

OFFICIAL GAZETTE

OF THE

EUROPEAN COAL & STEEL COMMUNITY

FOURTH YEAR · No. 17 · JULY 23, 1955

Third year No. 17/18 was the first issue of the Official Gazette to be published in an English edition. Earlier issues (first year No. 1, second year Nos. 1-14 and third year Nos. 1-16) have been printed in Dutch, French, German and Italian only and are obtainable from H.M. Stationery Office at the addresses on the back cover.

LONDON

HER MAJESTY'S STATIONERY OFFICE

ONE SHILLING NET

LIST OF PUBLICATIONS
ISSUED BY
THE EUROPEAN COAL AND
STEEL COMMUNITY

High Authority—English Editions

	<i>Price each</i> £ s. d.
Treaty establishing the European Coal and Steel Community	5 6
Report on the Situation of the Community, January, 1953	3 6
Speeches delivered by M. JEAN MONNET: <i>August, 1952 in Luxembourg and September, 1952 in Strasbourg</i> ...	1 6
Addresses delivered by M. JEAN MONNET before the Common Assembly: <i>January, 1953 at Strasbourg</i> ...	1 6
Interventions by the President and the Members of the High Authority before the Common Assembly: <i>January, 1953 at Strasbourg</i>	3 6
The activities of the European Community: <i>General Report of the High Authority (August 10, 1952 to April 12, 1953)</i>	3 6
The establishment of the common market for steel: <i>Special Report of the High Authority</i>	2 6
Exchange of letters between President Eisenhower and the Chairmen of the Foreign Affairs Committees of the United States Congress relating to the European Coal and Steel Community and the Unification of Europe	1 6
Report on the problems raised by the different turnover tax systems applied within the common market	7 0
Report on the Situation of the Community at the beginning of 1954	3 0
Second General Report on the activities of the Community (<i>April 13, 1953 to April 11, 1954</i>)	7 0
Report on the Situation of the Community laid before the Extraordinary Session of the Common Assembly (<i>November 1954</i>)	5 0
Third General Report on the activities of the Community (<i>April 12, 1954 to April 10, 1955</i>)	7 0

**High Authority—German, French,
Italian and Dutch Editions only**

Tableau Comparatif des conditions de travail dans les industries de la Communauté: <i>Annexe au Recueil Statistique de la Communauté</i>	1 6
*Bulletin Statistique: <i>Subscription for 6 issues</i>	2 10 0
<i>Single copies</i>	10 0
Mémento de Statistiques 1954	5 0
Mémento de Statistiques 1955	5 0

(List continued on page iii of cover)

OFFICIAL GAZETTE OF THE EUROPEAN COAL AND STEEL COMMUNITY

TABLE OF CONTENTS

THE COMMON ASSEMBLY

ORDINARY SESSION—FINANCIAL YEAR 1954-1955

MINUTES OF THE SITTINGS

	PAGE
Minutes of the Sitting of Tuesday, June 21, 1955	253
Minutes of the Sitting of Wednesday, June 22, 1955	254
Minutes of the Sitting of Thursday, June 23, 1955	255
Minutes of the Sitting of Friday, June 24, 1955	259

QUESTIONS AND REPLIES

Question No. 27, put by M. François de Menthon, Member of the Common Assembly (June 15, 1955)	267
Reply by the High Authority (July 13, 1955)	267
Examination	267

THE COURT OF JUSTICE

OFFICIAL NOTICES

Appeal of the " Fédération Charbonnière de Belgique (a.s.b.l.), Brussels, vs. High Authority, filed on June 27, 1955. (Case No. 8—55)	269
Appeal of the " Sociétés Anonymes, la Société des Charbonnages de Beeringen, la Société des Charbonnages de Houthalen, la Société des Charbonnages de Helchteren et Zolder " vs High Authority, filed on June 27, 1955 (Case No. 9—55)	269

JUDGMENTS

Judgment of the Court in the Case No. 5—55: " Associazione Industrie Siderurgiche Italiane " (Assider) vs High Authority	270
--	-----

THE COMMON ASSEMBLY

FINANCIAL YEAR 1954-55

ORDINARY SESSION

MINUTES OF THE SITTINGS

MINUTES OF THE SITTING OF TUESDAY JUNE 21, 1955

M. PELLA, President, in the Chair.

The Sitting was opened at 4.25 p.m.

MINUTES

The Minutes of the previous Sitting were adopted.

RESUMPTION OF THE ORDINARY SESSION

The President declared the Ordinary Session of the financial year 1954-55 resumed, following its adjournment on Saturday, May 14, 1955.

ANNOUNCEMENT

concerning the Resolutions adopted during the first part of the Ordinary Session of the Common Assembly.

The President read out letters received by him from

—M. BECH, chairman at the meeting of Foreign Ministers held in Messina ; and

—M. RASQUIN, President of the Special Council of Ministers.

SUBMISSION OF REPORTS

The Assembly noted that the second supplementary Report (No. 42) by M. KAPTEYN, and Report (No. 43) by Mlle. KLOMPE, had been tabled.

AGENDA

Speakers: MM. de MENTHON and MARGUE.

Upon the proposal of its Committee of Presidents, the Assembly decided to establish the following order of proceedings :

In the afternoon,

—statement by the President of the Assembly on his tour in January, 1955 ;

—statement by the President of the High Authority.

The Sitting would be suspended immediately after this latter statement, to enable the groups and Committees to meet.

Wednesday,

—up to 11 a.m., meetings of groups and Committees ;

—from 11 a.m., public Sitting to hear any observations in reply to the statement by the President of the High Authority ;

—from 3.30 p.m., debate on the Reports and motions submitted by MM. de MENTHON, POHLE, POHER, DEIST, CARBONI, PERRIER, Mlle. KLOMPE, MM. KAPTEYN, Van der GOES van NATERS and MOTZ.

Thursday morning, meetings of groups and Committees.

—From Friday, general debate on the statement by the President of the High Authority, and political debate on the Reports submitted by M. MOTZ, on behalf of the Working Party, and by Mlle. KLOMPE, on behalf of the Political Affairs Committee.

STATEMENT BY THE PRESIDENT OF THE ASSEMBLY

on his talks with the governments and leading political figures of the member States during his tour undertaken at the beginning of January, 1955, in accordance with the Common Assembly's Resolution of December 1, 1954.

STATEMENT BY M. RENÉ MAYER, PRESIDENT OF THE HIGH AUTHORITY

APPOINTMENT OF COMMITTEE MEMBER

M. CHUPIN was appointed to the Committee on Legal Questions, Rules of Procedure of the Common Assembly, Petitions and Immunities, in succession to M. de SAIVRE.

AGENDA OF THE NEXT SITTING

The President announced that the next Sitting would be held on Wednesday, June 22, with the following agenda :

—11 a.m., first observations in reply to the statement by the President of the High Authority ;

—3.30 p.m., debate on the various Reports submitted by the Committees.

The Sitting was closed at 5.30 p.m.

MINUTES OF THE SITTING OF WEDNESDAY, JUNE 22, 1955

M. FOHRMANN, Vice-President, in the Chair

The Sitting was opened at 11.5 a.m.

MINUTES

The Minutes of the previous Sitting were adopted.

FIRST OBSERVATIONS IN REPLY TO THE STATEMENT BY THE PRESIDENT OF THE HIGH AUTHORITY

Speakers: MM. CARON, MOLLET, BLANK and VIXSEBOXSE.

The Sitting was suspended at 12 noon.

M. CARCASSONNE, Vice-President, in the Chair.

The Sitting was resumed at 3.35 p.m.

RESUMPTION OF THE DEBATE

on the Report by M. de MENTHON, on behalf of the Committee on Investments, Financial Questions and Production Development, on the problems presented by the allocation of the American hundred-million-dollar loan and other questions coming within the Committee's terms of reference (Document No. 10).

Speakers: MM. de MENTHON, Rapporteur, BLAISSE, CARBONI and DEIST.

The President announced that there were no further speakers, and stated that the High Authority would give its reply at the Sitting on the following day, Thursday.

The Sitting was suspended at 5.40 p.m.

M. VIXSEBOXSE, Vice-President, in the Chair.

The Sitting was resumed at 5.55 p.m.

