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REGULATION (EEC) No 2765/72 OF THE COUNCIL
of 19 December 1972

opening, allocating and providing for the administration of Community tariff quotas for certain textile products and footwear 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 covered by Chapters 25 to 99 of the Brussels Nomenclature which originate 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 such further amount is variable and is calculated each year on the basis of the latest figures available, provided that this entails no reduction in the ceiling;

Whereas however in view of the special nature which trade in the majority of textile products referred to in this Regulation may have, it appears generally 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 products 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 20 or 30% of the ceiling laid down for each category of 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 member 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 throughout 1973; whereas with regard to the terms of the offer concerned, the abovementioned additional sum of 5% may refer to 1970;

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, for each category of these products for 1973, duty-free Community tariff quotas within the limits of the amounts in units of account or metric tons given in respect of each of these products;

Whereas charges 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 exemption 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 Regu-

lation (EEC) No 802/68 [1] of 27 June 1968 on the common definition of the concept of the origin of goods;

Whereas it is necessary to ensure equal and continuous access for all Community importers to the above-mentioned 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 made available for 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 percentage for the shares of the Member States in the Community tariff quotas, in view of the duration and the 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 in question are valid until 31 December 1973, the system thus 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 31 December 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 amounts which shall be expressed in metric tons or units of account and which shall be indicated in respect of each product in column 3 of such Annex.

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.

With regard to carpets, carpeting and rugs, mentioned in Annex A and falling under heading 58.01, the certificates of origin for these products shall state the number of knots per metre of warp.

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

[1] OJ No L 148, 28.6.1968, p. 1.

and either in metric tons or in units of account 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 amounts 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 either the values or 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 made available for consumption, where appropriate on the basis of the customs value of the products concerned, 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

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

Article 6

The 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) (a) (3)	Maximum amount per country (4)		Share of quota amounts allocated to Member States (in metric tons) (a) (5)
				in %	in metric tons (a)	
1	51.01	Yarn of man-made fibres (continuous), not put up for retail sale: ex A. Single yarns of polytetrafluorethylene B. Yarn of regenerated textile fibres: II. Other	900	30	270	Germany: 337·50 Benelux: 135·90 France: 243·90 Italy: 182·70
2	51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02	220	30	66	Germany: 82·50 Benelux: 33·22 France: 59·62 Italy: 44·66
3	56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning	4 700	70	1 410	Germany: 1 762·50 Benelux 709·70 France: 1 273·70 Italy: 954·10
4	56.02	Continuous filament tow for the manufacture, of man-made fibres (discontinuous)	600	30	180	Germany: 225·00 Benelux: 90·60 France: 162·60 Italy: 121·80
5	56.03	Waste (including yar waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning	1 000	30	300	Germany: 375·00 Benelux: 151·00 France: 271·00 Italy: 203·00
6	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale: A. Of synthetic textile fibres	365	20	73	Germany: 136·88 Benelux: 55·11 France: 98·91 Italy: 74·10

(a) Except where otherwise indicated.

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (a) (3)	Maximum amount per country (4) in %	Maximum amount per country (4) in metric tons (a)	Share of quota amounts allocated to Member States (in metric tons) (a) (5)
7	56.07	Woven fabrics of man-made fibres (discontinuous or waste): A. Of synthetic textile fibres	340	30	102	Germany: 127·50 Benelux: 51·34 France: 92·14 Italy: 69·02
8	58.01	Carpets, carpeting and rugs, knotted (made up or not): A. Of wool or of fine animal hair: — At least 350 rows of knots	1 800	20	360	Germany: 675·00 Benelux: 271·80 France: 487·80 Italy: 365·40
9		— 350 to 500 rows of knots	1 400	30	420	Germany: 525·00 Benelux: 211·40 France: 379·40 Italy: 284·20
10		— More than 500 rows of knots	7 000	50	3 500	Germany: 2 625·00 Benelux: 1 057·00 France: 1 897·00 Italy: 1 421·00
11	58.02	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanic' rugs and the like (made up or not): ex A. Carpets, carpeting, rugs, mats and matting	655	30	196	Germany: 245·63 Benelux: 98·90 France: 177·50 Italy: 132·97
12	59.04	Twine, cordage, ropes and cables, plaited or not: — Of hemp	1 600	30	480	Germany: 600·00 Benelux: 241·60 France: 433·60 Italy: 324·80
13		— Of sisal (agave sisalana)	400	30	120	Germany: 150·00 Benelux: 60·40 France: 108·40 Italy: 81·20
14		— Of synthetic textile fibres	385	30	116	Germany: 144·38 Benelux: 58·14 France: 104·33 Italy: 78·15
15		— Other, other than coconut fibres	300	30	90	Germany: 112·50 Benelux: 45·30 France: 81·30 Italy: 60·90
16	ex 60.03	Stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic nor rubberized: — Other than of cotton	170	30	51	Germany: 63·75 Benelux: 25·67 France: 46·07 Italy: 34·51

