II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 March 1981

authorizing the French Republic not to apply Community treatment to toys made of wood or other (except motors and movement mechanisms for toys and working models used for recreational purposes and parts thereof) originating in Hong Kong

(Only the French text is authentic)

(81/218/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 2 March 1981, 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 toys made of wood or other (except motors and movement mechanisms for toys and working models used for recreational purposes and parts thereof), falling within subheading 97.03 A and ex B of the Common Customs Tariff, originating in Hong Kong and in free circulation in the other Member States;

Whereas in France the importation of the products in question originating in Hong Kong is subject to an annual quota which is already wholly taken up;

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 1981, France has admitted the products in question in free circulation, originating in the said third country, which amount to 54 % of the direct quota;

Whereas, with regard to the situation of the industry concerned, the information received by the Commission indicates that total imports of the products in question originating in third countries have increased from FF 161 000 000 in 1978 to FF 237 000 000 in 1979; whereas the market share taken by those imports has risen from 10 % in 1978 to 13 % in 1979;

Whereas the prices of the products in question originating in Hong Kong are considerably below the prices of like products manufactured in France;

Whereas in France consumption of the products in question has increased from FF 1 572 000 000 in 1978 to FF 1 888 000 000 in 1979;

Whereas output of like products in France has increased from FF 1 200 000 000 in 1978 to FF 1 350 000 000 in 1979; whereas the domestic industry's share of the home market has fallen from 58 % in 1978 to 53 % in 1979;

[1] OJ No L 16, 22. 1. 1980, p. 14.

Whereas the industry concerned has been restructuring itself to meet competition and that, in this context, no positive results have yet been achieved;

Whereas further indirect imports, in addition to those already admitted, would be likely to aggravate these difficulties and jeopardize the aims of the above-mentioned 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,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic 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 2 March 1981:

CCT heading No	Description
97.03 A and ex B (NIMEXE codes 97.03-05; 20; 40; 51; 59; 61; 69; 75; 80; 85; 90)	Toys made of wood or other (except motors and movement mechanisms for toys and working models used for recreational purposes and parts thereof)

Article 2

This Decision shall apply until 30 September 1981.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 6 March 1981.

For the Commission

Wilhelm HAFERKAMP

Vice-President