REGULATION (EEC) No 3505/73 OF THE COUNCIL

of 18 December 1973

opening preferential tariffs 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;

Having regard to the Opinion of the European Parliament;

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 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 normally 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, (basic amount) plus 5% of the value of cif imports from the other countries and from the countries already enjoying such arrangements (additional amount); whereas such additional 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 within 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 stating 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, moreover, the Conference of Heads of State or of Government of the Member States and the States acceding to the European Communities held in Paris from 19 to 21 October 1972 invited the Community institutions and the Member States to adopt an overall policy of development cooperation on a worldwide scale comprising in particular the improvement of generalized preferences with the aim of achieving a steady increase in imports of manufactures from the developing countries;

Whereas tariff preferences have been applied from the second half of 1971 under the conditions set out above and whereas these preferences should continue to be applied throughout 1974;

Whereas, in accordance with Protocol No 23 to the Act of Accession [1], the generalized tariff preference scheme will be applicable in the new Member States from 1 January 1974;

Whereas, having regard to the terms of the offer concerned and to the need to improve the generalized preferences, the abovementioned basic and additional amounts should normally refer to 1971; whereas, however, in respect of textile products, the complexity of the measures to be implemented, combined with the abovementioned aim of improving the generalized preferences can be overcome normally only be means

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[1] OJ No L 73, 27. 3. 1972, p. 14.

of a flat-rate increase of some 50% in the ceilings fixed for 1973, the calculations for the additional amount of the ceilings having already been made on the basis of 1970 figures;

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 1974, 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;

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 entered for home use, and are accompanied by a certificate of origin; whereas this method of administration must make provision for the reintroduction of customs 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 customs duties either generally or individually, when any of the ceilings or maximum amounts is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1974 the Common Customs Tariff duties and the tariff duties of the new Member States on the products listed in Annex A shall, subject to Article 2 and Article 4 (2), be totally suspended.

Ireland is authorized to apply customs duties equal to the duties it applies in respect of the same products *vis-à-vis* Member States other than the United Kingdom.

2. This suspension 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 shall not be charged against the ceilings specified in paragraph 3. For the purposes 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 No 58.01 ex A, the certificates of origin for these products shall state the number of knots per metre of warp.

3. Subject to the provisions of Article 2 and Article 4 (2) this suspension shall be granted within a Community ceiling:

— expressed in units of account, which shall be equal to the amount obtained by adding together, on the one hand, the imports of each of the products of Chapter 64, listed in Annex A, to the Community in 1971 from the countries listed in Annex B, excluding those already enjoying various preferential tariff arrangements granted by the Community, and, on the other hand, 5% of the value of imports in 1971 from other countries and from countries already enjoying such arrangements.

— expressed in metric tons, which shall be equal to 150% of the amount obtained by adding together, on the one hand, the imports of each of the textile products of Chapters 50 to 63, listed in Annex A, to the Community in 1968 from the countries listed in Annex B, excluding those already enjoying various preferential tariff arrangements granted by the Community, and, on the other hand, 5% of the tonnage of imports in 1970 from other countries and from countries already enjoying such arrangements.

4. Subject to 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.

[1] OJ No L 148, 28. 6. 1968, p. 1.

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 first subparagraph 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 customs 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 the first subparagraph of Article 1 (1).

2. As soon as the maximum amounts calculated in accordance with 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 customs 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 the first subparagraph of 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 entered for home use, 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. Goods may be charged against a ceiling or maximum amount only if the certificate of origin referred to above is presented before the date on which the levying of duties is reintroduced.

3. The extent to which the ceilings and maximum amounts have been actually filled shall be determined at Community level on the basis of the imports charged in accordance with 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 customs 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 ceiling and maximum amounts laid down in Article 1 (3) and (4).

Article 6

This Regulation shall enter into force on 1 January 1974.

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

Done at Brussels, 18 December 1973.

For the Council

The President

I. NØRGAARD

ANNEX A

List of products originating in developing countries to which the generalized tariff preferences for certain textile products and footwear will apply (a)

Order No	CCT heading No	Description
	CHAPTER 50	
1	50.04	Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale
2	50.05	Yarn spun from silk waste other than noil, not put up for retail sale
3	50.06	Yarn spun from noil silk, not put up for retail sale
4	50.07	Silk yarn and yarn spun from noil or other waste silk, put up for retail sale
5	50.08	Silk-worm gut; imitation catgut of silk
6	50.09	Woven fabrics of silk or of waste silk other than noil
7	50.10	Woven fabrics of noil silk
	CHAPTER 51	
8	51.02	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials
9	51.03	Yarn of man-made fibres (continuous), put up for retail sale
10	CHAPTER 52	METALLIZED TEXTILES
	CHAPTER 53	
11	53.06	Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale
12	53.07	Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale
13	53.08	Yarn of fine animal hair (carded or combed), not put up for retail sale

(a) Products qualifying, under the ordinary arrangements for exemption or total temporary suspension of the Common Customs Tariff duty are only token entries as regards the Member States of the Community as originally constituted, whereas the exemption or suspension is directly and fully applicable by the new Member States under the present arrangements, except for Ireland, which is authorized to apply customs duties equal to the duties it applies in respect of the same products *vis-à-vis* Member States other than the United Kingdom.

