

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 430 final.

Brussels, 29 July 1976.

RECOMMENDATION FOR A  
COUNCIL REGULATION (EEC)

concluding the Agreement between the  
EUROPEAN ECONOMIC COMMUNITY  
and the  
REPUBLIC OF COLOMBIA  
on Trade in Textile products

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(submitted to the Council by the Commission)

COM(76) 430 final.



## EXPLANATORY STATEMENT

1. By a decision of 18 March 1975, the Council authorised the Commission to open negotiations with the Republic of Colombia for the conclusion of an Agreement on trade in textile products.
2. In accordance with the above Council decision and in consultation with the Article 113 Committee, the Commission conducted negotiations with Colombia in the months of January, February and April 1976. As a result of these negotiations, a draft Agreement was drawn up and initialled on 29 April 1976.
3. The draft Agreement applies to a limited number of textile products described in its Annex I. The Community has undertaken, for these products, not to introduce new quantitative restrictions and to refrain from invoking the provisions of Article 3 of the MFA, provided that exports to the Community of the products in question do not exceed the quantitative limits established under the Agreement.
4. The central feature of the Agreement consists of a consultation procedure. Apart from a general provision for consultations to resolve any problems arising from the application of the Agreement, the Agreement also contains a special consultation clause. Under this clause, the Community may seek consultations with Colombia whenever, for a product covered by the Agreement, a real risk of market disruption is caused by Colombian exports of the product in question. Until a mutually satisfactory conclusion has been reached in such consultations, Colombia will limit its issue of export licences for the product concerned to a level indicated by the Community, but in any case not lower than 107 % of the imports recorded in the twelve months ending three months before consultation were requested.
5. The Community invoked the provisions of this clause, as it were by anticipation, regarding imports of several products in certain Community markets. As a result of these consultations Colombia accepted certain export restraints, set out in Annex I to the Agreement.
6. The Agreement further provides that imports into the Community of textiles products covered by the Agreement which are for immediate re-export or for re-export after processing are not to be subject to quantitative limits under the Agreement. Similarly, certain Colombian handloom textile products, defined in Article 4 of the Agreement, are to be admitted into the Community without quantitative limit, subject to the satisfactory operation of agreed arrangements for certification.
7. In conformity with the requirements of the Geneva Arrangement, provision is made in the Agreement for carry-over, carry-forward and inter-category flexibility.

8. The Agreement is to enter into force with effect from 1 January 1976. It will remain in force until 31 December 1977.

9. In the opinion of the Commission the Agreement negotiated constitutes a result that is acceptable to the Community. It proposes therefore that the Council concludes the Agreement by adopting the draft Regulation annexed hereto.

recommendation for a  
COUNCIL REGULATION (EEC) No .....  
of .....

concluding the Agreement between the European Economic Community  
and the Republic of Colombia on trade in textile products

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Agreement on trade in textile products negotiated between  
the European Economic Community and the Republic of Colombia should be  
concluded,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the  
Republic of Colombia on trade in textile products is hereby concluded  
on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council shall notify the other Contracting  
Party of the completion by the Community of the procedures required for  
the entry into force of the Agreement.

Article 3

This Regulation shall enter into force on the third 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,

1976

For the Council  
The President



AGREEMENT BETWEEN THE REPUBLIC OF

C O L O M B I A

AND THE

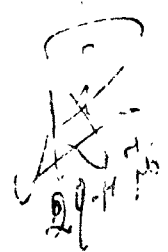
EUROPEAN ECONOMIC COMMUNITY

ON TRADE IN TEXTILES

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(Text as initialled 29.4.1976)

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The Council of the European Communities  
of the one part,

The Government of the Republic of Colombia of the other part,

Desiring to ensure the orderly and equitable development of trade in textiles between the European Economic Community, hereinafter called "the Community" and Colombia,

Having regard to the provisions of the Arrangement regarding International Trade in Textiles (hereinafter referred to as the Geneva Arrangement) and especially its Article 4,

Have decided, in a spirit of mutual co-operation and in conformity with the said Geneva Arrangement, to conclude this Agreement and to this end have designated as their Plenipotentiaries :

THE COUNCIL OF THE EUROPEAN COMMUNITIES :

THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA :

Who have agreed as follows :

*JBM*

*[Signature]*



Article 1

1. The Parties recognise and confirm that, subject to the provisions of this Agreement and without prejudice to their rights and obligations under the General Agreement on Tariffs and Trade, the conduct of their mutual trade in textiles shall be governed by the provisions of the Geneva Arrangement.

