COMMISSION DECISION

of 31 March 1977

authorizing the Italian Republic not to apply Community treatment to essential oil of oranges, not terpeneless, falling within subheading 33.01 ex A of the Common Customs Tariff, originating in the Federative Republic of Brazil and in free circulation in the other Member States

(Only the Italian text is authentic)

(77/426/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 24 March 1977 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 essential oil of oranges, not terpeneless, falling within subheading 33.01 ex A of the Common Customs Tariff, originating in the Federative Republic of Brazil and in free circulation in the other Member States,

Whereas, according to this application, Italy has placed quantitative restrictions on imports of the products in question originating in the Federative Republic of Brazil ; whereas there are no restrictions on imports of such products into the other Member States ;

Whereas differencies in the commercial policy measures applied in connection with these products by Italy and by the other Member States as regards the Federative Republic of Brazil are giving rise to deflection of trade ;

Whereas this deflection of trade is preventing the execution of the abovementioned measures of commercial policy currently being applied by Italy as regards the Federative Republic of Brazil, in particular to protect the industry in question ;

Whereas, according to information supplied by the Italian Government, this industry, which is characteristic of certain economically underprivileged areas of Southern Italy, is facing a serious crisis which is both structural and economic ;

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, in order to ensure that the execution of the above commercial policy measures is not obstructed, authorization should 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 Italian Republic is authorized not to apply Community treatment to imports of essential oil of oranges, not terpeneless, falling within subheading 33.01 ex A of the Common Customs Tariff, where they originate in the Federative Republic of Brazil and are in free circulation in the other Member States, and in respect of which applications for import licences lodged after 15 March 1977 are, at the date of this Decision, still pending with the Italian authorities.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 31 March 1977.

For the Commission

Wilhelm HAFERKAMP

Vice-President

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