽⁴⁾ OJ No L 208, 28. 7. 1973, p. 51.

⁽⁵⁾ OJ No L 27, 1. 2. 1973, p. 25.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 October 1973

authorizing the French Republic to exclude from the implementation of Council Regulation (EEC) No 2810/73 the products referred to in the said Regulation, imported into the Department of Réunion

(Only the French text is authentic)

(74/15/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, in particular Article 113 thereof;

Having regard to the Internal Agreement of 29 July 1969⁽¹⁾ on the measures to be taken and the procedures to be followed to implement the Convention of Association between the European Economic Community and the African and Malgasy States associated with that Community, in particular Article 5 (1);

Whereas Council Regulation (EEC) No 2810/73⁽²⁾ of 15 October 1973 on the implementation of Decision No 46/73 of the Association Council set up by the Convention of Association between the European Economic Community and the African and Malgasy States associated with that Community, authorizes a derogation for 1973 and 1974 from the definition of the concept of originating products to take account of the special situation of Mauritius in regard to certain industrial textile products;

Whereas importation of these textile products into the Department of Réunion in implementation of Regulation (EEC) No 2810/73 could cause difficulties by a change in the economic situation, in particular hindering the industrialization of this Island;

Whereas Article 16 (2) of the Convention of Association between the European Economic Community

and the African and Malgasy States associated with that Community provides that Member States could be authorized to take protective measures in respect of certain products,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic shall be authorized to exclude from the implementation of Council Regulation (EEC) No 2810/73 products referred to in that Regulation imported into the Department of Réunion.

Article 2

This Decision shall apply as from 1 July 1973.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 19 October 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 282, 28. 12. 1970, p. 44.

⁽²⁾ OJ No L 290, 17. 10. 1973, p. 3.

COMMISSION DECISION

of 21 December 1973

concerning proceedings under Article 85 of the Treaty (IV/223 — Transocean Marine Paint Association)

(Only the English text is authentic)

(74/16/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 of 6 February 1962⁽¹⁾, and in particular Articles 4, 6 and 8 thereof;

Having regard to the Decision of 27 June 1967⁽²⁾, whereby the Commission granted exemption until 31 December 1972 to the Transocean Marine Paint Association in accordance with Article 85(3);

Having regard to the application, lodged on 27 October 1972 by the General Secretary of the Association on behalf of the Members, for an extension of the exemption;

Having heard the undertakings concerned in accordance with Article 19 (1) of Regulation No 17 and Regulation No 99/63⁽³⁾;

Having regard to the publication of the essential content of the application for extension in pursuance of Article 19 (3) of Regulation No 17 in the *Official Journal of the European Communities*, No C 98 of 16 November 1973;

Having regard to the Opinion delivered on 5 December 1973 by the Advisory Committee on Restrictive Practices and Dominant Positions pursuant to Article 10 of Regulation No 17,

I

Whereas :

The Transocean Marine Paint Association (hereinafter called 'the Association') is an association of medium-sized marine paint producers which was established in 1959. It consists at present of the following 20 producers :

- Molijn & Co. NV, Rotterdam, Netherlands,
- J.C. de Coninck en Zonen NV, Antwerp, Belgium,
- Astral, Société de Peintures, Vernis et Encres d'Imprimerie, Paris, France,
- Veneziani Zonca S.p.A., Trieste, Italy,
- Farbenfabriken Hansa-Hoëg, Kiel, Federal Republic of Germany,
- Storry Smithson Group of Companies, Hull, England,
- Sadolin & Holmblad A/S, Copenhagen, Denmark,
- C. Ljungdahls, AB, Göteborg, Sweden,
- Urruzola SA, Madrid, Spain,
- The National Lacquer and Paint Products Co. Ltd., Hongkong,
- Pacific Products Inc., Manila, Philippines,
- Nippon Paint Co. Ltd., Osaka, Japan,
- Nippon Paint Ltd., Singapore,
- Nippon Paint, Malaysia,
- Nippon Paint Co. Ltd., Thailand,
- Spartan Paints Pty. Ltd., Melbourne, Australia,
- Patterson-Sargent, New Brunswick, USA,
- Galleon Paints Co. Ltd., Parow, South Africa,
- Mauvilac & Co. Ltd., Pailles, Mauritius,
- Antillian Paint Factory Ltd., Netherlands Antilles.

The object of the Association is to enable its members to compete effectively in the special circumstances of the world marine paint market. This requires that paint of standard description should be available in as many ports as possible. The members therefore have each agreed to manufacture marine paints of identical composition and to market these in the same packaging and under a common trade-mark. Each member is to promote the sale of these paints in the State in which it is established and the other territories specifically allocated to it. The members are to maintain stocks of the paints in the ports situated in these territories and to be responsible for after sales service and promotion.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 163, 20. 7. 1967, p. 10.

⁽³⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

The members are bound to respect the uniform quality formula, to submit to quality control and to exchange licences and the benefits of experiences acquired. They may export paints to another member's territory, but in such case must pay a commission to such member. A commission is also payable in the case of delivery to a ship registered in another member's territory. A member's cooperation in securing or executing orders also gives rise to a claim for commission, for which a reference rate is given and the precise amount of which is fixed in individual cases by the members concerned.

The members are entitled to manufacture and sell marine paints of other composition under their own individual trade-marks. Such paints may only be exported to the territory of another member with the latter's consent. Such consent however may not be withheld unless the interests of the Association would be adversely affected.

Cooperation between the members and other marine paint producers is prohibited unless previously authorized. Membership requires a two-third majority. The former requirement of a unanimous vote was abolished in 1972. In addition, reference is made to the other facts and matters set out in the abovementioned Commission Decision of 27 June 1967.

Since the Decision of the Commission in 1967 the total turnover of the members in all marine paints has increased considerably. This may be attributed particularly to the Nippon Paint Group which alone accounts for 60 % of the turnover in marine paints of members of the Association. The proportion of Transocean paint has also risen considerably in relation to the total marine paint turnover of the members, rising from one third before the Commission Decision in 1967 to about three-quarters in 1972.

The members of the Association are, as was the case at the time of the former Decision, faced with genuine competition from other marine paints producers who owing to their large size and international links, have a world wide sale's network. The most important competitor is International Red Hand with a world market share of approximatively 25 to 30 %. Other important competitors are :

- British Paints/Federal Paint, which is today a subsidiary of Hoechst (FRG),
- Hempel (Denmark),
- Jotum, a group belonging to Nippon Oil and including the former Transocean Member Bjercke (Norway),
- Sigma Coatings, a group of Marine paint producers belonging to Petrofina and comprising, within the Community, the companies Ripolin, Pieter Schoen, Vettewinkel and Varrossieau,
- Pinchin Johnson, belonging to Courtaulds,

— Pan World Paint Association, which has been established recently and to which Herberts, a subsidiary of Bayer, belongs,

— Camrex and W & J Leigh (UK).

The share of the members of the Association amounts to from 5 to 10 % of the marine paint world market.

AKZO and BASF are also manufacturers of marine paints. The AKZO Group includes the French Transocean member Astral and the Netherlands firm Sikkens, which manufactures marine paints but is not a member of the Association. The BASF group includes the Spanish member Urruzola and also the German firm Glasurit, which is also a non-member paint manufacturer. In the marine paints sector, which must be distinguished from the general paints sector — 80 % of marine paints cannot be used outside the marine market — the firms AKZO/Sikkens and BASF/Glasurit however, at present occupy positions of little significance, and do not exercise any influence on the policy of the two Transocean members in the marine paints sector.

No observations from third parties were received by the Commission following the publication of a summary of the application for an extension of the exemption.