2. This Agreement shall apply to trade in those categories of textiles products, originating in and despatched from Colombia, set out in Annex I hereto.

3. Quantitative limits for the said products have been agreed between the Parties. Details of the quantities and regions of the Community to which such limits presently apply are likewise set out in Annex I hereto. Both Parties recognise that the quantitative limits agreed in the present negotiations are without prejudice to the possible future application of Article 5 of this Agreement.

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Article 2

1. The Community undertakes, in respect of the categories of textiles products to which this Agreement applies, and subject to the satisfactory operation of this Agreement, not to introduce new quantitative restrictions and to refrain from invoking the provisions of Article 3 of the Geneva Arrangement provided that exports to the Community of such textiles products originating in and despatched from Colombia do not exceed the quantitative limits established under the provisions of this Agreement.
2. The Government of Colombia undertakes to take the appropriate measures to ensure that the quantitative limits established under this Agreement are not exceeded.
3. The Community shall not object to the aforementioned quantitative limits being exceeded in the event of additional demand developing on the market of the Community, on the understanding that any additional quantities shall be fixed by common agreement between both Parties.
4. Both Parties undertake to cooperate in implementing the measures necessary for the purpose of this Article.

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Article 3

1. Imports into the Community of those textile products to which this Agreement applies which are for immediate re-export or for inward processing and subsequent re-export outside the Community shall not be subject to quantitative limits established under this Agreement, provided they are entered as such under an administrative system of control in force for this purpose within the Community.

2. In any case where Community authorities ascertain that imports described in paragraph 1 above have been retained for consumption within the Community, the latter will notify the Government of Colombia on a quarterly basis of the amounts involved. Colombia shall in such cases and at the request of the Community, charge such amounts against the quantitative limit or limits in question for the current Agreement year or for the next following Agreement year.

3. In any case where the competent authorities within the Community ascertain under an administrative system of control in force that imports of textiles products to which this Agreement applies have been charged against quantitative limits established under this Agreement but subsequently re-exported outside the Community, the competent authority concerned will inform the Colombian authorities of the quantities involved and authorise imports of the same quantities which shall not be charged to the quantitative limits under the Agreement.

JPM

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Article 4

1. The following Colombian textiles products shall, subject to the conditions indicated hereafter, be admitted into the Community without quantitative limit :

- (i) cotton handloom fabrics of cottage industry, containing not more than 5% by weight of man-made fibres, being fabrics which are both traditionally of the kind woven on a loom and actually woven on a loom for which the motive power is provided entirely by the operators (that is where the three primary movements of weaving, namely shedding, picking and beating, are induced by hand or foot and no other source of power is used);
- (ii) goods made up by the cottage industry from such cotton handloom fabrics;
- (iii) traditional Colombian folklore handicraft textiles products cut, sewn or otherwise fabricated by hand in cottages which are units of the cottage industry.

2. Admission into the Community of these products without quantitative limit shall be subject to the satisfactory operation of agreed arrangements for certification.

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*[Handwritten signature]*

## Article 5

1. Both Parties agree to enter promptly into consultations with each other, at the request of either and in conformity with the provisions of the Geneva Arrangement, on any matter concerning their trade in textiles and in particular on any problems arising from the application of this Agreement. Consultations held under the provision of this Article shall be approached by both Parties in a spirit of compromise and with a view to the conciliation of differences existing between them.
  
2. In view of the desire of the Community and Colombia to avoid, on one hand, real risks of market disruption and, on the other hand, disruption to the textile trade of Colombia, and having full regard to the need for equitable treatment of participating countries in the Geneva Arrangement, the following specific consultation procedure shall apply to the products set out in Annex I of this Agreement.
  
