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REGULATION (EEC) No 2763/72 OF THE COUNCIL

of 19 December 1972

opening, allocating and providing for the administration of Community tariff quotas for certain textile products originating in developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the proposal from the Commission;

Whereas, within the context of UNCTAD, the European Economic Community offered to grant tariff preferences on finished and semi-finished products coming from developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished industrial products by Chapter 25 to 99 of the Brussels Nomenclature originating in developing countries; whereas the preference consists in the granting of exemption from customs duties; whereas preferential imports are effected up to the level of ceilings calculated by value in respect of each product on the basis of factors which are uniform for all the products; whereas in order that the preferences granted to the most competitive developing country or countries should be restricted and that a substantial quota share should be reserved for the least competitive, preferential imports from any one developing country in respect of a given product should not, as a general rule, exceed 50% of the ceiling fixed for that product;

Whereas, in the offer made by the Community, the annual ceilings should ordinarily be calculated on the basis of the total value for 1968 of c.i.f. imports from the countries benefiting from this scheme, excluding those already enjoying various preferential tariff arrangements granted by the Community, increased by 5% of the value of c.i.f. imports from the other countries and from the countries already enjoying such arrangements;

Whereas, however, in respect of cotton textile products covered by the Long-term Arrangement regarding International Trade in Cotton Textiles, the offer made by the Community lays down that the preferences, in the form of duty-free ceilings ordinarily calculated according to the formula set out in the preceding recital, will be granted to the countries enjoying generalized preferences which are signatories to the Long-term Arrangement or possibly to those countries which undertake vis-à-vis the Community commitments similar to those existing under that Arrangement and for the duration of the said Arrangement (which expires on 30 September 1973); whereas it is apparent that only imports from these countries are to form the basis for calculating the abovementioned ceilings; whereas, with particular regard to the relation which Article 6 of the said Long-term Arrangement establishes between cotton products and substitute products, it appears justifed in these circumstances and by virtue of the fact that a total suspension of customs duties is involved to include in the same scheme as that described above those substitute textile products given in the conditional list of partial and limited reductions of customs duties deposited with GATT by the Community during the last series of tariff negotiations;

Whereas, moreover, in view of the special nature which trade in the products concerned may have, it appears expedient wherever this is justified by the particular sensitivity of the product to determine in terms of tonnages the ceilings for the preferential imports of such product, taking due account of deliveries carried out during 1968 by the benefiting countries alone; whereas, moreover, particularly in view of the high level of deliveries of the textiles in question to the Community by the third countries concerned, it appears appropriate, except in particular instances, to restrict preferential imports from any single benefiting country to 30% of the ceiling laid down for each category of textile products concerned;

Whereas the offer made by the Community includes a clause stipulating that the Community drew up the offer on the assumption that all the main industrialized countries which are members of the OECD would participate in granting preferences and would make similar efforts in this direction; whereas, moreover, it is evident from the conclusions worked out in UNCTAD that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise in the associated countries following the implementation of the generalized preference scheme;

Whereas tariff preferences have been applied as from the second half of 1971 under the conditions set out above and whereas these preferences should continue to be applied, *pro rata temporis,* until 30 September 1973;

Whereas it is expedient, therefore, in respect of the products referred to in Annex A which originate in the countries listed in Annex B, that the Community should open, until 30 September 1973, duty-free Community tariff quotas within the limits of the amounts in metric tons given in respect of each of these products;

Whereas changes against each of these tariff quotas must, in respect of the products originating in any of the abovementioned countries, come within a specified percentage of the amount of the quota;

