

OFFICIAL GAZETTE

OF THE

EUROPEAN

COAL & STEEL

COMMUNITY

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THE HIGH AUTHORITY

DECISIONS

DECISION No. 2-55 of January 26, 1955, extending by three months the period of applicability of Decision No. 22/54, of March 26, 1954, instituting financial arrangements for compensation in regard to scrap imported from third countries

THE HIGH AUTHORITY

HAVING regard to Article 53, paragraph 1, *b* of the Treaty :

HAVING regard to Decision No. 22/54, of March 26, 1954, instituting financial arrangements for compensation in regard to scrap imported from third countries ; (Official Gazette of March 30, 1954, page 286),¹

WHEREAS the aforesaid decision expires on March 31, 1955 ;

WHEREAS it is apparent that the system at present in force calls for revision in order that it may embody the experience accumulated ;

WHEREAS detailed study of a new system could not be completed in time before March 31, 1955 ;

WHEREAS at the same time a temporary extension of Decision No. 22/54 is needed for the regular supplying of scrap imported from third countries ;
with the unanimous agreement of the Council of Ministers

DECIDES :

Article 1

The applicability of Decision No. 22/54, of March 26, 1954, instituting financial arrangements for compensation in regard to scrap imported from third countries, is hereby extended up to and including June 30, 1955.

Article 2

This decision shall enter into force within the Community on April 1, 1955.

This decision was deliberated and adopted by the High Authority at its session of January 26, 1955.

For the High Authority,

The President

JEAN MONNET

¹ This reference applies to the German, French, Italian and Dutch editions of the Official Gazette of the European Coal and Steel Community, published in Luxembourg.

ANNOUNCEMENT

In application of Article 4, paragraph 3 of Decision No. 2/52, of December 23, 1952, the High Authority has decided to open accounts with the following banking institutions, into which the proceeds of levy shall be payable :

Belgium : Société Belge de Banque, Brussels

Italy : Banca Nazionale del Lavoro, Rome.

INFORMATION

RESEARCH FELLOWSHIPS OF THE HIGH AUTHORITY

1955

A maximum of four Research Fellowships, each of the value of 300,000 French francs, will be offered in 1955 by the High Authority of the European Coal and Steel Community within the framework of the cultural programme of the Council of Europe.

Two Research Fellowships were awarded in 1954 by the Council of Europe Selection Committee, the members of which were M. VAN KLEFFENS, M. SCHUMAN and Professor TOYNBEE.

REGULATIONS

1. The Fellowships will be awarded for research into economic, legal and social problems relating to the European Coal and Steel Community and its institutions.

Candidates are invited to submit subjects, which should be accompanied by such additional information as will allow the Selection Committee to form a proper estimate of the proposed research.

Candidates are recommended to select subjects which are likely to make a positive contribution to European integration. To this end, subjects which have mainly a national bearing should not be submitted.

2. The conditions governing awards are as follows :

(a) candidates must normally be nationals of a Member State of the Council of Europe. An exception, however, will be made in favour of refugees from European countries non-Member States of the Council of Europe provided that they are legally resident in the territory of a Member State.

(b) they must furnish evidence of their fitness to undertake research work.

(c) they must undertake, if awarded a Fellowship, to write a report on the results of their research in one of the languages of the European Coal and Steel Community (French, Dutch, German, Italian) or in English. The report should be submitted to the High Authority of the Coal and Steel Community not later than three months after the expiry of the Fellowship.

(d) the High Authority reserves the right to publish the reports of holders of Fellowships.

(e) where a successful candidate publishes privately the results of his research, he will be expected to make suitable acknowledgment of the fact that he has held a Fellowship awarded by the High Authority.

3. The Fellowships will be awarded by the Selection Committee which awards Council of Europe Fellowships.

4. Successful candidates may pursue their research either at home or abroad. Special agreements have been concluded with other European organisations in order to allow successful candidates to visit and study these institutions for the purpose of their research.

5. Application forms may be obtained from the High Authority of the European Coal and Steel Community, Place de Metz, Luxembourg.

6. Application forms should be returned duly completed to the High Authority before April 15, 1955.

Communication from the High Authority of the European Coal and Steel Community to Associations of Enterprises coming under the Community's jurisdiction

(Article 48 of the Treaty)

In a letter addressed to the President of the Consultative Committee on January 31, 1955, the High Authority requested the Committee to proceed to the consultations prescribed

- (1) in Article 59, paragraph 1 of the Treaty, regarding the situation in the scrap market ;
- (2) in Article 61 of the Treaty, regarding the advisability of fixing maximum prices for scrap within the Common Market, and the level at which these should be fixed.

Under the terms of Article 48, paragraph 2 of the Treaty, Associations of Enterprises coming under the jurisdiction of the Community have the right to submit to the High Authority the observations of their members on the points for consultation enumerated above.

Any such observations should reach the High Authority not later than February 11, 1955.

Luxembourg, January 31, 1955.

(Sgd.) M. KOHNSTAMM
Secretary of the High Authority.

CONSULTATIVE COMMITTEE

RULES OF PROCEDURE ADOPTED AT THE FIFTEENTH SESSION OF THE COMMITTEE, ON DECEMBER 20, 1954

In accordance with Article 18, paragraph 5 of the Treaty establishing the European Coal and Steel Community, the Consultative Committee attached to the High Authority at its fifteenth session, held at Luxembourg on December 20, 1954, made its Rules of Procedure as follows.

N.B.—The Rules of Procedure made at the fourth session, held at Luxembourg on April 22, 1953, are thereby rescinded.

Chapter One : Organization of the Consultative Committee

Article 1

The Committee shall meet in plenary assembly at each of its sessions.

PROVISIONAL BUREAU

Article 2

At the opening of the first session each year, the senior member present shall act as President.

He shall be assisted by the four junior members, acting as Secretaries.

