COMMISSION DECISION

of 5 December 1978

authorizing the Italian Republic 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 69.11 of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States

(Only the Italian text is authentic)

(79/17/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 23 November 1978 by the Italian Government to the Commission of 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 69.11 of the Common Customs Tariff, originating in Japan and in free circulation in the other Member States,

Whereas in Italy the import of the products in question originating in Japan is subject to an annual quota which is already 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 it appears from the application submitted that there are serious difficulties in the industrial sector concerned, involving a considerable drop in production and employment ;

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 or proposed, 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 ;

Whereas, however, the application for a licence which gave rise to the application in question does not need to be covered by such an authorization in view of the small amount involved,

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 Japan and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 17 November 1978 :

CCT heading No	Description
69.11	Tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian)

Article 2

This Decision shall apply until new opportunities arise in Italy 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 Italian Republic.

Done at Brussels, 5 December 1978.

For the Commission

Wilhelm HAFERKAMP

Vice-President

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