II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 November 1975

authorizing the Federal Republic of Germany not to apply Community treatment to jerseys, pullovers, slip-overs, twinsets, cardigans, bed-jackets and jumpers, falling within heading No ex 60.05 of the Common Customs Tariff, originating in the Republic of Korea and in free circulation in the Benelux countries

(Only the German text is authentic)

(76/408/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 the first paragraph of Article 115 of the Treaty, made on 18 November 1975 by the Government of the Federal Republic of Germany to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to imports of jerseys, pullovers, slip-overs, twinsets, cardigans, bed-jackets and the like, falling within heading No ex 60.05 of the Common Customs Tariff, originating in the Republic of Korea and in free circulation in the Benelux countries, and specifically the Netherlands,

Whereas the Commission, by Regulation (EEC) No 2138/75 of 14 August 1975 regarding certain urgent measures concerning imports of certain textile products originating in the Republic of Korea [1], established by Council Regulation (EEC) No 2418/75 of 22 September 1975 [2], limited to a total of 8 910 020 items, imports into the Community of the products in question from the date of entry into force of the Regulation until 31 December 1975 inclusive;

Whereas this amount is administered by allocation among the Member States; whereas the quota shares allocated to the Federal Republic of Germany and the Netherlands are 1 293 550 and 2 669 030 items respectively;

Whereas, since it was not possible to achieve full alignment of the import arrangements previously applied in the Member States, the above Regulation (EEC) No 2138/75 provides, as a temporary measure, for a derogation from the principle of equal and continuous access for all Community importers to the amounts authorized by stipulating that the amount of the products in question be allocated on the basis of the volume of imports previously admitted into the various Member States and be adjusted only progressively to the supply requirements of the markets;

Whereas for this reason the allocation of the amount in question still involves certain disparities in the quota shares fixed for the various Member States in relation to the supply requirements of the markets concerned;

Whereas these disparities have caused in the Federal Republic of Germany a flow of imports of the products in question, originating in the Republic of Korea and in free circulation in the Netherlands, which threatens to continue and to grow;

[1] OJ No L 217, 15. 8. 1975, p. 31.
[2] OJ No L 248, 24. 9. 1975, p. 1.

Whereas there are serious economic difficulties in the Federal Republic of Germany in the sector that manufactures the products in question resulting in a progressive decline of production and a constant reduction of the number of workers employed in that sector ;

Whereas these economic difficulties are caused largely by unequal conditions of competition with certain countries (including the Republic of Korea), whereby such countries are enabled to export at prices lower than those of German producers ;

Whereas the indirect imports in question, which would be in addition to those already effected, would be likely to aggravate these economic difficulties ;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the Netherlands and the other Benelux countries ;

Whereas authorization should accordingly be given, for a limited period, for 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 [1], and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION :

Article 1

The Federal Republic of Germany is authorized not to apply Community treatment to imports of the following products :

CCT heading No	Description of goods
ex 60.05	Outer garments and clothing accessories, knitted or crocheted, not elastic or rubberized : Pullovers, jerseys, slip-overs, twinsets, cardigans, bed-jackets and jumpers

where they originate in the Republic of Korea and are in free circulation in the Benelux countries, and in respect of which applications for import licences were lodged after 5 November 1975.

Article 2

This Decision shall apply until new opportunities arise in the Federal Republic of Germany for the importation of the products in question from the Republic of Korea and in any case not later than 31 December 1975.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 24 November 1975.

For the Commission

Finn GUNDELACH

Member of the Commission

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