II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 July 1977

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to women's, girls' and infants' undergarments falling within heading No 61.04 of the Common Customs Tariff originating in Taiwan and in free circulation in the other Member States

(Only the Dutch and French texts are authentic)

(78/1/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 July 1977 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 women's, girls' and infants' undergarments falling within heading No 61.04 of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States,

Whereas imports into the Community of the products in question originating in Taiwan are subject to a Community quantitative quota established by Council Regulation (EEC) No 1783/75 of 10 July 1975 on rules for imports of certain textile products originating in Taiwan (1);

Whereas this quota is administered by allocation among the Member States, as determined by Commission Regulation (EEC) No 1849/75 of 18 July 1975 allocating quantitative quotas in respect of imports into the Community of certain textile products originating in Taiwan (2);

Whereas, since it was not possible when the Community quota was opened to achieve full alignment of the import arrangements previously applied in the Member States, the above Regulation (EEC) No 1783/75 provides, as a temporary measure, for a derogation from the principles of equal and continuous access for all importers to Community quotas by stipulating that the quota in question be allocated initially on the basis of the volumes of imports previously admitted into the various Member States and need be adjusted only progressively to the supply requirements of the markets;

Whereas for this reason the allocation of the quota in question still involves certain disparities in the quota shares fixed for the various Member States in relation to the supply requirements of the markets concerned;

Whereas these disparities have caused in the Benelux countries a flow of imports of the products in question, originating in Taiwan and in free circulation in the other Member States 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 branch of the

(1) OJ No L 182, 12. 7. 1975, p. 2.

(2) OJ No L 189, 21. 7. 1975, p. 24.

textile industry 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 Taiwan), whereby such countries are enabled to export at prices lower than those of producers in the Benelux countries;

Whereas the indirect imports in question, which would be in addition to those already effected this year, 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 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;

Whereas it is nevertheless inappropriate to cover by such a decision the request for the licence which motivated the application in question because of its especially low amount,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are authorized not to apply Community treatment to imports of women's, girls' and infants' undergarments falling within heading No ex 61.04 of the Common Customs Tariff where they originate in Taiwan 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 apply until new opportunities arise in the Benelux countries for the importation of the products in question from Taiwan and in any case not later than 31 December 1977.

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, 18 July 1977.

For the Commission

Wilhelm HAFERKAMP

Vice-President

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