# COMMISSION DECISION

## of 19 August 1981

## authorizing the French Republic not to apply Community treatment to radio receivers originating in South Korea

**(Only the French text is authentic)**

(81/758/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 10 August 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 radio receivers falling within heading ex 85.15 A III of the Common Customs Tariff, originating in South Korea and in free circulation in the other Member States;

Whereas in France the importation of the products in question originating in South Korea is subject to an annual quota, 62·5 % of which has been 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 93 250 pieces 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 direct imports of the products in question originating in South Korea have increased from 144 068 pieces in 1979 to 200 553 pieces in 1980; whereas imports in free circulation have increased from 54 631 pieces in 1979 to 110 034 pieces in 1980;

Whereas total imports of the products in question originating in third countries have increased from FF 883 000 000 in 1979 to FF 971 000 000 in 1980; whereas the market share taken by those imports has risen from 51 % in 1979 to 56 % in 1980;

Whereas output of like products in France has fallen from FF 650 000 000 in 1979 to FF 587 000 000 in 1980; whereas the domestic industry's share of the home market has fallen from 20 % in 1979 to 14 % in 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 applications for import documents covering 4 850 pieces are duly pending with the authorities of the Member State having made the request; whereas, in view of the amount involved, these applications do not need to be covered by such authorization,

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

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 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 85.15 A III (NIMEXE codes 85.15-11, 15, 16, 17, 19) | Radio receivers, whether or not incorporating sound recorders or reproducers |

*Article 2*

This Decision shall apply until new opportunities arise in France for the importation of the products in question originating in South Korea, or until 31 October 1981, whichever is the earlier.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 19 August 1981.

*For the Commission*

Étienne DAVIGNON

*Vice-President*