3. The Community may request consultations with a view to reaching agreement on an appropriate level of restraint, where such does not already exist, for any product set out in Annex I whenever in the view of the Community, conditions in any of its markets are such that a limitation on further trade in any such product may be necessary to eliminate real risks of market disruption (as defined in Annex A of the Geneva Arrangement). The consultation procedure referred to in this paragraph will only be resorted to sparingly and will be implemented in a manner consistent with the principles and objectives of the Geneva Arrangement.
  
4. The request for such a consultation shall be accompanied within a reasonable period of time, by a statement of the market conditions in the Community which, in the opinion of the Community, make necessary the request for consultations.
  
5. Until such time as a mutually satisfactory solution has been reached, Colombia undertakes if so requested by the Community, to

Article 6

If, having regard to the provisions of the Geneva Arrangement, Colombia considers that as a result of the quantitative limits established under this Agreement, it is being placed in an inequitable position as compared with a third country, Colombia may request consultations with the Community with a view to taking appropriate action consistent with both Parties' international rights and obligations.

*1/2/71*

*[Handwritten signature]*



Article 7

1. Portions of any quantitative limit established under this Agreement which are not used during any Agreement year may be carried over and added to the corresponding quantitative limit in the following Agreement year, within a limit of 10 % of the latter.
2. Within a limit of 10 % of each of the quantitative limits established under this Agreement, advance deliveries shall be authorized from the corresponding quantitative limit established for the following Agreement year.
3. Within any one Agreement year, unused portions of quantitative limits established under this Agreement in respect of any region of the Community market may be transferred to another quantitative limit established for that same region of the Community market within a ceiling of 7 % of the recipient quantitative limit.
4. The preceding flexibility provisions shall not, in any given Agreement year, result in a quantitative limit for any category being exceeded by more than 20 % of the quantitative limit for that category for that Agreement year.
5. The flexibility provisions contained in this Article may only be applied by Colombia following written notification to the Community by the Colombian authorities.



Article 8

Colombia shall endeavour to ensure that exports of all textiles products for which quantitative limits may be established under this Agreement are spaced out as evenly as possible over each of the Agreement years, due account being taken, in particular, of seasonal factors.

*J.P.A.*

*[Handwritten signature]*

Article 9

The two Parties agree to exchange all useful information concerning their mutual trade in textiles in order to ensure the successful implementation of this Agreement.

*J.P.H.*

*A.S.*

Article 10

8081  
1. The Parties agree that the quantitative limits established under this Agreement shall be managed under a system of double control, the details of which are set out in Annex II to this Agreement.

2. Colombia therefore agrees to furnish the Community with precise statistical information, on a quarterly basis, of all export licences issued by the authorities of Colombia for all categories of textile exports to the Community to which this Agreement applies.

3. The Community will likewise forward to the authorities of Colombia, on a quarterly basis, precise statistical information of imports of such products into the Community.

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Article 11

1. Both parties shall take all possible measures to ensure that traditional channels and methods of trade between the Community and Colombia are maintained.

2. Should the Community inform Colombia that the application of this Agreement has given rise to difficulties regarding the maintenance of existing commercial relations between importers in the Community and their suppliers in Colombia, the Parties agree to consult together in accordance with the procedures set out in Article 5, paragraph 1.

*SP*

*[Signature]*

Article 12

*RBM*

This Agreement shall apply to the territories where the Treaty establishing the European Economic Community applies, on the conditions established in the said Treaty, and to the territories of the Republic of Colombia.

*Ad*

Article 13

1. This Agreement shall enter into force on the 15th day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for the purpose. It shall remain in force until 31 December 1977.

2. This Agreement shall have effect from 1 January 1976.

3. Either Party may at any time propose modifications to this Agreement or denounce it provided that notice is given at least 120 days before the expiry of any twelve-month period; in the latter event the Agreement will come to an end at the expiry of the said twelve-month period.