RESUMPTION OF THE DEBATE

on the Report by M. POHLE, on behalf of the Common Market Committee, on Chapter Three (dealing with the problems of the Operation and Development of the Common Market) of the Third General Report on the Activities of the Community (1954-55) (Document No. 19).

Speakers: MM. POHLE, Rapporteur, BERTRAND, KORTHALS, NEDERHORST and BLAISSE.

The President announced that there were no further speakers, and stated that the High Authority would give its reply at the Sitting on the following day, Thursday.

AGENDA OF THE NEXT SITTING

The President stated that the next Sitting would be held on Thursday, June 23, at 3 p.m., with the following agenda:

- replies by the High Authority in the debate on the Reports by MM. de MENTHON and POHLE;
- debate on the motions and/or Reports submitted by MM. POHER, DEIST, CARBONI, PERRIER, Mlle KLOMPE, MM. KAPTEYN, Van der GOES van NATERS and MOTZ (Documents Nos. 38, 21, 34, 18, 22, 42 and 25).

The Sitting was closed at 7.25 p.m.

MINUTES OF THE SITTING OF THURSDAY, JUNE 23, 1955

M. MOTZ, Vice-President, in the Chair.

The Sitting was opened at 3.5 p.m.

MINUTES

The Minutes of the previous Sitting were adopted.

SUPPLEMENTARY REPORT

The Assembly noted that the supplementary Report (No. 44), by M. PERRIER, had been tabled.

DRAFT REPORT

The Assembly noted that a draft Report to the Consultative Assembly of the Council of Europe, on the activities of the Common Assembly from July 1, 1954, to May 31, 1955, had been tabled by M. MOTZ (Document No. 45).

RESUMPTION OF THE DEBATE

on the Report by M. de MENTHON, on behalf of the Committee on Investments, Financial Questions and Production Development, on the problems presented by the allocation of the American hundred-million-dollar loan, and on other questions coming within the Committee's terms of reference (Document No. 10).

Speakers: MM. DAUM, Member of the High Authority, COPPE, Vice-President of the High Authority, and FINET, Member of the High Authority.

The general debate was closed; it was stated that a draft Resolution on the matter would be put to the vote the following day, Friday.

RESUMPTION OF THE DEBATE

on the Report by M. POHLE, on behalf of the Common Market Committee, on Chapter Three (dealing with the problems of the Operation and Development of the Common Market) of the Third General Report on the Activities of the Community (1954-55) (Document No. 19).

Speakers: MM. ETZEL, Vice-President of the High Authority, BERTRAND and MAYER, President of the High Authority.

The general debate was closed.

The Assembly noted the statements just made.

REPORT

The Assembly noted that Report No. 46, by M. LENZ, had been tabled.

DEBATE ON THE RESOLUTION MOVED BY M. POHER,

addressed to the Special Council of Ministers, on the general expansion policy and the development of the economic situation (Document No. 38).

M. de MENTHON, Rapporteur, rose to a point of order.

The Assembly decided to defer this debate until the following day, Friday, when a representative of the Special Council of Ministers would be present.

RESUMPTION OF THE DEBATE

on the Report by M. DEIST, on behalf of the Committee on Investments, Financial Questions and Production Development, on the study and fact-finding mission undertaken by the Committee from January 24 to 27, 1955, for the purpose of examining the special problems of the Italian coalmining and iron and steel industries (Document No. 21).

M. DEIST, Rapporteur, rose to a point of order.

It was stated that a Resolution on the matter would be put to the vote the following day, Friday.

DEBATE ON THE RESOLUTION MOVED BY M. CARBONI,

addressed to the High Authority, on the Sulcis problem (Document No. 34).

Speaker: M. DEIST.

It was stated that the text of the Resolution would be put to the vote the following day, Friday.

DEBATE ON THE REPORT BY Mlle. KLOMPE

on behalf of the Committee on Political Affairs and the External Relations of the Community, on Chapter Two (dealing with the External Relations of the Community) of the Third General Report on the Activities of the Community (Document No. 22).

Speakers: Mlle. KLOMPE, Rapporteur, M. POHLE.

The Sitting was suspended at 5.5 p.m.

M. FOHRMANN, Vice-President, in the Chair.

The Sitting was resumed at 5.20 p.m.

RESUMPTION OF THE DEBATE

on the Report by Mlle. KLOMPE, on behalf of the Committee on Political Affairs and the External Relations of the Community, on Chapter Two (dealing with the External Relations of the Community) of the Third General Report on the Activities of the Community (Document No. 22).

Speakers: MM. CARBONI and SPIERENBURG, Member of the High Authority.

The general debate was closed.

The Assembly noted the statements just made.

DEBATE ON THE REPORT AND SUPPLEMENTARY REPORT BY M. PERRIER

on behalf of the Social Affairs Committee, on problems in connection with industrial safety and with research undertaken and results obtained in the field of occupational disease (Documents Nos. 18 and 44).

The Assembly decided to debate in conjunction with these Reports the Report by M. LENZ on the improvement of the living and working conditions of workers in the Community (Document No. 46).

Speakers: MM. PERRIER, Rapporteur, LENZ, Rapporteur, NEDERHORST, FINET, Member of the High Authority, and PERRIER.

The general debate was closed.

The Assembly adopted the first Resolution moved as follows:

RESOLUTION addressed to the High Authority on problems in connection with industrial safety, industrial health and occupational diseases in the industries of the Community

“THE COMMON ASSEMBLY

“expresses its satisfaction at the setting-up of the Mining Medicine Documentation Pool, and invites the High Authority to foster the activities of this Pool;

“welcomes the setting-up of the Committee for Research on Industrial Health and Medicine of the Community, and the commission of producers and workers of the coalmining and iron and steel industries, which will work with the Committee and thereby give it the benefit of its experience ;

“notes that the statistical data available on occupational diseases are inadequate and do not always enable comparisons to be made between one country and another, and asks the High Authority to take steps to enable the interested parties to obtain more accurate figures ;

“emphasizes the importance of stimulating contacts between the research institutes of the different countries, in order to co-ordinate and intensify endeavours to combat the occupational diseases prevailing in the industries of the Community, particularly silicosis: in this connection, satisfaction must be expressed at the High Authority’s decision, announced by its President, M. Mayer, in his address to the Assembly, to set aside a first instalment of three hundred thousand dollars for a programme of medical and social research. The Assembly hopes that the Consultative Committee will be in agreement with the decision taken by the High Authority, and that the Special Council of Ministers will signify its assent.

“In regard to accidents and industrial safety,

“THE COMMON ASSEMBLY

“invites the High Authority to apply Article 55 of the Treaty with despatch, and to make greater efforts in this field also to obtain more accurate figures and to circulate details of the best accident prevention methods known to-day: to this end, it would suggest the setting-up of a Committee to co-ordinate all endeavours with this aim in view ;

“finally, while recognizing in agreement with the High Authority that the solution of the problems of industrial safety and Health is particularly urgent in respect of the coalmining industry, asks the High Authority to take equally vigorous action also for the benefit of the iron and steel sector.”

The Assembly then adopted the second Resolution moved as follows :

RESOLUTION addressed to the High Authority on the improvement of the living and working conditions of the workers in the Community

“THE COMMON ASSEMBLY,

“in view of the difficult conditions under which certain of the workers in the Community are living ;

“in view also of the endeavours which are being made, both privately and by the authorities, to make it possible to improve the health and well-being of these workers and their children ;

“hopes that the High Authority will devote particular attention to promoting at European level measures to improve the wellbeing of the workers in the European Coal and Steel Community and their families, in accordance with the tasks incumbent on it under Article 3 (e) of the Treaty.”

AGENDA OF THE NEXT SITTING

The President announced that the next Sitting would be held on Friday, June 24, at 11 a.m., with the following agenda :

- debate on the Reports by the Investments Committee on the Resolution moved by M. POHER, and on the problems presented by the Reports submitted and Resolution moved by MM. de MENTHON, DEIST and CARBONI (Documents Nos. 38, 10, 21 and 34) ;
- if necessary, resumption of the debate on the statement made on June 21 by the President of the High Authority ;
- debate on the Report by Mlle KLOMPE on the Messina Conference (Document No. 43) ;
- debate on the Resolution moved by MM. Van der GOES van NATERS and NEDERHORST (Document No. 25) ;
- debate on the Report by M. KAPTEYN (Document No. 42) ;
- debate on the draft Report to the Consultative Assembly of the Council of Europe submitted by M. MOTZ (Document No. 45).

