



COMMISSION OF THE EUROPEAN COMMUNITIES

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97/20 (ACC)

Proposal for a
COUNCIL REGULATION (EC)
amending
COUNCIL REGULATION (EEC) No 3030/93 of 12 October 1993
on common rules for imports of certain textile products from third countries

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EEC) No. 3030/93 of 12 October 1993 as amended sets out the import regime in respect of textiles products subject to quantitative restrictions and surveillance from third countries.

The proposed regulation is designed to effect a series of amendments :

(i) The Commission will no longer be required to amend the Regulation in respect of the list of members of the World Trade Organisation or the list of the national authorities responsible for the issue of import documents. These will henceforth be published in the C series for the information of operators.

(ii) Following agreements with India and Vietnam handloom and folklore products from these countries will be covered by a different import regime.

(iii) Article 8 of Regulation 3030/93 allows the importation of additional quantities over and above the levels of the agreed quantitative restrictions under certain circumstances. The amendments are designed to clarify the way in which these possibilities should be used.

(iv) To permit more flexible management of quantitative limits it is proposed to allow, in exceptional circumstances, possible extensions of the validity of export licences (from 31 March to 30 June of a calendar year)

(v) It is proposed to state more clearly that the Agreement on Textiles and Clothing (in respect of WTO Members) and bilateral agreements (with other third countries) will prevail if Regulation 3030/93 is inconsistent with them.

(vi) Minor consequential changes.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3030/93 of 12 October 1993, as last amended by Commission Regulation (EC) No 1410/96, introduced common rules applicable to imports of certain textile products from third countries;

Whereas publication of a notice in the Official Journal of the European Communities, C series, would be sufficient to meet operators' information requirements, in particular as regards the list of World Trade Organization (WTO) member countries;

Whereas, in the light of the conclusion of the arrangement concerning market access for textile products between the European Community and the Republic of India by Council Decision 96/386/EC of 26 February 1996 and of Council Decision 96/207/EC of 22 December 1995 on the provisional application of the Agreement in the form of Agreed Minutes between the European Community and the Socialist Republic of Vietnam amending the Agreement on trade in textile and clothing products, Article 3 of Regulation (EEC) No 3030/93 should be amended to take account of the new arrangements for imports of cottage industry and folklore products from those countries;

Whereas Article 8 of Regulation (EEC) 3030/93 allows the possibility, under particular circumstances, of importing additional quantities; whereas, in the light of past experience, it would be advisable to clarify the way in which that Article is applied; whereas, in that respect, the additional quantities granted for a given quota year and category could, for example, be deducted from one or more categories of products in respect of the year concerned or from the quantitative limit applicable to the category concerned in respect of the following quota year;

Whereas it should be specified that this Regulation does not take precedence over the provisions of the Agreement on Textiles and Clothing (ATC) or of bilateral agreements in the case of non-WTO member countries;

Whereas export licences must be presented to the national authority responsible for the issue of import licences no later than 31 March of the year following that in which the products covered by the licence were shipped; whereas the goods covered by the export licence may not be imported in the event of failure to comply with that deadline; whereas, in exceptional circumstances, it should be allowed to put back the deadline for presentation of export licences until 30 June;

Whereas it seems appropriate to make certain amendments to Regulation (EEC) No 3030/93 in the light of experience acquired in its implementation; whereas, when making these amendments, the opportunity should also be taken to clarify and update certain provisions;

Whereas amendments to the list of Members of the WTO or to details in the list of national authorities responsible for the issue of import papers do not as such justify recourse to the committee procedure laid down in Article 17; whereas publication on the Commission's initiative of regular updates to these lists in the C series of the Official Journal of the European Communities would meet the needs of administrative simplification and adequately fulfil operators' information requirements;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3030/93 is hereby amended as follows:

(1) Article 1(1) is replaced by the following:

“This Regulation applies to:

- imports of textile products listed in Annex I, originating in third countries with which the Community has concluded bilateral agreements, protocols or other arrangements as listed in Annex II
- imports of textile products, as listed in Annex X, which have not been integrated into GATT 1994 within the meaning of Article 2(6) of the WTO Agreement on Textiles and Clothing (ATC) and which originate in third countries, Members of the WTO.

The Commission shall ensure that the list of third countries, Members of the WTO, and any updates thereto, are published in the Official Journal of the European Communities, C series.”

(2) Article 3(1) is replaced by the following:

“1. The quantitative limits referred to in Annex V shall not apply to the cottage industry and folklore products specified in Annex VI which are accompanied on import by a certificate issued by the competent authorities of the country of origin in accordance with the provisions of Annex VI and which fulfil the other conditions laid down therein.”

