II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 April 1976

authorizing the Italian Republic not to apply Community treatment to men's and boys' shirts of cotton and of mixed textile fibres falling within heading No ex 60.04, originating in the Republic of Korea and in free circulation in the Federal Republic of Germany

(Only the Italian text is authentic)

(76/448/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 25 March 1976 by the Italian Government to the Commission by telex from the Office of its Permanent Representative to the European Communities, for authorization to apply protective measures in respect of the importation of men's and boys' shirts of cotton and mixed textile fibres, falling within heading No ex 60.04 of the Common Customs Tariff originating in the Republic of Korea and in free circulation in the Federal Republic of Germany,

Whereas the importation into the Community of the products in question originating in the Republic of Korea was the subject of an Agreement negotiated between the Community and that country and initialled on 28 November 1975;

Whereas, under the Agreement, the Republic of Korea has undertaken to take all necessary steps to limit its exports of certain textile products to the Community to certain ceilings allocated among the Member States;

Whereas the 1976 quota share allocated to Italy for the products in question is 437 000 items, while that of the Federal Republic of Germany for the same products is 2 838 000 items;

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

Whereas these disparities are likely to create an indirect trade flow which could aggravate the persistent difficulties in the textile trade;

Whereas according to information supplied in the application it does not appear that there is at present an indirect trade flow of the products in question towards Italy;

Whereas the indirect importation envisaged, although it appears to be an isolated operation, would if undertaken be liable to aggravate further the difficult situation of the national production concerned because of its considerable volume (8·2% of the quota share allocated to Italy);

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

Whereas authorization should be given 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,

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

HAS ADOPTED THIS DECISION :

Article 1

The Italian Republic is authorized not to apply Community treatment to the following products :

CCT heading No	Description of goods
ex 60.04	Undergarments, knitted or crocheted, not elastic nor rubberized — men's and boys' shirts of cotton and of mixed textile fibres.

where they originate in the Republic of Korea and are in free circulation in the Federal Republic of Germany and in respect of which applications for import licences were lodged after 17 March 1976 and are, on the date of this Decision, pending before the Italian authorities.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 2 April 1976.

For the Commission

Christopher SOAMES

Vice-President