

Official Journal

of the European Communities

ISSN 0378-6978

L 341

Volume 21

6 December 1978

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION DECISION No 2869/78/ECSC
of 5 December 1978

amending for the second time Decision No 3002/77/ECSC requiring merchants of iron and steel products to comply with pricing rules

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 47, 64, 86 and 95 thereof,

Whereas Commission Decision No 3002/77/ECSC of 28 December 1977 ⁽¹⁾, as amended by Decision No 1395/78/ECSC ⁽²⁾, requires Community iron and steel merchants in their sales of concrete reinforcing bars, merchant bars and hot-rolled wide strip to charge for such products prices which are not lower than the Community producers' list prices, taking account of all reductions and extras included therein and of the conditions of sale;

Whereas it has become apparent that, in the light of the purpose of this measure, it is possible to exclude from this obligation the small-quantity extras charged for deliveries of concrete reinforcing bars amounting to less than five tonnes and for deliveries of merchant bars amounting to less than 2.5 tonnes; whereas, in applying these extras, iron and steel producers seek to limit their deliveries of small quantities, which are a burden on their resources, while the role of the merchants, particularly the stockholders, is to effect retail redistribution suited to the consumers' needs; whereas the intention of not taking into account the small-quantity extras published by the producers for the abovementioned quantities and products is to prevent any disturbance in the traditional activity of steel producers and steel merchants;

Whereas the abovementioned measure makes it possible, in the case of direct sales, to grant rebates

on imported goods from countries in respect of which an alignment is prohibited;

Whereas, however, these rebates must not exceed 3 % in the case of imports from Austria, Finland, Norway, Sweden, Portugal and Switzerland and 6% in the case of imports from Australia, Japan, South Korea, South Africa, Spain, Poland, Czechoslovakia, Hungary and Romania;

Whereas the Commission must be better informed as to compliance with the requirements concerning prices and the certificates of conformity referred to in Article 1, in particular by the provision of a carbon copy of the certificate of conformity by the administrations of the individual Member States which have carried out the examination;

Whereas experience has shown that the model certificate must be adapted;

Having consulted the Consultative Committee and obtained the unanimous consent of the Council,

HAS ADOPTED THIS DECISION:

Article 1

Decision No 3002/78/ECSC is hereby amended as follows:

1. Article 1 is amended to read as follows:

'Article 1

Community iron and steel merchants making direct or ex stock sales of concrete reinforcing bars, merchant bars and hot-rolled wide strip in their own name and on their own account shall apply to such products prices which are not lower

⁽¹⁾ OJ No L 352, 31. 12. 1977, p. 8.

⁽²⁾ OJ No L 167, 24. 6. 1978, p. 60.

than the Community producers' list prices, taking account of all reductions and extras included therein and of the conditions of sale.

In the case of extras for small quantities, however, Community iron and steel merchants shall not be required to take into account the small-quantity extras published in producers' price lists per dimension and quality for quantities from 0 to less than 2.5 tonnes for merchant bars or from 0 to less than five tonnes for concrete reinforcing bars.

With regard to imports, rebates may be allowed in the case of direct sales provided the transactions involve third countries and products for which alignments are prohibited. In the case of imports from Austria, Finland, Norway, Sweden, Portugal and Switzerland, the maximum rebate allowable shall be 3%. In the case of Australia, Japan, Korea, South Africa, Spain, Poland, Czechoslovakia, Hungary and Romania, the maximum rebate allowable shall be 6%.

2. Article 3 is amended to read as follows:

'Article 3

The steel dealers shall be required to issue in respect of their deliveries of concrete reinforcing bars, merchant bars and hot-rolled wide strip a certificate of conformity in triplicate showing that the invoiced prices are in conformity with the prices resulting from Article 1; one copy shall be retained by the dealer and the other two shall accompany the delivery.'

3. Article 4 is amended to read as follows:

'Article 4

The Commission shall check that the obligations under this Decision are being observed by using its powers under Article 47 of the Treaty.

The sanctions provided for in Articles 47 and 64 shall be applicable in the event of infringement.

A copy of the certificate of conformity shall be taken by the national administration who shall check deliveries. In the case of intra-Community trade, this copy shall be taken by the customs authorities when the products are released for home use.

The national administration shall send this copy of the certificate to the Commission within three working days following the week in which it receives the certificate. If the delivery is not accompanied by a certificate of conformity, the administration shall so inform the Commission within three working days after establishing this fact.'

4. The Annex thereto is replaced by the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities* and shall be valid until 31 December 1978.

Upon the entry into force of this Decision, Articles 1 and 3 of Decision No 1395/78/ECSC shall stand repealed.

