COUNCIL DIRECTIVE

of 9 April 1973

fixing common rates of capital duty

(73/80/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

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

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

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

Whereas the reduced rate provided for in paragraph 1 (b) and (bb) of the said Article 7 in respect of certain company reconstruction operations must be fixed sufficiently low to eliminate any cumulative effects of capital duty; whereas a rate of 0·50 % meets this requirement; whereas, however, to encourage such reconstruction operations as far as possible, the Member States should be given the option of applying a rate lower than 0·50 %;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

The reduced rates provided for in Article 7 (1) (b) and (bb) of the same Directive shall, with effect from 1 January 1976, be any rate between 0 % and 0·50 %.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 9 April 1973.

For the Council

The President

A. LAVENS

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[1] OJ No L 249, 3. 10. 1969, p. 25.
[2] See p. 13 this Official Journal.