Whereas the benefit of such tariff quotas should be reserved for products originating in the countries under consideration, the concept of 'originating products' being determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 [1] of 27 June 1968 on the common definition of the concept of the origin of goods; whereas charges against each of these ceilings must, as a general rule, come within a maximum Community amount of 50% in respect of the products originating in any of the abovementioned countries;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the abovementioned quotas and the uninterrupted application of the rate laid down for those quotas to all imports of the products concerned into all Member States until those quotas are used up; whereas, having regard to the principles defined above, the Community nature of the quotas can be respected by allocating the Community tariff quota among Member States; whereas, moreover, to this end and in the context of the utilization system, the actual charges against the quotas may relate only to products which are presented for customs clearance under cover of declarations that they have been entered into consumption and which are accompanied by a certificate of origin;

Whereas the application of the generally accepted principles in respect of the allocation of the Community tariff quotas which have been opened until now entails, under these circumstances and in view of the variety of the products concerned and in view of the specification of the benefiting countries, calculations which are all the more problematic in that the statistical data required sometimes prove to be incomplete or not sufficiently accurate or representative; whereas the time required for these calculations cannot be reconciled with the continuity necessary for the application of the tariff preferences concerned; whereas, under these conditions, it would be advisable still at this stage to adopt a fixed scale for allocating the Community tariff quotas concerned among the Member States; whereas, using] as a basis general economic criteria relating to external trade, the gross national product and population, the percentages for the initial shares of the Member States in the quota amounts are as follows for the quota year under consideration:

Germany	37·5%
Benelux	15·1%
France	27·1%
Italy	20·3%

Whereas, without affecting the Community nature of the tariff quotas under consideration, it appears possible to provide at this stage for a utilization scheme based on a single allocation among the Member States; whereas, moreover, the allocation set out by this Regulation in no way prejudices the possibility of adopting, following a limited experimental period, the general method of allocation of Community tariff quotas comprising the setting up of a reserve share; whereas at the present juncture it appears feasible that such allocation could be made according to the percentages set out in the table above;

Whereas the percentages for the shares of the Member States in the Community tariff quotas, in view of the duration and amounts thereof, does not appear in this instance to compromise the equal access for Community importers to Community tariff quotas;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand-Duchy of Luxembourg are united in and represented by the Benelux Economic Union for the allocation of the tariff quotas concerned, any measure concerning the administration of the quota shares allocated to that Economic Union may be carried out by one of its Members;

Whereas, since the tariff quotas concerned are valid until 30 September 1973, the system established could be amended to take into account the accession of new Member States;

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 30 September 1973, the Common Customs Tariff duties on the products listed in Annex A shall be completely suspended within the framework of Community tariff quotas of volumes which shall be expressed in metric tons and which shall be indicated in respect of each product in column 3 of such Annex.

[1] OJ No L 148, 28. 6. 1968, p. 1.

2. These tariff quotas shall be enjoyed solely by products originating in the countries listed in Annex B. However, those imports which already enjoy exemption from customs duties under other preferential tariff arrangements granted by the Community may not be charged against these tariff quotas. For the purposes of the application of this Regulation, the concept of originating products shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

3. The amount to be charged in respect of each country referred to in paragraph 2 against each of the tariff quota amounts mentioned above shall be limited to the maximum amount given as a percentage and in metric tons in column 4 of Annex A in respect of each category of products.

4. Any amendment to Annex B, in particular by the addition of new countries enjoying tariff preferences, may entail a corresponding adjustment to the volumes of the quotas and to the maximum amounts appearing in columns 3 and 4 of Annex A.

Article 2

The Community tariff quotas referred to in Article 1 shall be allocated in quota shares which shall be, for each Member State, the amounts corresponding to the quantities given in column 5 of Annex A in respect of each category of products.

Article 3

1. The Member States shall ensure free access to the quota shares which have been allocated to them for importers of the products concerned who are established on their territory.

2. The extent to which the quota shares of Member States have been actually used up shall be recorded on the basis of imports of the products in question which have been presented for customs clearance under cover of declarations that they have been entered into consumption, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. An item of goods may qualify for a tariff quota if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is reintroduced.

