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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a
COUNCIL REGULATION

concerning the arrangements for importation into the Benelux countries
of jute yarn originating in the Kingdom of Thailand, and repealing
Regulation (EEC) No 1278/77

(submitted to the Council by the Commission)

COM(77) 472 final.

EXPLANATORY MEMORANDUM

1. Pursuant to Article 12 of Regulation (EEC) No. 1439/74, Commission Regulation (EEC) No. 969/77 of 4 May 1977⁽¹⁾ instituted an authorization procedure for the importation into the Benelux countries of jute yarn from the Kingdom of Thailand, and limited the authorizations to be granted for 1977 to a total volume of 4 030 tonnes. The Council, by Regulation (EEC) No. 1278/77⁽²⁾ maintained these arrangements in force until 31 December 1977. This quantitative limit was set in response to the recent increase in imports into the Benelux countries of jute yarn from Thailand, without prejudice to the continuation of the consultations already under way, which at that time had not produced any mutually acceptable solution.

2. Following fresh talks between the Community and Thailand on 28 and 29 July, the Thai Government has agreed to exercise voluntary restraint on exports of jute yarn to the Benelux countries for a three-year period (1 January 1977 - 31 December 1979), with fixed annual ceilings of 4 430 tonnes in 1977, 4 762 tonnes in 1978 and 5 119 tonnes in 1979.

These quantitative restrictions do not cover temporary imports, and will be subject to bilateral surveillance. Thailand introduced export controls on 1 September 1977.

Since the Community has already taken unilateral action (an import quota of 4 030 tonnes in respect of which licences have already been granted and are at present being taken up), the Thai export controls, which came into force on 1 September, will cover an initial quantity of 5 162 tonnes relating to a sixteen-month period (1 September 1977 - 31 December 1978)⁽³⁾.

(1) OJ No L 115, 6.5.1977, p. 12

(2) OJ No L 148, 16.6.1977, p. 1

(3) This quantity is broken down as follows:

4 762 tonnes (1978 quota)

+ 400 tonnes (the balance due for 1977, representing the difference between the 1977 quota and the earlier unilateral import quota of 4 030 tonnes).

5 162 tonnes

Any quantities not taken up under the import licences issued by Benelux in respect of the unilateral quota of 4 030 tonnes will be carried over to 1978; in addition, in order to avoid any concentration of exports during the remainder of 1977, an upper limit of 4/16 of the total quantity mentioned above, i.e. 1 290 tonnes has been set for exports up to 31 December 1977.

The arrangements offer some scope for "flexibility" in that they allow a 10% carryover or carry-forward either way; however, the quantity involved may not exceed 10% in aggregate.

3. A proposal for a regulation enabling the Community to implement these measures has been drawn up. The proposal, which is attached, is hereby submitted to the Council for adoption.

PROPOSAL FOR A COUNCIL REGULATION

concerning the arrangements for importation into the Benelux countries of jute yarn originating in the Kingdom of Thailand, and repealing Regulation (EEC) No. 1278/77

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. 1439/74 of 4 June 1974 on common rules for imports⁽¹⁾, and in particular Article 15 thereof,

Consultations having taken place within the Advisory Committee set up under Article 5 thereof,

Having regard to the proposal from the Commission,

Whereas by Regulation (EEC) No. 1278/77⁽²⁾ the Council maintained in force until 31 December 1977 the arrangements for importation into the Benelux countries of jute yarn originating in the Kingdom of Thailand, adopted by Commission Regulation (EEC) No. 969/77⁽³⁾;

Whereas these measures were adopted without prejudice to the continuation or outcome of the consultations taking place on this subject between the Community and Thailand;

Whereas following fresh consultations between the Community and Thailand the Government of Thailand has undertaken to restrain voluntarily its exports of "yarn of jute or of other textile base fibres of heading No. 57.03" (Common Customs Tariff heading No. 57.06) to the Benelux countries for the period from 1 January to 31 December 1979;

(1) OJ No L 159, 15.6.1974, p. 1.

(2) OJ No L 148, 16.6.1977, p. 1.

(3) OJ No L 115, 6.5.1977, p. 12.

