# COMMISSION DECISION

of 4 June 1976

**authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to certain men's, boys', women's, girls' and infants' outer garments, falling within heading Nos ex 61.01 and ex 61.02 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the other Member States**

**(Only the French and Dutch texts are authentic)**

(76/665/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 28 May 1976, by the Governments of the Benelux countries to the Commission by telex from the Office of the Permanent Representative of the Kingdom of the Netherlands to the European Communities, for authorization not to apply Community treatment to certain men's, boys', women's, girls' and infants' outer garments (trousers) falling within heading Nos ex 61.01 and ex 61.02 of the Common Customs Tariff, originating in Hong Kong and in free circulation in the Federal Republic of Germany and the United Kingdom,

Whereas the importation into the Community of the products in question originating in Hong Kong is the subject of an Agreement negotiated between the Community and Hong Kong concluded on 8 April 1976;

Whereas pending the completion of the procedures necessary for the conclusion and entry into force of that Agreement, the Community and Hong Kong have agreed to recognize the *de facto* application of its provisions with effect from 18 July 1975;

Whereas, under the Agreement, Hong Kong 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 for trousers, jeans, and the like (other than knitted and crocheted goods) for men, boys, women, girls and infants, the quota share allocated to the Benelux countries is 2 239 000 pieces (1976 annual quota) whereas the quota shares allocated to the Federal Republic of Germany and the United Kingdom for these products from the same third country are 21 610 000 and 25 953 000 pieces respectively;

Whereas disparities in the import terms of the products in question have created an indirect trade flow in the Benelux countries which threatens to continue and to grow;

Whereas according to information supplied by the Governments of the Benelux countries there are serious economic difficulties 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 Hong Kong), whereby such countries are enabled to export at prices lower than those of producers in the Benelux countries;

Whereas indirect imports of the products 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 Federal Republic of Germany, the United Kingdom and the other Member States;

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 Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are

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

authorized not to apply Community treatment to imports of the following products :

| CCT heading No | Description of goods |
|---|---|
| ex 61.01 | Men's and boys' outer garments (other than knitted or crocheted goods) : — Trousers |
| ex 61.02 | Women's, girls' and infants' outer garments (other than knitted or crocheted goods) : — Trousers |

where they originate in Hong Kong and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 17 May 1976.

*Article 2*

This Decision shall apply until new opportunities arise in the Benelux countries for the importation of the products in question from Hong Kong and in any case not later than 31 December 1976.

*Article 3*

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

Done at Brussels, 4 June 1976.

*For the Commission*

Christopher SOAMES

*Vice-President*