

OFFICIAL GAZETTE

OF THE

EUROPEAN COAL & STEEL COMMUNITY

FIFTH YEAR · No. 12 · MAY, 1956

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OFFICIAL GAZETTE

OF THE

EUROPEAN

COAL AND STEEL COMMUNITY

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THE HIGH AUTHORITY

DECISIONS

DECISION No. 22/56 of May 23, 1956, extending Decisions Nos. 16/55 and 17/55, of May 5, 1955, concerning the authorization of zone-delivered prices for sales by the Houillères du Bassin de Lorraine and the Saarbergwerke, Saarbrücken, to the German Federal Republic

THE HIGH AUTHORITY,

HAVING regard to Section 24 of the Convention :

HAVING regard to Decisions Nos. 16/55 and 17/55 of May 5, 1955, concerning the authorization of zone-delivered prices for sales to the German Federal Republic (*Official Gazette of the Community, May 11, 1955, pp. 166-172*), as amended by Decision No. 1/56, of January 11, 1956 (*Official Gazette of the Community, January 14, 1956, pp. 2-4*), and extended by Decision No. 12/56, of March 21, 1956 (*Official Gazette of the Community, March 27, 1956, p. 105*):

WHEREAS the reasons for these decisions retain their cogency ;

WHEREAS the changes in freight rates as from May 1, 1956, have not entailed any differences between the delivered prices of fuels from the coal-fields in question and those of the Ruhr of a nature to necessitate an adjustment of the zones ;

WHEREAS, accordingly, these decisions must be extended up to the end of the coal year ;

DECIDES :

Article 1

Decisions Nos. 16/55 and 17/55, as amended by Decision No. 1/56, are hereby extended up to and including March 31, 1957.

Article 2

This decision shall come into force within the Community on June 1, 1956.

This decision was deliberated and adopted by the High Authority at its session on May 23, 1956.

For the High Authority,
RENÉ MAYER,
President.

INFORMATION

Communication issued by the High Authority on May 23, 1956, concerning publication of the remuneration allowed to dealers and other middlemen on sales of iron and steel products in the Common Market

It has become apparent that there is still a lack of clarity as to the correct manner of implementing the regulations concerning the publication of rebates, refunds and other forms of trade allowances.

The High Authority would point out in this connexion that the producer enterprises of the Community are obliged, under Article 60, 2 of the Treaty, to publish the price-schedules and conditions of sale applied in the Common Market. In Decision No. 31/53 (*Official Gazette of the Community, May 4, 1953, p. 111*), supplemented by Decision No. 2/54, Article 2, f (*Official Gazette of the Community, January 13, 1954, p. 218*), and in Decision No. 37/54, Article 4, f (*Official Gazette of the Community, August 1, 1954, p. 470*), the High Authority prescribes, in particular, the publication of "rebates, refunds and all forms of allowances granted to the trade or to selling organizations".

In order to make the position perfectly clear as regards the cases covered by these regulations, the High Authority offers the following explanatory particulars.

(1) Community enterprises must publish the form, amount and terms of the remuneration allowed by them on their price-schedules, where they *sell* their products to buyers. This is the usual practice with dealers and selling organization acting as *buyers* in relation to the enterprises. If an enterprise allows such remuneration, it is obliged to publish it, and to grant the same allowances to all dealers in comparable situations. It is not permitted to apply different systems, particularly systems differing according to the nationality of the dealer.

(2) Where allowances are granted to *middlemen* not themselves acting as *buyers*, but acting as intermediaries for the conclusion of transactions between enterprises and buyers, enterprises are not obliged to publish the remuneration allowed.

Such a case arises, for instance, when an enterprise markets its production through its own selling offices or through agents selling the products for and on behalf of the enterprises, at the prices and on the conditions listed in its price-schedule. This applies also to commission agents and selling organizations, even where these are selling under their own name but for the account of the enterprise.

The foregoing applies only where there is a genuine agency or commission arrangement. Accordingly, where an enterprise *sells* to a middleman, it cannot evade obligation to publish on the ground that the contract is made out as an agency or commission contract.

THE COMMON ASSEMBLY

FINANCIAL YEAR 1955-56

ORDINARY SESSION (PART ONE)

MINUTES OF THE SITTINGS

MINUTES OF THE SITTING OF TUESDAY,
MAY 8, 1956

M. PELLA, President, in the Chair

The sitting was opened at 11.05 a.m.

OPENING OF THE ORDINARY SESSION

The President declared the Ordinary Session of the Common Assembly for the financial year 1955-56 open.