II

The Commission has already given its reasons, which are set forth in detail in the Decision of 27 June 1967, for holding that the Agreement on which the Association is based falls within the prohibition contained in Article 85 (1). The Agreement obliges the members to concentrate their production and marketing activities on their own contract territory and makes it difficult for them to engage in economic activity in the marine paints sector within the contract territory of other members. Such close cooperation gives rise to mutual consideration and observance of the member's own contract territories. The Agreement therefore restricts competition between the members within the Common Market and may affect trade between Member States.

The Commission considers however that the exemption already granted may be extended in accordance with Article 8 (2) of Regulation No 17, in view of the fact that the conditions of Article 85 (3) remain fulfilled. Coordination of the member's individual sales networks at present provides members with a suitable means of improving supply and distribution in the marine paints sector, and enables them to enter into more intensive competition with large producers of marine paint. Consumers also share these benefits.

In its Decision of 27 June 1967, the Commission considered that the provisions of the Agreement, whereby a member may only deliver within the contract territory of another member or for a ship registered in such territory against payment of commission and may only export other marine paints to a country in which another member is established with the consent of the latter, were for 'an initial period' indispensable restrictions for the attainment of the objects of the Association. In view of the fact that the total turnover of Transocean members has risen noticeably since the Commission Decision, as has the share of Transocean paints in the total turnover of marine paints of the members, the maintenance of these restrictions no longer appears to be justified.

The Commission regards as unjustified the obligation to pay commission in the case of the export of Transocean paints or delivery to a foreign ship, irrespective of the role played by the member claiming such commission in the obtaining or in the execution of the order in question. The obligation to provide full details to the member entitled to commission in respect of each of the abovementioned transactions, for the purposes of calculating such commission, hinders the achievement of such deliveries to an extent that is no longer justifiable. Transocean marine paints have become generally well known thanks to the joint sales and promotion initiatives of the members; the obtaining of an order to be executed in another territory can no longer be automatically attributed to the member established in that territory, or be assumed therefore to give a right to commission.

The Commission also regards as unjustified requirement to seek consent in the case of the supply of non-Transocean paints. Even where such consent is normally given as a matter of course, the requirement amounts to an unnecessary restriction on opportunities for export.

The Commission considers that both these provisions in the present circumstances favour the creation of a preferential position within a territory, and to this extent are no longer required for the attainment of the objects of the Agreement. The Association should therefore be instructed to revoke these provisions.

The Commission has further examined whether the fact that the Transocean members Astral and Urrazola both belong to important and financially powerful groups of enterprises (AKZO and BASF), which enjoy a strong position in the general paints market, militates against an unqualified extension of the exemption, and whether it is necessary to remove these close ties or to require the withdrawal of the members concerned in order to guarantee genuine competition between the Transocean members on the one hand

and AKZO/Sikkens and BASF/Glasurit on the other. The Commission has nevertheless also considered the fact that the position of the AKZO company Sikkens and the BASF company Glasurit in the specialized marine paint sector has until now remained unimportant, although due to the size of the companies concerned it may be considerably strengthened in a relatively short time. Should the facts in this regard change the present exemption could be reconsidered. The Commission considers it appropriate in the circumstances to limit the decision to a fixed period ending on 31 December 1978.

Subject to the reservation expressed in the foregoing, it may be said that the Agreement has advantages which may well have the effect of compensating for its disadvantages, and that a market share of 5 to 10 % in the Common Market does not present any opportunity to restrict competition significantly in the goods in question.

In order to examine thoroughly and with full knowledge of the facts whether the implementation of the Agreement affects competition within the Common Market in a manner which is incompatible with the EEC-Treaty, the Commission is to be informed without delay of any amendment or addition to the Agreement, and of any decision or arbitration held pursuant to the restrictive provisions of the Agreement, in particular Articles 3 to 9 thereof, as well as of any change in membership, participation or interlocking directorates, and also to receive an annual report on the activities of the Association,

HAS ADOPTED THIS DECISION :

Article 1

The declaration of exemption in accordance with Article 85 (3) of the Treaty establishing the European Economic Community, which the Commission issued by its Decision of 27 June 1967 concerning the Agreement of 1 January 1959 establishing the Transocean Marine Paint Association is hereby extended from 31 December 1972 to 31 December 1978.

Article 2

This Decision is subject to the condition that the following provisions of the Agreement shall be rescinded and cease to have effect within six months of this Decision, that is to say :

1. The provision in Article 5, whereby a member may only export marine paint products bearing its own trade mark to the contract territory of another member with the latter's consent and

2. The provision in Article 8, whereby a member may only deliver uniformly marked marine paint products to the contract territory of another member or for a ship from such a territory against payment of a commission to the other member concerned irrespective of the services which the latter has furnished in obtaining or in executing the order in question.

Article 3

This Decision is subject to the following obligations :

1. That the Commission shall be informed without delay of the following matters :
 - (a) Any amendment or addition to the Agreement,
 - (b) Any decision taken by the Board of Directors or the result of any arbitration held, pursuant to the restrictive provisions of the Agreement, in particular Articles 3 to 9 thereof,
 - (c) Any change in the composition of membership,
 - (d) Any links by way of common directors or managers between a member of the Association and any other company or firm in the paints sector or any financial participation by a

member of the Association in such outside companies or *vice-versa* including all changes in such links or participations already in existence.

2. A report is to be submitted by the Association annually to the Commission on the activities of the Association and in particular on improvements in the production and marketing of marine paint products achieved.

Article 4

This Decision is addressed to the members of the Transocean Marine Paint Association through the intermediary of the Secretary-General, Mr F. Th. Regnault, Delfse Plein 37, Rotterdam, the Netherlands.

Done at Brussels, 21 December 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 21 December 1973

relating to a proceeding under Article 85 of the EEC Treaty (IV/795 — Kali und Salz/Kali Chemie)

(Only the German text is authentic)

(74/17/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 of 6 February 1962⁽¹⁾, and in particular Articles, 1, 3 and 6 thereof;

Having regard to the Commission Decision of 17 November 1972 to institute proceedings on its own initiative under Article 3 of Regulation No 17 with respect to the agreement reached on 6 July 1970 between Kali und Salz AG, Kassel, and Kali Chemie AG, Hannover, concerning the sale of potash products;

Having regard to the notification of the said agreement to the Commission on 8 May 1973;

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

Having regard to the Opinion of the Advisory Committee on Restrictive Practices and Monopolies delivered on 21 November 1973 in accordance with Article 10 of Regulation No 17,

WHEREAS:

I**The Facts**

Until 1970 the sale of straight potash fertilizer produced by German potash producers was conducted within the framework of the sales organization Verkaufsgemeinschaft Deutscher Kaliwerke (VDK). All German potash producers belonged to VDK and these consisted of several companies now incorporated into the BASF group (Badische Aluminium- und Soda-fabrik) and also Kali Chemie AG, which belonged then, as it does now, to the Solvay group. The members of VDK were obliged to sell their potash products on the domestic market and the export market through that organization alone, with the exception of those quantities intended for the production of compound fertilizer.

In 1970 the BASF group reorganized its potash interest. The potash works belonging to Wintershall and Salzdettfurt were transferred to Kali und Salz and VDK was dissolved on 31 December 1970. This left Kali und Salz and Kali Chemie as the only two potash producers in Germany; Kali und Salz's annual production amounts to 2 100 000 tons and that of Kali Chemie to 300 000 tons of potassium dioxide, representing about 87.5 % and 12.5 % respectively of the German potash production.

On 6 July 1970 Kali und Salz and Kali Chemie concluded an agreement which became effective on the 1 January 1971 and provided for the following arrangements:

Kali und Salz buy the potash output of Kali Chemie up to a maximum of 280 000 tons of potassium dioxide per year, less the quantities required by Kali Chemie for its own purposes. If the annual output of Kali und Salz and Kali Chemie exceeded 2 300 000 tons of potassium dioxide, Kali Chemie had an option to sell to Kali und Salz an additional quantity amounting to 20 % of the first 100 000 tons of the surplus output and 10 % for quantities over that amount. If the total output fell short of 2 100 000 tons Kali und Salz's commitment to buy was reduced by 10 % of the reduced output.