At the first session following the renewal of the Committee's membership, in accordance with Article 18, paragraph 4 of the Treaty, the provisional President shall make known to the Committee the names communicated to him by the High Authority of the members nominated by the Special Council of Ministers and the conventions concerning the designation of persons to sit in with the Committee by special arrangement.

ELECTION OF THE BUREAU

Article 3

At its first session of the year, the Committee shall proceed to the election of the Bureau, after the provisional Bureau has been installed and the communication required under the last Article has been duly made. The provisional Bureau shall remain in office until the announcement of the final results regarding the election of the Bureau. The Bureau thus elected shall remain in office until the opening of the session at which the succeeding Bureau will be elected, but shall not so remain beyond the expiry of the term of office of its members as members of the Committee.

The Bureau shall be fully empowered to preside over the proceedings of the Committee, and to organize and direct any departments attached to it, subject to these Rules of Procedure and in accordance with the Treaty.

Article 4

The Bureau of the Committee shall be the President, two Vice-Presidents and three other members of the Committee.

Unless otherwise agreed in advance by a two-thirds majority of the Committee, the President shall be elected alternately from each of the three groups of members, representing respectively the producers, the workers, and the consumers and dealers.

The Vice-Presidents shall be chosen from each of the groups other than that to which the President belongs.

The producers, the workers, and the consumers and dealers shall be equally represented on the Bureau.

The Bureau shall be convened by the President either *ex officio* or at the request of two or more of their number.

In the deliberations of the Bureau, the President shall have a casting-vote, in the event of an equal division of votes.

The Vice-Presidents shall substitute for the President in his absence. The rota for such substitution shall be fixed by the Bureau.

Article 5

The President of the Committee shall be elected by secret ballot, in the first and second ballot by an absolute majority, in the third ballot by a majority proportionate to the number of votes cast, and in the event of a tie, by seniority.

The other members of the Bureau shall be elected by the same procedure. Their election need not, however, be subject to separate ballots.

Any voting-paper containing more names than there are vacancies to be filled for each ballot shall be declared invalid.

The vote shall be taken by roll-call from the rostrum; voting by proxy shall not be permitted.

By unanimous decision of the members present, the Committee may proceed to the election of Bureau without regard to the provisions of this Article.

The methods whereby the above provisions are to be applied shall be fixed on each occasion by the provisional Bureau.

COMMISSIONS

MEETINGS OF COMMISSIONS

Article 6

The Consultative Committee may appoint standing or *ad hoc* commissions. All members of the Consultative Committee, and persons sitting in with this Committee by special arrangement, shall be entitled to attend meetings of the commissions.

Meetings of the commissions shall be arranged and conducted by their respective Bureaux. The Bureau of any commission shall include not less than three and not more than six members of the Consultative Committee with particular qualifications in the subject in question. The chairman and

Bureau of the commission shall ordinarily be chosen by the Consultative Committee. In an emergency, they may be appointed by the President of the Consultative Committee with the agreement of the Bureau. In such cases, they may not, in principle, be chosen from among the Officers of the Consultative Committee.

In appointing the Bureau of a commission, care shall be taken to ensure the proportional representation of the different groups of the Consultative Committee.

The Bureaux of the commissions shall draw up the agenda for all meetings of their commissions, and shall have such meetings convened through the Secretariat of the Consultative Committee, with the agreement of the President of the Committee. They shall elect from among their number rapporteurs to the plenary assembly of the Consultative Committee, organize the work and keep the records of their commissions, and prepare the draft findings to be discussed at their meetings.

Meetings of commissions shall not be public. Where a commission shall so decide by a majority of the members present, certain matters under discussion may be declared confidential.

Findings of commissions shall be forwarded by the appropriate Bureau to the Bureau of the Consultative Committee for submission to the plenary assembly.

Article 7

The commissions shall not hold joint deliberations. Notwithstanding, should the Bureau consider that a particular matter is not of sole concern to one commission, but that at the same time it is not necessary to set up an *ad hoc* commission, they may ask the Bureaux of two or more commissions to hold joint meetings and submit a single report to the commissions concerned, the Bureau of the Consultative Committee, and the Consultative Committee itself.

TECHNICAL ADVISERS AND EXPERTS

Article 8

Any member of a commission may, after notifying the Bureau of his commission, arrange to be assisted at its meetings by a technical adviser with special qualifications in the subject or subjects in question.

Where such a measure is essential to the work of a commission, the Bureau of the commission may, of its own accord or on the proposal of the commission, invite as experts any persons especially suited by reason of experience or special knowledge, to sit in on particular questions with the commission.

In particular, where the Consultative Committee is engaged in studying a matter specifically relating to a particular professional, economic, financial or social sector, the Bureau of a commission may, subject to the same conditions, call upon representatives of the sector in question from the country or countries concerned to present their views before the commission.

SUBSTITUTES AT MEETINGS OF COMMISSIONS

Article 9

Any member of a commission who is prevented from attending a meeting may, after advising the Bureau of the commission, arrange to be replaced at that meeting by

- either another member of the commission,
- or a third party not belonging to the Consultative Committee, specially nominated for the meeting in question.

Persons substituting for members of commissions shall have the same rights in the discussions as those for whom they are acting, and shall in particular be entitled to vote. They shall so act only at the meeting for which they were expressly nominated. They may not at that meeting have a technical adviser to assist them, this being the privilege of members of the commission.

Article 10

The members and officials of the High Authority may attend and address meetings of commissions if they so desire.

Chapter Two : Functioning of the Consultative Committee

Article 11

All opinions and resolutions of the Committee shall be taken in plenary assembly.

ARRANGEMENT AND CONVOCATION OF SESSIONS

Article 12

Sessions shall be arranged by the President in co-operation with the Bureau.

In accordance with the provisions of Article 19, paragraph 4 of the Treaty, the President shall forthwith convene the Committee either at the request of the High Authority or at the request of a majority of its members, for the purpose of discussing a given question. If all the members of one group or one-third of the members of the Committee, request that the Committee be convened to deliberate a particular question, the President must submit the request to the High Authority, which shall decide as to the action to be taken, if any.

