COMMISSION DECISION

of 15 September 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 Taiwan

(Only the French text is authentic)

(81/810/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 8 September 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 subheadings 97.03 A and ex B of the Common Customs Tariff, originating in Taiwan and in free circulation in the other Member States ;

Whereas, in France, imports of the products in question originating in Taiwan are only made sporadically and according to market requirements ;

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

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, amounting to FF 7 000 000 ;

Whereas with regard to the situation of the industry concerned, the information received by the Commission indicated 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 Taiwan are approximately 45 % and 50 % below the prices of like products manufactured in France ;

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 ;

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 documents covering FF 1 530 000 are duly pending with the authorities of the Member States having made the request ;

Whereas further indirect imports, in addition to those already admitted or planned, would be likely to 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,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated

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

below originating in Taiwan and in free circulation in the other Member States in respect of which applications for import licences were lodged after 5 September 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 new opportunities arise in France for the importation of the products in question originating in Taiwan or until 31 December 1981, whichever is the earlier.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 15 September 1981.

For the Commission

Wilhelm HAFERKAMP

Vice-President