Kali und Salz was to draw up a provisional quantitative programme for two years in advance, to serve as a guide for Kali Chemie production and Kali und Salz's medium-term sales programme. Details as to quality, quantity and delivery date were to be decided annually in advance by agreement between the parties. The buying price for the quantities delivered would be agreed upon for a calendar year at a time.

The agreement was to remain valid until 31 December 1980, and might be extended beyond that date.

Specialization was introduced within the framework of the former VDK in order to rationalize production. As a result of a division of production, Kali Chemie manufactures only two different products, namely magnesium kainite and non-granulated potash

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

containing either 50 %, 54 % or 60 % potash, while Kali und Salz offers a more comprehensive range, especially those granulated types preferred by European farmers.

Kali Chemie is to an increasing extent processing potash from its own output, using the Rhenania-Phosphate it produces in a compound fertilizer known as RHE-KA-PHOS. Production of this substance has increased from 105 000 tons in 1971 to 119 000 tons in 1972. It is now sold by Kali Chemie alone, whereas formerly it was also sold through VDK. In addition Kali Chemie sells about 16 000 tons of potash to a manufacturer of compound fertilizers in which Kali Chemie has a substantial participation. It then sells the remainder of its production, amounting to about 170 000 tons (56 %) to Kali und Salz under the terms of the above agreement.

Kali und Salz sells potash products from its own production and that of Kali Chemie on both the national market (in 1971/72 1 311 000 tons) and on export markets (in 1971/72 1 056 000 tons). The common market countries to which these products are exported are Denmark, The United Kingdom, Belgium, Luxembourg, the Netherlands and (certain types only) France. It also exports to a number of non-member countries. Of the export total 125 000 tons is produced by Kali Chemie.

Apart from about 7 % supplied for use in industry, about 40 % of the quantity sold on the German market (a percentage which decreased progressively initially, but which since 1970/71 has shown a relative increase) is used for agricultural purposes as simple fertilizer, and the rest (50 % in 1965/66, 56 % in 1970/71 and 56 % in 1971/72) is used in the production of compound fertilizers. A large proportion of supplies for the production of compound fertilizer (about two-thirds) is intended for BASF and the producers of NPK- and PK-fertilizer belonging to this group. In addition, deliveries are made to VEB, Hoechst and other smaller producers.

The following is an outline of potash production within the Community; other than production by Kali und Salz and Kali Chemie :

- (i) In France, the Société Commerciale des Potasses et de l'Azote (SCPA) has an annual total production of 1 800 000 tons, a figure considerably higher than national consumption. This company holds the legal monopoly for the sale of potash fertilizer in France as well as a monopoly for the export and import of the product. Upon the recommendation of the Commission made on 25 November 1964 under Article 37 of the EEC Treaty the French Government initiated the necessary measures of adjustment and will formally abolish by law the import monopoly with respect to intra-EEC trade.
- (ii) In Italy there is a relatively small production of about 160 000 tons per annum. The Italian

demand for potash is not great and is approximately in the same range as in Belgium/Luxembourg, the Netherlands and Denmark.

- (iii) The United Kingdom, which has been the largest importer of potash into the EEC (some 450 000 tons annually) expects shortly to become an exporter as the company Cleveland Potash Ltd., in which ICI has a substantial participation, is now bringing into operation plants with a total capacity of 600 000 to 900 000 tons per annum. Having regard to the present consumption of potash in the United Kingdom, this country may well become an exporter rather than an importer in the near future.

Outside the Community the most important potash producers are :

	<i>million tons potash oxide annually</i>
USSR	5
Canada	3.9
German Democratic Republic	2.5
United States	2.4
Israel	0.6
Spain	0.5 ⁽¹⁾ .

In spite of lower production costs due to more favourable geological conditions, imports from these countries to the EEC appear to be only on a limited scale. The most important importing member countries of the EEC are Benelux and, for the present, the United Kingdom.

Within the Community, imports from non-member countries to member countries do not equal exports to other member countries by France and the Federal Republic of Germany (the two countries which at present have a surplus). In each of the latter countries sales are concentrated in a single organization, namely SCPA and Kali und Salz. These two firms supply more than 60 % of the imports into Benelux and about 40 % of the imports into Italy. The majority of such imports were handled by sole agents in the importing countries namely Nederlandse Kali-Import Maatschappij in the Netherlands and Sali Potassici in Italy, with which both suppliers or their group and holding companies are financially and personally linked. In Belgium, imports are handled by two firms working in close cooperation : Belcopotasse, indirectly a subsidiary of Kali und Salz, and Cogepotasse in which Solvay/Belgium has a 25 % share and SCPA an interest of 49.3 % through a holding company.

Imports of potash into Germany which were never very large have recently shown a marked decrease — from 3 % in 1967/68 to about 0.8 % in 1970/71.

An agreement between Kali und Salz and SCPA, concerning commercial and industrial cooperation, and in particular as regards the exchange of information on sales and production was terminated by the Commission in a Decision of 11 May 1973 ⁽²⁾. The

⁽¹⁾ One of the Spanish potash producers is a subsidiary company of Solvay. The Spanish production is sold centrally through the Commercial de Potasas S.A.

⁽²⁾ OJ No L 217, 6. 8. 1973, p. 3.

parties were obliged in consequence to stop selling in the Netherlands and Italy through a joint distributor and — in the case of SCPA — selling in the Federal Republic of Germany through a firm controlled by Kali und Salz.

II

Applicability of Article 85 (1)

The agreement of 6 July 1970, between Kali und Salz and Kali Chemie has as its effect the restriction of competition within the Common Market.

The agreement gives the right to Kali Chemie on a long-term basis — until the end of 1980 with the possibility of an extension — to sell its entire potash production to Kali und Salz for resale by them. Even though Kali Chemie is not bound under the agreement to sell all its potash products through Kali und Salz and may therefore decide what quantities should be delivered to Kali und Salz, it has in fact sold to them all its production of potash except for such amounts as are required for its production of a compound fertilizer.

This is similar to the previous situation in VDK, when Kali Chemie had transformed part of its potash production and sold the remainder to VDK. In that case VDK were obliged to charge the quantities intended for transformation to the sales quota of Kali Chemie. The present situation has not altered except for the fact that the amount of output which Kali Chemie transforms has increased.

With the exception of those quantities transformed by Kali Chemie, practically the whole supply of straight potash fertilizer in Germany is concentrated in the hands of Kali und Salz. As a result all competition is excluded between the only two German potash producers selling their products to (i) farmers and (ii) producers of compound fertilizer. The agreement permits Kali und Salz to take into account, for its sales forecasts, the quantities supplied by Kali Chemie, which represent 13 % of German consumption or the total potash consumption of Belgium or Denmark. Kali und Salz is therefore able to determine at its own will the utilization of the product as well as its destination and is further able to apply the same prices and conditions of sale to both products of its own output and that of Kali Chemie.

The agreement may also affect trade between Member States. A considerable proportion of the quantities put at the disposal of Kali und Salz by Kali Chemie are exported to other Member States. The Netherlands are just as accessible, in relation to the Kali Chemie works, as Belgium/Luxembourg and Denmark. Demand in those countries centres on types of product which are suitable for the production of compound fertilizer, which could be supplied by Kali Chemie, but are in fact supplied through Kali und Salz. The fact that Kali Chemie potash products are not exported at the moment to such easily accessible

areas as the Netherlands is primarily due to the nature of the arrangement Kali und Salz has made for re-sale. The agreement enables Kali und Salz to dispose of the quantities not required by Kali Chemie itself, treat them as their own supplies and centralize the national supply. The agreement covers the entire territory of the Member States and by its very nature affects trade between Member States in such a way as to prejudice the achievement of the purposes of a unified inter-state market.

The Agreement notified therefore falls within the prohibition in Article 85 (1).

