COMMISSION

COMMISSION DECISION

of 11 May 1981

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to cotton yarn originating in the People's Republic of China

(Only the Dutch and French texts are authentic)

(81/489/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 4 May 1981 a request was made under the first paragraph of Article 115 of the Treaty by the Governments of the Benelux countries to the Commission of the European Communities for authorization not to apply Community treatment to cotton yarn falling within heading No 55.05 of the Common Customs Tariff (category 1), originating in the People's Republic of China and in free circulation in the other Member States ;

Whereas the importation into the Community of the products in question originating in the People's Republic of China is covered by an Agreement negotiated between the Community and that country ; whereas, under that Agreement, the People's Republic of China 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 3061/79 [2] 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 1981 the Benelux countries have admitted 61 % of the direct quota of the products in question in free circulation originating in the said third country ;

Whereas, with regard to the situation of the industry concerned, the information received by the Commission indicates that total imports of this product originating in third countries have increased from 32 237 tonnes in 1978 to 39 831 tonnes in 1980 and that the market share taken by these imports has risen from 37 % in 1978 to 43 % in 1980 ;

Whereas output of like products in the Benelux countries was 52 778 tonnes in 1978, 54 295 tonnes in 1979 and 51 542 tonnes in 1980 ; whereas the domestic industry's share of the home market has fallen from 61 % in 1978 to 56 % in 1980 ;

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

[2] OJ No L 345, 31. 12. 1979, p. 1.

Whereas domestic consumption fell from 96 046 tonnes in 1979 to 91 866 tonnes in 1980 ;

Whereas there have been redundancies and short-time working and the numbers employed in the Belgian cotton-spinning industry has fallen considerably from 18 313 in 1978 to 14 596 by 30 November 1980 ;

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 50 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 Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are authorized not to apply Community treatment to the products indicated below, originating in the People's Republic of China and in free circulation in the other Member States, in respect of which applications for import licences were lodged after 24 April 1981 :

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 the Benelux countries for the importation of these products originating in the People's Republic of China or until 31 December 1981, whichever is the earlier.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 11 May 1981.

For the Commission

F. H. J. J. ANDRIESSEN

Member of the Commission