The Sitting was closed at 6.35 p.m.

MINUTES OF THE SITTING OF FRIDAY, JUNE 24, 1955

M. PELLA, President, in the Chair.

The Sitting was opened at 11.10 a.m.

MINUTES

The Minutes of the previous Sitting were adopted.

AMENDMENT OF THE AGENDA

The Assembly decided to start with the debate on the Reports and Resolution on the Messina Conference (Report No. 43, by Mlle KLOMPE ; Resolution No. 25, moved by MM. Van der GOES van NATERS and NEDERHORST ; second supplementary Report, No. 42, by M. KAPTEYN).

DEBATE ON THE REPORT BY Mlle KLOMPE,

on behalf of the Committee on Political Affairs and the External Relations of the Community, on the Resolution adopted by the Foreign Ministers of the member States of the European Coal and Steel Community, meeting in Messina on June 1 and 2, 1955 (Document No. 43).

Speakers: Mlle KLOMPE, Rapporteur, MM. KOPF, KAPTEYN, KOPF, KAPTEYN, VENDROUX, WEHNER and WIGNY.

The Assembly decided to close the list of speakers at 4 p.m.

The Sitting was suspended at 1.5 p.m.

M. FOHRMANN, Vice-President, in the Chair.

The Sitting was resumed at 3.35 p.m.

RESUMPTION OF THE DEBATE

on the Report by Mlle KLOMPE on behalf of the Committee on Political Affairs and the External Relations of the Community, on the Resolution adopted by the Foreign Ministers of the member States of the European Coal and Steel Community, meeting in Messina on June 1 and 2, 1955 (Document No. 43).

Speakers: MM. MAROGER and von MERKATZ.

M. PELLA, President, in the Chair.

RESUMPTION OF THE DEBATE

on Report No. 43 by Mlle KLOMPE.

Speakers: MM. Van der GOES van NATERS, KAPTEYN, RASQUIN, President of the Special Council of Ministers, KAPTEYN, RASQUIN, FOHRMANN, RASQUIN and MAYER, President of the High Authority.

The general debate was closed.

The Assembly adopted the following Resolution:

RESOLUTION addressed to the Special Council of Ministers and the High Authority, concerning the Resolution adopted by the Foreign Ministers of the member States of the European Coal and Steel Community, meeting in Messina on June 1 and 2, 1955.

“THE COMMON ASSEMBLY,

“—in view of the Resolution adopted by the Foreign Ministers of the six member States of the Community, meeting in Messina on June 2, 1955;

“—in view of the fact that the experience gained in respect of the Common Market in the coal and steel sector has shown the need, from the economic point of view, to contemplate the progressive establishment of a general Common Market;

“associates itself with the opinion expressed at the end of the Conference to the effect that further progress must be made ‘towards the setting-up of a united Europe by the development of common institutions, the gradual merging of national economies, the creation of a Common Market, and the gradual harmonization of social policy’;

“THE COMMON ASSEMBLY,

“noting that,

“although the final Resolution of the Conference does not expressly answer the request addressed to the Foreign Ministers in the Resolution adopted by the Common Assembly on May 14, 1955, to invite the institutions of the European Coal and Steel Community to draft proposals for such extension of its competence and powers as is indispensable if the Community is effectively to fulfil its mission as defined in the Treaty,

“certain conclusions reached by the Ministers’ Conference are in line with the considerations which originally prompted the Common Assembly to set up the Working Party,

“and that a number of points in the Resolution relate directly to work already done or action prepared by the institutions of the Community,

“instructs the Working Party to examine, in close co-operation with the relevant Assembly Committee, those matters raised in the Messina Resolution which are likely to influence, directly or indirectly, the full achievement of the Community’s mission as laid down in the Treaty,

“invites the High Authority to forward to the Committee of Government Delegates all Resolutions adopted by the Assembly on the matters under consideration ;

“THE COMMON ASSEMBLY,

“in approval of the decision by the governments to appoint a leading figure in the political world to be as Chairman of the Committee of Government Delegates,

“considers that this arrangement should be continued after the preliminary study stage, and that at any government conference or conferences the chair should always be taken by one particular political leader,

“insists that any future organization should be subject to effective Parliamentary control,

“hopes that the High Authority and the Assembly will at all stages of proceedings be associated with the government surveys and conferences arranged, in accordance, in particular, with the provisions of Articles 26 and 22 of the Treaty,

“instructs the Working Party to try to find the appropriate procedure for effective co-operation between the relevant institutions of the Community and the Committee of Government Delegates provided for in Section II, paragraph 2 of the Messina Resolution.”

M. FOHRMANN, Vice-President, in the Chair.

DEBATE ON THE SECOND SUPPLEMENTARY REPORT BY M. KAPTEYN,

on behalf of the Transport Committee, on transport problems in the Community (Document No. 42).

Speakers: MM. TERRAGNI, CARBONI and KAPTEYN, Rapporteur.
The general debate was closed.

The Assembly adopted the following Resolution :

RESOLUTION addressed to the Special Council of Ministers, concerning transport problems in the Community

“THE COMMON ASSEMBLY

“notes that in the Resolution adopted by them at Messina, the Foreign Ministers of the six member countries also dealt with transport problems without, however, considering the problem of the general co-ordination and integration of European transport ;

“desires to recall that in its Resolution of May 12, 1955, it stressed that the harmonization prescribed by the Treaty could only be achieved in

conjunction with the co-ordination and integration of European transport as a whole ;

“ requests the Special Council of Ministers, accordingly, to notify it of the measures it proposes to take in implementation of the Resolution of May 12, 1955.”

WITHDRAWAL FROM THE AGENDA

Resolution No. 25, moved by MM. Van der GOES van NATERS and NEDERHORST, was withdrawn from the agenda.

DEBATE ON THE REPORT BY M. de MENTHON,

on behalf of the Committee on Investments, Financial Questions and Production Development, on the Resolution moved by M. POHER, addressed to the Special Council of Ministers, concerning the general policy of expansion and the development of the economic situation (Document No. 48).

Speaker: M. de MENTHON.

The Assembly adopted the following Resolution :

RESOLUTION addressed to the Special Council of Ministers, concerning the general policy of expansion and the development of the economic situation

“ THE COMMON ASSEMBLY,

“ recalling its Resolutions of June 23, 1953, and January 16 and May 19, 1954, which stressed in particular the need to implement without delay the provisions of the Treaty relating, on the one hand, to the harmonization of the action of the High Authority with that of the governments responsible for the general economic policies of their countries, and, on the other, to co-operation between the High Authority and the governments for the purpose of stabilizing or influencing general consumption, particularly that of the public services :

“ further recalling the relevant decision of the Special Council of Ministers published in the *Official Gazette of the Community of October 27, 1953* ;

“ requests the Special Council of Ministers

“ to make use of the right conferred upon it under Article 23 of the Treaty, and give the Common Assembly at its next session a verbal account of the measures taken to implement the aforementioned decision, especially as regards

“ (i) the examination by the six governments, in conjunction with the High Authority, of their general policy of expansion ;

“ (ii) the study by the six governments, in conjunction with the High Authority, of the development of the economic situation ”.

Speakers: MM. RASQUIN, President of the Special Council of Ministers, and POHER.

DEBATE ON THE SUPPLEMENTARY REPORT BY M. de MENTHON,

on behalf of the Committee on Investments, Financial Questions and Production Development, on all problems coming within the Committee's terms of reference (Documents Nos. 10, 21, 34 and 47).

Speakers : MM. de MENTHON, Rapporteur, and DAUM, Member of the High Authority.

The general debate was closed.

MM. POHLE, DEIST, SCHÖNE and COPPE, Member of the High Authority, spoke to Amendment No. 1.

The amendment was adopted with the following change in wording:

Section 1, last paragraph, to read

“ . . . requests the High Authority to proceed to an examination, as part of the coal policy of the Community, regarding the mines which are in a difficult economic situation, their social importance and their role in the European, national and regional economies ”.

MM. POHLE, DAUM, Member of the High Authority, de MENTHON, SCHÖNE, MAYER, President of the High Authority, POHLE, SCHÖNE and DAUM, Member of the High Authority, spoke to Amendment No. 2.

Amendment No. 2 was adopted.