The dates of the sessions must be fixed so as to comply with the time-limits fixed by the High Authority under Article 19, paragraph 3 of the Treaty for the presentation of opinions. In any event, a session must be held within three weeks of the submission, in due and proper form, of a request that the Committee be convened.

REQUESTS FOR OPINIONS AND MOTIONS

Article 13

Requests by the High Authority for the opinion of the Committee, in accordance with Article 19 of the Treaty and, in particular, in application of Articles 46, 53, 55, 56, 58, 59, 60, 61, 62, 67, and 68 of the Treaty, shall be addressed to the Bureau of the Committee.

The Committee may itself undertake the examination of all matters coming within its competence, subject to the conditions laid down in the following paragraph.

Motions, presented by not less than three members (who may include persons sitting in with the Committee by special arrangement) and relating to the examination of economic, social and/or financial matters falling within the Committee's competence, shall be drawn up in writing and submitted to the Bureau. The Bureau shall examine whether such motions do in fact fall within the Committee's competence and shall inform the Committee of its conclusions. Where a majority of members of the Committee decides that the matter shall be taken up, such motions may not, even then, be discussed by the Committee until the following session, except in the case of application of the urgent procedure set forth in Article 30 below.

Motions accepted or amended by the plenary assembly thereupon become resolutions of the Committee.

ORGANIZATION OF PROCEEDINGS

Article 14

The Bureau shall arrange for preliminary consultation in a commission of the Consultative Committee, regarding any matter on which the opinion of the Committee is to be given in plenary assembly and on which preliminary consultation appears desirable.

The Bureau alone shall be competent to judge whether the matter is one for a standing commission already in existence or for an *ad hoc* commission to be set up. In the latter event, a Bureau shall be appointed in accordance with Article 6 to organize and preside over, the *ad hoc* commission.

The Bureau shall appraise the Bureau of the commission of all the points which it considers must be dealt with in the draft opinion to be presented to the plenary assembly.

The Bureau shall see that the time-limits are observed, and shall acquaint itself with the work done by the commission before it is submitted to the Consultative Committee.

Article 15

No quorum shall be required for deliberations by commissions.

If the chairman of the commission is absent at the time of a meeting and has been unable to designate one of his Bureau to replace him, the Bureau of the commission shall select one of its number to act as chairman at the meeting concerned.

In the exceptional event of none of the members of the Bureau of the commission being able to attend a meeting and of no provision having been made for their replacement in accordance with Article 6, those members of the Consultative Committee who are present at the meeting shall decide whether to postpone the meeting or to choose a fresh Bureau to replace the absent members at the meeting concerned.

All members shall have the same rights at meetings of commissions.

The draft opinion drawn up by the commission shall be submitted by the Bureau to the plenary assembly, which shall establish the final text. The draft shall embody the opinion or opinions expressed together with a statement of the reasons therefor.

The draft shall be accompanied wherever possible by the working documents of the commission, which shall include, in addition to the report, the record of all hearings and inquiries, and all information assembled by the commission, the minutes of its discussions, and records of any information obtained by the High Authority in application of Article 48 of the Treaty.

The draft opinion may be the actual report of the commission or a separate document, according to the nature of the matter dealt with.

Article 16

All reports and draft opinions of a commission must be submitted with the least possible delay consistent with the inclusion of full details.

Reports and drafts in connection with requests by the High Authority for the Committee's opinion must, however, be submitted within such time-limits as may be fixed by the High Authority or as laid down in Article 19, paragraph 3 of the Treaty.

In all other cases, the time-limit shall be fixed by the Consultative Committee.

Article 17

The President, in agreement with the Bureau, may request a commission to deliberate a matter further, if in his opinion the members present at any meeting or meetings were not sufficiently representative of the different points of view to be expressed.

SETTLEMENT OF THE AGENDA

Article 18

The Bureau shall establish the agenda for the sessions of the Committee. This agenda shall be established not less than three weeks in advance. It may be amended at the request of the High Authority, or upon the proposal of the Bureau. Copies shall be sent to all members of the Committee.

The necessary documents must be sent to all members of the Committee not less than one week before each session.

Persons sitting in with the Committee by special arrangement shall receive the agenda and documents for each session under the same conditions as the members of the Committee.

Article 19

The agenda for all meetings of commissions, together with the necessary documents, must be forwarded not less than one week before such meetings to the members of the Committee and to the persons sitting in with the Committee by special arrangement.

PLENARY ASSEMBLY OF THE CONSULTATIVE COMMITTEE

Article 20

The plenary assembly of the Consultative Committee shall not be public. Where the Committee shall so decide by a majority of the members present, certain matters under deliberation may be declared confidential.

The only persons entitled to attend the plenary assembly shall be

(a) Members and officials of the High Authority ;

(b) persons sitting in with the Committee by special arrangement ;

(c) persons representing any member unavoidably prevented from attending, under the conditions set forth in Article 29 below.

Members of the High Authority and persons coming under (b) above may address the Committee if they so desire.

Officials of the High Authority may be permitted to address the Committee at the request of a Member of the High Authority.

The interventions of the persons mentioned in sub-paragraph (b) above shall not appear in the minutes of the sessions except at the request of a majority of the members present.

The President shall verify, before the closure of each session, whether there is a majority in favour of making such a request.

Article 21

The deliberations of the Committee shall be valid where more than one-half of its members are present.

The President shall open the session, guide the debates and ensure the observance of the Rules of Procedure. For each session, the Bureau shall appoint one Secretary and one Teller from among its members.

Members of the Committee may submit apologies for non-attendance at one or more particular sessions. Such applications with the reasons therefor shall be submitted in writing to the President.

Article 22

At the beginning of each session, the President shall lay before the Committee the Minutes of Proceedings of the preceding session, as required under Article 27, for adoption.

