

OFFICIAL GAZETTE

OF THE

EUROPEAN COAL & STEEL COMMUNITY

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OF THE

EUROPEAN

COAL AND STEEL COMMUNITY

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THE HIGH AUTHORITY

INFORMATION

Letter addressed by the High Authority on October 24, 1956, to the
Government of the Kingdom of Belgium

MONSIEUR LE MINISTRE,

In its letter of February 2, 1956, the High Authority stated that the compensation rates on Belgian coal according to grades would cease to have effect on October 31 next, by which time its inquiries into the Belgian situation were to have been completed and turned to account.

A delay has, however, been caused by the need to take into consideration in these inquiries the increases in wage costs and prices which came into force in the Belgian collieries on October 1 of this year.

The High Authority has, therefore, the honour to inform you that it is putting back until November 30, 1956, the date on which the present compensation rates on Belgian coal will cease to have effect.

I have, &c.

List of Opinions on Investment Projects

(Article 54 of the Treaty)

See *Official Gazette of the Community* No. 7/56, of March 15, 1956, p. 100; No. 11/56, of May 5, 1956, p. 156; No. 17/56, of July 19, 1956, p. 250; No. 18/56, of July 21, 1956, p. 280; No. 23/56, of October 18, 1956, p. 342.

1. *August-Thyssen-Hütte AG., Duisburg-Hamborn*

Reconstruction of a blast-furnace.

Opinion issued by the High Authority on October 17, 1956.

2. *Rheinlbe Bergbau AG., Gelsenkirchen*

Construction of a new coking-plant in two stages.

Opinion issued by the High Authority on October 17, 1956.

3. *Ruhrstahl AG., Witten*

Modernization and rationalization of open-hearth steelworks;
installation of an electric-arc furnace.

Opinion issued by the High Authority on October 17, 1956.

THE COMMON ASSEMBLY

INFORMATION

EXTRAORDINARY CONSTITUENT SESSION, NOVEMBER 1956

(November 27—December 1, 1956)

Sitting, Tuesday, November 27, 1956,

at 3.30 p.m.,

AT EUROPE HOUSE, STRASBOURG

AGENDA

1. Installation of Provisional President.
2. Examination of credentials.
3. Election and installation of the President of the Common Assembly.
4. Election of the five Vice-Presidents of the Common Assembly.
5. Appointments to Committees.
6. Establishment of the Agenda (see note annexed).

The Committee of Presidents will be convened as soon as the newly-constituted Committees have elected their Bureaux. In view of the deliberations of the Committee of Presidents on October 20 and of the current work of the Committees, the Agenda for the Session may be expected to include the following items.

- (a) debate on the Report by M. Nederhorst on behalf of the Social Affairs Committee, on the institution, terms of reference and composition of one or more equirepresentative Committees in the Community;
- (b) debate on the Report by M. Birkelbach on behalf of the Social Affairs Committee, on the social aspects of the Report submitted to their Foreign Ministers by the heads of delegations to the Intergovernmental Committee set up by the Messina Conference;
- (c) a debate on the situation in the coal market, with special reference to the supply problem, on the basis of an introductory statement from the Common Market Committee;
- (d) a debate, on the basis of a document to be drawn up, if possible, by the Social Affairs Committee, on certain aspects of the mine safety problems raised by the Marcinelle disaster;
- (e) statement on behalf of the Committee on the Budgeting and Administration of the Community and the Common Assembly, on the implementation of Article 44,4 of the Rules of Procedure.

The Committee of Presidents will also be called upon to appoint a Rapporteur to draft the Report to the Consultative Assembly of the Council of Europe on the activities of the Common Assembly during the financial year 1956-57 (Article 46,1 of the Rules of Procedure).

As regards the implementation of Article 35,2 of the Rules of Procedure, concerning the composition of the Committees, the President, M. Pella, has, in accordance with a decision taken by the Bureau on September 29, 1956, written to the Chairmen of the political groups and to members not belonging to any such group.

Luxembourg, October 25, 1956.

ANNEX TO THE OFFICIAL GAZETTE

QUESTIONS AND REPLIES

QUESTION No. 36, put by M. Michel Debré, Member of the Common Assembly

(September 17, 1956)

The High Authority's attention is drawn to the fact that a large-scale publicity campaign has been carried on in papers all over Europe on behalf of a new cartel known as "Phoenix-Rheinrohr AG.," and that it has been explicitly stated that this cartel, eight years after decartellization, has made it possible to reconstitute a stronger single working unit than ever.

Who is misleading whom?

Is the High Authority misled in considering itself entitled to state that it has respected the spirit and the letter of the Treaty?

Are Phoenix-Rheinrohr misleading their customers by announcing they they have done away with the effects of decartellization?

REPLY by the High Authority

(October 20, 1956)

Article 66 of the Treaty, in conjunction with Section 13 of the Convention, defines those concentrations which must receive prior authorization from the High Authority. The High Authority grants such authorization when certain conditions laid down in Article 66, 2 are satisfied.

Article 66 of the Treaty is not intended, and should not be expected, to bind the High Authority's decisions to the relevant laws and regulations in force in a particular member State, such as Law No. 27 promulgated in Western Germany by the occupation authorities. The situation created either by government measures in the member States, or by measures of the occupation authorities in Western Germany, constitutes a *de facto* element on the basis of which the High Authority is simply called upon to assess, in the light of Article 66 and Section 13, the various schemes for concentration worked out by the enterprises and the applications for authorization which they then submit.

In the case in point, the High Authority was informed of a projected merger between two of the eighteen enterprises resulting from the deconcentration of the former Vereinigte Stahlwerke, viz. Hüttenwerke Phoenix AG. and Rheinische Röhrenwerke AG. The High Authority examined the scheme in accordance with the above-mentioned provisions of the Treaty. It came to the conclusion that there was no reason for it to oppose the merger.

The foregoing explanations furnish the reply to the first question put by the Hon. member. The High Authority declares that it has respected both the spirit and the letter of the Treaty; it is, however, not within its competence to judge whether or not the Phoenix Rheinrohr Company has been misleading the readers of its publicity.

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