III

Non-applicability of Article 85 (3)

The two firms involved have submitted that should the Agreement of 6 July 1970 be prohibited under Article 85 (1), as being incompatible with the common market, it should be held to have fulfilled the requirements of Article 85 (3), and they submit that the provisions of Article 85 (1) should therefore be declared inapplicable in the case of that Agreement.

The grounds put forward in support of this submission were :

1. The Agreement enables Kali Chemie to sell its surplus potash through the Kali und Salz organization as Kali Chemie has no suitable sales network of its own. Straight potash fertilizer could not be sold successfully at the same time as the competitive RHE-KA-PHOS-fertilizer through the same sales network. Kali und Salz also sells a comparable product (Thomas-Kali) through a separate sales organization. The agreement allows Kali Chemie to restrict itself to its own potash range which has always for technical and geological reasons been limited and permits the optimum rationalized production of these products at low production costs. It further allows the exploitation of suitable sales locations, the reduction of distribution costs relating to stockage, advertising and advisory services, and the rationalization of freight, resulting in considerably lower costs. Kali Chemie's commercial policy with regard to fertilizers concentrates on the sale of PK fertilizer, the development of which requires the use of potash components at low cost, a development which in the long term can only be achieved by the guaranteed sales provided for in the agreement. If Kali Chemie were to conduct its own sales, it would mean expanding the range of products, enlarging warehouses, increasing advertising, and arranging technical advice for customers. Such essential investment could not be justified economically.
2. With the help of quantities supplied by Kali Chemie, Kali und Salz can, it is asserted, more easily deal with those fluctuations in demand which occur in the peak periods of autumn and spring. The storage facilities at the various

marketing stages and those of the customer were insufficient; those who resell the goods therefore depend on the industry being able to deliver promptly, and it must make extensive storage capacity available. Buyers of potash for the manufacture of compound fertilizer and for industrial processing gave no undertaking in the annual agreements concluded with them to purchase specific quantities at periods based on the production schedule of the potash works. As the proportion of freight cost amounts to 14 to 40 % of the price charged to the customers, the fullest advantage must be taken of a central distribution of orders. For example, magnesium-kainite could be advantageously supplied from the Kali Chemie works in the north, and from the Kali und Salz works in the south (in individual cases, savings of up to 34 % are claimed). As two-thirds of the supplies for the manufacture of compound fertilizer go to the BASF group's plants, considerations of freight economy have priority. If Kali Chemie conducted its own sales, it could not expect to sell its products to that group. Moreover, even selling on an independent basis to other compound fertilizer manufacturers as bulk buyers could not guarantee any definite long-term sales opportunities.

3. The customers share the advantages of the agreement, as the potash supply is more plentiful, more flexible and more accessible: freight is rationalized, and the lack of sales risks and the use of Kali Chemie production facilities at low cost enables potash to be used cheaply in the production of RHE-KA-PHOS, and permits this fertilizer to be offered at a more attractive price than would otherwise be possible. The agreement includes no obligation to sell through Kali und Salz and leaves Kali Chemie completely free in its production and marketing decisions.
4. No opportunity is afforded to eliminate competition in respect of a large proportion of the products involved. Straight potash fertilizer and compound fertilizer serve the same purpose and, for the user, are at all times interchangeable; between them there is genuine competition based on interchangeability. This can be seen from the decrease in the proportion of potash iodide-fertilizer in Germany from 62.3 % in 1960/61 to 42.1 % in 1971/72. Moreover, there is strong competition within the other Member States where only 10 % (265 000 tons) of the demand (2 573 000 tons in 1971/72) is covered by goods from Kali und Salz and Kali Chemie.

These arguments put forward by the parties cannot be accepted by the Commission. On the one hand Kali und Salz is a very important potash producer which, even without the quantities sold by Kali Chemie, is in a position to adopt rationalization measures without an agreement of this kind. On the other hand, Kali Chemie belongs to the important Solvay Group, which also has potash interests outside Germany in Belgium and in Spain. Kali Chemie could sell its straight potash fertilizer independently and influence

competition so as to give customers a greater possibility of choice. In the past Kali Chemie was able to take over the distribution of its RHE-KA-PHOS-fertilizer which was until then sold through the common sales organization VDK. The result was an essential promotion of the sale of this fertilizer. An independent sale does not necessitate the ability of Kali Chemie to offer its products at attractive prices throughout the whole of the competitor Kali und Salz's sales area. Neither can a common distribution be justified by the fact that Kali Chemie does not dispose of a complete range of all types of potash fertilizers. There is no reason to suppose that, were Kali Chemie acting on its own, it would be obliged, under pressure of customers requirements, to manufacture products whose cost of production would either in themselves be excessive or would have an unfavourable effect on prices.

The Commission thus considers that the agreement reached by the parties contains no advantages to balance the disadvantages to competition which result from the centralization of sales. The agreement does not contribute to improving distribution while allowing consumers a fair share of the resulting benefit and accordingly, does not fulfil the first two conditions required for the application of Article 85 (3). However, it is not necessary to examine this question further in all details since the declaration of inapplicability of Article 85 (1) must in any case be refused because the agreement affords the undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

The agreement gives Kali und Salz an opportunity to improve on its strong position in the potash sector (at present its own production amounts to 87.5 % of German production) by becoming the sole supplier of straight potash fertilizer to the German market, a substantial part of the common market. There is no appreciable pressure of competition from the small amounts imported.

There is no substitute for potash in the production of compound fertilizer and certain industrial purposes. The supplies referred to already constitute about 60 % of the total domestic sales. As far as the sale of straight potash fertilizer for direct agricultural use is concerned, the farmer can, of course, theoretically choose between simple potash fertilizer and compound fertilizer containing potash. There are, however, various factors concerning use which all point to the desirability of using straight potash fertilizer. They are such considerations as the state of the soil, the labour element, weather and price.

Available statistics show that straight potash fertilizer is still very much in demand and that many consumers do not consider compound fertilizer as a substitute because it is more expensive. The quantities of straight potash fertilizer sold having decreased between 1960/61 and 1968/69 have since been increasing as the following statistics show:

Consumption of potash oxide in German agriculture ⁽¹⁾
(in 1000 tons of potash oxide)

	1949/1950	1960/1961	1965/1966	1968/1969	1970/1971	1971/1972
Straight fertilizer	560.7	626.8	598	452.8	464.7	518.8
Compound fertilizer	28.8	379.7	585	593.1	719.9	714.7

⁽¹⁾ Source : Federal Statistic Office.

An examination of the consumption figures for the nine Member States shows a somewhat parallel increase in the sales of straight potash fertilizer as compared with sales of compound fertilizer containing potash :

	1968/1969	1969/1970	1970/1971
Straight fertilizer	1 702.7	1 710.9	1 851.4
Compound fertilizer	1 829.2	1 984.9	2 145.4

Source : F A O.

Although it is a fact that a small number of farmers may in some years buy straight fertilizer and in others compound fertilizer, this does not alter the view that the relevant market to take as the basis for the decision in these proceedings is that of straight potash fertilizer.

The agreement between the parties of 6 July 1970 cannot be exempted under Article 85(3). The said agreement therefore constitutes an infringement of Article 85 and the parties must bring it to an end by virtue of Article 3 of Regulation No 17,

HAS ADOPTED THIS DECISION :

Article 1

The agreement of the 6 July 1970, concluded between Kali und Salz AG and Kali Chemie AG, concerning

the distribution by Kali und Salz AG of the straight potash fertilizer of Kali Chemie AG, constitutes an infringement of Article 85(1) of the Treaty establishing the European Economic Community.

Article 2

The application for an exemption under Article 85(3) is refused.

Article 3

The undertakings named in Article 1 are required to bring the stated infringement to an end.