Speakers : MM. CARBONI, de MENTHON, Rapporteur, and CARBONI.

MM. DEIST, WEHNER, CARBONI and DEIST spoke to a request that it be checked whether a quorum were present.

The Assembly decided not to put the whole to the vote until after the debate on Report No. 45, by M. MOTZ.

M. PELLA, President, in the Chair.

DEBATE ON THE DRAFT REPORT

to the Consultative Assembly of the Council of Europe on the activities of the Common Assembly from July 1, 1954, to May 31, 1955, submitted by M. MOTZ (Document No. 45).

Speakers : MM. MOTZ, Rapporteur, BLANK, BIRKELBACH and MOTZ.

The general debate was closed.

The Assembly adopted Draft Report No. 45, by M. MOTZ, in its entirety, with the exception of paragraph 34, which was deleted.

The Assembly authorized the Rapporteur to extend his Report on the activities of the Common Assembly from July 1, 1954, to May 31, 1955, to include the Assembly's proceedings in June, 1955.

DATE OF THE FIRST EXTRAORDINARY SESSION FOR THE FINANCIAL YEAR 1955-56

The Assembly decided that the first Sitting of this Session should definitely take place on Tuesday, November 22, at 4 p.m.

FIRST PART OF THE MINUTES

The Assembly adopted the Minutes of the present Sitting up to the foregoing paragraph.

The Sitting was suspended at 7.35 p.m.

M. PELLA, *President*, in the Chair.

The Sitting was resumed at 7.55 p.m.

RESUMPTION OF THE DEBATE

on the supplementary Report by M. de MENTHON, on behalf of the Committee on Investments, Financial Questions and Production Development, on all problems coming within the Committee's terms of reference (Document No. 47).

The Assembly adopted by a show of hands the following Resolution :

RESOLUTION concerning all problems coming within the terms of reference of the Committee on Investments, Financial Questions and Production Development

“ THE COMMON ASSEMBLY,

“ having heard the Reports by MM. de MENTHON and DEIST,

“ recalls its Resolutions of January 6 and May 19, 1954, concerning investments,

“ approves the economic criteria adopted by the High Authority in the allocation of the American loan,

“ has noted with satisfaction the statements of the High Authority concerning the forthcoming publication of the first general objectives and a further examination of coal problems,

“ welcomes the statements by the President of the High Authority to the effect that, although the problems involved by the introduction of the Common Market and the observance of normal conditions of competition have lost none of their importance, the High Authority is now in a position to devote more attention to the other aspect of its work, “ the expansion of the industries of the Community and their long-term development : ” and

“ 1. as regards the periodic setting-out of general objectives,

“ THE COMMON ASSEMBLY,

“ draws the High Authority's attention to the need, in working out the long-term forecasts required of the Community by the Treaty, to consider both the economic and the social aspects, in particular by comparing the results of the expected developments in production and/or technical conversions with the living, working and employment conditions of the labour force,

“ emphasizes the importance of a supplementary survey on

—the problems involved in maintaining coal production capacities over a long period :

—the technical concentration of plant above and below ground at the collieries,

—the conditions as regards the long-term supply of iron ore, including both the Community's own production and imports from third countries,

—the conclusions emerging from the disparate development of investments at the various stages of iron and steel production—pig-iron, crude steel, rolled products,

—the relation of production development to the trend in production costs, with special reference to conditions whereby production development can be assured of leading to a lowering of production costs ;

“requests the High Authority to proceed to an examination as part of the coal policy of the Community, regarding the mines which are in a difficult economic situation, their social importance and their role in the European, national and regional economies.

“ 2. As regards the programmes with forecasts provided for in Article 46, 2 of the Treaty,

“ THE COMMON ASSEMBLY

“hopes that the High Authority will be able before long to furnish the Investments Committee with details as to the type of programme it has in mind and the intervals at which it proposes to issue them ;

“ asks the High Authority to see that the first programme is published as soon as possible, and in any event not later than January 1, 1956.

“ 3. As regards investment policy,

“ THE COMMON ASSEMBLY

“ asks the High Authority to draw up as soon as possible an investment planning policy aimed at ensuring improved co-ordination by making use of the powers delegated to it for this purpose by the Treaty ;

“ asks the High Authority to inform the Investments Committee how it intends to apply Article 54, 3 and 4 of the Treaty ;

“ asks the High Authority to issue regularly detailed documents giving a general picture of the position and of the development of the investment programmes covering the industries of the Community.

“ 4. As regards technical research,

“ THE COMMON ASSEMBLY

“ recalls how important it considers this to be, particularly in connection with endeavours to lower the production costs, improve the quality and extend the uses of Community products ;

“ is resolved to support the High Authority in its efforts to overcome all difficulties.

“ 5. As regards co-operation between the High Authority and the six Governments,

“ THE COMMON ASSEMBLY

“ recalls that the High Authority's mission, under Article 2 of the Treaty, is to contribute to the expansion of the economy, and with this end in view to bring about a harmonization of the economic policies of the member States ;

“ recalls that as long ago as June 21, 1953, it urged economic co-ordination and invited the High Authority to have recourse, for this purpose, to the provisions of Article 57 of the Treaty regarding co-operation with the governments ;

“ hopes that the Joint Committee set up in implementation of the Resolution adopted by the Special Council of Ministers on October 13, 1953, will carry out as early as possible its study programme as approved by the Council of

Ministers on June 8, 1955, in order that the governments may be notified of the findings before the end of 1955 ;

“ considers that as a result of this work it should be possible for the governments to co-operate on their policies as regards economic expansion, energy, taxation and social affairs ;

“ recalls that such co-operation is indispensable if the High Authority is to fulfil its mission completely.

“ 6. As regards the introduction of readaptation measures,

“ THE COMMON ASSEMBLY

“ instructs the Social Affairs Committee and the Investments Committee to join in studying the economic and social advantages of the form approved by the Special Council of Ministers at its session on June 8, 1955, for the application of Section 23, of the Convention containing the Transitional Provisions in connection with the laying-off of workers in the Italian iron and steel industry.

“ 7. As regards the financing by the Community of the building of workers' houses,

“ THE COMMON ASSEMBLY

“ recalls the urgent need to study possibilities for employing the funds derived from the levy to reduce the rates of interest on the loans which the High Authority is proposing to grant shortly for the building of workers' houses.

“ 8. As regards the problems of the Sulcis coalfield,

“ THE COMMON ASSEMBLY

“ asks the High Authority

- to join with the Italian authorities concerned in studying the possibilities for valorizing Sulcis coal, particularly in the chemical industry ;
- to examine, by agreement with the Special Council of Ministers, whether and in what way the economic development of Sardinia outside the coalmining industry can be encouraged in order to assure Sulcis coal of a ready market, with special reference to the possible application of Section 23, 3 of the Convention containing the Transitional Provisions, and of Article 54, 2 of the Treaty ;
- to notify the Common Assembly of the findings.”

SECOND PART OF THE MINUTES

The Assembly adopted the last paragraph of these Minutes.

END OF THE ORDINARY SESSION

The Assembly declared the second part of its Ordinary Session for the financial year 1954-55 closed.

The Sitting was closed at 8 p.m.

Annex to the Official Gazette

QUESTIONS AND REPLIES

**Question No. 27, put by M. François de Menthon, Member of the
Common Assembly**

(June 15, 1955)

Is it true that, in future, members of the Assembly are no longer to be provided with *précis* of the proceedings of the Consultative Committee?

Reply by the High Authority

(July 13, 1955)

Although Article 19, last paragraph, of the Treaty merely provides that "the minutes of the meetings shall be forwarded to the High Authority and to the Council at the same time as the opinions of the Committee," the High Authority decided, with a view to facilitating the work of the Assembly, to forward to the members of that body the documents relating to the debates of the Consultative Committee.

Consequently, the members of the Common Assembly have been receiving not only the minutes and opinions of the Committee, but also the *précis* which it has become customary to produce in order to record the gist of what has been said by the various speakers at the sessions. However, certain members of the Committee, in view of the care taken that the debates shall not be of a public nature (this in turn being due to the fact that, under Article 18 of the Treaty, members are appointed in their individual capacity), have expressed displeasure at finding the attitudes which they have taken up within the Committee thus disclosed to the outside world.

This being so, it became evident that the system of circulating *précis* of the Committee's debates was liable to prejudice members' freedom of expression, and hence to lessen the range and value of the information which the High Authority ought to receive from its Consultative Committee.