Article 23

The Bureau shall meet before, and if necessary during, each session to prepare the debates.

Article 24

The rapporteur of the Bureau of the Commission whose report is up for discussion shall give an account of the deliberations of his commission and shall set forth the draft opinion.

The Committee shall thereupon proceed to a general discussion of the draft.

Upon the closure of this discussion, the President shall propose the examination of any amendments and of the various provisions in the draft.

Article 25

Any member of the Committee, whether present or not, may propose amendments to drafts or motions submitted.

Persons sitting in with the Committee by special arrangement may also do so.

Amendments must be set forth in writing and distributed. They must specify to which provisions in the draft they refer.

They must reach the Bureau in advance of each session.

They may not be submitted during the session, except where they arise from an alteration to the draft or motion.

Should the text proposed to the Committee be altered by amendments which have not been examined by a commission, the Bureau of the commission may meet before the vote is taken, at the request of the President or of the rapporteur. They shall hear the proposers of the amendments, and shall if they deem advisable, lay before the Committee the changes required for the final text to present a coherent whole.

The Committee may decide to refer back to the commission for study any matter which does not appear to it to have been adequately dealt with.

Article 26

At the request of the President, the Committee shall declare the discussion closed.

After the discussion has been declared closed, no further observations may be made, except where it may be necessary to explain the votes.

Article 27

At each session of the Committee, Minutes shall be taken, and signed by the President and Secretary officiating.

To these Minutes shall be annexed

- (1) documents required for understanding the debates ;
- (2) a summary record of the debates ;
- (3) the opinions or motions put to the vote during the session, with a note as to the number of votes and the opinion or motion for which they were cast.

Copies of the Minutes and annexes shall be forwarded after each session, in accordance with Article 19, paragraph 5 of the Treaty, to the High Authority and the Special Council of Ministers.

METHOD OF VOTING

Article 28

The Committee shall vote by show of hands, by standing and sitting, or by roll-call, except in the case specified in Article 5.

The vote shall be taken by roll-call whenever five or more members present so desire. The vote on draft opinions or resolutions shall in all cases be taken by roll-call.

The Bureau may also submit to a revote by roll-call any question already voted upon by show of hands, or by standing and sitting, where the result seems open to doubt, or where the Committee is not unanimously agreed and considers it desirable to include in the Minutes details of those voting for and against the motion.

A question already voted upon by a different method may be finally settled by roll-call should this procedure be forthwith demanded under the conditions laid down in paragraph 2 of this Article.

ABSENCE—REPRESENTATION AT SESSIONS

Article 29

Any member of the Committee prevented from attending a session may forward to the President, in writing or by telegram with letter of confirmation, his opinion on points included in the agenda.

During the session, the President shall lay before the Committee any proposed amendments or opinions sent to him before the opening of the session.

Amendments shall be discussed where a majority of the Committee so decides.

In any event, proposed amendments and opinions shall be recorded in the summary record.

Any member of the Committee unavoidably prevented from attending a session may submit to the President, in writing or by telegram with letter of confirmation, a request to be represented by a person nominated by him as his spokesman at such time as the Committee shall proceed to examine a particular question included in the agenda.

Such a request must specify for which item on the agenda this representation is required.

The President shall thereupon notify the Bureau, at its first meeting, of requests submitted to him. The Bureau shall have the sole right to judge whether such absence is or is not in fact unavoidable, and to decide whether the request is admissible or not.

The President shall lay before the plenary assembly of the Committee the requests approved by the Bureau.

The plenary assembly shall retain the right to rule out those requests whose plea of unavoidability it regards as inadequately sustained.

Where the request is accepted both by the Bureau and by the plenary assembly, the President shall introduce the representative nominated when the relevant item of the agenda comes up for discussion.

The representative shall lay before the Committee the opinion of his principal, take part in the discussion in order to give reasons for that opinion or, if he see fit, to amend it, and shall have full rights to represent the opinion of the member nominating him, but shall not be entitled to vote.

The representative shall be asked to leave the sitting when the item concerned has been fully discussed.

Persons sitting in with the Committee by special arrangement shall, in respect of the provisions of this Article, enjoy the same rights as the members of the Committee.

URGENT PROCEDURE

Article 30

Urgent procedure shall be introduced either in consideration of time-limits fixed by the High Authority under Article 19, paragraph 3 of the Treaty, or by decision of the Committee upon the proposal of the Bureau.

In cases of urgency, the President may forthwith, without consulting the Bureau, proceed to take all measures needed for the Committee to state its opinion. He shall, however, inform the Bureau that these measures have been taken. The time-limits prescribed in ordinary procedure may in such cases be disregarded.

FORMULATION OF OPINIONS—PUBLICATION

Article 31

Opinions adopted by the Committee must comprise the reasons therefor and, if necessary, the reasons for the opinions of the minorities.

The final wording shall be the responsibility of the rapporteur, subject to supervision by the Bureau.

Article 32

Opinions shall be printed and distributed to the members of the Committee and to persons sitting in with the Committee by special arrangement. After their transmission to the President of the High Authority, they may be published in the *Official Gazette of the European Coal and Steel Community*.

Minutes, and annexes to the Minutes, as listed in Article 27 above, shall also be distributed to the members of the Committee and to persons sitting in with the Committee by special arrangement. They shall be transmitted to the President of the High Authority and the President of the Special Council of Ministers.

Documents relating to the work of the Committee may not be otherwise distributed except by decision of the Committee.

LONG ABSENCES—DEATH

Article 33

Should any member of the Committee, although duly called, fail to attend the sessions of the Committee for a period of six months, without requesting leave of absence, he shall be considered to have resigned. The President shall thereupon employ the usual procedure to replace him.

Article 34

In addition to the regular renewals of membership, and without prejudice to the provisions of Article 33 above, the functions of a member of the Committee shall be terminated by death or by resignation. Resignation must be tendered to the President of the Special Council of Ministers.

Resignation thus tendered shall take effect forthwith.

A copy of the letter of resignation must be transmitted to the President of the Committee.

When a member's term of office comes to an end, the President of the Committee shall take the necessary steps to fill the vacancy.

ADMINISTRATION

Article 35

The Committee shall have a Secretariat, to consist of as many persons as may be required to ensure the technical and administrative functioning of the Committee and its commissions.

This Secretariat shall be under the authority of the Bureau, as represented by the President, who shall see that the decisions of the Bureau are duly implemented.

The Bureau shall make all arrangements for the organization and functioning of this Secretariat.

MISCELLANEOUS

Article 36

No member of the Committee shall be permitted to invoke or exploit the fact of his membership in connection with any financial, industrial or commercial enterprise, in the exercise of any liberal or other profession, or in general to make use of his membership for purposes other than those directly involved by the exercise of his mandate.

Article 37

These Rules of Procedure may be amended by the Committee upon proposal by the Bureau or by not less than one-third of the members of the Committee.

Any amendment of these Rules must be adopted by an absolute majority in plenary assembly.

THE COUNCIL OF MINISTERS

DECISIONS AND OPINIONS

DECISION concerning the nomination of the members of the Consultative Committee.

THE COUNCIL,

HAVING regard to Article 18 of the Treaty,

NOMINATES

the following as members of the Consultative Committee:

CATEGORY OF PRODUCERS

<i>Country</i>	<i>Name of Organisation</i>	<i>Members</i>
Belgium	{ coal Fédération des Associations Charbonnières de Belgique, Brussels.	{ P. Delville E. Leblanc
	{ steel Comité de la Sidérurgie, Brussels	
France	{ coal Charbonnages de France, Paris .	R. Cadel
	{ steel Saarbergwerke, Saarbrücken .	P. Couture
	{ steel Chambre Syndicale de la Sidérurgie Française, Paris . . .	P. Ricard
	{ steel Chambre Syndicale des Mines de Fer de France, Paris . . .	J. Raty
Germany	{ coal Unternehmensverband Ruhrbergbau, Essen	{ W. von Dewall W. Dubusc
	{ steel Unternehmensverband des Aachener Steinkohlenbergbaus e.V., Aachen	
	{ steel Wirtschaftsvereinigung Eisen-und Stahlindustrie, Düsseldorf . .	{ G. Schroeder F. A. Goergen
Italy	{ coal Associazione Mineraria Italiana, Rome	M. Carta
	{ steel Associazione Industrie Siderurgiche Italiane (Assider), Rome	A. Capanna
Luxembourg	{ steel Groupement des Industries Sidérurgiques Luxembourgeoises, Luxembourg	L. Bouvier
Netherlands	{ coal Gezamenlijke Steenkolenmijnen in Limburg, Heerlen	H. Wemmers

CATEGORY OF WORKERS

Belgium	{ Confédération des Syndicats Chrétiens de Belgique, Brussels	M. Thomassen
	{ Fédération Générale du Travail de Belgique, Brussels	

CATEGORY OF WORKERS—*contd.*

<i>Country</i>	<i>Name of Organisation</i>	<i>Members</i>
France	Fédération Nationale Force Ouvrière des Mineurs (C.G.T.F.O.), Paris	N. Sinot
	Fédération Nationale des Syndicats Chrétiens de Mineurs (C.F.T.C.), Paris	L. Delaby
	Fédération Confédérée (C.G.T.F.O.) de la Métallurgie, Paris	G. D. Delamarre
	Confédération Générale des Cadres, Paris	Y. Bertrand
	Syndicat Chrétien de la Sarre, Saarbrücken.	J. Ditzler
Germany	Industriegewerkschaft Bergbau, Bochum	F. Dahlmann K. Hoefner
	Industriegewerkschaft Metall, Frankfurt/Main	H. Straeter H. Bruemmer
	Deutscher Gewerkschaftsbund, Düsseldorf	W. Freitag
Italy	Confederazione Italiana Sindacati Lavoratori (Federazione Italiana Metalmeccanici)	F. Volonté
	Unione Italiana del Lavoro (Federazione Italiana Metalmeccanici).	A. Chiari
Luxembourg	Fédération Nationale des Ouvriers de Luxembourg, Esch/Alzette	A. Krier
Netherlands	Nederlands Verbond van Vakverenigingen (N.V.V.)	C. W. van Wingerden
	Christelijk Nationaal Vakverbond (C.N.V.)	F. S. Dohmen
	Katholieke Arbeidersbeweging (K.A.B.)	

CATEGORY CONSUMERS AND DEALERS

<i>Country</i>	<i>Branch represented</i>	<i>Members</i>
Belgium	coal Chemical industry and household consumption	E. Voituren
	steel Engineering and metal industry	G. Velter
France	coal Railways	R. Dugas
	Exports and imports	J. Picard
	steel Engineering and metal industry	A. Metral
	Home trade, including scrap	M. Vogelsang
Germany	coal Chemical industry	H. Tramm
	Energy	F. Hellberg
	Cement industry	A. von Engelberg
	steel Engineering and metal industry	E. Jung
	Engineering and metal industry	K. Lange
	Home trade	W. Flory

CATEGORY CONSUMERS AND DEALERS—*continued*

<i>Country</i>	<i>Branch represented</i>	<i>Members</i>
Italy . . .	{ coal Coking	C. Tomatis
	{ steel Engineering and metal industry	D. Taccone
Luxembourg	coal Railways	A. Theato
Netherlands	{ coal Home trade	G. van Andel
	{ steel Shipbuilding	K. van der Pols

The above nominations shall take effect on January 15, 1955.

This decision was adopted by the Council at its twenty-first and twenty-second sessions, on December 7-8, 1954, and January 20, 1955, respectively.

For the Council,
(sgd.) EMILIO BATTISTA,
President.

DECISION concerning the designation of persons to sit in with the Consultative Committee by special arrangement.

THE COUNCIL,

HAVING regard to Article 18 of the Treaty ;

HAVING regard to the decision, taken at its fourth session, on January 15-16, 1953, concerning the designation of persons to sit in with the Consultative Committee by special arrangement,

DECIDES :

1. The following are hereby designated to sit in with the Consultative Committee by special arrangement, for a period of two years :

Monsieur A. H. Ingenhouz (Netherlands), representing the steel producers (Vereniging van de Nederlandse IJzer- en Staalproducerende Industrie, IJmuiden) ;

Monsieur A. Bertinchamps (Belgium), representing the workers' organisation: Confédération des Syndicats Chrétiens Belges (C.S.C.B.) ;

Monsieur J. Marmasse (France), representing the home steel trade, including scrap ;

Monsieur M. Duchscher (Luxembourg), representing the steel consumers.

2. The special status of these persons must be settled by the Rules of Procedure of the Consultative Committee, bearing in mind that

(a) they shall in no circumstances be entitled to vote ;

(b) they shall be entitled to address the Committee at the invitation of the President.

3. This decision shall come into force on January 15, 1955.

This decision was adopted by the Council at its twenty-first and twenty-second sessions, on December 7-8, 1954, and January 20, 1955, respectively.

For the Council,
(sgd.) EMILIO BATTISTA,
President.

AGREEMENT by the Council, in pursuance of Article 53 (b) of the Treaty, to an extension by three months, as from April 1, 1955, of the financial arrangements for the compulsory compensation of imported scrap set up by the High Authority's Decision No. 22/54 of March 26, 1954.

In its letter of December 17, 1954, the High Authority asked the Special Council of Ministers, in conformity with Article 53 (b) of the Treaty, for the agreement required for it to extend by three months, as from April 1, 1955, the financial arrangements for the compulsory compensation of imported scrap, set up by the High Authority's Decision No. 22/54 of March 26, 1954.

The Council, at its twenty-second session on January 20, 1955, gave its unanimous agreement to the High Authority's proposal, as recorded in the Minutes of the Council's deliberations.

For the Council,

(sgd.) EMILIO BATTISTA,

President.

INFORMATION

RESOLUTION concerning the introduction of international railway through-rates, adopted on January 20, 1955, at the twenty-second session of the Special Council of Ministers.

The Representatives of the governments of the member States of the European Coal and Steel Community, meeting in Council,

HAVING regard to the provisions of Article 70 of the Treaty, and of Section 10 of the Convention containing the Transitional Provisions, with particular reference to paragraph 3, sub-paragraph 2 of that Section ;

HAVING regard to the resolutions adopted by the Special Council of Ministers on April 9 and July 27, 1954 ;

have

RESOLVED that :

Section 1

The international through-rates which are the subject of this resolution shall apply to all coal and steel traffic within the Community, with the exception of the special cases listed in Annex I following, for which separate rules are to be made.

Annex II following contains the definition of the technical terms employed.

The detailed description of the products covered by these international through-rates will be given in a standard nomenclature based on the draft submitted by the High Authority to the governments of the member States on December 20, 1954.

Section 2

The freight cost under the international through-rates shall consist of the sum of a terminal station fee and a mileage rate.

The terminal station fee shall consist of the sum of the half terminal station fee payable under the inland rates of the consignor country, collected by the railways of that country, and the half terminal station fee payable under the inland rates of the consignee country, collected by the railways of that country.

No terminal station fee shall be collected by the railways of transit countries.

The mileage rate shall consist of the sum of the partial mileage rates of the railways concerned: the partial mileage rate for each railway shall be obtainable by multiplying the basic mileage rate by the partial distance covered on that railway and by the tapering ratio (rate of fall) described in Sections 5-9 below.

Section 3

The provisions of Section 2 above notwithstanding, the railways shall be authorized, during the period of one year specified in Section 10 below for fuels and ores on the one hand, and scrap and iron and steel products on the other, to collect terminal station fee equivalent to

- two-thirds of their terminal station fee for the sending and receiving railways ;
- one-third of their terminal station fee for the transit railways.

Section 4

The member States hereby undertake to co-operate in seeking, with the collaboration and assistance of the High Authority, methods for reducing (with a view to their ultimate complete elimination) those charges peculiar to international coal and steel traffic which bear so heavily on the prime cost of transport.

Section 5

The governments consider that the examination of tapering ratios falls within the terms of reference of the studies which the Commission of Experts has been asked to carry out by virtue of Section 10, paragraph 3 of the Convention containing the Transitional Provisions.

The governments hope that the Commission of Experts will forward its findings on this matter to the High Authority not later than February 10, 1956.

Section 6

For a period up to and including February 10, 1957, the tapering rates shall be applied in accordance with the provisions of Sections 7-9 below.

Should agreement not have been reached by that date on the basis of the study provided for in Section 5 above, the provisions of Sections 7-9 shall remain in force until such time as agreement shall have been reached.

Should any member State find itself obliged, before the expiry of the above time-limits, to modify the tapering ratios given in Annex III following, it must notify the High Authority in advance. Where the High Authority shall deem advisable, the other member States shall be given the opportunity to state their views, and the member State concerned must do all in its power to entertain any observations which the others may put forward. These provisions cannot, however, affect the application of Article 70 of the Treaty.

Section 7

For the establishment of mileage rates in general inland tariffs and in international through-rates, the tapering ratios for the total distance covered (given in Annex III following) shall be employed for all transport over a total distance of not more than 200 km. (= approx. 124 miles) for iron and steel products, and not more than 250 km. (= approx. 155 miles) for other products.

Section 8

For inland transport over total distances of more than 200 km. for iron and steel products, and of more than 250 km. for other products, each member State shall fix the tapering ratio of its general inland tariff, such ratio not to exceed the span between the upper and lower limits given in Annex III following.

The above tapering ratio must be worked out up to the maximum distance existing within the Community, and must be published.