VACATION OF SEAT

The Assembly noted the vacation of his seat by M. F. J. STRAUSS, now Minister for Atomic Energy of the German Federal Republic.

SUBMISSION OF DOCUMENTS

The Assembly noted as tabled Documents Nos. 10, 11, 12 and 13, as required under Articles 17 and 78 of the Treaty of April 18, 1951.

EXAMINATION OF CREDENTIALS

The Assembly confirmed the admission of MM. PICCIONI and DOLLINGER.

ORDER OF PROCEEDINGS

On the proposal of the Committee of Presidents, the Assembly decided to fix the order of proceedings for the first part of the Ordinary Session for the financial year 1955-56 as follows :

Tuesday, May 8 :

Morning: statement by the President of the High Authority.

Afternoon, 4-7 o'clock : general debate on the Report on the activities of the Community and the statement by the President of the High Authority.

Wednesday, May 9 :

Morning: group and committee meetings.

Afternoon, 3 o'clock : resumption of the general debate on the Report and on the statement by the President of the High Authority.

Friday, May 11 :

Morning, 10 o'clock, and afternoon, 3 o'clock: debate on the general Common Market and Euratom.

The Assembly decided to fix the opening of the second part of the Session for June 18.

CONGRATULATIONS

The Assembly associated itself with the congratulations extended by the President to M. DEHOUSSE, member of the Common Assembly, on his election as President of the Consultative Assembly of the Council of Europe.

STATEMENT

by M. RENÉ MAYER, President of the High Authority.

The Sitting was suspended at 12.30 p.m.

The Sitting was resumed at 4.05 p.m.

GENERAL DEBATE

on the Report on the Activities of the Community and the statement by the President of the High Authority.

Speaker: M. FURLER.

M. FOHRMANN, Vice-President, in the Chair

Speakers in the resumed debate: MM. SCHOENE, SASSEN, REY, Minister of Economic Affairs, representing the Belgian Government, PUENDER and LAPIE.

M. PELLA, President, in the Chair

Speakers in the resumed debate: MM. VIXSEBOXSE and MAYER, President of the High Authority.

APPOINTMENT TO COMMITTEE AND WORKING PARTY

The Assembly appointed M. PICCIONI a member of the Social Affairs Committee and of the Working Party.

AGENDA OF THE NEXT SITTING

The President informed the Assembly that the next Sitting would be held on Wednesday, May 9, at 3 p.m., to continue the general debate on the Report on the Activities of the Community and the statement by the President of the High Authority.

The Sitting was closed at 7.10 p.m.

MINUTES OF THE SITTING OF WEDNESDAY, MAY 9, 1956

M. PELLA, President, in the Chair

The Sitting was opened at 3.15 p.m.

MINUTES

The Minutes of the previous Sitting were adopted.

COMMEMORATION

The Assembly associated itself with the remarks of the President in commemoration of the sixth anniversary of M. Robert SCHUMAN'S declaration of May 9, 1950.

RESUMPTION OF THE GENERAL DEBATE

on the Report on the Activities of the Community and the statement by the President of the High Authority.

Speakers: MM. BERTRAND, MAROGER, NEDERHORST, CARBONI, KORTHALS, POHLE and STRUYE.

The Sitting was suspended at 5.05 p.m.

The Sitting was resumed at 5.50 p.m.

Speakers in the resumed debate: M. COPPE, Second Vice-President of the High Authority, M. GAILLY, MM. FINET, GIACCHERO, POTTHOFF and DAUM, Members of the High Authority, M. MAYER, President of the High Authority, M. FURLER and M. MAYER, President of the High Authority.

The general debate on the Report on the Activities of the Community and the statement by the President of the High Authority was closed, the debate on the different sections of the Report to be held during the second part of the Session, from June 18 onwards, when the appropriate committees had submitted their reports.

SUBMISSION OF DOCUMENT

The Assembly noted as tabled the Report by MM. Van der GOES van NATERS and WIGNY, on behalf of the Working Party, on the Common Market and Euratom (Document No. 14).

AGENDA OF THE NEXT SITTING

The President informed the Assembly that the next Sitting would be held on Friday, May 11, at 10 a.m. and 3 p.m., to discuss the Report by MM. Van der GOES van NATERS and WIGNY on the Common Market and Euratom (Document No. 14).

The Sitting was closed at 7.55 p.m.

MINUTES OF THE SITTING OF FRIDAY, MAY 11, 1956

M. PELLA, President, in the Chair
The Sitting was opened at 10.05 a.m.

MINUTES

The Minutes of the previous Sitting were adopted.