It was on these grounds that it was, in fact, decided at the nineteenth session of the Consultative Committee, to forward to the members of the Common Assembly in future only the reports of the commissions and the minutes and opinions of the Committee, which will enable them to follow the main lines of the discussions which have taken place.

EXAMINATION

A competitive examination will be held in late September or early October, 1955, in preparation for the appointment of a Clerk of Committee of French nationality to the Common Assembly of the European Coal and Steel Community.

The examination is open to candidates aged not over 34 on the date when it takes place, and in possession of the University degree of *licence* or a certificate of equivalent standard, or alternatively having appropriate practical experience.

The examination will consist of

- written and *viva-voce* tests on general education and training, and on matters relating to the organization of the European Coal and Steel Community and the political and economic situation in Europe ;
- a written and an oral test to ascertain the candidate's knowledge of languages and/or ability to acquire one or more of the official languages of the Community, and if possible English.

Applications, and any requests for further information, should be submitted not later than August 15, 1955, to the

General Administration Section,

Secretariat, Common Assembly of the European Coal and Steel Community, 19 a rue Beaumont, Luxembourg,

which will supply details of conditions and the requisite forms to be completed.

THE COURT OF JUSTICE

OFFICIAL NOTICES

Appeal of the “Fédération Charbonnière de Belgique (a.s.b.l.), Brussels, vs. High Authority, filed on June 27, 1955

(Case No. 8-55)

On June 27, 1955, the “Fédération Charbonnière de Belgique, association sans but lucratif”, Brussels, filed with the Registry of the Court an Appeal against the High Authority of the European Coal and Steel Community; the Association is represented by Mr. Louis Dehasse, chairman and Mr. Léon Canivet, Member of the Committee of the “Fédération”; as address for service was chosen the office of the “Fédération des Associations Charbonnières de Belgique” Luxembourg, 6 rue Henri Heine; the Association is assisted by Mr. Paul Tschoffen, Barrister at the Cour d’Appel of Liège and Mr. Henri Simont, Barrister at the Cour de Cassation of Belgium, Professor at the University of Brussels.

Plaintiff requests that it may please the Court:

“(1°) to annul Decision No. 22-55 of the High Authority of the European Coal and Steel Community, of May 28, 1955, and the price-list joined thereto in so far as it establishes lower prices for certain sorts of coal;

(2°) to annul the Decision contained in the letter addressed by the High Authority to the Belgian government and in the list of equalization rates joined to this letter, in so far as

(a) it establishes a discrimination among producers of identical sorts of coal,

(b) it decides that the payment of the equalization will be or can be withdrawn from certain enterprises on the ground that they do not accomplish for their reequipment the effort which is judged possible or necessary or that they refuse to execute the transfers or exchanges of coal-measures which are deemed indispensable for a better planing of the mining-fields,

(c) it fixes the equalization rates correlative to the new price-list.”

Appeal of the “Sociétés Anonymes : la Société des Charbonnages de Beeringen, la Société des Charbonnages de Houthalen, la Société des Charbonnages de Helchteren et Zolder” vs. High Authority, filed on June 27th, 1955

(Case No. 9-55)

On June 27th, 1955, an Appeal against the High Authority of European Coal and Steel Community was filed with the Registry of the Court by the joint-stock companies according to Belgian Law :

(1°) The “Société des Charbonnages de Beeringen” with registered offices 22, Boulevard Bischoffsheim, Brussels, represented by Mr. Roger Jaumet, managing director.

(2°) The “Société des Charbonnages de Houthalen” with registered offices 3, rue Montagne du Parc, Brussels, represented by Mr. Edouard Leblenc, managing director and Mr. Paul Renders, director,

(3°) The “Société des Charbonnages de Helchteren et Zolder” with registered offices in Mariemont-sous-Morlanwelz, represented by Mr. Ivan Orban, chairman and Mr. Paul Culot, managing director,

which have chosen as their address for service the office of the “Fédération des Associations Charbonnières de Belgique”, Luxemburg, 6 rue Henri Heine and which are assisted by Mr. Henri Rolin, Professor at the University of Brussels, Barrister at the Cour d’Appel, Brussels and by Mr. Jean Mertens de Wilmars, Barrister, Antwerp.

Plaintiffs request that it may please the Court :

“(1°) To annul the Decision of the High Authority contained in the letter addressed on May 28th, 1955 by its President to the Minister of Economic Affairs of Belgium, and in the Appendix entitled ‘List of Equalization rates according to sorts for the Belgian coal’, at least in so far as this Decision, as regards a same kind of coal, namely rich coal of category B, abolishes all equalizations or provides for lower equalization rates when this coal is produced by Plaintiffs and also in so far as it decides that the payment of the equalization will be or can be withdrawn from certain enterprises on the ground that they do not accomplish for their reequipment the effort which is judged possible or necessary or that they refuse to execute the transfers or exchanges of coal-measures which are deemed indispensable for a better planing of the mining-fields.

(2°) To annul Decision No. 22-55 of the High Authority of the European Coal and Steel Community of May 28th, 1955, with the price-list joined thereto, not only in so far as required by the fact that it is correlative to the above-mentioned Decision, but also because of the illegalities and the ‘Détournement de pouvoir’ which vitiates this Decision, especially in so far as it imposes a list of lower prices for certain sorts of coal and requires Plaintiffs to adhere to the price-list, even as regards the sorts for which the equalization has been refused to them, while it is maintained for the other producers.”

JUDGMENTS

JUDGMENT OF THE COURT

IN THE CASE No. 5-55 “ASSOCIAZIONE INDUSTRIE SIDERURGICHE ITALIANE” (ASSIDER) vs. HIGH AUTHORITY

(TRANSLATION, the French text being authoritative)

In the case

the “ASSOCIAZIONE INDUSTRIE SIDERURGICHE ITALIANE” (ASSIDER) association with registered offices in Milan, which has chosen as its address for service the residence of Mr. Guido RIETTI, 15 Boulevard Roosevelt, Luxemburg,

Plaintiff

represented by its chairman Mr. Dandolo Francesco REBUA, assisted by Mr. Cesare GRASSETTI, Professor at the University of Milan, Barrister in Milan and at the Supreme Court of Appeal, Rome,

vs.

the HIGH AUTHORITY of the European Coal and Steel Community, which has chosen as its address for service its offices, 2 Place de Metz, Luxemburg,

Defendant

represented by its legal adviser, Mr. Nicola CATALANO, as Agent, concerning an appeal for interpretation of the judgment of the Court of Justice of December 21st, 1954, in the case 2/54,

THE COURT

composed of

President PILOTTI,

Presidents of the Chambers DELVAUX and van KLEFFENS,

Judges SERRARENS, RIESE, RUEFF and HAMMES,

Advocate General: LAGRANGE,

Registrar: van HOUTTE,

delivers the following

JUDGMENT

As regards the facts

(1) On March 22nd, 1955, the Association of enterprises "Associazione Industrie Siderurgiche Italiane" (Assider) filed in the Registry of the Court, by way of an Appeal directed against the High Authority of the European Coal and Steel Community, a request for interpretation of the Judgment of the Court No. 2/54 pronounced on December 21st, 1954, in the case Italian Government vs. High Authority and published in the Official Gazette of the Community of January 11th, 1955, p. 23 and following.

(2) The Appeal is based on the following facts:

In the case 2/54, the Italian Government, Plaintiff, opposes, among others, Decision No. 2-54 of the High Authority, of January 7th, 1954, on the ground that Article 1 of this decision violates paragraph 30, No. 2 of the Convention containing the Transitional Provisions and constitutes therefore a violation of the Treaty, in the sense of Paragraph 1 of Article 33 of the Treaty. This ground was based on the fact that the Decision in question allowed the non-Italian steel producers of the Community to make offers on the Italian market, as well as elsewhere, below their price-lists, although paragraph 30, No. 2 of the Convention containing the Transitional Provisions forbids the High Authority to give such an authorisation without the agreement of the Italian Government. The High Authority answered that this argument was ill-founded; that the paragraph in question only constitutes an interdiction for the enterprises, located outside Italy, to align their offers for the sales of steel on the Italian market, with the offers of the Italian producers, in accordance with Article 60, Paragraph 2b of the Treaty;

and that, on the other hand, the existing protective rights and the necessity, for the sellers located outside Italy, to add to their prices the transportation costs, remain as in the past, an effective protection for the Italian steel producers.

