

(c) in the case of screened or washed coals, screen size;

(d) in the case of washed coals, for guidance, moisture content.

2. Coke:

— screen size for large coke and crushed coke.

3. Manufactured fuels derived from coal:

— category and weight of product.

4. Manufactured fuels derived from lignite:

— weight of product.

5. Iron ore:

(a) screen size;

(b) iron, lime, silicon and phosphorus content, specifying whether calculated on a dry ore basis.

Article 4

1. (a) Price lists and conditions of sale shall apply not earlier than five clear days after they have been addressed in printed form to the High Authority;

(b) Sellers shall, upon request, communicate them to anyone interested;

(c) The High Authority may decide to publish those price lists and conditions of sale by means of a special publication.

2. Paragraph 1 shall apply equally to any amendment of price lists and conditions of sale.

Article 5

1. Undertakings shall frame their conditions of sale in such a way that their selling agencies and commission agents shall be under an obligation to make their price lists and conditions of sale comply with the rules set out in this Decision.

2. Undertakings shall be held liable for any breach of the foregoing obligation committed by their selling agencies or commission agents.

Article 6

The foregoing provisions shall apply to price lists and conditions of sale drawn up after the date of this Decision and in any event to all price lists and conditions of sale in force as from 15 March 1953.

However, the time limit of five days prescribed by Article 4 shall be compulsory only in the case of price lists and conditions of sale entering into force not earlier than 1 March.

This Decision was considered and adopted by the High Authority at its meeting on 12 February 1953.

For the High Authority

The President

Jean MONNET

DECISION No 30-53

of 2 May 1953

on practices prohibited by Article 60 (1) of the Treaty in the common market for coal and steel

THE HIGH AUTHORITY,

Having regard to Article 60 and Article 63 (2) of the Treaty;

Whereas compliance with the obligations of non-discrimination involves uniform application by under-

takings of the conditions shown in their price lists with no other increases or reductions and no evasion of those obligations by allowing longer periods for settlement without a corresponding increase in price;

Whereas the exception to this rule, namely the option of aligning a quotation on a competitor's price list,

must not cause that quotation to work out lower than the delivered price calculable from the conditions of the price list on which it is aligned;

Whereas inclusion, in the price, of taxes or charges which ultimately are not chargeable in respect of the transaction constitutes an increase as compared with the conditions applicable by the seller to a similar transaction which is in fact taxable;

Whereas, apart from differences related to the value or volume of procurements by the purchaser from the seller himself, the application of dissimilar conditions to comparably placed purchases is incompatible with the unity of the Community.

Whereas the effective operation of the common market requires that the rules of non-discrimination be applied alike to resale in an unaltered state and to sales by producers;

After consulting the Consultative Committee and the Council;

DECIDES:

Article 1

This Decision shall apply to Community undertakings in respect of their transactions within the common market in the products specified in Annex I to the Treaty, with the exception of scrap.

Article 2

1. It shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty for a seller to apply increases or reductions on the terms calculable, for the transaction concerned, for his published price list and conditions of sale.

2. This Article shall be no bar to the application of Article 60 (2) (b) of the Treaty or of Article 4 below, nor to the granting by undertakings in the coal industry of quantity or loyalty bonuses not shown in price lists pursuant to Article 2 (3) of Decision No 4-53 of 12 February 1953.

Article 3

1. Where a seller aligns his quotation on a competitor's price list under Article 60 (2) (b) of the Treaty, it shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty for him to apply terms affording the purchaser actual delivered prices at destination lower than those calculable from the price list and conditions of sale of such competitor.

2. Such delivered prices at destination shall be calculated as the sum of the price list terms plus transport costs, surcharges or taxes borne by the purchaser less rebates or drawbacks allowed him.

3. This Article shall be no bar to the application in the coal industry of Decision No 3-53 of 12 February 1953, and in the steel industry of the last subparagraph of Article 60 of the Treaty and Article 30 (2) of the Convention.

Article 4

1. It shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty for a seller to allow more favourable periods for payment than those calculable from the price list and conditions of sale on which he bases his quotation, unless offset by a corresponding increase in price.

2. The increase must be in accordance with regular commercial practice as to credit in the area where the seller is established or, if the quotation is aligned on a competitor's price list, in the area where that competitor is established.

Article 5

It shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty to include in the price charged to the purchaser the amount of any taxes or charges in respect of which the seller is entitled to exemption or drawback.

Article 6

1. It shall be a prohibited practice within the meaning of Article 60 (1) of the Treaty for conditions of sale to be in any way differentiated as between purchasers established within the Community according to the nationality or the location of the place of establishment of such purchasers.

2. Furthermore, where conditions of sale vary according to the total volume or value of a purchaser's procurements from a number of suppliers of the product or class of products concerned over a given period, it shall be prohibited under Article 60 (1) of the Treaty for those conditions of sale to be in any way differentiated as between the suppliers from whom the purchaser has obtained his procurements within the common market, or according to the market in which he has resold.

3. The foregoing paragraph shall be no bar to the differentiation of conditions of sale according to the value or volume of procurements by the purchaser from the seller himself or from a predecessor of that seller.

Article 7

1. Undertakings shall frame their conditions of sale in such a way that their customers, selling agencies and commission agents, in reselling in the unaltered state other than by sale from stock in the case of steel and by retail in the case of coal, are under an obligation to comply with the rules set out in Articles 2 to 6.

2. Undertakings shall be held responsible for infringements of this obligation by their direct agents, selling agencies or commission agents.

Article 8

This Decision shall enter into force within the Community on 4 May 1953.

This Decision was considered and adopted by the High Authority at its meeting on 2 May 1953.

For the High Authority

The President

Jean MONNET

4.5.53

EUROPEAN COAL AND STEEL COMMUNITY

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DECISION No 31-53

of 2 May 1953

on the publication of price lists and conditions of sale applied by undertakings in the steel industry

THE HIGH AUTHORITY,

Having regard to Article 60 (2) (a) and Article 63 (2) of the Treaty;

Whereas the price lists and conditions of sale applied by undertakings must be such as make it possible to verify that the rules of competition laid down in the Treaty, in particular in Articles 4 and 60 thereof, are being observed;

Whereas they must ensure that users are able to ascertain the quality and calculate precisely the cost of the products they are considering buying, and to compare offers from various suppliers;

Whereas the rules made for that purpose must apply both to purchasers for resale in the unaltered state and to commission agents, as well as to producer undertakings themselves;

After consulting the Consultative Committee;

DECIDES:

Article 1

Undertakings in the steel industries shall publish their price lists and conditions of sale in accordance with the provisions of this Decision.

Undertakings in the iron ore industries shall however remain bound by the provisions of Decision No 4-53 of 12 February 1953.

Article 2

All price lists and conditions of sale published shall contain the following minimum information:

- (a) basic prices according to category of products;
- (b) extras which apply, showing at least:
 - any additional charge for size or length;
 - any increase for certain grades and qualities;
 - any increase or reduction related to quantity ordered;
 - tolerances not liable to surcharge;
 - any increase for reduced tolerances;
 - any surcharge or increase normally applied in connection with delivery of the various products;
- (c) place of delivery;
- (d) method of quotation;
- (e) costs in connection with method of shipment;