Section 9

For the establishment of mileage rates in international through-rates over total distances of more than 200 km. for iron and steel products, and of more than 250 km. for other products, the national tapering ratio for the total distance covered shall be applied for each partial mileage rate.

Notwithstanding, where this ratio is below the limit ratio fixed in Annex III following, the limit ratio shall be applied, on the understanding that in no circumstances may the partial mileage rate exceed the inland mileage rate for a distance equal to the partial distance covered.

Section 10

The international through-rates shall come into force as follows:

first stage

—upon a date fixed by the High Authority as May 1, 1955, international through-rates for fuels and ores, in accordance with the provisions of Section 3 above;

second stage

—one year after the introduction of the first stage, international through-rates for iron and steel products and for scrap, in accordance with the provisions of Section 3 above;

—international through-rates for fuels and ores, in accordance with the provisions of Section 2 above;

third stage

—two years after the introduction of the first stage, international through-rates for iron and steel products and for scrap, in accordance with the provisions of Section 2 above.

Section 11

In order to ensure the application of this resolution, a Commission consisting of representatives of the member States and of representatives of the High Authority shall be requested,

- to deal with the technical tariff problems raised by the introduction and publication of international through-rates :
- to submit for the agreement of the governments, in the appropriate form, a final document in accordance with the terms of this resolution, and containing all provisions required for its proper implementation.

This Commission shall begin work forthwith, and shall have one month in which to complete its report.

ANNEX I

EXCEPTIONS TO SECTION 1

Inasmuch as it may be necessary for the avoidance of diversions of traffic or disturbances in the market, special regulations will be issued for the following traffic flows :

A. Coke from France to Italy, and vice versa.

B. Fuels and iron and steel products

—from the Netherlands to Northern Germany,

—from Germany to Germany in transit through the Netherlands,

—from Belgium to Northern Germany in transit through the Netherlands.

These special regulations will be settled by the Commission provided for under Section 11, for the period and under the conditions specified in Section 6, paragraphs 1 and 2, and will be published together with the international through-rates.

In addition, a special provisional regulation will be issued as an exception to Sections 7 and 8, in respect of transport of iron and steel products within the Netherlands over a distance of more than 150 km (= approx. 93 miles). Final arrangements in regard to this question will be studied in accordance with the provisions of Sections 5 and 6.

ANNEX II

DEFINITION OF TERMS

By "*coal and steel*" shall be understood

the products enumerated in Annexes I and III to the Treaty establishing the European Coal and Steel Community ;

by "*railways*"

the administrative authority operating the railway network of a member State, and other railway authorities covered by its tariffs ;

by "*general inland tariffs*"

inland tariffs applicable to all users of the same type within the territory of a member State ;

- by “*international through-rates*”
the rates and conditions published and applied to the transport of coal and steel between member States, under the terms of a single transport contract ;
- by “*transit point*”
the frontier point fixed in accordance with Article 10 of the International Convention on Railway Goods Transport ;
- by “*total mileage*”
the mileage from the point of departure to the point of destination of the single transport contract, via the transit point or points ;
- by “*partial mileage*”
those parts of the total mileage which are situated either in the consignor country in the transit country, or in the consignee country ;
- by “*partial distance*”
the length of a partial mileage calculated by the rules in force on the railways concerned for their inland traffic ;
- by “*total distance*”
the sum of the partial distances ;
- by “*terminal station fee*”
the charge per metric ton calculable by the extrapolation of the schedule to distance 0 km., regardless of any minimum distance or minimum charge ;
- by “*mileage rate*”
the transport charge minus the corresponding terminal charge ;
- by “*tapering rates*”
the descending scale of the mileage rate per kilometre-ton as the distance increases ;
- by “*basic mileage rate*”
the mileage rate per kilometre-ton up to the distance at which the tapering rates begin ;
- by “*tapering ratio*” (*rate of fall*)
the quotient of the mileage rate per kilometre-ton for a given distance and the basic mileage rate.

ANNEX III

1. *Application of Section 7 :*

Uniform tapering ratios applicable up to a particular distance :

—up to 250 km. (approx. 155 m.)

fuels, ores	Schedule A = 1/3	(cf. Report of Commission of Experts)
scrap	Schedule A = 3/5	

—up to 200 km. (approx. 124 m.)

pig-iron, crude steel	Schedule A = 3/5	
semis, special products	Schedule A = 7/10	
finished products	Schedule A = 4/5	

2. Application of Section 8 :

Upper and lower limits of the national tapering ratios :

Goods	Lower Limit	Upper Limit
FUELS	250-300 km. (155-185 m.) <i>bridge</i> 300-1,200 km. tapering rates, (185-745 m.) TARIFF 6B1, (German State Railways) over 1,200 km. 0.386 (745 m. +)	0.825
ORES	250-300 km. (155-185 m.) <i>bridge</i> 300-1,200 km. tapering rates, (185-745 m.) Schedule 305, (French State Railways) 0.438	0.825
SCRAP	250-300 km. (155-185 m.) <i>bridge</i> 300-1,200 km. tapering rates, (185-745 m.) Cat. F (German State Railways) 0.418	250-900 km. (155-560 m.) 0.877 900-1000, km. tapering rates, (560-620 m.) (Italian State Railways) over 1,000 km. (620 m. +) 0.853
PIG IRON AND CRUDE STEEL	200-250 km. (125-155 m.) <i>bridge</i> 250-1,200 km. tapering rates, Cat. F (German State Railways) over 1,200 km. (745 m. +)	200-270 km. (125-167 m.) 0.917 270-1,000 km. tapering rates, (167-620 m.) (Italian State Railways) over 1,000 km. (620 m. +) 0.853
SEMIS AND SPECIAL PRODUCTS	200-250 km. (125-155 m.) <i>bridge</i> 250-1,200 km. tapering rates, Cat. F (German State Railways)	200-440 km. (125-273 m.) 0.934 440-500 km. tapering rates, (273-310 m.) Schedule 66/246 (French State Railways) 500-1,000 km. tapering rates, (310-620 m.) (Italian State Railways) over 1,000 km. (620 m. +) 0.853

Goods	Lower Limit	Upper Limit
FINISHED PRODUCTS	200–250 km. (125–155 m.) <i>bridge</i>	200–500 km. (125–310 m.) 0.953
	250–1,200 km. tapering rates, Cat. D (German State Railways)	500–1,000 km. tapering rates, (310–620 m.) Schedule 66 (French State Railways)
	0.433	over 1,000 km. (620 m. +) 0.904

N.B.—These figures, based on schedules now in force, are to some extent approximate.