Prior to the Italian Government, the French Government had also opposed Article I of Decision 2-54, but on other grounds. Following the Appeal of the French Government, the Court has annulled that Article by its Judgment 1/54 of December 21st, 1954. In its Judgment 2/54 the Court declared well-founded the Appeal of the Italian Government against that same Article. The Court has motivated its decision, among others, with the fact that this Article violates paragraph 30, No. 2 of the Convention containing the Transitional Provisions. In this respect the Court expressed itself as follows in part A, section II, No. 11 of the adduced reasons:

“ Plaintiff demands annulment of Articles 1, 2 and 3 of Decision 2-54 for violation of paragraph 30 of the Convention containing the Transitional Provisions. As for Articles 2 and 3 of Decision 2-54, this demand must be rejected on the above-mentioned grounds. If Article 3 of Decision 2-54 which reduces the time-limit set for the entering into force of the new price-lists, forces the Italian enterprises to react more rapidly to eventual modifications of their competitors' price-lists, it does not, however, seriously infringe upon the special protection provided for their benefit.

On the other hand, where Article 1 of Decision 2-54 is concerned, Plaintiff's demand is justified on the following grounds:

Even if one is of the opinion that paragraph 30 of the Transitional Provisions especially aims at prohibiting the alignment with the prices of the Italian enterprises, it does not necessarily follow that this article excluded a protection under different forms. To sustain the opposite would be a real *petitio principii* because in the absence of a clear and precise text it is also legitimate to admit that the Convention wanted to make the Italian enterprises benefit integrally, exceptionally and temporarily, of the protection which the Treaty provided for them. Its real purpose therefore is to prevent the non-Italian enterprises to compete with the Italian enterprises on the Italian market by applying prices inferior to their own price-lists.

In the opinion of the Court, paragraph 30 of the Transitional Provisions prohibits all sales in Italy below the prices provided for in the price-lists. This prohibition has meaning only if in the other countries of the Community, sales below the prices of the price-lists are exceptionally allowed on the ground of special provisions. Such is the case for the right of alignment provided for in Article 60, paragraph 2 (*b*). On the other hand, the Decisions in question create a new regime—which can be applied to the entire common market—on which grounds sales below the prices of the price-lists are lawful. It must be admitted that this regime remains submitted to the prohibition of paragraph 30 and the more so now this paragraph does not expressly mention the alignment,

but uses very general terms. Paragraph 30 must therefore be interpreted in the following sense: even if sales below the prices of the price-lists were by exception lawful, this could not be legal on the Italian market. In the present case, paragraph 30 prohibits to extend to the Italian market the system of deviations from the price-lists. Since Decision 2-54 has not taken this prohibition into account, it violates a legal rule concerning the application of the Treaty.”

Plaintiff had instituted proceedings against the High Authority at the same time as the Italian Government ; in so far as it concerned the incompatibility of Article 1 of Decision 2-54 of the High Authority with paragraph 30, No. 2 of the Convention containing the Transitional Provisions, the Appeal was based in substance on the same grounds as those of the Italian Government : however it put forward the ground of “ détournement de pouvoir ”. The High Authority has based its defense, to a large extent, on the same arguments as in the case 2/54. In Section II, No. 1 of its Judgment 3/54, the Court declared there was no reason to rule on that point for the following motives :

“ As Article 1 of Decision No. 2-54 of the High Authority has been annuled erga omnes by the Judgment of December 21, 1954, in the case French Government vs High Authority, the present request for annulment has on this point lost its object.

Under these conditions it is unnecessary to examine whether the Appeal is well-founded on this point or to state this expressly in the Judgment, because a Decision which has already been annuled or has been abrogated in the meantime cannot affect Plaintiff’s rights or interests. Consequently, the present Judgment, in so far as it concerns the requests for annulment of Article 1 of Decision No. 2-54 of the High Authority, can only declare there is no ground for a ruling by the Court.”

(3) On February 28, 1955, the High Authority wrote to Plaintiff :

“ In the past, the question of the correct interpretation to be given to paragraph 30, No. 2 of the Convention containing the Transitional Provisions has given rise to several questions from different interested groups. Among others, it was asked whether, on the basis of paragraph 30, No. 2, the Italian enterprises are permitted to align their prices on the Italian market. In this respect attention must be drawn to the fact that the Judgment pronounced by the Court in the above mentioned case, contains the following passage :

“ In the opinion of the Court, paragraph 30 of the Transitional Provisions prohibits all sales in Italy below the prices provided for in the price-lists.”

(Official Gazette of the Community of January 11, 1955, p. 40.)

and

“ Paragraph 30 must therefore be interpreted in the following sense: even if sales below the prices of the price-lists were by exception lawful, this could not be legal on the Italian market.”

(Official Gazette of the Community of January 11, 1955, p. 40.)

These two passages only permit one conclusion: in the prevailing circumstances, the Italian steel enterprises are bound to apply, on the

Italian market, only the prices of their respective price-lists, unless they find themselves in competition with enterprises from third countries; in that case they align their offers with those of the enterprises outside the Community.

The High Authority wants to draw the attention of your association on the importance of the foregoing. It asks you to remind your enterprises of the necessity to respect the rules of the Treaty in their methods of quotation."

- (4) In the present Appeal Plaintiff requests the Court to interpret Judgment 2/54 "*in this sense that Paragraph 30, No. 2 of the Convention containing the Transitional Provisions prohibits alignment of the non-Italian enterprises on the Italian market; that, on the contrary, it does not prohibit, inside the Italian market, the alignment of the Italian enterprises with the prices of other Italian enterprises, neither the alignment of Italian enterprises with the prices of other non-Italian enterprises, belonging to the Community.*"

The High Authority answers:

that it "relies on the wisdom of the Court for the request for interpretation presented by the ASSIDER".

- (5) Plaintiff bases its Appeal on the following grounds:

The disputed passages of Judgment 2/54 has become, by way of reference, a part of Judgment 3/54.

The interpretation of the Judgment given by the High Authority in its letter of February 28, 1955, is based on certain sentences isolated from their context. This interpretation, however, is contrary to the letter and the meaning of Judgment 2/54, which expressly declares that the sole end of paragraph 30, No. 2 is "the special protection provided in their favour" (of the Italian enterprises). This protection must be understood to act against the enterprises of other countries of the Community, as it clearly follows from the adduced reasons, and in particular from the phrase: "Its real purpose therefore is to prevent the non-Italian enterprises to compete with the Italian enterprises on the Italian market by applying prices below their own price-lists." Therefore the High Authority is wrong when, contrary to its former opinion, it presently denies to the Italian enterprises the right to align their prices, on the national market, with the prices of other enterprises of the Community, Italian or other.

This interpretation is confirmed by the fact that paragraph 30, No. 2 of the Convention containing the Transitional Provisions provides for the intervention of the Italian Government in case of exceptional authorisation for offers below the price-lists. This intervention has no meaning unless it concerns the protection of the Italian industry against foreign competition.

- (6) The High Authority answers these arguments by putting forward that the admissibility of the Appeal is contestable for several motives.

Plaintiff was not party in the dispute which ended with the Judgment in question. Furthermore it can be asked whether the text in question is referred to in Judgment 3/54; indeed, in its first Appeal, Plaintiff puts

forward a “*détournement de pouvoir*”, while the Italian Government based its Appeal on violation of the Treaty. As for the compatibility of Article I of Decision 2-54 with paragraph 30, No. 2 of the Convention containing the Transitional Provisions, the Court declared that there was no ground for a ruling by the Court. Finally the request for interpretation only concerns a point which was incidentally examined in Judgment 2/54.

The High Authority, however, does not intend to raise the objection of non-admissibility, because it is, itself, interested in the requested interpretation.

Plaintiff's opinion is defensible, but the opposite interpretation also carries arguments in its favour. The text of paragraph 30, No. 2 makes no distinction between the right of alignment of the Italian enterprises and of the non-Italian enterprises. It is possible that the drafters of the Treaty intended to give to the Italian steel industry a complete protection inside the Italian market, that is to say even against their own national competitors.

