

1.2.58

EUROPEAN COAL AND STEEL COMMUNITY

49/58

AGREEMENT

concerning freight rates and conditions for the carriage of coal and steel on the Rhine

THE REPRESENTATIVES OF THE GOVERNMENTS OF

- THE FEDERAL REPUBLIC OF GERMANY,
- THE KINGDOM OF BELGIUM,
- THE FRENCH REPUBLIC,
- THE ITALIAN REPUBLIC,
- THE GRAND DUCHY OF LUXEMBOURG,
- THE KINGDOM OF THE NETHERLANDS,

Meeting in the Special Council of Ministers and duly authorised for that purpose,

Having regard to Articles 4 and 70 of the Treaty establishing the European Coal and Steel Community and to the principles contained in the first, second and third paragraphs of Article 10 of the Convention on the Transitional Provisions;

Taking account of the Revised Convention for the Navigation of the Rhine concluded at Mannheim on 17 October 1868, as amended and supplemented;

Reserving their interpretation of the provisions of that Convention where such provisions relate to freedom of navigation and of trade or to the scope of the Convention;

Taking account of the conclusions of the 1952 session of the Economic Conference on the Navigation of the Rhine, meeting under the auspices of the Central Commission for the Navigation of the Rhine;

Resolved:

- to prevent the carriage of coal and steel being refused or made more difficult for certain dealers or consumers as a result of agreements between shipping undertakings, and to prevent certain dealers or consumers or groups of dealers or consumers from acquiring a privileged position;

- to ensure the freedom of shipping undertakings with regard to the conclusion of contracts of affreightment;

- to promote observance of the provisions of the Treaty concerning the prohibition of discrimination and the solution of the problem of the publication or notification of freight rates and conditions of carriage;

Resolved to approve and support the efforts which the High Authority makes in this respect within the limits of its powers;

Whereas the formation of freight rates for Rhine traffic between ports of different States is not subject to any rules laid down by Governments;

Whereas in the opinion of all the Governments concerned it is impossible for Governments to regulate the formation of freight rates for traffic crossing frontiers in the course of journeys coming under Article 1 of the Revised Convention for the Navigation of the Rhine;

Whereas in certain Member States there are provisions of national law regulating the information of freight rates for internal traffic on the Rhine;

Whereas this situation might result in comparably placed consumers being subjected to unjustified differences between regulated freight rates and non-regulated international freight rates, thus leading to a situation contrary to the provisions of the Treaty establishing the European Coal and Steel Community;

HAVE AGREED AS FOLLOWS:

Article 1

The Governments of Member States which have enacted provisions concerning the formation of freight rates for internal traffic on the inland waterways

governed by the Revised Convention for the Navigation of the Rhine concluded at Mannheim on 17 October 1868, as amended and supplemented, hereby undertake that, acting in conjunction with the High Authority, they will adjust or cause to be adjusted, to the extent necessary to comply with the provisions of the Treaty establishing the European Coal and Steel Community, the level of freight rates drawn up on the basis of the said provisions to the level of representative freely negotiated freight rates, with particular reference to those in long-term contracts, for comparable traffic using those inland waterways and crossing frontiers.

Article 2

The Government of each Member State shall agree with the High Authority a joint procedure enabling the latter to obtain an accurate and complete overall view of the inland waterway freight rates and conditions of carriage referred to in Article 1.

Article 3

If, as a result of a lack of proper organisation of inland shipping, and in particular of private shipping, it is not possible to implement the present Agreement, the Governments concerned shall, acting within the limits of the Mannheim Convention, endeavour to take or cause to be taken in respect of inland shipping in their countries the organisational measures needed with a view to giving effect to the recommendations of the Economic Conference on the Navigation of the Rhine.

Article 4

Where serious difficulties in the general economy or in the transport sector, or fundamental and persistent disturbances in the market, affect implementation of this Agreement, or where implementation threatens to cause such difficulties or disturbances, the Governments of the Member States, shall, at the request of any Member State or of the High Authority, meet and shall, after consulting the Central Commission for the Navigation of the Rhine and taking into account the findings or proposals of the Economic Conference on the Navigation of the Rhine, discuss measures to adjust the provisions of Article 1 so as to take account of the new situation.

Article 5

This Agreement is concluded for an indefinite period.

Where, in the opinion of a Member State, its implementation leads to difficulties and it is apparent that these cannot be eliminated within six months by the procedure laid down in Article 4, this Agreement may be denounced on three months' notice, starting not less than twenty-one months after its date of entry into force.

Before making its denunciation, the Member State concerned shall inform the other Member States and the High Authority of the alternative measures which it proposes to take in order to comply with the provisions of the Treaty establishing the European Coal and Steel Community. That State shall be bound to consult the High Authority before expiry of the period for denunciation on the alternative measures proposed.

Article 6

This Agreement, as recorded in the minutes of the proceedings of the Special Council of Ministers of the European Coal and Steel Community, shall be published in the *Official Journal of the Community* as soon as the Secretary-General of the Special Council of Ministers of the Community shall have received from all Member States official notification of the applicability of this Agreement according to the provisions of their national law.

The Secretary General shall inform the other Member States of notifications received.

This Agreement shall enter into force three months after the date of its publication in the *Official Journal of the Community*.

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Pursuant to the provisions of Article 6 of the Agreement concerning freight rates and conditions for the carriage of coal and steel on the Rhine, the text of that Agreement is hereby published, the Secretary-General of the Special Council of Ministers having received from all Member States the official notifications provided for in the above-mentioned provisions.

Luxembourg, 1 February 1958.

*The Secretary-General
of the
Special Council of Ministers*
Christian CALMES