(3) Article 3(3) is replaced by the following:

“3. Paragraphs 1 and 2 shall not apply to Brazil, Hong Kong or Macao.”

(4) Article 8 is replaced by the following:

*“Article 8
Additional imports*

Where, under particular circumstances, imports over and above those referred to in Annex V are required in respect of one or more categories of products, additional opportunities for imports during a given quota year may be granted by the Commission on its own initiative or at the request of one or more Member States in accordance with the procedure laid down in Article 17.

Where appropriate such additional opportunities may be granted subject to certain conditions or procedures, in particular deduction of the amount corresponding to the quantitative limit:

- of one or more categories of products belonging to the same group or sub-group of products for the current quota year and/or
- of the same category of products for the following quota year.

In an emergency, the Commission shall open consultations in the Committee set up under Article 17 within five working days following receipt of a request from a Member State and shall take a decision within fifteen working days calculated from the same date.

These additional opportunities for imports shall not be taken into account for the purpose of applying Article 7.”

(5) Article 15(1) is replaced by the following:

“1. Where, following the enquiries carried out in accordance with the procedures established in Annex IV, the Commission finds that the information in its possession constitutes proof that products originating in a supplier country listed in Annex V and subject to the quantitative limits referred to in Article 2 or introduced under Article 10 have been transhipped, re-routed or otherwise imported into the Community through circumvention of such quantitative limits and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened, in accordance with the procedure described in

Article 16, so that agreement may be reached on an equivalent adjustment of the corresponding quantitative limits.”

(6) Article 15(5) is replaced by the following:

“5. In addition, where there is evidence of the involvement of the territories of third countries which are Members of the WTO but which are not listed in Annex V, the Commission shall request consultations with the third country or countries concerned in accordance with the procedure described in Article 16 in order to take appropriate action to address the problem. The Commission, in accordance with the procedure laid down in Article 17, may introduce quantitative limits against the third country or countries concerned or it may take any other appropriate measures.”

(7) The first sentence of Article 16(1) is replaced by the following:

“1. The Commission, in accordance with the procedure laid down in Article 17(5), shall conduct the consultations referred to in this Regulation in accordance with the following rules:”

(8) Article 20 is replaced by the following:

“This Regulation shall not in any way constitute a derogation from the provisions either of the ATC, as regards WTO Members, or of bilateral agreements, protocols or arrangements which the Community has concluded with the third countries listed in Annex II or which the Community is applying provisionally in respect of such countries; in case of conflict, those provisions shall prevail.”

(9) Article 14(1) of Annex III is replaced by the following:

“1. Where the Commission, pursuant to Article 12 of this Regulation, has confirmed that the amount requested is available within the quantitative limit in question, the authorities of a Member State shall issue an import authorization within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence were shipped. In exceptional circumstances the deadline for presentation of the export licence may be put back to 30 June upon a duly motivated request by a Member State and in accordance with the procedure laid down in Article 17 of the Regulation.”

- (10) The first sentence of Article 14(4) of Annex III is replaced by the following:**

“4. The declaration or request made by the importer to the competent authorities in order to obtain the import authorization shall contain:”

- (11) Article 21(1) of Annex III is replaced by the following:**

“1. The authorities of the Member States shall issue an import authorization within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence were shipped. In exceptional circumstances the deadline for presentation of the export licence may be put back to 30 June upon a duly substantiated request by a Member State and in accordance with the procedure laid down in Article 17 of the Regulation. This time limit shall not apply to Egypt and Malta. Import authorizations, drawn up on the form conforming to the specimen set out in Appendix 1 to the present Annex, shall be valid throughout the customs territory of the European Community.”

- (12) Article 21(3) of Annex III is replaced by the following:**

“The declaration or request made by the importer to the competent authorities in order to obtain the import authorization shall contain:”

- (13) The first subparagraph of Annex III, Article 26, is replaced by the following:**

“The declaration or request made by the importer to the competent authorities in order to obtain the surveillance document shall contain:”

- (14) Article 31(1) of Annex III is replaced by the following:**

“1. The forms to be used by the competent authorities of the Member States for issuing the import authorizations and surveillance documents referred to in Articles 14(1), 21(1) and 25(3) shall conform to the specimen of the import licence set out in Appendix 1 to the present Annex.”

- (15) The following Article is added to Annex III:**

“Article 30a

The list and addresses of the competent authorities referred to in Articles 14(4), 21(3), 26 and 31 shall be published by the Commission in the Official Journal of the European Communities, C series.”

(16) Annex XI and Appendix 2 to Annex III of Regulation (EEC) No 3030/93 are hereby deleted.

Article 2

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

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