It is true that in its Judgment 2/54, the Court did not have to rule on this problem, but its motives were of such a nature that they permitted the High Authority to draw the conclusions which it has set forth in its letter of February 28th, 1955. The following passages are to be taken into consideration: (the texts in *italic* are also in *italic* in the Counter-Memorial).

“Even if one is of the opinion that paragraph 30 of the Transitional Provisions *especially* aims at prohibiting the alignment with the prices of the Italian enterprises, it does not necessarily follow that this article excluded a protection under different forms.”

“*In the absence of a clear and precise text* it is also legitimate to admit that the Convention wanted to make the Italian enterprises benefit *integrally*, exceptionally and temporarily, of the protection which the Treaty provided for them.”

“In the opinion of the Court, paragraph 30 of the Transitional Provisions prohibits all sales in Italy *below* the prices provided for in the price-lists. This prohibition has meaning only if in the other countries of the Community, sales below the prices of the price-lists are exceptionally allowed on the ground of special provisions. Such is the case for the right of alignment provided for in Article 60, paragraph 2 (b). . . . Paragraph 30 must therefore be interpreted in the following sense: even if sales below the prices of the price-lists were by exception lawful, *this could not be legal on the Italian market.*”

(7) The application, which was filed in the forms prescribed, was notified to the High Authority on March 24th, 1955, in accordance with Article 33, paragraph 2 of the Rules of the Court; the Counter-Memorial was filed with the Registry of the Court within the time-limit provided for in Article 31, paragraph 1 of the Rules of the Court and was regularly notified. No other documents were exchanged.

The Agent and Attorney of the parties have full credentials.

The written procedure was closed after the delivery on April 20th, 1955, of the Counter Memorial. In accordance with Article 34, paragraph 1 of the Rules of the Court, the President designated Judge RIESE as Judge Rapporteur.

In accordance with Article 45, paragraph 2 of the Rules of the Court, the President of the Court fixed June 2nd, 1955, as the date of the session for the oral proceedings.

In the course of this hearing which took place at the set date, the parties referred to the explanations previously given in the written procedure.

In accordance with Article 11 and 21, last paragraph of the Protocol on the Statute of the Court of Justice, the Advocate General orally presented his conclusions in which he concluded that the Appeal should be rejected.

In accordance with Article 50, paragraph 2 of the Rules of the Court, the President of the Court declared, at the end of this public hearing, the oral proceedings closed.

As regards the Law

Concerning the Admissibility

- I. No time limit is prescribed for the filing of the Appeal; it meets the requirements of Article 77 of the Rules of the Court.
- II. Article 37 of the Protocol on the Statute of the Court prescribes that in case of "difficulties" concerning the meaning or the scope of a judgment, it falls to the Court to interpret it at the request of a party or an institution of the Community, which can prove its interest in the matter.

Have these requirements been fulfilled in the present case?

- (1) Has Plaintiff given proof of an interest in the interpretation?

In its letter of February 28, 1955, addressed to Plaintiff, the High Authority expressly referred to the Judgment pronounced in case 2/54 in order to justify its interpretation of paragraph 30 of the Transitional Provisions; according to this interpretation the Italian enterprises, inside the Italian market, may only apply their own price-lists and are not permitted to align their prices either with the prices of other enterprises belonging to the Community, or with the prices of their national competitors.

Plaintiff is of the opinion that the High Authority was wrong in drawing these conclusions from Judgment 2/54 because this Judgment only concerns the protection of the Italian enterprises against the competition from non-Italian enterprises belonging to the Community.

The question which of the two interpretations is in accordance with Judgment 2/54, presents a direct interest for the enterprises belonging to the association which is Plaintiff in the present case. The answer to this question can only be given by way of interpretation of the Judgment and Plaintiff has no other means for inquiring about the correct interpretation.

Thus Plaintiff has proved its interest in requesting interpretation of the Judgment in question.

- (2) Is Plaintiff "party" in the dispute which ended with Judgment 2/54 of which it requests interpretation?

Apart from the Institutions of the Community, the parties in a dispute have the right to request interpretation of the Judgment which decides in that dispute.

Plaintiff was "party" in the Appeal 3/54 against the High Authority, but Plaintiff does not request interpretation of the Judgment given in that case.

Plaintiff requests interpretation of the Judgment pronounced in case 2/54 (Government of the Italian Republic vs. High Authority), in which dispute Plaintiff was not a party, but Plaintiff puts forward that this Judgment 2/54 has become an integrant part of Judgment 3/54, pronounced in case 3/54.

This allegation of Plaintiff is not correct. Judgment 3/54 (Section II, 1 of the motives) solely refers to the decision given in case 1/54 (Government of the *French Republic vs. High Authority*); concerning Article I of Decision 2-54 of the High Authority, it declares that there is no ground for a ruling by the Court because Judgment 1/54 already has annulled this Article erga omnes. Judgment 3/54 only refers to the case *Italian Government vs. High Authority (2/54)* in Section II, No. 3 and 4 of the motives; this reference, however, does not concern the motives contained in Judgment 2/54, Section II, No. 11 on the nullity of Article I of Decision 2-54 of the High Authority because of violation of paragraph 30 of the Convention containing the Transitional Provisions; Judgment 3/54 does not refer to these motives, of which interpretation is requested here.

However, the Court, agreeing in principle with the conclusions of the Advocate General, admits that Plaintiff has a right to request interpretation of Judgment 2/54 (*Italian Government vs. High Authority*) and this for the following reasons:

In case of several Appeals against the same decision of the High Authority and if, on the ground of one of these Appeals, the said Decision is annulled, Plaintiffs in the other cases can be considered as "parties" in that dispute, in the sense of Article 37 of the Protocol on the Statute of the Court, however on the explicit condition that Plaintiff has put forward, in its Appeal, the same ground on the basis of which the Judgment to be interpreted has annulled the Decision, or has declared the Appeal well-founded, as in the present case. All these parties have thus the right to request interpretation of the Judgment which pronounces the nullity or which declares well-founded one of the other Appeals.

The Appeal of the Italian Government (case 2/54) was declared well-founded where it concerns Article I of Decision 2-54 of the High Authority, namely because that Article violates paragraph 30, No. 2 of the Convention containing the Transitional Provisions. Plaintiff has put forward the same ground in its Appeal for Annulment which it previously filed (case 3/54). In its Judgment 3/54 the Court admitted the admissibility of the Appeal without examining, neither ruling on the merits of the ground "détournement de pouvoir" put forward by Plaintiff, nor on the question whether Plaintiff was entitled to put forward a violation of the Treaty. The fact that the Court did not rule on these questions can not prejudice Plaintiff's right to file validly its request for interpretation.

Thus Plaintiff can be considered as being a party in the Judgment in question.

(3) Is there a "difficulty" concerning the meaning and the scope of the Judgment in question?

According to Article 37 of the Protocol on the Statute of the Court of Justice the request for interpretation of a Judgment supposes that difficulties exist as to the meaning and the scope of the Judgment. The expression

“difficulté” is general; it is less limited than the expression “contestation” of the French text of Article 60 of the Statute of the International Court of Justice. For the admissibility of a request for interpretation it suffices that the parties in question give different meanings to the text of that Judgment. This is the case in the present dispute.

(4) What passages of a Judgment can become the subject of interpretation?

It is necessary to determine what passages of a Judgment can become the subject of interpretation. It is absolutely evident that it can only be those which express the Judgment of the Court in the dispute submitted to the Court: the enacting terms and, among the motives, those on which the terms are based and which for that reason are essential; therefore, those passages of the Judgment which constitute the matter which the Court has judged. On the contrary, the Court does not have to interpret the passages which, accessorially, complete or explain those essential motives.

In the present case, all the motives mentioned in Section II, No. 11 of Judgment 2/54 must be considered as essential, and, therefore, can give rise to interpretation.

On the ground of all those reasons, the request is admissible.

On the merits

The Court ascertains, in agreement with the conclusions of the Advocate General, that the text of the motives of the Judgment does not contain any obscurity and that there are therefore, in principle, no grounds for interpretation.

From the facts mentioned in Judgment 2/54 and reproduced above, it follows that parties have only submitted to the Court the question whether Article 1 of Decision 2-54 of the High Authority violates paragraph 30 of the Convention containing the Transitional Provisions because it permits the non-Italian steel producers of the Community to grant, on the Italian market, reductions from their price-lists.

