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REGULATION (EEC) No 2766/72 OF THE COUNCIL
of 19 December 1972

establishing preferential tariffs in respect of 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 of the trade in textile products falling under Chapters 50 to 63 of the Common Customs Tariff which are referred to in this Regulation, it is expedient to calculate the ceilings concerned in terms of metric tons;

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, 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 allow, for each category of these products and throughout 1973, duty-free imports within the limits of the Community ceilings calculated in the manner set out above; 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 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;

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

Whereas, under these circumstances, these objectives may be reached by applying a method of administration based on the charging, at Community level, against the abovementioned ceilings and maximum amounts, of imports of the products concerned as and when these products are presented for customs clearance under cover of declarations that they have been made available for consumption and accompanied by a certificate of origin; whereas this method of administration must make provision for the reintroduction of Common Customs Tariff duties as soon as the said ceilings or maximum amounts are reached at Community level;

Whereas such method of administration calls for very close and particularly rapid cooperation between Member States and the Commission, which must, in particular, be able to observe the extent to which charges are made against the ceilings and maximum amounts and inform Member States thereof; whereas such cooperation should be particularly close in view of the need for the Commission to be able to take appropriate measures to reintroduce Common Customs Tariff duties either generally or individually, when any of the ceilings of maximum amounts is reached;

Whereas, since the ceilings concerned are valid until 31 December 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 31 December 1973, the Common Customs Tariff duties on the products listed in Annex A shall be totally suspended, subject to the provisions of Article 2 and Article 4 (2) of this Regulation.

2. This suspension shall be enjoyed solely by products originating in the countries listed in Annex B. However imports already enjoying exemption from customs duties under other preferential tariff arrangements granted by the Community shall not be charged against the ceilings specified in paragraph 3. 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. Subject to the provisions of Article 2 and Article 4 (2) this suspension shall be granted, in respect of each category of products, within a Community ceiling which shall be equal to the amount obtained by adding together in metric tons in respect of textile products of Chapters 50 to 63, listed in Annex A, and in units of account in respect of Articles of Chapter 64 listed in that Annex, imports in 1968 of the products concerned to the Community from the countries listed in Annex B, excluding those already enjoying various preferential tariff arrangements granted by the Community, and 5% of the tonnage of imports in 1970 from other countries and from countries already enjoying such arrangements.

4. Subject to the provisions of Article 2 and Article 4 (2), within each ceiling thus calculated, charges of products originating in any one of the countries listed in Annex B should not exceed a Community maximum amount equivalent to 50% of this ceiling.

5. Any amendment to Annex B in particular by the addition of new countries enjoying tariff preferences may entail a corresponding adjustment to the Community ceilings and the maximum amounts referred to in paragraphs 3 and 4.

Article 2

1. As soon as the ceilings calculated in accordance with the provisions of Article 1 (3), which are laid down for Community imports of products originating in all of the countries referred to in Article 1 (2), are reached at Community level, the levying of Common Customs Tariff duties on imports of the products in question from all the countries concerned may be reintroduced until the end of the period referred to in Article 1 (1).

2. As soon as the maximum amounts calculated in accordance with the provisions of Article 1 (4), which are laid down for Community imports of products originating in each of the countries referred to in Article 1 (2), are reached for any one of these countries at Community level, the levying of the Common Customs Tariff duties on imports of the products in question from the country concerned may at any time be reintroduced until the end of the period referred to in Article 1 (1).

Article 3

1. Imports of the products in question shall be actually charged against the Community ceilings and maximum amounts as and when the products are presented for customs clearance under cover of declarations that they have been entered into consumption, and, except for the textile products of Chapters 50 to 63 referred to in Annex A, on the basis of the customs value of these products, and provided that they are accompanied by a certificate of origin pursuant to the rules laid down in Article 1 (2).

2. An item of goods may be charged against a ceiling or maximum amount only if the certificate of origin referred to in paragraph 1 is submitted before the date on which the levying of duties is reintroduced

3. The extent to which the ceilings and maximum amounts have been actually used up shall be recorded at Community level on the basis of the imports charged in the conditions laid down in paragraphs 1 and 2.

Article 4

1. The Commission, in close cooperation with the Member States, shall take all necessary measures to ensure that the above provisions are applied.

2. The Commission shall reintroduce the levying of Common Customs Tariff duties in respect of all the countries referred to in Article 1 (2) or in respect of any one of them by means of a Regulation in the conditions laid down in Article 2 (1) and (2).

Article 5

Member States shall inform the Commission at regular intervals of imports of the products in question actually charged against the Community ceilings and maximum amounts laid down in Article 1 (3) and (4).

