II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 March 1974

authorizing the French Republic not to apply Community treatment to certain petroleum products falling within CCT heading Nos 27.09 and 27.10, originating in third countries, and in free circulation in the other Member States

(Only the French text is authentic)

(74/271/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 under Article 115 of the Treaty, made on 26 December 1973 by the French Government by letter from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to petroleum products falling within CCT heading Nos 27.09, 27.10 and 27.11, originating in third countries, and in free circulation in the other Member States;

Whereas France is applying a system of prior licences for the importation from third countries of oil and petroleum products falling within CCT heading Nos 27.09, 27.10 and 27.11, except aviation fuel and certain other petroleum oils;

Whereas under this system quantitative restrictions are being applied to the products listed in the Annex, other products being allowed in at present in unlimited amounts;

Whereas the importation of the products concerned from all third countries is liberalized in all the other Member States;

Whereas the differences between these measures of commercial policy applied by France and by the other Member States are likely to give rise to deflection of trade;

Whereas this deflection of trade could be an obstacle to the implementation of the commercial policy measures referred to above that France is applying in respect of third countries in accordance with the Treaty;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas France may therefore be authorized to take protective measures under the first paragraph of Article 115 of the Treaty for products originating in countries in respect of which France is, at present, applying quantitative restrictions on imports;

Whereas given that the quantitative restrictions are autonomous, the protective measures may be taken when the imports of these products from third countries or from other Member States reach the quantitative limits that France is applying to direct imports of these products or to imports from the third countries concerned;

Whereas in order to disturb the operation of the common market as little as possible, and in particular the gradual, balanced development of intra-Community trade, provisions should be made, moreover, for applying these protective measures in such a way as to

enable imports into France of products originating in third countries and in free circulation in the other Member States to increase in the same proportion at least as during the corresponding period in 1973;

Whereas, in view of the need to hasten the completion of the common import system for the products concerned, these protective measures should be authorized for a limited period;

Whereas this Decision does not prejudice the right of the French Republic to take interim protective measures in respect of other petroleum products under the conditions defined by the Commission Decision of 12 May 1971 (1), as amended by the Commission Decision of 9 March 1973 (2),

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to any of the petroleum products listed in the Annex, originating in third countries and in free circulation in the other Member States, from the date on which imports of the product concerned from third countries and the other Member States reach the quantitative limit applied by the French Republic for this product with respect to the third country or countries concerned.

Article 2

Protective measures taken pursuant to Article 1 must not prevent an increase of at least 15 %, compared with the corresponding period in 1973, in imports from the other Member States of any product subject to protective measures and originating in third countries and in free circulation in the other Member States.

Article 3

The French Republic shall inform the Commission of protective measures taken pursuant to Article 1 as soon as they have been adopted.

Article 4

This Decision shall apply until the introduction in the Member States of a uniform system of imports for the product or products concerned, or until 31 December 1975.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 6 March 1974.

For the Commission

The President

François-Xavier ORTOLI

(1) OJ No L 121, 3. 6. 1971, p. 26.
(2) OJ No L 80, 28. 3. 1973, p. 22.

ANNEX

CCT heading No	Description
27.09	Petroleum oils and oils obtained from bituminous minerals, crude
ex 27.10 A III b)	Petroleum spirit (other than aviation spirit, jet fuel and light fractions, having regard to the use) including petroleum spirit with a high aromatic hydrocarbon content