COMMISSION DECISION

of 6 October 1980

authorizing Ireland not to apply Community treatment to men's and boys' woven under garments, other than shirts, originating in Hong Kong

(Only the English text is authentic)

(80/999/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 30 September 1980 a request was made under the first paragraph of Article 115 of the Treaty by Ireland to the Commission of the European Communities for authorization not to apply Community treatment to men's and boys' woven under garments other than shirts, falling within subheading ex 61.03 B and C of the Common Customs Tariff (category 18), originating in Hong Kong and in free circulation in the other Member States ;

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

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 Ireland has admitted the products in question in free circulation originating in the said third country which amounts to approximately 27 % of the direct import possibilities from that third country ;

Whereas the prices of the products in question originating in Hong Kong are approximately 50 % below the prices of like products manufactured in Ireland ;

Whereas output of like products in Ireland has increased from 89 tonnes in 1978 to 103 tonnes in 1979 ; whereas the domestic industry's share of the home market has fallen from 51 % in 1978 to 34 % in 1979 ;

Whereas further indirect imports, in addition to those already admitted or planned, would be likely to aggravate these difficulties of the Irish industry 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,

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(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.

HAS ADOPTED THIS DECISION :

Article 1

Ireland is authorized not to apply Community treatment to the products indicated below, originating in Hong Kong and in free circulation in the other Member States, in respect of which applications for import licences were lodged after the date of adoption of this Decision :

CCT heading No	Description
ex 61.03 B and C (NIMEXE codes 61.03-51, 55, 59, 81, 85, 89) (category 18)	Men's and boys' woven under garments other than shirts, of wool, of cotton or of man-made textile fibres

Article 2

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

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 6 October 1980.

For the Commission

Wilhelm HAFERKAMP

Vice-President