# REGULATION (EEC) No 2171/73 OF THE COUNCIL

## of 8 August 1973

## opening, allocating and providing for the administration of a Community tariff quota for certain textile products originating in Yugoslavia

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 framework of UNCTAD the European Economic Community offered to grant tariff preferences on finished and semi-finished products originating in developing countries; whereas the preferential treatment proposed in that offer covers, generally speaking, all finished and semi-finished products falling within Chapters 25 to 99 of the Brussels Nomenclature and originating in developing countries;

Whereas, however, in respect of cotton textile products covered by the Long-term Agreement on International Trade in Cotton Textiles (1), the offer made by the Community lays down that the preferences, in the form of duty-free ceilings, will be granted to the countries benefiting from generalized preferences which are signatories to the Long-term Agreement or possibly to those countries benefiting from generalized preferences which undertake in respect of the Community commitments similar to those existing under that Agreement and for its duration, which has been extended until 31 December 1973; whereas, having particular regard to the relation which Article 6 of the Long-term Agreement establishes between cotton products and substitute products, it appears justified 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 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that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise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, for the various categories of textile products in question, Council Regulation (EEC) No 2763/72 (2) of 19 December 1972 opening, allocating and providing for the administration of Community tariff quotas for certain textile products originating in developing countries and Council Regulation (EEC) No 2764/72 (3) of 19 December 1972 establishing preferential tariffs in respect of certain textile products originating in developing countries put into effect for the Member States of the Community as originally constituted the abovementioned offer for the first nine months of 1973 in favour of those developing countries satisfying the conditions outlined above and listed in Annex B to those Regulations; whereas having regard to the abovementioned extension of the Long-term Agreement, Regulations similar to those referred to above shall cover the last three months of 1973; whereas Yugoslavia for its part has recently entered into commitments similar to those made under the Long-term Agreement; whereas Yugoslavia should, therefore, also be granted the benefit of tariff preferences for the textile products in question and also for the whole of the year 1973; whereas, in order not to affect the advantages which the present beneficiaries enjoy for the like products, separate ceilings at zero duty should be opened exclusively for products originating in Yugoslavia; whereas each of these ceilings should under normal conditions be equal to the maximum amount fixed by Regulations (EEC) No 2763/72 and (EEC) No 2764/72 for corresponding products, with a lower limit of 10 % and an upper limit of 100 % of the quantities of the types of products in question exported from Yugoslavia to the Community in 1968;

Whereas the Community should, therefore, for the period to 31 December 1973, open Community duty-free tariff quotas in respect of the products listed in the Annex to this Regulation up to the amounts specified in metric tons for each of them; whereas the benefit of these tariff quotas should

(1) OJ No L 225, 12. 10. 1970, p. 29.

(2) OJ No L 296, 30. 12. 1972, p. 63.
(3) OJ No L 296, 30. 12. 1972, p. 69.

apply only to products originating in Yugoslavia, and the concept of origin of the goods should be determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods (1);

Whereas a scheme of allocation of Community tariff quotas among the Member States of the Community as originally constituted would appear to conform to the Community character of those quotas; 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, 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 on the basis of general economic criteria, ie 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, since the quotas involved are relatively small it appears possible, without affecting the Community nature of the tariff quotas under consideration, to provide at this stage for a utilization scheme based on a single allocation among the Member States; whereas such allocation could be made according to the percentages set out in the table above;

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;

(1) OJ No L 148, 28. 6. 1968, p. 1.

Whereas, since the tariff quotas in question are valid until 31 December 1973, the system established could be amended under the Protocol No 23 to the Act annexed to the Treaty (2) on the Accession of new Member States to the European Economic Community and the European Atomic Energy Community;

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Until 31 December 1973, the Common Customs Tariff duties on the products listed in the Annex to this Regulation shall be totally suspended for Community tariff quotas up to the volume in metric tons indicated in column 3 of that Annex in respect of each of those products.

2. The tariff quotas referred to shall be granted only to products originating in Yugoslavia. For the purposes of this Regulation the origin of the goods shall be determined in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 802/68.

*Article 2*

The Community tariff quotas referred to in Article 1 (1) shall be allocated among the Member States in quota shares equal to the amounts indicated in column 4 of the Annex in respect of each type of product.

*Article 3*

1. The Member States shall ensure free access to the quota share which has 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 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.

(2) OJ No L 73, Special Edition, 27. 3. 1972, p. 178.

*Article 4*

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

*Article 5*

Member States and the Commission shall cooperate closely to see that the preceding provisions are observed.

*Article 6*

The foregoing provisions may be amended under Protocol No 23 to the Act annexed to the Treaty of Accession.

*Article 7*

This Regulation shall enter into force on the third day following 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, 8 August 1973.

