COMMISSION DECISION

of 19 January 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), falling within subheading 97.03 A and ex B of the Common Customs Tariff, originating in South Korea and Japan and in free circulation in the other Member States

(Only the French text is authentic)

(81/42/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 9 January 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 South Korea and Japan and in free circulation in the other Member States;

Whereas in France the importation of the products in question, originating in South Korea and Japan is subject to an annual quota;

Whereas, for this reason, disparities still exist between the conditions governing the importation of the products in question into the different Member States;

Whereas total imports of the products in question originating in third countries have increased from FF 161 million in 1978 to FF 237 million 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 these third countries are approximately 5 to 50 % below the prices of like products manufactured in France;

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

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

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

Whereas applications for import licences, which amount to FF 7 525 812, for the products in question originating in the third countries conerned and in free circulation in the other Member States, are duly pending with the French authorities;

Whereas further indirect imports would be likely to aggravate the difficulties of the French industry 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 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 South Korea and Japan and in free circulation in the other Member States in respect of which applications for import licences were lodged after 1 January 1981. This authorization shall not cover products to a total volume corresponding to 50 % of the quota with regards to these third countries.

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

This quantity shall be distributed among the applicants for import documents whose applications are duly pending at the date of this Decision.

CCT heading No	Description
97.03 A and ex B	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 June 1981.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 19 January 1981.

For the Commission

Wilhelm HAFERKAMP

Member of the Commission