COMMISSION DECISION

of 29 April 1977

authorizing the French Republic not to apply Community treatment to tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian) or of other kinds of pottery, except common pottery and stoneware, falling within heading No 69.11 or subheading 69.12 C or D of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States

(Only the French text is authentic)

(77/428/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 22 April 1977 by the French Government to the European Communities for authorization not to apply Community treatment to tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian) or of other kinds of pottery except common pottery and stoneware, falling within heading No 69.11 or subheading 69.12 C or D of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States,

Whereas according to this application under Article 115 the importation into France of the products in question originating in Japan is subject to a contractual quota amounting in 1977 to $ 480 000, the whole of which is being allocated among the importers ;

Whereas differences in the commercial policy measures applied in connection with these products by France and by the other Member States as regards Japan 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 France as regards Japan, notably in order to protect the industry concerned, which is facing serious economic difficulties resulting in a decline of production and the consequent closure of certain firms ;

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 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 ;

Whereas uniform arrangements for imports of the products in question might be adopted under a common commercial policy *vis-à-vis* Japan ; whereas the validity of these measures should apply only until such arrangements are applied,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to imports of tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian), falling within heading No 69.11 of the Common Customs Tariff, and tableware and other articles of a kind commonly used for domestic or toilet purposes, of other kinds of pottery :

— Earthenware or fine pottery
— Other

falling within subheading 69.12 C or D, where they originate in Japan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 12 April 1977.

Article 2

This Decision shall remain valid only until uniform import arrangements are applied under a common commercial policy *vis-à-vis* Japan or until 31 December 1977, whichever is the earlier.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 29 April 1977.

For the Commission

Wilhelm HAFERKAMP

Vice-President

(1) OJ No L 121, 3. 6. 1971, p. 26.