3. *Application of Section 9 :*

Limit ratios for partial mileage rates :

Fuels, ores	0.70
Scrap, pig-iron, and crude steel	0.75
Semis, special products	0.80
Finished products	0.85

THE COURT OF JUSTICE

OFFICIAL NOTICES

Complaint by Monsieur Antoine Kergall against the Common Assembly of the European Coal and Steel Community, January 14, 1955 (Case No. 1/55)

On January 14, 1955, a complaint was lodged before the Court of Justice, against the Common Assembly of the European Coal and Steel Community, by Monsieur Antoine Kergall, residing at Luxembourg, represented by Maître Pierre Chareyre, barrister at the French Council of State and Supreme Court of Appeal, with elected domicile at the office of Maître Margue, barrister, of 6 rue Alphonse-München, Luxembourg.

Monsieur Kergall, formerly under contract to the Common Assembly of the European Coal and Steel Community, which contract has now expired, lodged a complaint before the Court of Justice, in accordance with Article 42 of the Treaty, appealing against the decision by the Bureau of the Assembly to abolish the post held by the complainant, and in consequence not to renew his contract.

THE HIGH AUTHORITY

DECISIONS

DECISION No. 3/55, February 8, 1955, concerning the amount and mode of application of the compensation levy provided for under Decision No. 1/53, of February 7, 1953

THE HIGH AUTHORITY,

HAVING regard to Sections 25 and 26 of the Convention :

HAVING regard to Decision No. 1/53, of February 7, 1953 (see *Official Gazette of February 10, 1953, p. 4*);¹

HAVING regard to Decision No. 27/53, of March 8, 1953 (see *Official Gazette of March 13, 1953, p. 84*);¹

WHEREAS Section 25, paragraph 2 of the Convention fixes a descending upper limit to the compensation levy ;

WHEREAS the compensation levy is based on the average receipts of the coal producers in the German Federal Republic and the Netherlands, and the most recent figures furnished by the associations of enterprises to the High Authority are those for the third quarter of 1954 ;

WHEREAS the assistance needed by the coalmining enterprises in Belgium during the third year of the operation of the Common Market necessitate, under present conditions, a levy of 0.9% on the receipts specified above ;

DECIDES :

Article 1

The enterprises referred to in Decision No. 1/53, of February 7, 1953, shall, in accordance with the provisions of that decision, pay a levy fixed at the following amounts per metric ton :

Enterprises in the German Federal Republic	...	41 pfennigs
Enterprises in the Kingdom of the Netherlands	...	44 cents

Article 2

Where enterprises avail themselves of the possibility provided under Article 2, paragraph 2 of Decision No. 4/53, of February 12, 1953 (see *Official Gazette of February 12, 1953, p. 21*)¹, of showing the levy fixed in Article 1 above separately in their schedules, such amounts must be calculated differently for coal and briquettes on the one hand and coke on the other to allow for the loss of weight in coking.

¹ This reference applies to the German, French, Italian and Dutch editions of the Official Gazette of the European Coal and Steel Community, published in Luxembourg.

Article 3

The time-limit of five days prescribed in Article 4, paragraph 1 of Decision No. 4/53, regarding the applicability of price-schedules and terms of sale, shall be reduced to one day for the first application of the provision contained in Article 2 above.

Article 4

Assessments on the basis of the new levy rates as laid down in Article 1 above shall begin on February 10, 1955.

Accordingly, enterprises shall, on March 25, 1955, pay the levy provided for in Article 1 of Decision No. 27/53, of March 8, 1953, in respect of one-third of the tonnage recorded by them for February, 1955, and the levy provided for in Article 1 above in respect of two-thirds of the tonnage recorded for February, 1955.

Article 5

This decision shall come into force within the Community as from February 10, 1955. Decision No. 27/53, of March 8, 1953, shall cease to be in force as from that date.

This decision was deliberated and adopted by the High Authority at its meeting of February 8, 1955.

For the High Authority,

(sgd.) JEAN MONNET,

President.

CONSULTATIVE COMMITTEE

RULES OF PROCEDURE ADOPTED AT THE FIFTEENTH SESSION, ON DECEMBER 20, 1954

AMENDMENT TO ARTICLE 20

The Council of Ministers having decided, at its session of January 20, 1955, to amend, in respect of the passage concerning the principle that the status of persons sitting in with the Consultative Committee by special arrangement must be set forth in the Rules of Procedure of the Consultative Committee, the terms of the decision published in the *Official Gazette* of February 10, 1953, p. 15⁽¹⁾ by the deletion of the following paragraph :

“(3) Il ne sera fait état de leurs interventions au procès-verbal des délibérations qu'à la demande de la majorité des membres ”

(*Translation* : Their interventions shall not appear in the minutes of the deliberations except at the request of a majority of the members),

the Consultative Committee, meeting in plenary assembly on January 31, 1955,

decided :

to delete the last two paragraphs of Article 20 of its Rules of Procedure (published in Part I of this issue—No. 3, January 31, 1955—p. 66), which read as follows:

“The interventions of the persons mentioned in sub-paragraph (b) above shall not appear in the minutes of the session except at the request of a majority of the members present.

The President shall verify, before the closure of each session, whether there is a majority in favour of making such a request.”

¹ This reference applies to the German, French, Italian and Dutch editions of the *Official Gazette of the European Coal and Steel Community*, published in Luxembourg.

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