

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 302 final

Brussels, 4 June 1982

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 3061/79 on common rules for imports of
certain textile products originating in the People's Republic of China

(submitted to the Council by the Commission)

COM(82) 302 final

EXPLANATORY MEMORANDUM

Under Article 11 of Council Regulation (EEC) No 3061/79 on common rules for imports of certain textile products originating in China, (the regulation implementing the textile agreement), China must be invited, within eight days of a request from a Member State, to take part in consultations with a view to reaching agreement on a mutually acceptable level of limitation (basket extractor procedure) where the products in question were subject to quantitative restriction under the autonomous arrangements in effect at the time when the agreement was initialled (July 1979).

For products not subject to quantitative restriction, such a decision is taken in accordance with the procedure referred to in Article 14, i.e. after obtaining the opinion of the Textile Committee established for the purpose.

In the case of the first category of products, the reference in Article 11(4) and (7) to "products subject to quota" is not precise enough, since under the autonomous arrangements products can be subject to quantitative restriction without a quota being opened. The wording of these paragraphs should therefore be amended in order to make certain that the more or less automatic procedure for the opening of consultations with China at short notice covers all products subject to quantitative restriction and not merely those for which there is a quota. In any case, it is reasonable to assume that by and large products subject to quantitative restriction but not to quota would be more sensitive than products subject to quota.

Under the practice followed to date, China has always been asked for consultations within eight days of a Member State's request where the products concerned are subject to quantitative restriction, whether there was a quota or not. But in the interests of legal precision, on which one Member State has laid particular emphasis, the Commission wishes to submit the following proposal for a regulation to the Council.

Proposal for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 3061/79 on common rules for imports of
certain textile products originating in the People's Republic of China

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 Council Regulation (EEC) No 3061/79 of 20 December 1979
on common rules for imports of certain textile products originating in
the People's Republic of China¹,

Having regard to the proposal from the Commission,

Whereas the structure and aims of the Regulation (EEC) No 3061/79 are such
that the consultation procedures and provision for the suspension of the
granting of import documents are applicable to all products subject to
quantitative restriction under the autonomous import arrangements in effect
at the time of initialling of the Agreement on trade in textile products
between the Community and the People's Republic of China; whereas in the
interests of clarity the provisions of Article 11(4) and (7) of the said
Regulation should therefore be made more specific,

HAS ADOPTED THIS REGULATION:

¹OJ No L 345, 31.12.1979, p. 1.

Article 1

The expression "subject to quota" in Article 11(4) and (7) of Regulation (EEC) No 3061/79 is hereby replaced by the expression "subject to quantitative restriction".

Article 2

This Regulation shall enter into force on the third day following that of 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

For the Council

