II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 May 1979

authorizing the French Republic not to apply Community treatment to certain setts, flags and paving, hearth and wall tiles, falling within subheadings 69.07 ex A or B ex II and 69.08 ex A or B ex II of the Common Customs Tariff, originating in Thailand and in free circulation in the other Member States

(Only the French text is authentic)

(79/582/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 16 May 1979 by the French Government to the Commission of the European Communities, for authorization not to apply Community treatment to certain setts, flags and paving, hearth and wall tiles, falling within subheadings 69.07 ex A or B ex II and 69.08 ex A or B ex II of the Common Customs Tariff, originating in Thailand and in free circulation in the other Member States ;

Whereas in France the importation of the products in question originating in Thailand is subject to a quantitative restriction ;

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 and a progressive decline in its market share ;

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, 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 aggravate these difficulties, and to jeopardize the efficiency of the commercial measures 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 (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 French Republic is authorized not to apply Community treatment to the products indicated below, where they originate in Thailand and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 11 May 1979:

CCT heading No	Description
69.07	Unglazed setts, flags and paving, hearth and wall tiles:
ex A	— tiles and cubes for mosaics, of earthenware or fine pottery, the longest side of which does not exceed 5 cm
B ex II	— of earthenware or fine pottery, other than those with a side longer than 40 cm
69.08	Glazed setts, flags and paving, hearth and wall tiles:
ex A	— tiles and cubes for mosaics, other than of common pottery, the longest side of which does not exceed 5 cm
B ex II	— other, of ceramic materials other than common pottery

Article 2

This Decision shall apply until 30 September 1979.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 23 May 1979.

For the Commission

Wilhelm HAFERKAMP

Vice-President

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