COMMISSION DECISION

of 8 June 1978

authorizing the Italian Republic not to apply Community treatment to orange juice, falling within subheading ex 20.07 B II of the Common Customs Tariff, originating in Brazil and in free circulation in the other Member States

(Only the Italian text is authentic)

(78/535/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 5 June 1978 by the Italian Government to the Commission of the European Communities, for authorization not to apply Community treatment to orange juice, falling within subheading ex 20.07 B II of the Common Customs Tariff, originating in Brazil and in free circulation in the other Member States,

Whereas in Italy the importation of the products in question originating in Brazil is prohibited ;

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, according to the application submitted, there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment and a progressive decline in its market share ;

Whereas these economic difficulties are caused largely by unequal conditions of competition, whereby exports can be effected at prices appreciably lower than those of the Community products in question ;

Whereas, although the imports which gave rise to the application submitted would appear to be an isolated operation, they are nevertheless likely, owing to the appreciable amount of the imports, 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 Italian Republic is authorized not to apply Community treatment to the products indicated below, where they originate in Brazil and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 28 May 1978 and are, on the date of this Decision pending with the Italian authorities :

CCT heading No	Description
ex 20.07 B II	Orange juice

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 8 June 1978.

For the Commission

Wilhelm HAFERKAMP

Vice-President

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