Article 4

This Decision is addressed to the following undertakings :

1. Kali und Salz AG
D — 35 Kassel 1 Friedrich-Ebert-Straße 160
2. Kali Chemie AG
D — 3 Hannover Hans-Böckler-Allee 20.

Done at Brussels, 21 December 1973.

For the Commission

The President

François-Xavier ORTOLI

COMMISSION DECISION

of 17 January 1974

fixing the minimum export levy for the invitation to tender issued under Regulation (EEC) No 3281/73

(74/18/EEC)

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⁾;

Having regard to Council Regulation (EEC) No 1968/73⁽³⁾ of 19 July 1973 laying down general rules to be applied in the event of the cereals market being disturbed, as amended by Regulation (EEC) No 2632/73⁽⁴⁾, and in particular Article 4 (2) thereof;

Having regard to Commission Regulation (EEC) No 3130/73⁽⁵⁾ of 16 November 1973 establishing the conditions for the application of the system of tendering for export levies on cereals and in particular Article 5 (1) thereof;

Whereas an invitation to tender for the export levy on common wheat was issued under Commission Regulation (EEC) No 3281/73⁽⁶⁾ of 5 December 1973; whereas the notice of invitation to tender⁽⁷⁾ associated with this Regulation specified that the total tonnage for which the export levy could be fixed was approximately 200 000 metric tons;

Whereas Article 5 (1) of Regulation (EEC) No 3130/73 allows the Commission, in accordance with the procedure laid down in Article 26 of Regulation No 120/67/EEC, to fix a minimum export levy; whereas, when this minimum levy is being fixed, account must be taken of the criteria set out in Article 3 (1) (b) and (d) of Regulation (EEC) No 1968/73, namely:

— the objectives of the common organization of the market in cereals, namely to balance that market both as regards supplies and as regards trade, and

— the economic aspect of the exports;

Whereas paragraph 2 of the Article referred to above stipulates that the award is made to the tenderer or tenderers whose tenders quote a levy equal to or higher than the minimum;

Whereas it follows from applying these rules to the present situation on the market for the cereal in question that the minimum export levy should be fixed as shown in Article 1; whereas the tonnage to which this minimum applies is 50 000 tons;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS DECISION:

Article 1

The minimum export levy fixed on the basis of tenders submitted for 17 January 1974 is hereby fixed at 72.20 units of account per metric ton.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 January 1974.

For the Commission

P. J. LARDINOIS

Member of the Commission

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

⁽²⁾ OJ No 141, 28. 5. 1973, p. 8.

⁽³⁾ OJ No L 201, 21. 7. 1973, p. 40.

⁽⁴⁾ OJ No L 272, 29. 9. 1973, p. 18.

⁽⁵⁾ OJ No L 319, 20. 11. 1973, p. 10.

⁽⁶⁾ OJ No L 337, 6. 12. 1973, p. 17.

⁽⁷⁾ OJ No C 106, 6. 12. 1973, p. 49.

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) :

⁽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. Dublin Corporation, Housing Construction Department, 16-19 Wellington Quay, Dublin 2, Ireland.
2. Open procedure.
3. a) Cherry Orchard, Ballyfermot, approximately five miles west of the centre of Dublin.
b) The building of 340 houses and ancillary site works.
c)
d)
4. To be stated by the tenderer, but shall not be more than 104 weeks.
5. a) Dublin Corporation, Housing Construction Department, 16-19 Wellington Quay, Dublin 2, Ireland.
b) 22 February 1974.
c) Requests for documents must be accompanied by a remittance of £ 25, which will be refunded to each contractor who, by the time set out below in 6 a) submits a bona fide tender not subsequently withdrawn.
6. a) 8 March 1974, 12 noon.
b) Dublin Corporation Housing Construction, Department, 16-19 Wellington Quay, Dublin 2, Ireland.
c) English.
7. a) An assistant city manager, and designated senior administrative and technical officers of Dublin Corporation.
b) 8 March 1974, at 12.30 p.m., at 16-19 Wellington Quay, Dublin 2, Ireland.
8. The successful tenderer will be required to enter into an approved bond for 20 % of the tender amount to guarantee satisfactory completion of the work.
9. Payment generally will be made every four weeks on the basis of certificates of the Corporation architect of the value of work completed.
10. Before the contract may be awarded to a group of contractors they will require to be registered jointly as a company (see 11, third indent, below).
11. Tenderers must submit a list of housing projects carried out by the firm in the past five years showing the value, date and location of the projects.

The following information may be requested to facilitate the assessment of a firm's financial, constructional and managerial capacity :
 - a bank statement showing that the firm is in a suitable financial position to undertake the work ;
 - a statement of the firm's total turnover and its turnover on housing construction work over the three previous financial years ;
 - certificates of the firm's registration in the professional or trade register of the country in which the firm is established.
12. For four months after 8 March 1974.
13. The contract will be awarded subject to the corporation being satisfied as to the ability of the contractor to carry out the work to the building contractor who submits a tender in accordance with the tender documents, which is adjudged to be the most economically advantageous to the Corporation in respect of price, period of completion, technical merit and running costs.
- 14.
15. 16 January 1974.

Open procedure

1. Straßenbauamt Goslar, 3380 Goslar 1, Am Stollen 16, Postfach 2546.
2. Public invitation to tender pursuant to the regulations governing construction work contracts — Part A (VOB/A). German law and the regulations for construction work contracts — Part B (VOB/B) apply.
Place of jurisdiction (also for guarantors): Hannover.
3. a) The locality of Bad Harzburg, Bundesstraße 4, Braunschweig — Braunlage, boundaries Bettingerode, Westeroede, Schlewecke in the district of Wolfenbüttel, Niedersachsen.
b) Earthworks and road surfacing :
approx. 29 000 m³ topsoil removal,
approx. 135 000 m³ earth removal,
approx. 30 000 m³ frost blanket gravel (compacted),
approx. 42 000 m² graded aggregate of 15 cm thickness,
approx. 3 300 m piping of various diameters,
approx. 55 m frame culvert 1:50/1:50 m,
approx. 110 m frame culvert 1/0:50 m,
approx. 60 m Armco Multi-Plate, Profil U 1,
approx. 58 000 m² bituminous base course, type C 11 of the Lower Saxony Standards for Carriageway Surfacing, thickness 10 cm,
approx. 34 000 m² asphaltic binder 0/22, thickness = 5 cm,
approx. 47 000 m² asphaltic binder 0/16, thickness = 3.5 cm,
approx. 57 000 m² asphaltic concrete 0/11, thickness = 3.5 cm,
approx. 11 000 m² asphaltic concrete 0/8, thickness = 2 cm,
approx. 14 000 m³ topsoil replacement,
approx. 54 000 m² grass seeding.
c) One lot.
d)
4. Completion date : 1 September 1975.
5. a) As under 1.
b) 1 February 1974.
c) DM 80, payable to the Hannover postal cheque account No 2150, held by the Regierungshauptkasse Braunschweig, quoting :
'Ausschreibung für den Ausbau der B 4 zwischen Lukaszoll und dem Gut Radau (Bau-km 5,820 — 7,966)'. The receipt should be enclosed with the request for the documents. No refund will be made under any circumstances.
6. a) 28 February 1974, 11 a.m. at the latest.
b) As under 1.
c) German.
7. a) Tenderers and their authorized representatives.
b) 28 February 1974, 11 a.m., Straßenbauamt Goslar, 3380 Goslar, Am Stollen 16.
8. Guarantee of 5 % of the contract price. Only guarantees from a credit insurer or credit institution approved in the Federal Republic of Germany will be accepted.
9. Interim and final payments in accordance with the regulations governing construction work contracts — Part B (VOB/B).
- 10.
11. The tenderer must provide evidence of the following within one week of being requested to do so :
— turnover, in so far as it concerns construction and other work comparable to the work being put out to tender, including work done as part of a consortium or with other group bidders ;
— similar projects completed in the past three full financial years ;
— average manpower per year in the past three full financial years divided into categories of skills and trades ;
— technical equipment available to the tenderer for the completion of the work being put out to tender ;
— inscription in the Trade Register at the tenderer's registered offices or place of residence.
12. From the opening of tenders to 27 March, inclusive.
13. In accordance with § 25 VOB/A the contract will be awarded to the tender which appears the most acceptable when all technical and economic aspects are taken into account.
14. Construction documents may be inspected up to the date for the opening of tenders at the address given under 1.
15. 16 January 1974.