This Decision shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 December 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

ANNEX

1a Seller ⁽¹⁾ Warehouse of		1b Invoice number and date Order number and date (seller's reference) Serial numbering by country of destination	
1c Consignee (user or merchant/stockholder) ⁽¹⁾		1d Producer (if other than the seller) ⁽¹⁾ Plant of	
This certificate must travel with any delivery within the Community subject to minimum prices		2a Country whence consigned	2b Country of destination
3 Seller's comments			
4 Item number; Commercial designation of products			
List of products subject to minimum prices:			
The iron and steel products are defined in accordance with their commercial designation: A. By shape and dimensions, in accordance with Euronorm 79-69 1. <i>Hot-rolled wide strip</i> Hot-rolled flat product wound in coils having regular turns, of a width equal to or greater than 600 mm. This includes hot-rolled wide strip with grooved or tear-drop patterns or with some other relief produced in the rolling process. 2. <i>Merchant bars</i> - Hot-rolled black bars of round, half-round, square, hexagonal or octagonal cross section (excluding concrete reinforcing bars). - Flat bars of rectangular cross section, the width of which does not exceed 150 mm. - Bars profiled to the shapes of the letters L (angles), T (tees) or Z (zeds). - Small sections, the cross section of which is in the shape of the letters I, H or U, the height of which is less than 80 mm. This category does not include: - products for seamless tubes of round or polygonal cross section, - tees produced by longitudinally cut I or H beams, - strip supplied in straight lengths or folded bundles, - bulb flats and angles, known as shipbuilding sections, - special sections rolled in straight lengths, usually of small cross sections or of highly specialized shape with very strict dimensional tolerances. 3. <i>Concrete reinforcing bars</i> Reinforcing bars for cement or concrete, hot-rolled, of round or square cross section with rounded corners, the		surface of which is smooth or ribbed. These bars may have been subjected to a regular twisting process about their longitudinal axis. Concrete reinforcing bars are normally supplied in straight lengths or in coils. B. By steel qualities categories The qualities or categories of steels concerned here are those appearing in Decision No 31/53/ECSC, in its present version, on obligations with regard to the publication of prices and conditions of sale for basic or quality steels. Steel qualities or categories covered by Decision No 37/54/ECSC, as amended by Decision No 33/58/ECSC, on obligations with regard to the publications of prices and conditions of sale for special steels are excluded; these qualities and categories are: (a) manganese-silicon spring steels; (b) free cutting sulphur, and lead-sulphur steels; (c) electrical steels, irrespective of wattage loss; (d) non-alloy construction steels containing 0.60 % or more of carbon; (e) alloy construction steels; (f) bearing steels; (g) stainless and heat-resisting steels; (h) tool steels; (i) high-speed steels. The following are included: carbon steels containing less than 0.60 % carbon for heat treatment or case hardening, provided their phosphorous and sulphur contents do not exceed 0.035 % and that they are not governed by any of the special requirements laid down in paragraph 5.2.3.1 of Euronorm 20-74 (guaranteed impact value, depth of hardening or of case hardening, surface condition, limiting content of non-metallic inclusions, machinability).	

5. Concordance between invoiced prices and minimum prices

	Item 1	Item 2	Item 3	Item 4	Item 5
5.0 Pricelist(s) used					
Basing point(s)					
Specification:					
product(s)					
quality (qualities)					
size					
length					
Tonnage:					
ordered					
delivered					
5.1 Basic price					
Extra:					
quality					
size					
quantity					
length					
pickling					
loading on truck/on board					
packing					
other					
Effective gross price per tonne					
5.2 Less total rebate					
5.3 Application of parity rules					
Plus:					
Transport from basing point to destination					
☐ rail ☐ road ☐ sea/barge					
Less (according to case):					
Transport from to destination					
☐ rail ☐ road ☐ sea/barge					
5.4 Invoiced price per item and per tonne					
Currency					
According to case ☐ delivered					
☐ Franco frontier					
☐ ex works					
☐ other					
Reserved to ECC					
5.5 Rebates granted, make-up and grounds					
5.6 Invoiced price					
5.7 Average invoiced price per tonne					
Drawn up at , on					
Signed:					
Stamp:					

Note: Insert 'x' according to case.

COMMISSION DECISION No 2870/78/ECSC

of 5 December 1978

amending Decision No 3003/77/ECSC requiring undertakings in the iron and steel industry to issue certificates of conformity in respect of certain iron and steel products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 47 and 61 thereof,

Whereas the Commission must be better informed as to the observance of the obligations regarding minimum prices and the certificates of conformity referred to in Article 1 of Decision No 3003/77/ECSC ⁽¹⁾, in particular by receiving a copy of the certificates of conformity from the national administrations that have carried out checks;

Whereas experience has shown that it is necessary to modify the model of the certificate of conformity,

HAS ADOPTED THIS DECISION:

Article 1

Decision No 3003/77/ECSC is amended as follows:

1. Article 2 is amended to read as follows:

Article 2

Undertakings in the steel industry shall issue, in respect of their deliveries of concrete reinforcing bars, merchant bars and hot-rolled wide strip, a certificate of conformity in triplicate showing that the invoiced prices conform to the minimum

prices fixed by the Commission. One copy shall be retained by the undertaking and the other two shall accompany the delivery. This certificate of conformity must be drawn up in accordance with the annexed model certificate.