4. The Annexes to this Agreement shall form an integral part thereof.

*[Handwritten signature]*

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Article 14

*BM*  
This Agreement shall be drawn up in two copies in the Danish, Dutch, English, French, German, Italian and Spanish languages, each of these texts being equally authentic.

*AT*



1. Colombia shall limit exports of the products listed below to the regions of the Community market and to the quantitative limits indicated.

A.T. Heading No.	Products covered	Community region to which restriction is applied	Annual Quantity (in metric tonnes unless otherwise shown)	
			1975	1977
55.05	Cotton yarns not put up for retail sale	BNL	1,000	1,070
		I	2,600	2,782
55.09	Woven fabrics of cotton : - unbleached or bleached	I	1,980	2,119
55.09	Woven fabrics of cotton : - other than unbleached or bleached	BNL	500	535
		I	1,050	1,124
55.09	Other woven fabrics of cotton	UK (1)	2,050,000 square metres	2,193,500
51.04 A	Woven fabrics of man-made fibres (continuous) including woven fabrics of monofilament strip of heading No. 51.01 or 51.02 :	UK (1)	300	321
56.07 A	Woven fabrics of man-made fibres (discontinuous or waste): - of synthetic textile fibres			

2. Should the quantitative limits referred to above remain in force for a further period, or periods, of 12 months, the level for that period shall not be lower than the level specified for the preceding 12 months period, increased by not less than 7 %.

(1) For the purpose of the application of Article 7 of this Agreement in respect of the quantitative limits provided in this Annex for the United Kingdom, an equivalence of 2,500 square metres per metric tonne has been agreed between the Parties.

As agreed between the Parties in Article 10 of the Agreement, the administration of textiles exports from Colombia and imports into the Community will be based on a system of double checking. The details of this system have been agreed between the Parties and are set out below.

The competent authorities within the Community will, automatically and without delay, accept imports of textile products on submission of the importer's application together with a certified copy of the export licence. The competent authorities within the Community shall be entitled to require the presentation of an export licence in respect of goods originating in Colombia of the categories where the provisions of Article 5 have been invoked.

These export licences will be issued by the Colombian authorities <sup>(1)</sup> up to the total amount of the agreed ceilings.

The export licences issued by the Colombian authorities shall be applicable to the products subject to restraint under the Agreement.

The export licence must specify :

1. destination (relevant Member State)
2. serial number
3. importer's name and address
4. exporter's name and address
5. net weight (in kilograms or metric tons) or other units designated in the Agreement
6. category and description of product
7. certification by the Colombian authorities that the quantity has been debited against the agreed ceiling for exports to the Community (relevant Member State) or, where appropriate, is for immediate re-export or for inward-processing and subsequent re-export outside the Community.

The competent authorities within the Community will not raise difficulties in the event of a discrepancy between the weight indicated in the export licence and the shipment or import weight provided it is within reasonable limits, while the Colombian authorities, for their part, will endeavour to keep any discrepancies to a minimum.

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(1) INCOMEX (Instituto Colombiano de Comercio Exterior)

In the event of total or partial withdrawal of an export licence, the Colombian authorities will notify the competent authorities within the Community of such total or partial withdrawal. The authorities of the Member States of the Community will take the appropriate measures in accordance with their existing administrative provisions.

The Colombian authorities will forward to the competent authorities within the Community, via the Representations of the Member States of the Community and directly to the Commission quarterly returns showing the total quantity covered by the export licences issued against the quantitative limits for exports to the Member States of the Community, for all categories of textiles exports to the Community to which this Agreement applies.

The Community will forward to the authorities of Colombia, on a quarterly basis, precise statistical information of imports of such products into the Community.



Handloom and textile handicraft articles

1. In accordance with Article 12 (3) of the Geneva Arrangement, the Community and Colombia have agreed, in Article 4 of the Agreement that, subject to certain conditions Colombian exports of certain handloom and textile handicraft products would be admitted into the Community without quantitative limit. The conditions set out in Article 4 (2) of the Agreement specifies that admission of such products into the Community without quantitative limit shall be subject to the satisfactory operation of agreed arrangement for certification.
2. The Community and Colombia hereby agree that in carrying out the provision of Article 4 of the Agreement the following form of certificate shall be used.

