COMMISSION

COMMISSION DECISION

of 27 November 1978

authorizing the Kingdom of Belgium and the Grand Duchy of Luxembourg not to apply Community treatment to tomatoes and table grapes, falling within subheading 07.01 M I or 08.04 A I of the Common Customs Tariff, originating in Spain (including the Canary Islands) and in free circulation in the other Member States

(Only the French and Dutch texts are authentic)

(79/12/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 November 1978 by the Governments of the BLEU countries to the Commission of the European Communities, for authorization not to apply Community treatment to tomatoes and table grapes, falling within subheading 07.01 M I or 08.04 A I of the Common Customs Tariff, originating in Spain (including the Canary Islands) and in free circulation in the other Member States,

Whereas in the BLEU countries the import of the products in question originating in Spain (including the Canary Islands) is subject to a quantitative restriction for the period 15 May to 31 December for tomatoes and 1 July to 31 December for table grapes;

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 these economic difficulties are caused largely by unequal conditions of competition, which allow exports to be made at prices appreciably lower than those of the Community products in question;

Whereas further indirect imports, in addition to those already made 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 laid down in Commission Decision 71/202/EEC of 12 May 1971 [1], and in particular Article 1 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium and the Grand Duchy of Luxembourg are authorized not to apply Community treatment to imports of the following products:

CCT heading No	Description	Origin
07.01 M I	Tomatoes	Spain (including the Canary Islands)
08.04 A I	Table grapes	Spain

in free circulation in the other Member States and in respect of which applications for import licences were lodged after 8 November 1978.

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

Article 2

This Decision shall apply until 31 December 1978.

Article 3

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

Done at Brussels, 27 November 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission