II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 May 1977

authorizing the French Republic not to apply Community treatment to electrical measuring, checking, analyzing or automatically controlling instruments and apparatus falling within heading No 90.28 of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States

(Only the French text is authentic)

(77/721/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 12 May 1977 by the French Government to the European Communities, for authorization not to apply Community treatment to electrical measuring, checking, analyzing or automaticallly controlling instruments and apparatus falling within heading No 90.28 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, which for 1977 amounts to $ 1 800 000 and is at present 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 obstructing the execution of the above commercial policy measures currently being applied by France as regards Japan in order to protect the industry in question, which is undergoing reorganization,

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 accordingly be given, for a limited period, for the applicaion 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 may be adopted under a common commercial policy towards Japan ; whereas these protective measures should apply until such arrangements are applied,

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

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized not to apply Community treatment to electrical measuring, checking, analyzing or automatically controlling instruments and apparatus falling within heading No 90.28 of the Common Customs Tariff, 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 the date of this Decision.

Article 2

This Decision shall expire when uniform import arrangements are applied under a common commercial policy towards Japan or on 31 December 1977, whichever is the earlier.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 18 May 1977.

For the Commission

Guido BRUNNER

Member of the Commission