EXPRESSION OF THANKS

The President thanked M. SPAAK, Chairman of the Brussels Committee, for his assistance in the work of the Assembly.

PRESENTATION OF DOCUMENT No. 14,

the Report on behalf of the Working Party on the Common Market and Euratom by MM. Van der GOES van NATERS and WIGNY.

Speakers: MM. Van der GOES van NATERS, Rapporteur on the Common Market, and WIGNY, Rapporteur on Euratom.

DEBATE ON PROBLEMS OF THE COMMON MARKET AND EURATOM

The Assembly decided to discuss the problems of the Common Market and Euratom together.

Speakers in the debate : MM. GOZARD and FAYAT.

M. VANRULLEN, Vice-President, in the Chair

Speaker in the resumed debate: M. CROUZIER.

The Sitting was suspended at 12.55 p.m.

M. VIXSEBOXSE, Vice-President, in the Chair

The Sitting was resumed at 3.15 p.m.

Speakers in the resumed debate: MM. KAPTEYN, KOPF and DEBRE.

M. PELLA, President, in the Chair

Speakers in the resumed debate: MM. SPAAK, Chairman of the Brussels Committee, FURLER, De SMET, PICCIONI, MARGUE, POHLE, KREYSSIG and LAPIE.

Personal statements were made by MM. DEBRE, SPAAK, Chairman of the Brussels Committee, MAYER, President of the High Authority, and DEBRE.

Speaker in the resumed general debate: M. WIGNY, Rapporteur.

The general debate on the problems of the Common Market and Euratom was closed.

The Assembly adopted the following Resolution :

RESOLUTION

concerning the Common Market and Euratom

Having regard to its Resolutions of December 2, 1954, and May 9, 1955, setting up the Working Party whose principal task was "to examine the most appropriate and effective methods likely to ensure an extension of the material jurisdiction of the Community, and, more generally, an extension of the Common Market";

Having regard to the two Reports on the Common Market and Euratom prepared by its Working Party and discussed at the Extraordinary Session in Brussels in March, 1956;

Having regard to the Resolution concerning the Common Market adopted by the Common Assembly on March 16, 1956;

Having regard to the Report on the same subjects prepared by the Intergovernmental Committee set up on June 1 and 2, 1955, by the Conference of the six Foreign Ministers in Messina;

THE COMMON ASSEMBLY,

desirous of seeing the Treaties concluded without loss of time, hereby makes the following statements and recommendations:

I. As regards the Common Market,

THE COMMON ASSEMBLY

expresses satisfaction at the fact that the realistic and concrete Report published by the Intergovernmental Committee which was set up by the Messina Conference has laid the foundations for the next stages in the development of the Common Market;

recalls that the object of the Common Market is, by speeding up economic expansion and introducing a more rational division of labour, to ensure a steady raising of the standard of living, full employment and the levelling-up of social conditions throughout the territory of the new organization, and to improve conditions in the underdeveloped areas of the Community, in particular by strengthening their substructure;

stresses that the Common Market does not confine itself to liberalizing trade by the abolition of all discriminations (Customs duties, quotas, currency restrictions, inequitable transport regulations, etc.) and by protective measures against monopoly practices. This market further presupposes solidarity among all the States concerned, to enable each one of them to adapt itself without undue hardship to the new economic set-up, and to derive full benefit from the advantages offered. For this to be possible, adaptation and investment funds are essential;

insists that liberalization within the Community shall cover commodities, manpower, capital and services, and shall not assume the form of autarky *vis-à-vis* the outside world;

considers that precautionary measures are required to prevent a social retrogression on the part of certain member States under the pressure of competition, and to facilitate the co-ordination of agricultural economies;

infers from these points that, on many considerations, general economic policy should come under the jurisdiction of the institutions of the Common Market ;

demands that the provisions of the new Treaty shall enable social progress to be linked with economic progress, since the distinction drawn in the limited field of the European Coal and Steel Community cannot be entertained in the case of the broader Common Market ;

emphasizes that the establishment of the Common Market must be decided once and for all, but can only be carried out stage by stage ;

notes with satisfaction that after the first four-year stage decisions are to be taken by a qualified majority of the Council of Ministers, particularly as regards ensuring that the further automatic lowering of Customs tariffs is duly carried out.