"Certificate in regard to cotton handloom fabrics and products thereof

Name and address of manufacturer,

Name and address of exporter,

Name and address of importer within the Community,

Description of goods,

Quantity (metric tons),

Name of ship or flight number,

Port or airport of destination.

This is to certify that the above shipment consists of :

- (i) cotton handloom fabrics of the cottage industry, containing not more than 5 % by weight of man-made fibres, being fabrics which are both traditionally of the kind woven on handlooms and actually woven on a loom for which the motive power is provided entirely by the operators (that is where the three movements of weaving, namely shedding, picking and beating, are induced by hand or foot and no other source of power is used) ;
- (ii) goods made up by the cottage industry from such cotton handloom fabric
- (iii) traditional Colombian folklore handicraft textiles products cut, sewn, or otherwise fabricated by hand in cottages which are units of the cottage industry.

Signed .....

3. The body which shall be authorized to issue the above certificates is INCOMEX (Instituto Colombiano de Comercio Exterior)

Exchange of letters

Sir,

In concluding the negotiations held between the Government of Colombia and the European Economic Community which have led this day to the signing of an Agreement regarding trade in textile products, I have the honour to confirm the following record of understanding :

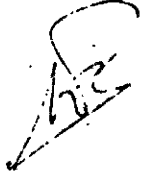
In the view of the Colombian delegation the quantitative limit for Italy for woven cotton fabrics other than unbleached and bleached (ex 55.09) for the year 1976 as shown in Annex I, did not take fully into account the potential of Colombian exports to this Community market.

A review may be held, at the request of Colombia, in order to assess the position and to determine, on a mutually agreed basis, whether and to what extent an upward revision of the quantitative limit in question should be made.

I should be grateful for your confirmation that the above correctly represents our understanding in the matter.

Please accept, Sir, the assurances of my highest consideration.

For the Government of Republic of Colombia



Sir,

I have the honour to refer to your letter of today's date in the following terms :

"In concluding the negotiations held between the Government of Colombia and the European Economic Community which have led this day to the signing of an Agreement regarding trade in textile products, I have the honour to confirm the following record of understanding :

In the view of the Colombian delegation the quantitative limit for Italy for woven cotton fabrics other than unbleached and bleached (ex 3). for the year 1976 as shown in Annex I, did not take fully into account the potential of Colombian exports to this Community market.

A review may be held, at the request of Colombia, in order to assess the position and to determine, on a mutually agreed basis, whether to what extent an upward revision of the quantitative limit in question should be made.

I should be grateful for your confirmation that the above correctly represents our understanding in the matter".

I confirm that this correctly sets out our understanding in the matter.

Please accept, Sir, the assurances of my highest consideration.

*M. J.*

COMMISSION  
OF THE  
EUROPEAN COMMUNITIES

Directorate-General for  
External Relations

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NOTE VERBALE

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The Directorate General for External Relations presents its compliments to the Mission of Colombia to the European Communities and has the honour to refer to the Agreement on trade in textile products negotiated between Colombia and the Community and initialled today.

The Directorate General for External Relations wishes to inform the Colombian Government that whilst awaiting the completion of the necessary procedures for the conclusion and the coming into force of the Agreement, the Community is prepared to allow the provisions of the Agreement to apply de facto from 1 May 1976 if the Colombian Government is disposed to do likewise.

The Directorate General for External Relations would be grateful if the Colombian Government would confirm its agreement to the foregoing.

The Directorate General for External Relations avails itself of the opportunity to renew to the Mission of Colombia to the European Communities the assurances of its highest consideration.