One copy of the certificate of conformity shall be taken by the national administration, which shall check deliveries. In the case of intra-Community trade, this copy shall be taken by the customs authorities when the products are released for home use. For exports to Austria, Finland, Norway, Sweden and the European territory of Portugal, one copy of the certificate of conformity shall be retained by the customs authorities upon completion of the export formalities.

The national administration shall send the copies of the certificates of conformity to the Commission within three working days following the week in which it receives the certificate. If the delivery is not accompanied by a certificate of conformity, the administration shall so inform the Commission within three working days after establishing this fact.

2. The Annex thereto is replaced by the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Decision shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 December 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 352, 31. 12. 1977, p. 11.

CERTIFICATE OF CONFORMITY

ANNEX

1a Seller⁽¹⁾ Warehouse of	1b Invoice number and date Order number and date (seller's reference) Serial numbering by country of destination	
1c Consignee (user or merchant/stockholder) ⁽¹⁾	1d Producer (if other than the seller) ⁽¹⁾ Plant of	
This certificate must travel with any delivery within the Community subject to minimum prices	2a Country whence consigned	2b Country of destination

3 Seller's comments
4 Item number; Commercial designation of products

List of products subject to minimum prices:

The iron and steel products are defined in accordance with their commercial designation:

A. By shape and dimensions, in accordance with Euronorm 79-69

1. *Hot-rolled wide strip*

Hot-rolled flat product wound in coils having regular turns, of a width equal to or greater than 600 mm.

This includes hot-rolled wide strip with grooved or tear-drop patterns or with some other relief produced in the rolling process.

2. *Merchant bars*

- Hot-rolled black bars of round, half-round, square, hexagonal or octagonal cross section (excluding concrete reinforcing bars).
- Flat bars of rectangular cross section, the width of which does not exceed 150 mm.
- Bars profiled to the shapes of the letters L (angles), T (tees) or Z (zeds).
- Small sections, the cross section of which is in the shape of the letters I, H or U, the height of which is less than 80 mm.

This category does not include:

- products for seamless tubes of round or polygonal cross section,
- tees produced by longitudinally cut I or H beams,
- strip supplied in straight lengths or folded bundles,
- bulb flats and angles, known as shipbuilding sections,
- special sections rolled in straight lengths, usually of small cross sections or of highly specialized shape with very strict dimensional tolerances.

3. *Concrete reinforcing bars*

Reinforcing bars for cement or concrete, hot-rolled, of round or square cross section with rounded corners, the

surface of which is smooth or ribbed. These bars may have been subjected to a regular twisting process about their longitudinal axis.

Concrete reinforcing bars are normally supplied in straight lengths or in coils.

B. By steel qualities categories

The qualities or categories of steels concerned here are those appearing in Decision No 31/53/ECSC, in its present version, on obligations with regard to the publication of prices and conditions of sale for basic or quality steels. Steel qualities or categories covered by Decision No 37/54/ECSC, as amended by Decision No 33/58/ECSC, on obligations with regard to the publications of prices and conditions of sale for special steels are excluded; these qualities and categories are:

- (a) manganese-silicon spring steels;
- (b) free cutting sulphur, and lead-sulphur steels;
- (c) electrical steels, irrespective of wattage loss;
- (d) non-alloy construction steels containing 0.60 % or more of carbon;
- (e) alloy construction steels;
- (f) bearing steels;
- (g) stainless and heat-resisting steels;
- (h) tool steels;
- (i) high-speed steels.

The following are included: carbon steels containing less than 0.60 % carbon for heat treatment or case hardening, provided their phosphorous and sulphur contents do not exceed 0.035 % and that they are not governed by any of the special requirements laid down in paragraph 5.2.3.1 of Euronorm 20-74 (guaranteed impact value, depth of hardening or of case hardening, surface condition, limiting content of non-metallic inclusions, machinability).

5. Concordance between invoiced prices and minimum prices

	Item 1	Item 2	Item 3	Item 4	Item 5
5.0 Price list(s) used Basing point(s) Specification: product(s) quality (qualities) size length Tonnage: ordered delivered					
5.1 Basic price Extra: quality size quantity length pickling loading on truck/on board packing other					
Effective gross price per tonne					
5.2 Less total rebate					
5.3 Application of parity rules Plus: Transport from basing point to destination ☐ rail ☐ road ☐ sea/barge Less (according to case): Transport from to destination ☐ rail ☐ road ☐ sea/barge					
5.4 Invoiced price per item and per tonne Currency					
According to case ☐ delivered ☐ Franco frontier ☐ ex works ☐ other					
Reserved to ECC					
5.5 Rebates granted, make-up and grounds					
5.6 Invoiced price					
5.7 Average invoiced price per tonne					
Drawn up at , on					
Signed:			Stamp:		

Note: Insert 'x' according to case.