

COMMUNICATION OF THE COMMISSION

relating to the amended text, as it is now in force, of Decision No 31-53: Conditions of publication of price lists and conditions of sale applied by the undertakings of the steel industries

The rules relating to the conditions of publication of price lists and conditions of sale, prescribed by Article 60 (2) (a) of the ECSC treaty have been defined by the High Authority as far as concerns the undertakings of the steel industries, in its Decision No 31-53 of 2 May 1953 (*Official Journal of the ECSC*, 4 May 1953, p. 111).

This Decision has been completed and amended by

1. Decision No 32-53 of 20 May 1953 (*Official Journal of the ECSC*, 21 May 1953, p. 130);
2. Decision No 2-54 of 7 January 1954 (*Official Journal of the ECSC*, 13 January 1954, p. 218) whose first article has been cancelled by the judgment of the Court of Justice, given in the case 1-54 of 21 December 1954 (*Official Journal of the ECSC*, of 11 January 1955, p. 547);
3. Decision No 32-56 of 21 November 1956 (*Official Journal of the ECSC*, of 25 November 1956, p. 333/56);
4. Decision No 20-63 of 11 December 1963 (*Official Journal of the European Communities*, of 24 December 1963, p. 2972/63) and
5. Decision No 72/441/ECSC of 22 December 1972 (*Official Journal of the European Communities*, 30 December 1972, No L 297, p. 42).

To facilitate consultation of these regulations by the interested parties, the amended text of Decision No 31-53, applicable from 1 January 1973, is given below:

Article 1

1. Undertakings in the steel industry shall publish their price lists and conditions of sale in accordance with the provisions of this Decision.
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.
3. Undertakings in the steel 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. The selling agency may likewise specify that products are sold on the basis of the price lists and conditions of sale of the undertaking.

4. Iron ore undertakings shall remain subject to 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 information:

- (a) basic prices according to category of products, or basic prices for each grade and category of products;
- (b) extras which are applied, indicating
 - extras for size and length,
 - extras for grades and quality,
 - quantity extras and rebates for each sample and/or for each specified order,
 - tolerances not liable to surcharge,
 - extras for reduced tolerances;
 - also surcharges and increases 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;
- (f) where they are applied:
 - quantity rebates granted subsequently in respect of quantities actually supplied over a period of not less than one year;
 - discounts, rebates, premiums or any other kind of benefit to dealers, selling agencies or users;
- (g) terms of payment;

- (h) nature and amount of taxes and other charges additional to the prices on the price lists, under the terms offered to purchasers;
- (i) where the conditions which apply to the transaction relate to the price list in force on the day on which the order is placed and may be subject to revision:
 - the circumstances in which such revision may occur.

Article 3

Price lists of an undertaking shall not contain prices for products which are not actually offered on the market by that undertaking.

Article 4

1. (a) Price lists and conditions of sale shall apply not earlier than two clear days after they have been addressed to the Commission;
 - (b) Sellers shall, upon request, communicate them to anyone interested;
 - (c) The Commission may decide to publish such 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 in the steel industry need not publish in their price lists price differentials applied to individual consumer groups.
2. Where such differentials are applied, undertakings shall, however, notify them to the Commission. Article 4 of this Decision shall apply.
3. Where it is established that the number or the volume of the differentials make publication necessary, the Commission may require any undertaking in the iron and steel industry to publish in their price lists some or all of the differentials applied.

Article 6

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 7

1. Undertakings and their selling agencies shall frame their conditions of sale in such a way that their customers (dealers) are under an obligation, in the case of resale in the unaltered state otherwise than by sale ex depot, to ensure that their price lists and conditions of sale comply with the rules laid down in this Decision.

2. In so far as customers (dealers) do not include in their lists their own prices and conditions of sale, they may discharge their obligation by indicating under the conditions laid down in Article 4, those items of the price lists and conditions of sale applied by the producer undertakings in accordance with this Decision, which apply to sales made by them.

Article 8

Undertakings in the steel industry need not publish their prices for the following products:

1. Steelmaking pig iron,
2. Single purpose steel sections,
3. Organically coated sheet steel (sheet steel plastic-coated or pre-lacquered),
4. Second class and off-grade products,
5. Steels of non-standard character containing less than 0.6% of carbon, the chemical and mechanical properties of which are not of themselves sufficient to enable comparisons to be made between them;
6. Steels of like character, known as 'physical' or 'magnetic' steels, having certain electrical and magnetic properties.