Whereas the effectiveness of the voluntary restraint measures introduced by the Thai authorities is dependant on the establishment of a system of Community surveillance; whereas the implementation of such surveillance requires that importation of the products in question into the Benelux countries remain subject to authorization;

Whereas the voluntary restraint measures set quantitative limits for exports for the years 1977, 1978 and 1979, and it is accordingly necessary to fix quantitative limits for imports into the Benelux countries of the products in question, whereas the limits specified apply to exports from Thailand, and it is therefore necessary to count the products imported against the quantitative limit fixed for the year of their export from Thailand;

Whereas provision was made during the consultations for unused portions of a quantitative limit to be carried over from one year to the next and for portions to be carried forward from the following year, within specified limits;

Whereas products entering the Benelux countries under the inward processing arrangements or under another temporary importation procedure which are re-exported from the customs territory of the Community, whether or not after further processing, will not be counted against the quantitative limits fixed;

Whereas this Regulation replaces the measures laid down by Council Regulation (EEC) No. 1278/77,

HAS ADOPTED THIS REGULATION :

1. The importation into the Benelux countries of the products indicated below, originating in the Kingdom of Thailand and imported during the period from 1 January 1977 to 31 December 1979, is hereby made subject to the production of an import authorization granted by the competent authorities of the Member State concerned for the quantities specified below:

CCT heading No.	Description of goods	Unit	Quantitative limits		
			1977	1978	1979
57.06	Yarn of jute or of other textile baste fibres of heading No 57.03	tonnes	4 430	4 762	5 119

2. Import authorizations shall be granted automatically and without delay within the limits indicated in paragraph 1 upon production by the importer of the export licence issued by the competent authorities in Thailand and containing the particulars listed in the Annex.

Imports thus authorized shall be counted against the quantitative limit fixed for the period during which the goods were shipped in Thailand for export to the Benelux countries.

3. Having regard to the import authorizations already granted by the competent authorities of the Benelux countries in 1977 within the quantitative limit fixed for that year by Commission Regulation (EEC) No. 969/77 of 4 May 1977, maintained in force by Council Regulation (EEC) No. 1278/77 of 14 June 1977, the said authorities shall grant import authorizations in accordance with the procedure laid down in paragraph 2 and in relation to the exports authorized by the Thai authorities under the same procedure up to a limit of 5 162 tonnes valid for the period from 1 September 1977 to 31 December 1978. The quantity covered by the said authorizations shall not, however, exceed 1 290 tonnes for the first four months of this period (1 September - 31 December 1977).

Article 2

Portions of the quantitative limit for a given year not taken up during that year may be carried over and added to the quantitative limit fixed for the following year, within a limit of 10% of the latter.

Within a limit of 10% of the quantitative limit for a given year, advance deliveries shall be authorized from the quantitative limit fixed for the following year. Amounts delivered in advance shall be deducted from the quantitative limit fixed for the latter year.

The application of the above provisions shall not, in any given year, result in the quantitative limit for that year being exceeded by more than 10%.

Article 3

Products entering the Benelux countries under the inward processing arrangements or under another temporary importation procedure which are re-exported from the customs territory of the Community, whether or not after further processing, shall not be counted against the quantitative limits fixed in Article 1.

Article 4

Regulation (EEC) No 1278/77 is hereby repealed.

Article 5

This Regulation shall enter into force on the third day following its publication on 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
The President

Particulars referred to in Article 1 (2)

The export licences to be issued by the competent authorities in Thailand⁽¹⁾ in respect of the products referred to in this Regulation shall specify or include :

1. The destination, and in particular the town and the Member State of destination.
2. The serial number.
3. The name and address of the importer.
4. The name and address of the exporter.
5. A description of the goods.
6. The quantity (in tonnes).
7. An attestation to the effect that the quantity in question
 - (i) has been counted against the quantitative limit fixed for the Benelux countries or, where appropriate, that the said quantity is intended for re-export, whether or not after further processing, from the Community;
 - (ii) has been authorized for export in connection with an existing authorization granted by the Benelux authorities after 1 January 1977⁽²⁾.

(1) Department of Foreign Trade, Ministry of Commerce

(2) In this case the quantity in question shall not be counted against the quantitative limit provided for in Article 1(3).

