

**COMMISSION DECISION**

of 19 January 1981

**authorizing Ireland not to apply Community treatment to woven overcoats, raincoats and other coats, cloaks and capes, jackets and blazers originating in India**

(Only the English text is authentic)

(81/40/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<sup>(1)</sup>, and in particular Article 3 thereof,

Whereas, on 9 January 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 woven overcoats, raincoats and other coats, cloaks and capes, jackets and blazers, falling within subheading ex 61.02 B II of the Common Customs Tariff (category 15 B), originating in India and in free circulation in the other Member States ;

Whereas the importation into the Community of the products in question, originating in India, is covered by an Agreement negotiated between the Community and that country ; whereas, under that Agreement, India 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 has adopted Regulation (EEC) No 3059/78 introducing specific common rules for imports of certain textile products<sup>(2)</sup> ;

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 the quota share thus allocated to Ireland amounts 3 000 pieces for 1981 ;

Whereas total imports of the products in question originating in third countries have increased from 60 000 pieces in 1979 to 72 000 pieces in the first 10 months of 1980 ;

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

Whereas output of like products in Ireland has increased from 1 481 000 pieces in 1978 to 1 566 000 pieces in 1979, whereas the domestic industry's share of the home market has fallen from 39 % in 1978 to 32 % in 1979 ;

Whereas an application for import documents covering 30 000 pieces is duly pending with the authorities of the Member State having made the request ;

Whereas the totality of these indirect imports, in addition to those already admitted, would be likely to aggravate these difficulties and jeopardize 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*

Ireland is authorized not to apply Community treatment to the products indicated below, originating in India and in free circulation in the other Member States in respect of which applications for import licences were lodged after 1 January 1981. This authorization shall not cover products to a total volume of 5 000 pieces.

<sup>(1)</sup> OJ No L 16, 22. 1. 1980, p. 14.

<sup>(2)</sup> OJ No L 365, 27. 12. 1978, p. 1.

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 61.02 B II (NIMEXE codes 61.02-31 ; 32 ; 33 ; 35 ; 36 ; 37 ; 39 ; 40) (category 15 B)	Women's, girls' and infants' woven overcoats, raincoats and other coats, cloaks and capes ; jackets and blazers, other than garments of category 15 A, of wool, of cotton or of man-made textile fibres

*Article 2*

This Decision shall apply until 30 September 1981.

*Article 3*

This Decision is addressed to Ireland.

Done at Brussels, 19 January 1981.

*For the Commission*

Wilhelm HAFERKAMP

*Member of the Commission*