COMMISSION DECISION

of 23 July 1981

authorizing the French Republic not to apply Community treatment to gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, originating in the Philippines and Taiwan

(Only the French text is authentic)

(81/868/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 13 July 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 gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, falling within subheading ex 60.02 B of the Common Customs Tariff (category 11), originating in the Philippines and Taiwan and in free circulation in the other Member States ;

Whereas the importation into the Community of the products in question originating in the Philippines is covered by an Agreement negotiated between the Community and that country ; whereas under that Agreement the Philippines 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] introducing specific common rules for imports of certain textile products ;

Whereas the importation into the Community of the products in question originating in Taiwan is subject, under Commission Regulation (EEC) No 3020/77 [3], to a Community quantitative quota ;

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 quota and ceilings 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 France has admitted a quantity of the product in question in free circulation originating in the third countries in question, which represents in the case of the Philippines 26 % of the quota and in the case of Taiwan 38·4 % of the quota ;

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 been 10 797 000 pieces in 1978, 15 500 000 pieces in 1979 and 14 049 000 pieces in 1980 ; whereas the market share taken by those imports has risen from 74 % in 1978 to 82 % in 1979 ;

Whereas the prices of the products in question originating in the Philippines and Taiwan are considerably below the prices of like products manufactured in France ;

Whereas output of like products in France has remained stagnant since 1978 at a level of 2 800 000 pieces ;

Whereas this production is located in economically less-favoured regions of high unemployment and provides employment for a workforce which would have difficulties in finding alternative jobs ;

(1) OJ No L 16, 22. 1. 1980, p. 14.
(2) OJ No L 365, 27. 12. 1978, p. 1.
(3) OJ No L 357, 31. 12. 1977, p. 51.

Whereas applications for import documents covering 21·5 % and 25·5 % of the quotas for the Philippines and Taiwan respectively are duly pending with the authorities of the Member State having made the request ;

Whereas further indirect imports, in addition to those already admitted, 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 below, originating in the Philippines and Taiwan and in free circulation in the other Member States, in respect of which applications for import licences were lodged after 30 June 1981. This authorization shall not cover products to a quantity representing 15 % of each quota for the abovementioned third countries.

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
ex 60.02 B (NIMEXE codes 60.02-50, 60, 70, 80) (category 11)	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized

Article 2

This Decision shall apply until 30 November 1981 for the importation of the products in question originating in the Philippines and until 31 December 1981 for the products in question originating in Taiwan.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 23 July 1981.

For the Commission

Wilhelm HAFERKAMP

Vice-President