COMMISSION DECISION

of 21 June 1976

authorizing the Italian Republic not to apply Community treatment to used straddle carriers, falling within heading No ex 87.07 of the Common Customs Tariff, originating in the United States and Japan and in free circulation in the other Member States

(Only the Italian text is authentic)

(76/669/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 11 June 1976 by the Italian Government to the Commission by telex from the Office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to used straddle carriers falling within heading No ex 87.07 of the Common Customs Tariff, originating in the United States and Japan and in free circulation in the other Member States,

Whereas Italy places restrictions on imports of products falling within Chapter 87 of the Common Customs Tariff, originating in and coming from third countries, where they are used or are new but in poor condition ;

Whereas because of the difficult situation faced by the corresponding domestic industry caused largely by a drop in demand, Italy allows imports of the products in question only in exceptional cases ;

Whereas in all the other Member States imports of the products in question from all third countries are liberalized ;

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

Whereas this deflection of trade could prevent the execution of the abovementioned measures of commercial policy currently being applied by Italy as regards third countries ;

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 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 ;

Whereas since these protective measures are applicable to used products or new products in poor condition, originating in third countries, they cannot be applied to products in free circulation in new condition in the other Member States,

HAS ADOPTED THIS DECISION :

Article 1

The Italian Republic is authorized not to apply Community treatment to used straddle carriers, falling within heading No ex 87.07 of the Common Customs Tariff, where they originate in the United States and Japan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 31 May 1976 and are, on the date of this Decision, pending before the Italian authorities.

Article 2

This authorization shall not apply to import transactions, in respect of which the importer furnishes proof that the products in question have been in free circulation in new condition in the other Member States.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 21 June 1976.

For the Commission

Christopher SOAMES

Vice-President

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