II. *As regards Euratom,*

THE COMMON ASSEMBLY

states

with reference to principle

that co-operation in the atomic field between the European States is a necessity, and an urgent necessity, if these States are to regain a front-rank place among the industrial nations and to enjoy a steady improvement in their standard of living ; such co-operation will be of enduring value only if it covers all the various forms of nuclear energy, whether produced by fission, by fusion or in any other manner ;

with reference to territorial jurisdiction

that this organization formed to begin with by the six member States of the European Coal and Steel Community must be open without restriction to all member States of O.E.E.C. accepting its conditions ; that flexible methods must be devised to cover States wishing to co-operate on certain scientific or industrial undertakings while not actually belonging to the organization itself ; that efforts must be made to establish close association with the United Kingdom ; that Euratom, so far from conflicting with the plan worked out by the experts of O.E.E.C., should be lined up with it ; that the overseas territories providing the raw materials should receive a satisfactory *quid pro quo* ;

with reference to material jurisdiction

that Euratom, while standing aloof from all conflicts between political or economic ideologies, must strive to ensure military and medical supervision and economic security, by effecting a non-discriminatory allocation of all fissile raw materials and fuels among all Community users ;

that in order to hasten economic progress it is essential that there should be common undertakings at both scientific and industrial level ;

that flexible relations must be established with the private-enterprise sector in order that the technical revolution set in motion by the discovery of atomic energy may be enabled to extend its effects as widely as possible ;

that the problem of the military uses of atomic energy, whether by Euratom itself or by some of its members, in accordance with the Treaties in force, does not fall within the jurisdiction of the Common Assembly, but that the Assembly regards itself as being within its right in emphasizing here and now that in no event should such uses be allowed on grounds of military secrecy to restrict public-safety inspection or scientific co-operation.

III. As regards the institutions,

that the new European organizations must be endowed with limited but real powers, *i.e.* powers enabling them to perform their function ;

that effective democratic supervision must be exercised by the Assembly, whose powers have been too closely circumscribed in the present plans ;

that a proper balance must be devised between the powers of the Council of Ministers and those of the European Commission ;

that, as the experts propose, the maximum use must be made of the existing institutions of the European Coal and Steel Community ;

that public bodies and/or semi-public companies should be set up as part of Euratom, to avoid the political dangers of centralization and facilitate co-operation with third countries ;

that there must be co-operation with the employers' and workers' organizations, in order that the latter may, by expressing their opinions, assist the European Commission and the Council of Ministers in fulfilling their duties.

In general,

THE COMMON ASSEMBLY

requests the governments of the member countries to bear in mind the close connexion between the two plans and to study them in conjunction with one another ;

attaches very special importance to the suggestions put forward concerning the co-ordination of air transport, conventional energy, and posts and telecommunications.

DATE AND AGENDA OF THE SECOND PART OF THE SESSION

The President reminded the Assembly that the second part of the Ordinary Session for the financial year 1955-56 would open on June 18, to discuss, on the basis of reports from the appropriate committees, the different sections of the General Report on the Activities of the Community.

The Assembly fixed its next Sitting for Monday, June 18, at 3 p.m.

MINUTES

The Assembly decided to adopt forthwith the Minutes of this Sitting.

The Minutes of this Sitting were adopted.

ADJOURNMENT OF THE SESSION

The Ordinary Session for the financial year 1955-56 was declared adjourned.

The Sitting was closed at 8.25 p.m.

Annex to the Official Gazette

QUESTIONS AND REPLIES

**QUESTION No. 31 (a-d) put by M. G. M. Nederhorst, Member
of the Common Assembly**

(April 16, 1956)

(a) Can the High Authority give some indication, for each country and each coal and/or steel-producing area, of the number of hutments inhabited by workers employed in the industries of the Community, and the number of occupants of such hutments?

(b) Has the number of hutments gone down since the introduction of the Common Market? If so, to what extent?

(c) What have been the results of the action taken by the High Authority to do away with the hutments?

(d) Does the High Authority not regard it as desirable to agree with the governments and enterprises concerned on a time-limit for the final elimination of all hutments, and to enable a scheme for their elimination to be set in motion by providing financial assistance?

Reply by the High Authority

(May 18, 1956)

(a) Since it first assumed its duties at the end of 1952, the High Authority has assembled the necessary information for a thorough knowledge of housing requirements in the industries of the Community.

Thanks to the co-operation of the national authorities and trade associations, it has been enabled to estimate the overall housing needs, which are assessed at approximately 250.000 housing units.

The figures furnished related to housing lacking altogether, housing which was inadequate and housing too far removed from the place of work, but did not give details as to either the number or the proportion of hutments in any of these three categories, and were of such a nature as to give rise to doubts concerning the comparability of the criteria employed in the different countries in subdividing housing requirements under the three heads mentioned.

