COMMISSION DECISION

of 15 September 1981

authorizing the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands not to apply Community treatment to woven cotton terry fabrics; toilet and kitchen linen of woven cotton terry fabrics, originating in Brazil

(Only the Dutch and French texts are authentic)

(81/811/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 September 1981, a request was made under the first paragraph of Article 115 of the Treaty by the Benelux Governments to the Commission of the European Communities for authorization not to apply Community treatment to woven cotton terry fabrics; toilet and kitchen linen of woven cotton terry fabrics, falling within heading No 55.08 and subheading ex 62.02 B III of the Common Customs Tariff (category 9), originating in Brazil and in free circulation in the other Member States;

Whereas the importation into the Community of the products in question originating in Brazil is covered by an Agreement negotiated between the Community and that country; whereas, under that Agreement, Brazil 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 3059/78 [2], as last amended by Commission Regulation (EEC) No 920/81 [3], 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;

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 1 110 tonnes in 1979 to 1 496 tonnes in 1980 and amounted to 632 tonnes in the first three months of 1981;

Whereas the prices of the products in question originating in Brazil are approximately 46 % below the prices of like products manufactured in the Benelux countries;

Whereas output of like products in the Benelux countries is stagnant at 10 440 tonnes;

Whereas there have been redundancies and short-time working has increased considerably;

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 44 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 authorization,

[1] OJ No L 16, 22. 1. 1980, p. 14.
[2] OJ No L 365, 27. 12. 1978, p. 1.
[3] OJ No L 98, 9. 4. 1981, p. 1.

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 Brazil and in free circulation in the other Member States, in respect of which applications for import licences were lodged after 1 September 1981 :

CCT heading No	Description
55.08 and ex 62.02 B III (NIMEXE codes : 55.08-10, 30, 50, 80 ; 62.02-71) (category 9)	Woven cotton terry fabrics ; toilet and kitchen linen of woven cotton terry fabrics

Article 2

This Decison shall apply until new opportunities arise in the Benelux countries for the importation of the products in question originating in Brazil 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, 15 September 1981.

For the Commission

Wilhelm HAFERKAMP

Vice-President