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## DECISION No 22-63

of 11 December 1963

amending Decision No 4-53 of 12 February 1953 on the publication of price lists and conditions of sale applied by undertakings in the coal and iron ore industries

THE HIGH AUTHORITY,

DECIDES:

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

*Article 1*

Having regard to Decision No 4-53 of 12 February 1953 on the publication of price lists and conditions of sale applied by undertakings in the coal and iron ore industries (*Official Journal of the ECSC*, 12 February 1953, pp. 3 *et seq.*);

Article 1 of Decision No 4-53 shall be amended to read as follows:

Whereas experience has shown that Decision No 30-53 whereby the High Authority specified which practices are prohibited by Article 60 (1) of the Treaty did not accurately and fully define the obligations of undertakings with regard to their selling agencies and to middlemen acting on their behalf;

‘1. Undertakings in the coal and iron ore industries shall publish their price lists and conditions of sale in accordance with the provisions of this Decision.

Whereas the High Authority consequently amended Decision No 30-53 by Decision No 19-63 of 11 December 1963;

2. Undertakings which use selling agencies (Article 1 (2) of Decision No 30-53) for the marketing of their products shall ensure that those selling agencies publish price lists and conditions of sale in accordance with the provisions of this Decision.

Whereas it is therefore necessary to adjust the provisions concerning the obligations to which undertakings are subject as regards publication of prices and conditions of sale to the rules as amended by Decision No 19-63;

3. Undertakings in the coal and iron ore industry may, under the conditions laid down in Article 4, specify that their products are sold on the basis of the price lists and conditions of sale of their selling agency.

Whereas in so far as they market their products through selling agencies, coal and iron ore undertakings are required to ensure that those agencies publish their price lists and conditions of sale in accordance with the provisions of Decision No 4-53; whereas, however, undertakings are authorised to refer to the price lists of their selling agencies instead of publishing their own price lists, and *vice versa*;

The selling agency may likewise specify that products are sold on the basis of the price lists and conditions of sale of the undertaking.’

*Article 2*

Whereas the same rules should apply also to middlemen acting in their own names but distributing the products of undertakings on behalf of those undertakings (commission agents, agents for goods on consignment);

Article 5 of Decision No 4-53 shall be amended to read as follows:

After Consultation with the Consultative Committee;

‘1. Undertakings and their selling agencies shall require middlemen who sell in their own name but on behalf of the said undertakings and selling agencies (commission agents, agents for goods on consignment) to comply, as regards price lists and conditions of sale published by them, with the rules laid down in this Decision.

2. Where such middlemen do not publish price lists and conditions of sale, they may discharge their obligation by specifying under the conditions laid down in Article 4 that the price lists and conditions of sale applied by undertakings or their selling agencies in accordance with this Decision also apply to sales made by them.

3. Undertakings shall be held liable for any infringement of the foregoing obligations by such middlemen.

### Article 3

Article 6 of Decision No 4-53, in the wording adopted on 12 February 1953, is hereby repealed.

### Article 4

This Decision shall be published in the *Official Journal of the European Communities*. It shall enter into force on 20 January 1964.

The text of Decision No 4-53, as amended by this Decision, shall be published in the form of a Communication in the *Official Journal of the European Communities*.

This Decision was considered and adopted by the High Authority at its meeting on 11 December 1963.

*For the High Authority*

*The President*

Dino DEL BO