II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 April 1974

extending the authorization of the joint selling of fuels from Houillères du Bassin de Lorraine and Saarbergwerke AG by Saarlor

(Only the French and the German texts are authentic)

(74/211/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 4, 15, 47 and 65 thereof;

Having regard to Decision No 44/59 [1] of 4 November 1959 authorizing the joint selling of solid fuels from Houillères du Bassin de Lorraine and Saarbergwerke AG by the Saar-Lothringische Kohlenunion, deutsch-französische Gesellschaft auf Aktien, Union charbonnière sarro-lorraine, société par actions franco-allemande, of Saarbrücken and Strasbourg;

Having regard to Decision Nos 14/61 [2] of 20 December 1961, 2/66 [3] of 2 February 1966, 2078/68/ECSC [4] of 19 December 1968 and 72/145/ECSC [5] of 8 March 1972 extending the period of validity of Decision No 44/59;

Having regard to the application of 17 December 1973;

Whereas by Decision No 44/59 of 4 November 1959 the High Authority authorized until 31 December 1961 the joint selling of fuels from Houillères du Bassin de Lorraine and Saarbergwerke AG by the Saar-Lothringische Kohlenunion, deutsch-französische Gesellschaft auf Aktien, Union charbonnière sarro-lorraine, société par actions franco-allemande (Saarlor);

Whereas the period of validity of this authorization was successively extended by Decision Nos 14/61, 2/66, 2078/68/ECSC and 72/145/ECSC until 31 December 1973;

Whereas in a letter dated 17 December 1973 the parties concerned gave notice that the joint selling agreement concluded between them, which was due to expire on 31 December of that year, would be replaced by a new agreement valid until 31 December 1975 but subject to prior termination, at the option of Houillères du Bassin de Lorraine and Saarbergwerke AG, on 31 December 1974;

Whereas the grounds on which the Commission authorized the agreements between the parties from 23 February 1959 to 31 December 1973 are still valid; whereas this is the case both as regards competition with other Community undertakings and with coal from third countries and as regards the improvement of distribution by means of joint sales; whereas the proportion of output involved has remained substantially the same; whereas in 1973 Saarlor sold 20·5 % of the output of the Saar collieries and 7·5 % of the output of the Lorraine field; whereas these percentages are comparable to those in previous years;

[1] OJ No 58, 14. 11. 1959, p. 1147/59.
[2] OJ No 85, 30. 12. 1961, p. 1639/61.
[3] OJ No 25, 8. 2. 1966, p. 400/66.
[4] OJ No L 7, 11. 1. 1969, p. 1.
[5] OJ No L 76, 29. 3. 1972, p. 30.

Whereas the agreement consequently continues to satisfy the conditions for authorization under Article 65 (2) of the Treaty,

HAS ADOPTED THIS DECISION :

Article 1

The period of validity of Decision No 44/59 is extended until 31 December 1975.

Article 2

This Decision is addressed to the coal-mining undertakings concerned and to Saarlor.

Done at Brussels, 4 April 1974.

For the Commission

The President

François-Xavier ORTOLI