

Treaty establishing the ECSC - Annex II (Paris, 18 April 1951)

Source: Treaty constituting the European Coal and Steel Community and connected documents. Luxembourg: Publishing Services of the European Communities, complex pagination. "Treaty establishing the European Coal and Steel Community: Annex II (Paris, 18 April 1951)", p. 87-88.

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Publication date: 18/12/2013

ANNEX II - Scrap iron

The provisions of the present Treaty are applicable to scrap-iron, taking into consideration the following practical procedures which are required on account of the particular conditions of its collection and marketing:

(a) The prices fixed by the High Authority under the provisions of Chapter V of Title Three are applied to purchases by the industries of the Community; the member States will lend their assistance to the High Authority to see that sellers respect the decisions taken.

(b) The following are excluded from the application of Article 59:

- brass alloys whose nature limits their use to foundries not subject to the jurisdiction of the Community;

- scrap iron recovered by the industries themselves and used directly by them; however, the resources resulting from such recovered scrap shall be taken into consideration in the establishment of the bases of distribution for commercial scrap.

(c) For the application of the provisions of Article 59 to commercial recovered scrap-iron, the High Authority, in cooperation with the governments of the member States, will gather the necessary information on availabilities and requirements, including exports to third countries.

On the basis of the information thus obtained, the High Authority will distribute the availabilities among the member States in accordance with the provisions of Article 59, taking into account the most economic ways of utilizing this resource as well as the general conditions of exploitation and supply which affect the different parts of the steel industry subject to its jurisdiction.

The following measures will be taken in order to avoid discrimination detrimental to industries subject to the jurisdiction of any one of the member States resulting from deliveries by one member State to another under this allocation plan, or from the exercise of rights granted to enterprises of one member State to purchase on the market of another member State:

1. Each member State will authorize shipments to be made from its territory to the other member States in accordance with the allocation established by the High Authority; on the other hand, each member State will be authorized to apply the controls required to make sure that the shipments are not greater than the quantities thus provided for. The High Authority is empowered to see to it that the provisions adopted are no more restrictive than their purpose requires.

2. The allocation among the member States will be reviewed at intervals as frequent as necessary to maintain a relationship between the proved resources of each member State and the programmed shipments to other member States which is fair both to local buyers and to buyers in other member States.

3. The High Authority will take care that the regulations adopted by each member State concerning sellers subject to its jurisdiction do not have the effect of applying unequal conditions to comparable transactions, particularly according to the nationality of the buyers.