COMMISSION DECISION

of 25 October 1977

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands 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) falling within heading No ex 69.11 of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States

(Only the Dutch and French texts are authentic)

(78/6/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 October 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 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 ex 69.11 of the Common Customs Tariff, originating in the People's Republic of China and in free circulation in the other Member States,

Whereas for the products in question, the Benelux countries, in accordance with the Council Decision of 13 December 1976 [1] opened, in respect of the People's Republic of China, an annual quota of 161 000 kilograms which is wholly taken up;

Whereas in the Benelux countries there are serious difficulties in the industrial sector in question, which are caused largely by unequal conditions of competition with certain countries, whereby such countries are enabled to export at prices lower than those of producers in the Benelux countries;

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

Whereas the request for a licence which gave rise to the application under Article 115 should not be covered by this authorization in view of the relatively small amount involved,

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 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 ex 69.11 of the Common Customs Tariff where they originate in the People's Republic of China 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 the People's Republic of China or until 31 December 1977, whichever is the earlier.

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, 25 October 1977.

For the Commission

L. NATALI

Vice-President

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[1] OJ No L 365, 31. 12. 1976, p. 1.