I

(Acts whose publication is obligatory)

REGULATION (EEC) No 2628/73 OF THE COUNCIL

of 26 September 1973

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 of 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 cif 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 cif 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 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; 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 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, 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; whereas application of the said preferences has been confined, in respect of the cotton textiles and substitute textiles concerned above, to the first nine months of 1973 by Council Regulation (EEC) No 2763/72 [1] of 19 December 1972 opening, allocating and providing for the administration of Community tariff quotas for certain textile products originating in developing countries, the Long-term Arrangement regarding International Trade in Cotton Textiles being due to expire on 30 September 1973; whereas the said Arrangement has been prorogued until the end of 1973; and whereas these circumstances betoken renewed application of the said preferences, *pro rata temporis,* for the last quarter of 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 for the last quarter of 1973, duty-free Community tariff quotas within the limits of the amounts, in 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 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 [2] 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 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;

---

[1] OJ No L 296, 30. 12. 1972, p. 63.
[2] OJ No L 148, 28. 6. 1968, p. 1.

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 31 December 1973, the system established could be amended under the provisions of Protocol No 23 annexed to the Act joined to the Treaty of Accession (1),

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 October 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 volumes which shall be expressed in metric tons 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.

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.

(1) OJ Special Edition, 27. 3. 1972, p. 178.

Article 7

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

Article 8

This Regulation shall enter into force on 1 October 1973.

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

Done at Brussels, 26 September 1973.

For the Council

The President

I. NØRGAARD

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	189	30	57	Germany: Benelux: France: Italy:	70·87 28·54 51·22 38·37
2		— more than 14 000 m and up to 40 000 m	712	30	214	Germany: Benelux: France: Italy:	267·00 107·51 192·95 144·54
3		— more than 40 000 m and up to 80 000 m	245	30	73	Germany: Benelux: France: Italy:	91·88 36·99 66·39 49·74
4		— More than 80 000 m and up to 120 000 m	35	30	10	Germany: Benelux: France: Italy:	13·12 5·28 9·49 7·11
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	127	30	38	Germany: Benelux: France: Italy:	47·62 19·18 34·42 25·78
6		II. Other					
		— Unbleached, of a width of:					
		— 85 cm to 115 cm	637	30	191	Germany: Benelux: France: Italy:	238·87 96·19 172·63 129·31
7		— More than 115 cm and up to 165 cm	387	30	116	Germany: Benelux: France: Italy:	145·12 58·44 104·88 78·56
8		— More than 165 cm	125	30	37	Germany: Benelux: France: Italy:	46·87 18·88 33·87 25·38
9		— Not specified	52	30	16	Germany: Benelux: France: Italy:	19·50 7·85 14·09 10·56

Order No	CCT heading No	Description	Quota amount (in metric tons)	Maximum amount per country (4)		Share of quota amounts allocated to Member States (in metric tons)	
				in %	in metric tons		
	(1)	(2)	(3)			(5)	
10	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale:					
		B. Of regenerated textile fibres	60	30	18	Germany: Benelux: France: Italy:	22·50 9·06 16·26 12·18
11	56.07	Woven fabrics of man-made fibres (discontinuous or waste):					
		B. Of regenerated textile fibres	60	30	18	Germany: Benelux: France: Italy:	22·50 9·06 16·26 12·18
12	ex 60.03	Stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic nor rubberized:					
		— Of cotton	27	30	8	Germany: Benelux: France: Italy:	10·12 4·08 7·32 5·48
13	62.02	Bed linen, table-linen, toilet linen and kitchen linen; curtain and other furnishing articles:					
		— In woven fabrics of cotton	35	30	10	Germany: Benelux: France: Italy:	13·13 5·28 9·48 7·11
14		— Other	14	30	4	Germany: Benelux: France: Italy:	5·25 2·12 3·79 2·84

ANNEX B

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

Afghanistan
Argentina
Bangladesh
Colombia
Egypt, Arab Republic of
El Salvador
India
Jamaica
Korea, Republic of (South Korea)
Mexico
Pakistan
Philippines
Thailand