COMMISSION DECISION

of 23 February 1978

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)

(78/323/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 17 February 1978 by the French Government to the Commission of the European Communities, for authorization 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,

Whereas in France the importation of the products in question originating in Japan is subject to an annual quota, which is at the moment being distributed ;

Whereas disparities in the commercial policy measures applied in connection with these products by the Member States are giving rise to deflection of trade, thus preventing the execution of those commercial policy measures which are in force because of the difficult economic situation in the sector concerned ;

Whereas further indirect imports, in addition to those already effected, would be likely to aggravate these difficulties ;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States ;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions specified in the Commission Decision of 12 May 1971 ([1]) and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, 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 :

CCT heading No	Description
90.28	Electrical measuring, checking, analyzing or automatically controlling instruments and apparatus

Article 2

This Decision shall apply until new opportunities arise for the importation of these products from Japan or until 31 December 1978 whichever is the earlier.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 23 February 1978.

For the Commission

Christopher TUGENDHAT

Member of the Commission

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