(a) Except where otherwise indicated.

Order No	CCT heading No (1)	Description (2)	Quota amount (in metric tons) (a) (3)	Maximum amount per country (4) in %	Maximum amount per country (4) in metric tons (a)	Share of quota amounts allocated to Member States (in metric tons) (a) (5)
17	60.04	Undergarments, knitted or crocheted, not elastic nor rubberized: B. Of other textile materials	1 100	20	220	Germany: 412·50 Benelux: 166·10 France: 298·10 Italy: 223·30
18	60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized: A. Outer garments and clothing accessories: ex II. Other ex B. Other	330	30	99	Germany: 123·75 Benelux: 49·83 France: 89·43 Italy: 66·99
19	64.01	Footwear with outer soles and uppers of rubber or artificial plastic material:	— in u.a. —			
		— Mid-calf boots, knee boots, thigh boots and overshoes	1 205 000	30	361 500	Germany: 451 880 Benelux: 181 950 France: 326 560 Italy: 244 610
20		— Other	376 000	30	112 800	Germany: 141 000 Benelux: 56 780 France: 101 900 Italy: 76 320
21	64.02	Footwear with outer soles of leather or composition leather; footwear (other than footwear falling within heading No 64.01) with outer soles of rubber or artificial plastic material: A. Footwear with uppers of leather	— in u.a. —			
			5 170 000	20	1 034 000	Germany: 1 938 750 Benelux: 780 670 France: 1 401 070 Italy: 1 049 510
22	64.02	Footwear (etc.) B. Other	— in u.a. —			
			3 651 000	20	730 200	Germany: 1 369 130 Benelux: 551 300 France: 989 420 Italy: 741 150

(a) Except where otherwise indicated.

ANNEX B

List of developing countries and territories benefiting under the Generalized Tariff Preferences

INDEPENDENT COUNTRIES

Afghanistan
Algeria
Argentina
Bahrain
Bangladesh
Barbados
Bhutan
Bolivia
Botswana
Brazil
Burma
Burundi
Cameroun
Central African Republic
Chad
Chile
Colombia
Congo, People's Republic of
Costa Rica
Cuba
Cyprus
Dahomey
Dominican Republic
Ecuador
Egypt, Arab Republic of
El Salvador
Equatorial Guinea
Ethiopia
Fiji
Gabon
Gambia
Ghana
Guatemala
Guinea, Republic of
Guyana
Haiti
Honduras
India
Indonesia
Iran
Iraq
Ivory Coast
Jamaica
Jordan
Kenya
Khmer Republic
Korea, Republic of (South Korea)
Kuwait
Laos
Lebanon
Lesotho
Liberia
Libya
Malagasy Republic
Malawi
Malaysia
Maldive Islands
Mali
Mauritania
Mauritius
Mexico
Morocco
Nauru
Nepal
Nicaragua
Niger
Nigeria, Federal Republic of
Pakistan
Panama
Paraguay
Peru
Philippines
Qatar
Rwanda
Saudi Arabia
Senegal
Sierra Leone
Singapore
Somalia
South Vietnam
Southern Yemen
Sri Lanka
Sudan
Swaziland
Syria
Tanzania
Thailand
Togo
Tonga
Trinidad and Tobago
Tunisia
Uganda
Union of Arab Emirates:
- Abu Dhabi
- Dubai
- Ras al Khaimah
- Sharjah
- Ajman
- Umm al Qaiwain
- Fujairah

Upper Volta
Uruguay
Venezuela
Western Samoa
Yemen
Yugoslavia
Zaire, Democratic Republic of
Zambia