COMMISSION DECISION

of 10 December 1980

authorizing the French Republic not to apply Community treatment to cotton yarn, not put up for retail sale, originating in Brazil

(Only the French text is authentic)

(80/1214/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 Commission Decision 80/47/EEC of 20 December 1979 on surveillance and protective measures which Member States may be authorized to take in respect of imports of certain products originating in third countries and put into free circulation in another Member State [1], and in particular Article 3 thereof,

Whereas on 3 December 1980 a request was made under the first paragraph of Article 115 of the Treaty by the French Government to the Commission of the European Communities for authorization not to apply Community treatment to cotton yarn, not put up for retail sale, falling within heading No 55.05 of the Common Customs Tariff (category 1), originating in Brazil and in free circulation in the other Member States ;

Whereas the importation into the Community of the products in question originating in Brazil is covered by an Agreement negotiated between the Community and that country ; whereas under that Agreement Brazil has undertaken to take all necessary steps to limit its exports of the products in question to the Community within certain ceilings ;

Whereas in order to implement that Agreement and take account of its characteristics, the Council adopted Regulation (EEC) No 3059/78 [2], as last amended by Commission Regulation (EEC) No 3063/79 [3], introducing specific common rules for imports of certain textile products ;

Whereas the differences in market conditions within the Community and the particular sensitivity of this branch of Community industry have been taken into account in allocating the abovementioned Community ceiling between the Member States ;

Whereas for this reason disparities still exist between the conditions governing the importation of the products in question into the different Member States ; whereas uniformity can only be brought about gradually ;

Whereas these disparities in the commercial policy measures applied by the Member States have resulted in deflections of trade, in that since 1 January 1980 France has admitted the products in question in free circulation, of which 463 tonnes originated in the said third country ;

Whereas total imports of the products in question originating in third countries have increased from 16 259 tonnes in 1978 to 25 425 tonnes in 1979 ; whereas the market share taken by those imports has risen from 9 % in 1978 to 14 % in 1979 ;

Whereas further indirect imports, in addition to those already admitted or planned, would be likely to aggravate these difficulties and jeopardize the aims of the abovementioned commercial policy measures ;

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 Decision 80/47/EEC, and in particular Article 3 thereof ;

Whereas an application for import documents covering 72 tonnes is duly pending with the authorities of the Member State having made the request ; whereas in view of the amount involved, this application does not need to be covered by such an authorization,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated below, originating in Brazil and in free circulation in the other Member States, in respect of which applications for import licences were lodged after 28 November 1980.

(1) OJ No L 16, 22. 1. 1980, p. 14.
(2) OJ No L 365, 27. 12. 1978, p. 1.
(3) OJ No L 347, 31. 12. 1979, p. 1.

CCT heading No	Description
55.05 (NIMEXE codes : 55.05-13, 19, 21, 25, 27, 29, 33, 35, 37, 41, 45, 46, 48, 52, 58, 61, 65, 67, 69, 72, 78, 92, 98) (category 1)	Cotton yarn, not put up for retail sale

Article 2

This Decision shall apply until new opportunities arise in France for the importation of the products in question originating in Brazil or until 31 December 1980, whichever is the earlier.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 10 December 1980.

For the Commission

Wilhelm HAFERKAMP

Vice-President