Restricted procedure

1. The City of Stoke-on-Trent, Town Hall, Stoke-on-Trent, Staffordshire, England.
 2. Restricted.
 3. a) Construction of refuse incineration plant at Hanford, Stoke-on-Trent, Staffordshire, England, of an approximate value of £ 1.4 million sterling, on and including piled foundations.
b) One tender for the civil engineering and building works comprising :
 - A sheeted and glazed framed incineration complex with brick dado walls, concrete bunker, foundations and floors, enclosing an incinerator building, refuse bunkers, tipping hall, residuals building, pump and control rooms, independent chimney etc, all to contain the refuse incineration plant installed by others under a separate contract with the awarding authority in item 1 above.
 - A separate gate house and weighbridge.
 - A separate office and amenity block.
 - Roads, pavings, drainage, fencing, landscaping, etc, and all services.c)
d)
 4. Sixty-four weeks contract period.
 5. United Kingdom ICE conditions of contract.
 6. a) 8 February 1974.
b) Mr R. F. Brenchley, W. S. Atkins & Partners, Consulting Engineers, Woodcote Grove, Ashley Road, Epsom, Surrey, England.
c) English.
 7. 15 March 1974.
 8. As Article 25 (a) and (c) and Article 26 (b), (d) and (e) of Council Directive No 71/305/EEC of 26 July 1971 (OJ No L 185, 16. 8. 1971, p. 5).
 9. Price and compliance with specification.
 - 10.
 11. 11 January 1974.
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Restricted procedure

1. Haverhill Urban District Council, Haverhill, Suffolk.
 2. Restricted procedure.
 3. a) The site is called Chimswell Estate, Areas 103/105.
b) Housing contract for approximately 265 houses: all mixed types.
c) Tendering relates to the entire project.
d) The project is for design and build.
 4. No time limit.
 5. The current revision of the 'Joint Contracts Tribunal' (JCT) form of contract.
 6. a) 14 February 1974.
b) The Clerk of the Council, Council Offices, Haverhill, Suffolk, England.
c) English.
 7. 7 March 1974.
 8. — Reference from bankers and to a statement of the firm's overall turnover and the turnover on construction works for the three previous years;
— A statement of the contractor's educational and professional qualifications and/or those of the firm's managerial staff, and, in particular, those of the person or 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. Where necessary, the competent authority shall submit these certificates to the authority awarding contracts direct;
— A statement of the tools, plan 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 past 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.
The contract is expected to take two years.
 10. The contractor will be required to register with the House Building Registration Council.
 11. 11 January 1974.
-

Restricted procedure

1. Wasser- und Schifffahrtsdirektion Hamburg, 2 000 Hamburg 4, Bernard-Nocht-Straße 78.
Freie und Hansestadt Hamburg, Behörde für Wirtschaft und Verkehr, Strom- und Hafenbau, 2 000 Hamburg 11, Dalmannstraße 1-3.
2. Restricted procedure pursuant to the regulations governing construction work contracts — Part A (VOB/A) with preceding public competition.
3. a) The Elbe from Hamburg to the sea (625 to 766 km).
b) Supplying and operating modern dredging equipment with full, hired operating teams and with performance guarantees.
The contract consists of two lots (see 3 c). Lot 1 comprises the dredging — in which spoil is disposed of hydraulically — as well as work connected with the disposal sites.
A total of approx. 50 million m³ material is to be dredged. Some of this will be dumped using reversible buckets although most will be disposed of hydraulically. At least a half of the spoil may be hopped. Applicants should have the following equipment :
3-4 hopper dredgers of various sizes (with a hold capacity of 2 500 to 6 000 m³) both with and without equipment for hydraulic discharge ;
5-7 bucket chain dredgers (with a bucket capacity of from 650 to 1 000 l);
1-2 suction dredgers (approx. 2 000 to 4 000 hp), one of which must be convertible for cutting ;
3-4 barge suckers (approx. 1 000 to 2 000 hp);
2-3 intermediate pumping stations for use in extensive disposal sites various scows of different sizes for hydraulic disposal and dumping various tugs corresponding in size to the scows ;
Discharge pipes (of approx. 600 — 800 mm diameter), incl. accessories various bulldozers and other auxiliary equipment.
c) 2 lots :
Lot 1 : Use of equipment from 639 km to 766 km, total spoil approx. 40 million m³ ;
Lot 2 : Use of equipment from 625 km to 639 km, total spoil approx. 10 million m³.
- d)
4. Period of execution : 3-5 years.
Work due to start in early summer 1974.
- 5.
6. a) 18 February 1974.
b) Address as under paragraph 1.
c) German ; in duplicate together with all the necessary documents.
7. 20 March 1974.
8. Only firms which have the technical knowledge and competence, as well as the technical and financial resources required to fulfill the contractual obligations will be considered.
In accordance with VOB/A § 8, para. 3, applications must be accompanied by details of the following :
— work carried out in the past three full financial years which is comparable to the work being put out to tender ;
— the equipment which it is intended to use, as well as other technical apparatus. Tenderers are advised to send for equipment lists from the organization named under 1, and to enclose the completed list with their applications.
9. The contract will be awarded in accordance with the criteria contained in VOB/A § 25.
10. Further information concerning participation in the competition is obtainable from :
Wasser- und Schifffahrtsdirektion Hamburg — Tel. (040) 31 11 21 App. 431 ;
Strom- und Hafenbau Hamburg — Tel. (040) 32 102/2387.
11. 14 January 1974.

Restricted procedure

1. Ministère de l'Aménagement du Territoire, de l'Équipement, du Logement et du Tourisme, Direction Départementale de l'Équipement du Département du Nord, B.P. no. 3 462, 59 019 — Lille Cedex, France.
330 metric tons high adhesive strength steel,
70 metric tons high-tensile steels,
4 700 m² decking surface,
620 m² concrete slabs for reinforced soil.
2. Restricted invitation to tender, preceded by public invitation for applications. (Arts. 93 to 97 of the Code of Public Contracts).
3. a) France — Département du Nord — Districts of Lille and Douai, Municipalities of Sainghin-en-Melantois, Frétil, Peronne-en-Melantois, Templeuve, Louvil, Genech, Nomain, Auchy-les-Orchies, Orchies.
b) The invitation to tender is for structural work on the Ascq — Orchies section of the Lille — Valenciennes motorway (C. 27). The work includes :
The construction of a square section underpass in reinforced concrete ;
The construction of six 4-span prestressed concrete slab overpasses, one on shallow and five on deep foundations ;
The construction of a single span underpass with girders at a constant height and with abutments made by the reinforced soil method ;
The construction of a footbridge in prestressed concrete ;
The supply and placing of a prefabricated metallic aqueduct.
Variations may be submitted for the decking of the prestressed concrete overpasses. If these are used, the overpasses will be available for a lump sum.
c) The contract comprises one lot, which includes :
500 l.m piles (of 80, 100, and 120 cm diameter),
10 200 m² well curbing,
4 400 m³ concrete,
- d)
4. Ten months.
5. Single firm or joint and several consortium.
6. a) 20 February 1974.
b) Monsieur le Directeur Départemental de l'Équipement, du Départ. du Nord, Cité Administrative, Bureau des Marchés, B.P. no. 3 462 — 59 019 Lille Cedex, France.
c) French.
7. 1 May 1974.
8. Information sheet and declaration to be forwarded in accordance with Article 41 § 1 and 2 of the Code of Public Contracts.
9. Application of Articles 91 and 92 of the Code of Public Contracts.
10. Firms may submit technical proposals on :
— the prestressing method to be used for structural work in prestressed concrete ;
— the method of installing reinforced concrete piles *in situ* ;
— metal construction work using galvanized steel.
11. 14 January 1974.

