COMMISSION DECISION

of 18 September 1973

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to radio receivers (including car radios and radio recorders), colour television sets and portable black and white television sets falling within subheading No 85.15 A ex III of the Common Customs Tariff, originating in Japan and put into free circulation in the Federal Republic of Germany

(Only the French and Dutch texts are authentic)

(73/319/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application from the Governments of the Benelux countries under the first paragraph of Article 115 of the Treaty, made on 13 September 1973 by telex from the Office of the Permanent Representative of the Netherlands to the European Communities, for authorization not to apply Community treatment to radio receivers (including car radios and radio recorders), colour television sets and portable black and white television sets falling within subheading No 85.15 A ex III of the Common Customs Tariff, originating in Japan and put into free circulation in the Federal Republic of Germany;

Whereas as a result of the mass importation of radio and television sets at prices considerably lower than those obtaining on the home market and of the economic difficulties caused by such importation, the Benelux countries decided on 25 April 1973 to restore temporarily quantitative restrictions with regard to Japan on the products in question and to make the importation thereof subject to autonomously opened quotas covering the period up to 31 December 1973;

Whereas in accordance with Council Decision of 19 December 1972 [1] laying down certain transitional measures for the progressive standardization of the import terms of Member States as regards third countries the Commission requested consultation; whereas during that consultation the Federal Republic of Germany raised objections as provided for in Article 5 of the aforementioned Decision to the measures taken by the Benelux countries;

Whereas the Commission is accordingly required to submit a proposal to the Council in accordance with Article 113 of the Treaty;

Whereas, pending a decision by the Council, such quantitative restrictions which have been applied by the Benelux countries with regard to Japan on imports of the products in question may be retained;

Whereas the introduction of such quantitative restrictions has given rise to differences between the commercial policy measures applied with regard to Japan in respect of the products in question by the Benelux countries and these applied by the Federal Republic of Germany; whereas such differences are causing deflections of trade;

Whereas such deflections of trade would if allowed to continue obstruct the implementation of the measures of commercial policy taken by the Benelux countries with regard to Japan and would, moreover, aggravate the economic difficulties that caused the deliberalization measure to be taken;

Whereas in those circumstances it is necessary to authorize for a limited period the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 [2], and in particular Article 1 thereof;

Whereas such measures may be applied until the entry into force of a decision by the Council on the deliberalization measure taken by the Benelux countries, but in any event not beyond the expiry of the period of validity of the quota,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of Netherlands are authorized not to apply Community treatment to imports of:

[1] OJ No L 299, 31. 12. 1972, p. 46.

[2] OJ No L 121, 3. 6. 1971, p. 26.

CCT heading No	Description of goods
85.15 A ex III	Radio receivers (including car radios and radio recorders), colour television sets and portable black and white television sets

originating in Japan and put into free circulation in the Federal Republic of Germany, and in respect of which application for import authorizations were lodged after 3 September 1973.

Article 2

This Decision shall apply until the entry into force of a decision by the Council on the deliberalization measure taken by the Benelux countries with regard to Japan in any event not later than 31 December 1973.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of Netherlands.

Done at Brussels 18 September 1973.

For the Commission

The President

François-Xavier ORTOLI