COMMISSION DECISION

of 17 September 1981

authorizing Ireland not to apply Community treatment to men's and boys' underpants and briefs, women's, girls' and infants' knickers and briefs originating in Hong Kong

(Only the English text is authentic)

(81/870/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 Irish Government to the Commission of the European Communities for authorization not to apply Community treatment to men's and boys' underpants and briefs, women's, girls' and infants' knickers and briefs, falling within subheading ex 60.04 B IV of the Common Customs Tariff (category 13), originating in Hong Kong and in free circulation in the other Member States ;

Whereas the importation into the Community of the products in question originating in Hong Kong is covered by an Agreement negotiated between the Community and that country ; whereas under that Agreement Hong Kong 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, in that since 1 January 1981 Ireland has admitted the products in question, originating in the said third country, in free circulation, which amount approximately to 43 % of the quota ;

Whereas, with regards 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 amounted to 197 000 pieces in 1979, to 481 000 pieces in 1980 and to 286 000 pieces in the first six months of 1981 ;

Whereas the prices of the products in question originating in Hong Kong are considerably below the prices of like products manufactured in Ireland ;

Whereas output of like products in Ireland has fallen from 9 504 000 pieces in 1979 to 8 500 000 pieces in 1980 ; whereas the domestic industry's share of the home market has fallen from 44 % in 1979 to 8 500 000 pieces in 1980 ; whereas the domestic industry's share of the home market has fallen from 44 % in 1979 to 28 % in 1980 ;

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 19 500 pieces is duly pending with the

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

authorities of the Member State having made the request; whereas this application does not need to be covered by such authorization,

HAS ADOPTED THIS DECISION:

Article 1

Ireland is authorized not to apply Community treatment to the products indicated below, originating in Hong Kong and in free circulation in the other Member States, in respect of which applications for import licences were lodged after 4 September 1981.

CCT heading No	Description
ex 60.04 B IV (NIMEXE codes 60.04-48, 56, 75, 85) (category 13)	Men's and boys' underpants and briefs, women's girls' and infants' (other than babies') knickers and briefs, knitted or crocheted, not elastic or rubberized, of cotton or synthetic textile fibres

Article 2

This Decision shall apply until new opportunities arise in Ireland for the importation of the products in question originating in Hong Kong, or until 31 December 1981, whichever is the earlier.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 17 September 1981.

For the Commission

Lorenzo NATALI

Vice-President