REGULATION (EEC) No 2172/73 OF THE COUNCIL

of 8 August 1973

opening tariff preferences 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 context 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 draw 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that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise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] 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 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 to tariff preferences for the abovementioned textile products 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 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 class of products in question exported from Yugoslavia to the Community in 1968; whereas these ceilings must be adjusted in order to take account of certain special cases where there are no deliveries from Yugoslavia;

Whereas, therefore, in respect of each of the classes of products listed in the Annex to this Regulation, the Community should until 31 December 1973 allow duty-free imports up to the Community ceilings indicated opposite each of those classes; whereas the benefit of these tariff quotas should be granted only for products originating in Yugoslavia, and the concept of the origin of the goods should be determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No

[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.

802/68 [1] of 27 June 1968 on the common definition of the concept of the origin of goods;

Whereas in the event these objectives may be attained by a method of administration based on the charging at Community level of imports of the products in question against the ceilings as and when the products are presented for customs clearance under cover of declarations that they have been entered into consumption accompanied by a certificate of origin; whereas this form of administration should make it possible to reintroduce Common Customs Tariff duties as soon as the ceilings have been reached at Community level;

Whereas this form of administration requires close and particularly rapid collaboration between the Member States and the Commission, and the Commission must in particular be able to follow the extent to which charges are made in respect of the ceilings and inform the Member States thereof; whereas this collaboration must be sufficiently close for the Commission to be able to take adequate measures to reintroduce the Common Customs Tariff duties;

Whereas, since the ceilings in question are valid until 31 December 1973, the system thus established could be amended under Protocol No 23 to the Act annexed to the Treaty [2] on the Accession of new Member States to the European Economic Community;

HAS ADOPTED THIS REGULATION:

Article 1

1. Until 31 December 1973, subject to Articles 2 and 4 (2), the Common Customs Tariff duties on the products listed in the Annex shall be totally suspended for Community ceilings up to the volume in metric tons indicated in column 3 opposite each of those products.

2. The benefit of the suspension referred to in paragraph 1 is granted only for 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

As soon as the ceilings indicated in column 3 of the Annex have been reached at Community level, the Common Customs Tariff duties may be reintroduced at any time on imports of products originating in Yugoslavia, until the end of the period specified in Article 1 (1).

Article 3

1. Imports of the products in question shall be actually charged against the Community ceilings as and when the products are presented for customs clearance under declarations that they have been entered into consumption, accompanied by a certificate of origin pursuant to the rules laid down in Article 1 (2).

2. Goods may be charged against a ceiling 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 have actually been used up shall be ascertained at a Community level on the basis of imports charged in accordance with paragraphs 1 and 2.

Article 4

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

2. The Commission shall, by means of a Regulation, reintroduce the levying of Common Customs Tariff duties in respect of Yugoslavia, in accordance with Article 2.

Article 5

The Member States shall regularly inform the Commission of imports which are actually charged against the Community ceilings provided for in Article 1 (1).

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

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[1] OJ No L 148, 28. 6. 1968, p. 1.
[2] OJ No L 73, 27. 3. 1972, p. 178.

ANNEX

List of the products originating in Yugoslavia which are covered by generalized tariff preferences for certain textile products

Item No	CCT heading No 1	Description 2	Community ceiling (in metric tons) 3
1	54.05	Flax or ramie yarn	24
2	55.05	Cotton yarn, not put up for retail sale:	
		A. Multiple or cabled, finished, in balls or on cards, reels, tubes or similar supports of a weight (including support) not exceeding 900 g	9·5
3		B. Other:	
		I. Measuring, per single yarn, 120 000 m or more per kg	8
4	55.06	Cotton yarn, put up for retail sale	3
5	55.07	Cotton gauze	4
6	55.08	Terry towelling and similar terry fabrics, of cotton	8
7	55.09	Other woven fabrics of cotton:	
		B. Other	60
8	58.04	Woven pile fabrics and chenile fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05)	51
9	58.10	Embroidery, in the piece, in strips or in motifs	19
10	60.01	Knitted or crocheted fabric, not elastic nor rubberized	10
		B. Of man-made fibres	
		C. Of other textile materials	
11	ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, of cotton	10
12	60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized	30
		A. Outer garments and clothing accessories:	
		ex II. Other, of cotton	
		ex B. Other, of cotton	
	60.06	Knitted or crocheted fabric and articles thereof, elastic or rubberized (including elastic knee-caps and elastic stockings):	
		A. Fabric:	
13		— in cotton fabric	3
14		— other	3

Item No	CCT heading No 1	Description 2	Community ceiling (in metric tons) 3
	61.01	Men's and boys' outer garments:	
15		— in cotton fabric	30
	61.02	Women's, girls' and infants' outer garments	
16		— in cotton fabric	60
17		— other	76
	61.03	Men's and boys' undergarments, including collars, shirtfronts and cuffs:	
18		— in cotton fabric	60
19		— other	60
20	ex 61.04	Women's, girls' and infants' undergarments, of cotton	32·5
21	61.05	Handkerchiefs	19
22	62.01	Travelling rugs and blankets:	
		B. Other:	
		I. of cotton	9·5
23	62.03	Sacks and bags, of a kind used for the packing of goods	55·5
		B. Of other textile materials:	
		I. Used:	
		ex (b) other:	
		— in cotton fabric	
		ex II. Other:	
		— in cotton fabric	
24	62.04	Tarpaulins, sails, awning, sunblinds, tents and camping goods	60