COMMISSION DECISION

of 19 October 1978

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to under garments falling within heading Nos 61.03 and 61.04 of the Common Customs Tariff originating in Hungary and in free circulation in the other Member States

(Only the Dutch and French texts are authentic)

(78/916/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 October 1978 by the Benelux Governments to the Commission of the European Communities, for authorization not to apply Community treatment to under garments falling within heading Nos 61.03 and 61.04 of the Common Customs Tariff originating in Hungary and in free circulation in the other Member States ;

Whereas in the Benelux countries the importation of the products in question originating in Hungary is, in accordance with Council Decision 77/806/EEC of 20 December 1977 [1], subject to an annual quota, which has already been almost wholly taken up ;

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

Whereas there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment ;

Whereas, although the imports which gave rise to the application submitted would appear to be an isolated operation, they are nevertheless likely, in view of the substantial volume of the imports, to call into question the efficacity of the commercial policy measure concerned ;

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 laid down in Commission Decision 71/202/EEC of 12 May 1971 [2], and in particular Article 1 thereof,

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 the products indicated below, where they originate in Hungary and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 2 October 1978 and are, at the date of this Decision, pending with the Benelux authorities :

CCT heading No	Description
61.03 or 61.04	Under garments

Article 2

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 19 October 1978.

For the Commission

Etienne DAVIGNON

Member of the Commission

[1] OJ No L 360, 31. 12. 1977, p. 1.

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