Restricted procedure ⁽¹⁾

1. Newburn Urban District Council, Council Offices, Newburn, Newcastle upon Tyne, United Kingdom.
2. Restricted tendering procedure and the successful tender will be the lowest acceptable offer in competition among selected contractors.
3. a) An area of 10.925 acres (4.42 hectares) at Tynevale Terrace, Lemington, Newcastle upon Tyne, United Kingdom.
b) The erection of 88 No 4 person, 2-bedroom dwellings of traditional construction. Included will be all associated drainage, road works and general landscaping. In addition it is proposed to erect on the same site a block of aged persons flatlets. This will comprise 26 single person flatlets, 4 two person flatlets, warden's accommodation and communal areas. Included will be all associated drainage etc, as above.
c) The site will be treated as one contract.
d)
4. To be completed within a period of 21 months from the date agreed with the contractor for possession of the site.
5. The form of contracts to be entered into between the contractor and the Corporation will be the current revision of the standard form of building contract (Local authorities edition — with quantities issued by the Joint Contracts Tribunal.
6. a) 1 February 1974.
b) The Clerk, Newburn Urban District Council, Council Offices, Newburn, Newcastle upon Tyne, United Kingdom.
c) English.
- 7.
8. — Proof that none of the circumstances set out in Article 23 apply to the contractor.
— Proof of the contractor's financial and economic standing as set out in Articles 25 (a), (b) and (c).
— Proof of the contractor's technical knowledge and ability as set out in Article 26 (a), (c) and (d).
- 9.
- 10.
11. 14 January 1974.

⁽¹⁾ See Council Directive No 71/305/EEC, Article 12 (3), and Article 15 (OJ No L 185, 16. 8. 1971, p. 8).

Restricted procedure ⁽¹⁾

1. Établissement public du centre Beaubourg, 35, bd de Sébastopol, 75001 Paris (France).
 2. Appel d'offres restreint.
 3. a) Centre Beaubourg, Paris 75001 ;
b) Lot n° 16 : cloisons ; réalisation de 1 540 m² environ de cloisons coupe-feu deux heures, de sas et portes.
c)
d)
 4. Courant 1974.
 - 5.
 6. a) Le 30 janvier 1974 ;
b) Monsieur le président de l'établissement public du centre Beaubourg, 35, bd de Sébastopol, 75001 Paris ;
 - c) Langue française.
 - 7.
 8. Les entreprises intéressées devront faire acte de candidature en adressant une déclaration d'intention de soumissionner, accompagnée de tous documents concernant leurs ressources financières, leur organisation, leur compétence technique, leurs ressources en main-d'œuvre, et toutes références.
Elles devront éventuellement participer à des réunions pour fournir toutes précisions nécessaires.
 - 9.
 - 10.
 11. Le 18 janvier 1974.
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⁽¹⁾ See Council Directive No 71/305/EEC, Article 12 (3), and Article 15 (OJ No L 185, 16. 8. 1971, p. 8).

EURONORMS

The Commission of the European Communities (ECSC) has published the following new EURO-NORMS in German, French, Italian and Dutch

*Price in EMA
units of account*

EURONORM 25-72	Aciers de construction d'usage général	1,45
EURONORM 43-72	Tôles et bandes en aciers alliés pour chaudières et appareils soumis à pression — Nuances et qualités	1,00
EURONORM 49-72	Mesure de la rugosité des produits minces en acier laminés à froid et non revêtus	0,50
EURONORM 50-72	Analyse chimique des matériaux sidérurgiques — Dosage de l'azote dans les aciers — Méthode spectrophotométrique	0,85
EURONORM 74-72	Analyse chimique des matériaux sidérurgiques — Dosage du cuivre dans les aciers et les fontes — Méthode photométrique	0,50
EURONORM 100-72	Analyse chimique des matériaux sidérurgiques — Dosage du chrome dans les aciers et les fontes — Méthode photométrique	0,50
EURONORM 108-72	Fil-machine rond en acier pour articles de boulonnerie formés à froid — Dimensions et tolérances	0,85
EURONORM 109-72	Essais conventionnels de dureté Rockwell — Échelles Rockwell HRN et HRT — Échelles Rockwell HRB' et HR 30 T' pour produits minces	1,00
EURONORM 113-72	Aciers de construction soudables de qualité spéciale — Fascicules 1 à 3	2,00
EURONORM 114-72	Détermination de la résistance à la corrosion intergranulaire des aciers inoxydables austénitiques — Essai de corrosion en milieu acide sulfurique — sulfate cuivrique (essai dit de Monypenny-Strauß)	0,50
EURONORM 116-72	Détermination de la profondeur conventionnelle de trempe après chauffage superficiel	0,50
EURONORM 120-72	Tôles et bandes pour bouteilles à gaz soudées en acier	0,50
EURONORM 121-72	Détermination de la résistance à l'attaque intergranulaire des aciers inoxydables austénitiques — Essai de corrosion en milieu nitrique par mesure de perte de masse (essai dit de Huey)	0,50

The following is a list of all the EURONORMS so far published :

Circulaire d'infor- mation n° 1	Échantillons types pour les analyses chimiques des produits sidérurgiques . . .	0,85
EURONORM 1-55	Fontes et ferro-alliages	1,15
EURONORM 2-57	Essai de traction pour l'acier	0,85
EURONORM 3-55	Essai de dureté Brinell pour l'acier	0,50
EURONORM 4-55	Essai de dureté Rockwell échelles B et C pour l'acier	0,50
EURONORM 5-55	Essai de dureté Vickers pour l'acier	0,50
EURONORM 6-55	Essai de pliage pour l'acier	0,50
EURONORM 7-55	Essai de résilience Charpy pour l'acier	0,50
EURONORM 8-55	Valeurs de conversion approximatives de la durée et de la résistance à la traction de l'acier	0,50
EURONORM 9-55	Valeurs de conversion approximatives des allongements après rupture de l'acier	0,35
EURONORM 10-55	Valeurs de conversion approximatives des résiliences de l'acier	0,35
EURONORM 11-55	Essai de traction sur tôles et feuillards en acier d'une épaisseur de 0,5 mm inclus à 3 mm exclu	0,70
EURONORM 12-55	Essai de pliage des tôles et feuillards en acier d'épaisseur inférieure à 3 mm	0,50
EURONORM 13-55	Essai de pliage alterné des tôles et feuillards en acier d'épaisseur inférieure à 3 mm	0,50
EURONORM 14-67	Essai d'emboutissage à flans bloqués	0,50
EURONORM 15-70	Fil-machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Examen de la surface	0,50
EURONORM 16-70	Fil-machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Nuances et qualités	0,85
EURONORM 17-70	Fil-machine en acier non allié d'usage général, destiné au tréfilage ou à l'étirage — Dimensions et tolérances	1,70
EURONORM 18-57	Prélèvements et préparation des échantillons et des éprouvettes	0,50
EURONORM 19-57	Poutrelles IPE — Poutrelles à ailes parallèles	0,35