*For the Council*

*The President*

I. NØRGAARD

*ANNEX*

**List of products originating in Yugoslavia covered by Community duty-free tariff quotas as part of the generalized tariff preferences**

| Item No | CCT heading No | Description | Quota volume (in metric tons) | Volume of quota shares allocated to Member States (in metric tons) | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | |
| 1 | 55.05 | Cotton yarn, not put up for retail sale: | | | |
| | | B. Other: | | | |
| | | II. Other: | | | |
| | | Measuring, per single yarn, per kilo: | | | |
| | | — 14 000 m or less | 55 | Germany: | 20·62 |
| | | | | Benelux: | 8·31 |
| | | | | France: | 14·91 |
| | | | | Italy: | 11·16 |
| 2 | | — more than 14 000 m but not more than 40 000 m | 855 | Germany: | 320·62 |
| | | | | Benelux: | 129·11 |
| | | | | France: | 231·71 |
| | | | | Italy: | 173·56 |
| 3 | | — more than 40 000 m but not more than 80 000 m | 295 | Germany: | 110·63 |
| | | | | Benelux: | 44·55 |
| | | | | France: | 79·94 |
| | | | | Italy: | 59·88 |
| 4 | | — more than 80 000 m but not more than 120 000 m | 43 | Germany: | 16·13 |
| | | | | Benelux: | 6·49 |
| | | | | France: | 11·65 |
| | | | | Italy: | 8·73 |
| 5 | 55.09 | Other woven fabrics of cotton: | | | |
| | | A. Containing 85 % or more by weight of cotton: | | | |
| | | I. of a width of less than 85 cm | | | |
| | | — unbleached | 24 | Germany: | 9·00 |
| | | | | Benelux: | 3·63 |
| | | | | France: | 6·50 |
| | | | | Italy: | 4·87 |
| 6 | | — other | 76 | Germany: | 28·50 |
| | | | | Benelux: | 11·48 |
| | | | | France: | 20·59 |
| | | | | Italy: | 15·43 |
| 7 | | II. Other: | | | |
| | | — unbleached, of a width: | | | |
| | | — of 85 cm or more but not more than 115 cm | 765 | Germany: | 286·87 |
| | | | | Benelux: | 115·52 |
| | | | | France: | 207·32 |
| | | | | Italy: | 155·29 |

| Item No | CCT heading No | Description | Quota volume (in metric tons) | Volume of quota shares allocated to Member States (in metric tons) |
|---|---|---|---|---|
| | 1 | 2 | 3 | 4 |
| 8 | | — more than 115 cm but not more than 165 cm | 465 | Germany: 174·37<br>Benelux: 70·22<br>France: 126·02<br>Italy: 94·39 |
| 9 | | — more than 165 cm | 151 | Germany: 56·63<br>Benelux: 22·80<br>France: 40·92<br>Italy: 30·65 |
| 10 | | Other:<br>— printed | 53 | Germany: 19·88<br>Benelux: 8·00<br>France: 14·36<br>Italy: 10·76 |
| 11 | | — other | 53 | Germany: 19·88<br>Benelux: 8·00<br>France: 14·36<br>Italy: 10·76 |
| 12 | 56.05 | Yarn of man-made fibres (discontinuous or waste) not put up for retail sale<br>B. Of regenerated textile fibres | 72 | Germany: 27·00<br>Benelux: 10·87<br>France: 19·51<br>Italy: 14·62 |
| 13 | 56.07 | Woven fabrics of man-made fibres (discontinuous or waste):<br>B. Of regenerated textile fibres:<br>— printed | 100 | Germany: 37·50<br>Benelux: 15·10<br>France: 27·10<br>Italy: 20·30 |
| 14 | | — other | 100 | Germany: 37·50<br>Benelux: 15·10<br>France: 27·10<br>Italy: 20·30 |
| 15 | ex 60.03 | Stockings, under stockings, socks, ankle-sock, sockettes and the like, knitted or crocheted, not elastic or rubberized:<br>— of cotton | 17 | Germany: 6·37<br>Benelux: 2·57<br>France: 4·61<br>Italy: 3·45 |

| Item No | CCT heading No<br>1 | Description<br>2 | Quota volume (in metric tons)<br>3 | Volume of quota shares allocated to Member States (in metric tons)<br>4 | |
|---|---|---|---|---|---|
| 16 | 60.04 | Undergarments, knitted or crocheted, not elastic or rubberized: | | | |
| | | A. Of cotton | 72 | Germany:<br>Benelux:<br>France:<br>Italy: | 27·00<br>10·87<br>19·51<br>14·62 |
| 17 | 61.01 | Men's and boys' outer garments: | | | |
| | | — other than of cotton fabric | 191 | Germany:<br>Benelux:<br>France:<br>Italy: | 71·63<br>28·84<br>51·76<br>38·77 |
| 18 | 62.02 | Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles: | | | |
| | | — of cotton fabric | 31 | Germany:<br>Benelux:<br>France:<br>Italy: | 11·63<br>4·68<br>8·40<br>6·29 |
| 19 | | — other | 4 | Germany:<br>Benelux:<br>France:<br>Italy: | 1·50<br>0·61<br>1·08<br>0·81 |