Brussels, 29. IV. 1976

Mission of Colombia  
to the European Communities  
16, avenue Emile Demot,  
1050 Brussels




Misión de Colombia  
ante las  
Comunidades Europeas

No. 58

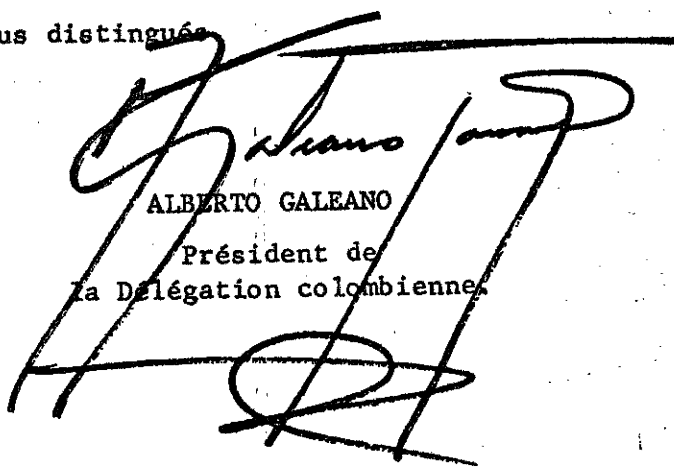
Bruxelles, le 29 avril 1976.

Monsieur le Président,

 En ce qui concerne l'accord intervenu entre la Colombie et la Communauté Economique Européenne dans le domaine des produits textiles et ~~posés~~ le 29 avril 1976, j'ai l'honneur de vous confirmer que, compte tenu du niveau des importations effectuées par l'Italie en tissus de coton écrus et blanchis en provenance de Colombie par rapport au plafond fixé par l'accord et pour la période comprise entre le 1er janvier 1976 et le 31 décembre 1976, les autorités colombiennes prendront les mesures nécessaires pour éviter que les exportations colombiennes des produits ci-dessus mentionnés dépassent la limite quantitative prévue pour la période en question.

La délégation colombienne entend que les quantités importées jusqu'au 1er mai 1976, 700 tonnes, seront déduites de la limite quantitative de 1980 tonnes, fixée dans l'accord pour l'année 1976.

Je vous prie de croire, Monsieur le Président, à l'expression de mes sentiments les plus distingués.

  
ALBERTO GALEANO  
Président de  
la Délégation colombienne.

Monsieur le Président  
Camilo PAOLI  
Commission des Communautés Européennes  
Bruxelles



Misión de Colombia  
ante las  
Comunidades Europeas

Dir. gen. I	Gen. Dir. I
Nº	4021
Date	29 AVR 1976
All.	

No. 59

La Mission de Colombie auprès des Communautés Européennes présente ses compliments à la Direction Générale des Relations Extérieures de la Commission des Communautés Européennes et a l'honneur de se référer à sa Note Verbale de ce jour rédigée comme suit:

" La Direction Générale des Relations Extérieures présente ses compliments à la Mission de Colombie auprès des Communautés Européennes et a l'honneur de se référer à l'Accord sur le commerce de produits textiles négocié entre la Colombie et la Communauté et parafé ce jour.

La Direction Générale des Relations Extérieures désire porter à la connaissance du Gouvernement colombien que , en attendant que soient terminées les procédures nécessaires à la conclusion et à l'entrée en vigueur de l'Accord, la Communauté est prête à accepter que les dispositions de l'Accord soient appliquées de facto à partir du 1er mai 1976 si le Gouvernement colombien est disposé à agir de même.

La Direction Générale des Relations Extérieures serait reconnaissante au Gouvernement colombien de bien vouloir confirmer son accord sur ce qui précède.

À la Direction Générale des  
Relations Extérieures de la  
Commission des Communautés Européennes  
rue de la Loi 200  
040 Bruxelles



La Mission de Colombie a l'honneur de confirmer à la Direction Générale des Relations Extérieures de la Commission des Communautés Européennes que le Gouvernement colombien est également prêt à accepter que les dispositions de l'Accord soient appliquées de facto à partir du 1er mai 1976.

La Mission de Colombie saisit cette occasion pour renouveler à la Direction Générale des Relations Extérieures les assurances de sa très haute considération.

Bruxelles, le 29 avril 1976.