The High Authority did, however, in its Report on the Situation of the Community at the beginning of 1954, estimate urgent housing requirements at 100.000, including housing units to replace existing hutments.

(b) Since this inquiry was carried out, the number of hutments has undoubtedly decreased, as a result, among other things, of the considerable exertions undertaken in various coal and steel-producing areas in order to improve housing possibilities for workers in the industries of the Community.

(c) A number of housing schemes in receipt of financial assistance from the High Authority are in process of completion in various countries for the replacement of hutments.

(d) The object of the financial assistance provided by the High Authority for the construction of workers' houses is to reduce the existing shortage.

The High Authority considered it preferable not to fix a rigid scale of priorities for the solution of the housing problem, as the degree of urgency can only be established on the basis of each individual situation (*e.g.* it is more important to deal with a family with children living in a cellar than a childless couple living in a well-kept hut).

In order to see that its financial assistance for housing purposes was distributed to the best advantage, the High Authority consulted regional committees consisting of representatives of the employers, the workers and the public authorities.

These committees, which possess a thorough knowledge of conditions on the spot, are, in its view, the bodies best qualified to settle questions of priority, and accordingly to decide the location and allocation of the new housing units to be built.

THE COUNCIL OF MINISTERS

DECISIONS, AGREEMENTS AND CONSULTATIONS

AGREEMENT by the Council, under Article 54, second paragraph, of the Treaty, enabling the High Authority to contribute to the building of houses for workers employed in the industries of the Community by way of loans and guarantees to recipients other than the enterprises themselves

The High Authority recently requested the Council for the agreement required in accordance with Article 54, second paragraph, of the Treaty to enable it to contribute, in connexion with a new financing programme, a sum not exceeding 30.000.000 E.P.U. units of account for the building of houses for workers employed in the industries of the Community, by way of loans to legal persons not coming under the Community's jurisdiction and by guaranteeing loans contracted by such legal persons.

The Council, at its thirty-second session on May 3, 1956, gave the agreement requested by the High Authority.

For the Council.

M. LEMAIRE,

President.

COURT OF JUSTICE

OFFICIAL NOTICES

Appeals by the joint-stock companies Ansaldo-Coke, with registered offices in Genoa-Cornigliano, Cokapuania, with registered offices in Milan, Cokitalia, with registered offices in Milan, Fornicoke, with registered offices in Savone, Vetrocoke, with registered offices in Turin, and by the "Comitato Produttori Coke", with registered offices in Turin, against the High Authority, filed on May 2nd, 1956

(Case No. 4-56)

- The joint-stock company Ansaldo-Coke, with registered offices in Genoa-Cornigliano, represented by its Director General, Dr. Eng. Franco Zucchi and its managing director Dr. Gino Ballerini,
- the joint-stock company Cokapuania, with registered offices in Milan, via De Grassi 12, represented by its managing director Dr. Vittorio Patrizi,
- the joint-stock company Cokitalia, with registered offices in Milan, represented by its director general Eng. Leone Dalla Torre,
- the joint-stock company Fornicoke, with plants in Turin and registered offices in Savone, represented by its director and legal agent, Dr. Pietro Falchero,
- the joint-stock company Vetrocoke, with plants in Venice and registered offices in Turin, represented by its managing director, Dr. Eng. Biagio Beria.
- and the "Comitato Produttori Coke", association with registered offices in Turin, via Giolitti 24, represented by its President Dr. Eng. Biagio Beria,

all represented and assisted by Mr. Cesare Grassetti, professor at the Faculty of Law of the University of Milan, member of the Bar of Milan and Barrister at the Corte di Cassazione, Rome,

all having chosen as their address for service the office of Dr. Giuseppe Cappa, rue Notre-Dame 42, Luxemburg,

have filed on May 2nd, 1956, with the registry of the Court of Justice, an Appeal against the High Authority of the European Coal and Steel Community,

requesting annulment of Decisions N. 5-56, 6-56, 7-56 and 8-56, all of February 15, 1956 and published in the Official Gazette of the Community of March 13, 1956.

Plaintiff request

"That it may please the Court to admit the present Appeal, to annul Decisions N. 5-56, 6-56, 7-56 and 8-56 of the High Authority, all of February 15, 1956 and to take the measures provided for by the Treaty,

order, in case of need, suspension of the execution of the Decisions in question,

condemn defendant in the costs."

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