From the above mentioned it follows that in case 2-54 parties merely had asked the Court not only whether, according to paragraph 30 of the Convention containing the Transitional Provisions, it was prohibited for the non-Italian steel producers of the Community to align their prices with those of the Italian producers, but, also whether it was prohibited for them, in a general way, to sell on the Italian market at prices below those mentioned in their price-lists.

Paragraph 3 of No. 11 of the motives, Section II, explains the aim of paragraph 30 of the Convention containing the Transitional Provisions: according to this text, the non-Italian enterprises must be prevented from competing with the Italian enterprises, on the Italian market, by way of price-offers below those of their price-lists. The next paragraph, the last paragraph of No. 11, which justifies this interpretation on the ground of its contents and which determines that not only the alignment, but generally any offer below the prices of the price-lists are illegal, only concerns the protection of the Italian market against competition by non-Italian enterprises of the Community: there exist a close relation between this paragraph of the motives and the explanation given in paragraph 3.

The High Authority is therefore wrong when it believes that it can find in Judgment 2/54 a justification for its opinion in the question whether paragraph 30, No. 2 of the Transitional Provisions also prohibits the alignment of the Italian enterprises among themselves or the alignment of Italian enterprises with the prices of non-Italian enterprises belonging to the Community. In case 2/54 this question was not put to the Court and the Court did not rule on this point. Judgment 2/54 did not declare that those alignments were permitted; it did not declare that they were prohibited. Therefore this question cannot be answered by way of interpretation. For the same reasons, the Court can not accept the second part of Plaintiff's request to interpret Judgment 2/54 in the sense that paragraph 30, No. 2 of the convention containing the transitional provisions does not prohibit inside the Italian market the alignment of the Italian enterprises with the prices of other Italian enterprises, neither the alignment of Italian enterprises with the prices of non-Italian enterprises belonging to the Community.

In an Interpretation-Judgment the Court can only determine the meaning and the scope of a former Judgment; the Court cannot rule on problems which have not been settled by that Judgment. Parties cannot, by way of interpretation, ask for a new decision in new disputes.

However, as both parties in question have explicitly declared that they wish an interpretation of the passage of the Judgment to which they give contradictory meanings, the Court is of the opinion that it is advisable to re-state in the purview below the scope of its Judgment 2/54.

Concerning the costs

Parties have not presented any submissions regarding the costs, but on the ground of Article 32 of the Protocol of its Statute the Court must decide in this respect.

By its letter of February 28, 1955, which is erroneously based on Judgment 2/54, the High Authority has brought about the present request for interpretation. The High Authority was wrong when it based its interpretation of paragraph 30 of the Transitional Provisions on the Judgment in question. On the other hand, Plaintiff's request is ill-founded where it aims to obtain from the Court a decision on the legal or illegal character of the alignment of the Italian enterprises.

In application of Article 60, paragraph 2 of the Rules of the Court it is fair to compensate the costs, each party bearing its own costs.

Having considered the Pleadings;

Having regard to the fact that parties waived their right to argue;

Having heard the conclusion of the Advocate General;

Having regard to Article 37 of the Protocol on the Statute of the Court of Justice;

Having regard to the Rules of the Court and the Rules of the Court concerning the costs;

THE COURT

rejecting all further submissions or submissions to the contrary,

Ascertaines that the scope of Judgment 2/54 is determined in the Judgment itself in paragraph 3 of No. 11 of part II of the grounds, by the words:

“(The) real purpose (of the Convention) therefore is to prevent the non-Italian enterprises to compete with the Italian enterprises on the Italian market” and that the next paragraph of the Judgment only concerns the sales in Italy, of the non-Italian enterprises mentioned in said definition ; on the other hand, the problem of the alignment of the Italian enterprises with the prices of other Italian enterprises and the alignment of Italian enterprises with the prices of other non-Italian enterprises, belonging to the Community, was not settled in Judgment 2/54.

The costs are compensated, each party bears its own costs.

The Court orders, in accordance with Article 78 of the Rules, that the original of the present Judgment be attached in the files to the original of the interpreted Judgment No. 2/54 and that the interpretative Judgment be mentioned in the margin of the interpreted Judgment.

Judge RUEFF took part in the sitting of the Court in Chambers, during which the decision was taken. At the end of the sitting of the Court he signed the Purview which was filed with the documents of the case.

He was prevented from signing the Judgment because of his justified absence on the date of the pronouncement of the Judgment in public session.

Judged in Luxemburg, on June 28, 1955.

M. PILOTTI.
SERRARENS.

DELVAUX.
O. RIESE.

van KLEFFENS.
HAMMES.

Read in a public session in Luxemburg, on June 28, 1955.

The President,
M. PILOTTI.

The Judge Rapporteur,
O. RIESE.

The Registrar,
A. van HOUTTE.

**LIST OF PUBLICATIONS ISSUED BY THE
EUROPEAN COAL AND STEEL COMMUNITY**

(continued)

. Price each
£ s. d.

La Formation professionnelle dans l'Industrie sidérurgique des pays de la Communauté	15 0
Allocutions prononcées par M. JEAN MONNET au cours de la session ordinaire 1953 de l'Assemblée Commune: (Juin 15-23, 1953)	2 6
Documentation sur les Problèmes du Travail dans les Industries de la Communauté (<i>Emploi et salaires</i>) ...	7 6

**Common Assembly—German, French,
Italian and Dutch Editions only**

Rapport sur l'application du Traité instituant la C.E.C.A.:	
<i>Subscription for 1954 (3 issues)</i>	7 6
<i>Subscription for 1955 (3 issues)</i>	7 6
<i>Single copies</i>	3 6
Bulletin mensuel de Bibliographie:	
<i>Subscription for 1955 (12 issues)</i>	11 0
<i>Single copies</i>	1 0
Informations Bimensuelles sur la C.E.C.A. et sur l'intégration européenne:	
<i>Subscription for 1955 (20 issues)</i>	1 17 6
<i>Single copies</i>	2 6
Débats de l'Assemblée Commune. Compte rendu in extenso de la session d'ouverture du 10 au 13 Septembre et de la session du 10 au 13 janvier 1953 (No. 1) ...	
do: Session extraordinaire du 11 mars 1953 (No. 2)...	11 0
do: Session ordinaire du 12 mai 1953 (No. 3) ...	1 6
do: Session ordinaire du 15 au 23 juin 1953 (No. 4)...	1 0
do: Session extraordinaire du 14 au 16 janvier 1954 (No. 5)	11 6
do: Session ordinaire du 11 au 21 mai 1954 (No. 6)...	8 6
do: Session extraordinaire du 29 novembre au 2 décembre 1954 (No. 7)	1 0 0
do: Session extraordinaire du 6 au 9 mai 1955 (No. 8)	10 6
do: Session ordinaire du 10 au 14 mai et du 22 au 24 juin 1955 (No. 9)	3 6
Premier Rapport Annuel (<i>Septembre 1952-Septembre 1953</i>)	1 0 0
Règlement de l'Assemblée Commune	7 0
	5 0

Ad Hoc Assembly—English Editions

Official Report of Debates of the 15th September 1952: <i>January 7 to 10, 1953 and March 6 to 10, 1953</i> ...	
Report of the Constitutional Committee (<i>December 20, 1952</i>)	1 0 0
Draft Treaty embodying the Statute of the European Community	10 0
	5 0

The prices quoted do not include postage

* Subscribers to the Bulletin Statistique will also receive one complimentary copy of the "Mémento de Statistiques" (published at 5s.) in an attractive removable cover.

All the above publications are available from: H.M. STATIONERY OFFICE, P.O. Box 569, LONDON, S.E.1, or the Government Bookshops in London, Edinburgh, Manchester, Birmingham, Bristol, Cardiff and Belfast.

Copyright Reserved

PRINTED AND PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

To be purchased from

York House, Kingsway, LONDON, W.C.2 423 Oxford Street, LONDON, W.1
P.O. BOX 569, LONDON, S.E.1

13a Castle Street, EDINBURGH, 2 109 St. Mary Street, CARDIFF
39 King Street, MANCHESTER, 2 Tower Lane, BRISTOL, 1
2 Edmund Street, BIRMINGHAM, 3 80 Chichester Street, BELFAST

or from any Bookseller

1955

Price 1s. 0d. net
(Subscription for
24 issues
£1 0s. 0d.
including postage)