Article 6

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

Article 7

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 originating in developing countries to which the Generalized Tariff Preferences for certain textile products and footwear will apply

CHAPTER 50

50.04	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale
50.05	Yarn spun from silk waste other than noil, not put up for retail sale
50.06	Yarn spun from noil silk, not put up for retail sale
50.07	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale
50.08	Silk-worm gut; imitation catgut of silk
50.09	Woven fabrics of silk or of waste silk other than noil
50.10	Woven fabrics of noil silk

CHAPTER 51

51.02	Monofil, strip (artifical straw and the like) and imitation catgut, of man-made fibre materials
51.03	Yarn of man-made fibres (continuous), put up for retail sale

CHAPTER 52 METALLIZED TEXTILES

CHAPTER 53

53.06	Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale
53.07	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale
53.08	Yarn of fine animal hair (carded or combed), not put up for retail sale
53.09	Yarn of horsehair or of other coarse animal hair, not put up for retail sale
53.10	Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse) put up for retail sale
53.11	Woven fabrics of sheep's or lambs' wool or of fine animal hair
53.12	Woven fabrics of coarse animal hair other than horsehair
53.13	Woven fabrics of horsehair

CHAPTER 54

54.03	Flax or ramie yarn, not put up for retail sale
54.04	Flax or ramie yarn, put up for retail sale

CHAPTER 56

56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning
56.06	Yarn of man-made fibres (discontinuous or waste), put up for retail sale

CHAPTER 57

57.05	Yarn of true hemp
57.07	Yarn of other vegetable textile fibres:
	B. Other
57.08	Paper yarn
57.09	Woven fabrics of true hemp
ex 57.11	Woven fabrics of other vegetable textile fibres
57.12	Woven fabrics of paper yarn

CHAPTER 58

58.01	Carpets, carpeting and rugs, knotted (made up or not)
	B. Of silk, of waste silk other than noil, of synthetic textile fibres, of yarn falling within heading No 52.01 or of metal threads
	ex C. Of other textile materials
58.02	Other carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Keramanic' rugs and the like (made up or not):
	ex A. Carpets, carpeting, rugs, mats and matting
	B. 'Kelem', 'Schumacks' and 'Keramanic' rugs and the like
58.03	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needleworked tapestries (for example, petit point and cross stitch) made in panels and the like by hand
58.05	Narrow woven fabrics, and narrow fabrics (holduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06
58.06	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size
58.07	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like
58.08	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics) plain
58.09	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs

CHAPTER 59

59.01	Wadding and articles of wadding; textile flock and dust and mill neps:
	A. Wadding and articles of wadding
	B. Flock and dust and mill neps:
	I. Of man-made fibres
59.02	Felt and articles of felt, whether or not impregnated or coated
59.03	Bonded fibre fabrics, similar bonded yarn fabrics, and articles of such fabrics, whether or not impregnated or coated
59.05	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope
59.06	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics and articles made from such fabrics
59.07	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like, tracing cloth; prepared painting canvas; buckram and similar fabrics for hat foundations and similar uses
59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials
59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil
59.10	Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings; floor coverings consisting of a coating applied on a textile base, cut to shape or not
59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods
59.12	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back-cloths or the like
59.13	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads
59.14	Wicks, of woven, plaited or knitted textile materials, for lamps, stoves, lighters, candles and the like; tubular knitted gas-mantle fabric and incandescent gas mantles
59.15	Textile hosepiping and similar tubing, with or without lining, armour or accessories of other materials
59.16	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material
ex 59.17	Textile fabrics and textile articles, of a kind commonly used in machinery or plant

CHAPTER 60

60.01	Knitted or crocheted fabrics, not elastic nor rubberized:
	A. Of wool or of fine animal hair

ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic nor rubberized
60.05	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized:
	A. Outer garments and clothing accessories:
	I. Jerseys and pullovers, containing at least 50% by weight of wool and weighing 600 g or more per article
60.06	Knitted or crocheted fabric and articles thereof, elastic or rubberized (including elastic knee-caps and elastic stockings)
	B. Other

CHAPTER 61

ex 61.04	Women's, girls' and infants' undergarments
61.06	Shawls, scarves, mufflers, mantillas, veils and the like
61.07	Ties, bow ties and cravats
61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments
61.09	Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic
61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods
61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets)

CHAPTER 62

62.01	Travelling rugs and blankets:
	A. Electrically heated
	B. Other
	II. Of other textile materials
62.03	Sacks and bags, of a kind used for the packing of goods:
	B. Of other textile materials:
	I. Used
	a) of flax or of sisal
	ex b) Other
ex 62.05	Other made up textile articles (including dress patterns)

CHAPTER 63

ex 63.01	Clothing, clothing accessories, travelling rugs and blankets, household linen and furnishing articles (other than articles falling within heading No 58.01, 58.02 or 58.03), of textile materials, footwear and headgear of any material, showing signs of appreciable wear and imported in bulk or in bales, sacks or similar bulk packings

CHAPTER 64

64.03	Footwear with outer soles of wood or cork
64.04	Footwear with outer soles of other materials
64.05	Parts of footwear (including uppers, in-soles and screw-on heels) of any material except metal
64.06	Gaiters, spats, leggings, puttees, cricket pads, shin-guards and similar articles, and parts thereof

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