EURONORM	20-60	Définition et classification des nuances d'aciers	0,35
EURONORM	21-62	Conditions générales techniques de livraison pour les produits en acier	0,50
EURONORM	22-70	Détermination ou vérification de la limite d'élasticité de l'acier à température élevée	0,85
EURONORM	23-71	Essai de trempabilité par trempe en bout de l'acier — Essai Jominy	1,15
EURONORM	24-62	Poutrelles normales et profilés en U normaux — Tolérances de laminage . . .	0,35
EURONORM	26-63	Essais conventionnels de dureté Rockwell pour tôles et feuillards minces en acier	0,50
EURONORM	27-70	Désignation conventionnelle des aciers (deuxième édition)	0,85
EURONORM	28-69	Tôles et bandes en aciers non alliés pour chaudières et appareils soumis à pression — Nuances et qualités	0,85
EURONORM	29-69	Tôles en acier laminées à chaud d'épaisseur égale ou supérieure à 3 mm — Tolérances sur les dimensions, la forme et le poids	0,85
EURONORM	30-69	Demi-produits pour forges en aciers de construction d'usage général — Nuances et qualités	0,85
EURONORM	31-69	Demi-produits pour forges — Tolérances sur les dimensions, la forme et le poids	0,50
EURONORM	32-66	Tôles minces en acier doux non allié pour emboutissage ou pilage à froid — Norm de qualité	1,00
EURONORM	33-70	Tôles et larges bandes d'épaisseur inférieure à 3 mm, en acier doux non allié pour emboutissage ou pliage à froid — Tolérances sur les dimensions et sur la forme	0,85
EURONORM	34-62	Poutrelles à larges ailes à faces parallèles — Tolérances de laminage	0,35
EURONORM	35-62	Barres et laminés marchands d'usage courant — Tolérances de laminage . . .	0,35
EURONORM	36-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone total dans les aciers et les fontes — Méthode gravimétrique après combustion dans un courant d'oxygène	0,50
EURONORM	37-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone total dans les aciers et les fontes — Méthode gazométrique après combustion dans un courant d'oxygène	0,85
EURONORM	38-62	Analyse chimique des matériaux sidérurgiques — Dosage du carbone de trempe et du graphite dans les aciers et les fontes — Méthodes gravimétrique et volumétrique après combustion dans un courant d'oxygène	0,35
EURONORM	39-62	Analyse chimique des matériaux sidérurgiques — Dosage du manganèse dans les aciers et les fontes — Méthode titrimétrique après oxydation au persulfate	0,50
EURONORM	40-62	Analyse chimique des matériaux sidérurgiques — Dosage du silicium total dans les aciers et les fontes — Méthode gravimétrique	0,50
EURONORM	41-65	Analyse chimique des matériaux sidérurgiques — Dosage du phosphore dans les aciers et les fontes — Méthode alcalimétrique	0,70
EURONORM	42-66	Analyse chimique des matériaux sidérurgiques — Dosage du soufre dans les aciers et les fontes — Méthode après combustion dans un courant d'oxygène	0,70
EURONORM	44-63	Poutrelles IPE laminées à chaud — Tolérances de laminage	0,35
EURONORM	45-63	Essai de choc sur éprouvette bi-appuyée à entaille en V	0,50
EURONORM	46-68	Feuillards à chaud en aciers doux non alliés — Norme de qualité, prescriptions générales	1,00
EURONORM	47-68	Feuillards à chaud en aciers de construction d'usage général — Norme de qualité	1,15
EURONORM	48-65	Feuillards laminés à chaud en aciers non alliés — Tolérances sur les dimensions, la forme et le poids	0,50
EURONORM	51-70	Bandes laminées à chaud de largeur égale ou supérieure à 600 mm — Tolérances sur les dimensions, la forme et le poids	0,50
EURONORM	52-67	Vocabulaire du traitement thermique	6,35
EURONORM	53-62	Poutrelles à large ailes à faces parallèles	0,35
EURONORM	54-63	Petits fers U laminés à chaud	0,35
EURONORM	55-63	Fers T à ailes égales et à coins arrondis laminés à chaud	0,35
EURONORM	56-65	Cornières à ailes égales et à coins arrondis laminés à chaud	0,50
EURONORM	57-65	Cornières à ailes inégales et à coins arrondis laminées à chaud	0,50
EURONORM	58-64	Plats laminés à chaud pour usages généraux	0,35

EURONORM	59-64	Carrés laminés à chaud pour usages généraux	0,35
EURONORM	60-65	Ronds laminés à chaud pour usages généraux	0,35
EURONORM	61-71	Hexagones laminés à chaud	0,35
EURONORM	65-67	Barres rondes laminées à chaud pour vis et rivets	0,35
EURONORM	66-67	Demi-ronds et demi-ronds aplatis, laminés à chaud	0,35
EURONORM	67-69	Plats à boudins laminés à chaud	0,35
EURONORM	70-71	Analyse chimique des matériaux sidérurgiques — Dosage du manganèse dans les aciers et les fontes — Méthode photométrique	0,85
EURONORM	71-71	Analyse chimique des matériaux sidérurgiques — Dosage du manganèse dans les aciers et les fontes — Méthode électrométrique	0,50
EURONORM	72-71	Analyse chimique des matériaux sidérurgiques — Dosage de l'aluminium dans les aciers — Méthode gravimétrique	0,85
EURONORM	76-66	Analyse chimique des matériaux sidérurgiques — Dosage du silicium dans les aciers et les fontes — Méthode spectrophotométrique	0,50
EURONORM	77-63	Fer noir et fer blanc en feuilles — Normes de qualité	0,85
EURONORM	78-63	Fer noir et fer blanc en feuilles — Tolérances sur dimensions	0,70
EURONORM	79-69	Définitions et classification des produits sidérurgiques par formes et dimensions	0,85
EURONORM	80-69	Aciers pour armatures passives du béton — Prescriptions de qualité	0,85
EURONORM	81-69	Ronds à béton lisses laminés à chaud — Dimensions, poids, tolérances	0,35
EURONORM	83-70	Aciers pour trempe et revenu — Prescriptions de qualité	2,15
EURONORM	84-70	Aciers de cémentation — Prescriptions de qualité	1,85
EURONORM	85-70	Aciers de nitruration — Prescription de qualité	0,85
EURONORM	86-70	Aciers pour trempe par induction et au chalumeau — Prescriptions de qualité	1,65
EURONORM	87-70	Aciers de décolletage — Prescriptions de qualité (fascicules 1 à 4)	1,80
EURONORM	88-71	Aciers inoxydables — Prescriptions de qualité	1,65
EURONORM	89-71	Aciers alliés pour ressorts formés à chaud et traités — Prescriptions de qualité	1,15
EURONORM	90-71	Aciers pour soupapes d'échappement de moteurs à combustion interne — Prescription de qualité	0,85
EURONORM	91-70	Large plates laminés à chaud — Tolérances sur les dimensions, la forme et le poids	0,50
EURONORM	93-71	Barres rondes, carrées, plates et hexagonales laminées à chaud — Tolérances de laminage	0,50
EURONORM	98-71	Analyse chimique des matériaux sidérurgiques — Dosage du manganèse dans le ferro-manganèse — Méthode électrométrique	0,50
EURONORM	103-71	Détermination micrographique de la grosseur du grain ferritique ou austénitique des aciers	3,00
EURONORM	104-70	Détermination de la profondeur de décarburation des aciers de construction non alliés et faiblement alliés	0,50
EURONORM	105-71	Détermination et vérification de la profondeur conventionnelle de cémentation	0,50
EURONORM	106-71	Bandes et tôles magnétiques à grains non orientés laminés à froid et à chaud	1,65

These publications can be obtained from the national standards institutions, viz.

in the Federal Republic of Germany :

Beuth-Vertrieb GmbH
Burggrafenstr. 4-7, 1 Berlin 30

in Belgium and Luxembourg :

Institut belge de normalisation — IBN —
29, avenue de la Brabançonne, 1040 Bruxelles

in France :

Association française de normalisation — AFNOR —
Tour Europe, Cedex 7, 92 080 Paris - La Défense

in Italy :

Ente nazionale italiano di unificazione — UNI —
Piazza A. Diaz, 2, Milan

in the Netherlands :

Nederlands Normalisatie-Instituut — NNI —
Rijswijk (ZH), Polakweg 5

Interested residents of third countries are asked to contact the Office of Official Publications of the European Communities, Case postale 1003, Luxembourg 1.