Article 4

The Commission shall take all necessary measures to ensure that the maximum amount referred to in Article 1 (3) is observed. When the charges, at Community level, of products originating in each of the countries listed in Annex B, against any one of the Community tariff quotas reach the maximum amount laid down in column 4 of Annex A, the Commission shall immediately notify the Member States of the date on which, as a result of this factor, the normal tariff is to be reintroduced in respect of the country in question. This notification shall be published in the *Official Journal of the European Communities.*

Article 5

Member States shall inform the Commission at regular intervals of imports of the products in question actually charged against their quota shares.

Article 6

Member States and the Commission shall cooperate closely to see that the provisions of the above Articles are observed.

Article 7

The above provisions may be amended to take account of the situation resulting from the accession of new Member States.

Article 8

This Regulation shall enter into force on 1 January 1973.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 December 1972.

For the Council
The President
T. WESTERTERP

ANNEX A

List of products subject to zero-duty Community tariff quotas under the Generalized Tariff Preferences granted in favour of certain developing countries

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (4)		Share of quota amounts allocated to Member States (in metric tons) (5)	
				in %	in metric tons		
1	55.05	Cotton yarn, not put up for retail sale: B. Other II. Not specified: Single, measuring per kg: — 14 000 m or less	566	30	170	Germany: Benelux: France: Italy:	212·25 85·47 153·38 114·90
2		— more than 14 000 m and up to 40 000 m	2 138	30	641	Germany: Benelux: France: Italy:	801·75 322·84 579·40 434·01
3		— more than 40 000 m and up to 80 000 m	735	30	221	Germany: Benelux: France: Italy:	275·63 110·98 199·19 149·20
4		— More than 80 000 m and up to 120 000 m	105	30	32	Germany: Benelux: France: Italy:	39·38 15·85 28·45 21·32
5	55.09	Other woven fabrics of cotton: A. Containing 85% or more by weight of cotton: ex I. Of a width of less than 85 cm — Unbleached	383	30	115	Germany: Benelux: France: Italy:	143·63 57·83 103·79 77·75

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (3)	Maximum amount per country (4)		Share of quota amounts allocated to Member States (in metric tons) (5)	
				in %	in metric tons		
6	55.09 *(cont'd)*	II. Other — Unbleached, of a width of: — 85 cm to 115 cm	1 913	30	574	Germany: Benelux: France: Italy:	717·38 288·86 518·42 388·34
7		— More than 115 cm and up to 165 cm	1 163	30	349	Germany: Benelux: France: Italy:	436·13 175·61 315·17 236·09
8		— More than 165 cm	375	30	113	Germany: Benelux: France: Italy:	140·63 56·63 101·62 76·12
9		— Not specified	158	30	47	Germany: Benelux: France: Italy:	59·25 23·86 42·82 32·07
10	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale: B. Of regenerated textile fibres	180	30	54	Germany: Benelux: France: Italy:	67·50 27·18 48·78 36·54
11	56.07	Woven fabrics of man-made fibres (discontinuous or waste): B. Of regenerated textile fibres	180	30	54	Germany: Benelux: France: Italy:	67·50 27·18 48·78 36·54
12	ex 60.03	Stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic nor rubberized: — Of cotton	83	30	25	Germany: Benelux: France: Italy:	31·13 12·53 22·49 16·85
13	62.02	Bed linen, table-linen, toilet linen and kitchen linen; curtain and other furnishing articles: — In woven fabrics of cotton	75	30	23	Germany: Benelux: France: Italy:	28·13 11·33 20·32 15·22
		— Other	44	30	13	Germany: Benelux: France: Italy:	16·50 6·64 11·93 8·93

ANNEX B

List of developing countries benefiting under the Generalized Tariff Preferences for certaiten textile products

Afghanistan

Argentina

Bangladesh

Colombia

Egypt, Arab Republic of

El Salvador

India

Jamaica

Korea, Republic of (South Korea)

Mexico

Pakistan

Thailand