Order No	CCT heading No	Description
14	53.09	Yarn of horsehair or of other coarse animal hair, not put up for retail sale
15	53.10	Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse), put up for retail sale
16	53.11	Woven fabrics of sheep's or lambs' wool or of fine animal hair
17	53.12	Woven fabrics of coarse animal hair other than horsehair
18	53.13	Woven fabrics of horsehair
	CHAPTER 54	
19	54.03	Flax or ramie yarn, not put up for retail sale
20	54.04	Flax or ramie yarn, put up for retail sale
	CHAPTER 56	
21	56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning (1)
22	56.02	Continuous filament tow for the manufacture of man-made fibres (discontinuous) (1)
23	56.03	Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning (1)
24	56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning
25	56.06	Yarn of man-made fibres (discontinuous or waste), put up for retail sale
	CHAPTER 57	
26	57.05	Yarn of true hemp
27	57.07	Yarn of other vegetable textile fibres: B. Other
28	57.08	Paper yarn
29	57.09	Woven fabrics of true hemp
30	ex 57.11	Woven fabrics of other vegetable textile fibres, excluding those of coir
31	57.12	Woven fabrics of paper yarn

(1) For products falling within this heading, the maximum Community amount referred to in Article 1 (4) of this Regulation is reduced to 30%.

Order No	CCT heading No	Description
	CHAPTER 58	
	58.01	Carpets, carpeting and rugs, knotted (made up or not):
32		ex A. Of more than 500 knots
33		B. Of silk, or waste silk other than noil, of synthetic textiles fibres, of yarn falling within heading No 52.01 or of metal threads
34		ex C. Of other textile materials other than jute or other textile bast fibres of heading No 57.03 or coir
	58.02	Other Carpets, carpeting, rugs, mats and matting, and 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like (made up or not)
35		ex A. Carpets other than of jute or other textile bast fibres of heading No 57.03 or coir
36		B. 'Kelem', 'Schumacks' and 'Karamanie' rugs and the like
37	58.03	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point and cross stitch) made in panels and the like by hand
38	58.05	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06
39	58.06	Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size
40	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
41	58.08	Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics) plain
42	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	
43	59.01	Wadding and articles of wadding; textile flock and dust and mill neps
44	59.02	Felt and articles of felt, whether or not impregnated or coated
45	59.03	Bonded fibre fabrics, similar bonded yarn fabrics, and articles of such fabrics, whether or not impregnated or coated
46	59.05	Nets and netting made of twine, cordage or rope and made up fishing nets of yarn, twine, cordage or rope
47	59.06	Other articles made from yarn, twine, cordage, rope or cables other than textile fabrics and articles made from such fabrics

Order No	CCT heading No	Description
48	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
49	59.08	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials
50	59.09	Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil
51	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
52	59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods
53	59.12	Textile fabrics otherwise impregnated or coated; painting canvas being theatrical scenery, studio back-cloths or the like
54	59.13	Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads
55	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
56	59.15	Textile hosepiping and similar tubing, with or without lining, armour or accessories of other materials
57	59.16	Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material
58	59.17	Textile fabrics and textile articles, of a kind commonly used in machinery or plant
	CHAPTER 60	
59	60.01	Knitted or crocheted fabrics, not elastic or rubberized A. Of wool or of fine animal hair
60	ex 60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, other than of cotton
61	60.05	Outer garments and other articles, knitted or crocheted, not elastic or rubberized: A. Outer garments and clothing accessories: 1. Jerseys and pullovers, containing at least 50 % by weight of wool and weighing 600 g or more per article

Order No	CCT heading No	Description
62	60.06	Knitted or crocheted fabric and articles thereof, elastic or rubberized (including elastic knee-caps and elastic stockings): B. Other
	CHAPTER 61	
63	ex 61.04	Women's girls' and infants' under garments, other than of cotton
64	61.06	Shawls, scarves, mufflers, mantillas, veils and the like
65	61.07	Ties, bow ties and cravats
66	61.08	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings of women's and girls' garments
67	61.09	Corsets, corset-belts, suspender-belts, brassieres, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), whether or not elastic
68	61.10	Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods
69	61.11	Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets)
	CHAPTER 62	
70	62.01	Travelling rugs and blankets: A. Electrically heated B. Other: II. Of other textile materials
71	62.03	Sacks and bags, of a kind used for the packing of goods B. Of other textile materials: I. Used a) Flax or of sisal ex b) Other (excluding coir or cotton fibres)
72	ex 62.05	Other made up textile articles (including dress patterns), other than of jute, other than textile bast fibres of heading 57.03 or coir

Order No	CCT heading No	Description
	CHAPTER 63	
73	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 other than of jute other than textile bast fibres of heading 57.03 or coir
	CHAPTER 64	
74	64.03	Footwear with outer soles of wood or cork
75	64.04	Footwear with outer soles of other materials
76	64.05	Parts of footwear (including uppers, in-soles and screw-on heels) of any material except metal
77	64.06	Gaiters, spats, leggings, puttees, cricket pads, shin-guards and similar articles, and parts thereof

ANNEX B

List of developing countries and territories enjoying generalized tariff preferences

INDEPENDENT COUNTRIES

Afghanistan
Algeria
Argentina
Bahamas
Bahrain
Bangladesh
Barbados
Bhutan
Bolivia
Botswana
Brazil
Burma
Burundi
Cameroon
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
Guyana
Haiti
Honduras
India
Indonesia
Iran
Iraq
Ivory Coast
Jamaica
Jordan
Kenya
Khmer Republic
Korea (South)
Kuwait
Laos
Lebanon
Lesotho
Liberia
Libya
Malagasy Republic
Malawi
Malaysia
Maldive Islands
Mali
Mauritania
Mauritius
Mexico
Morocco
Nauru
Nepal
Nicaragua
Niger
Nigeria
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Qatar
Rwanda
Saudi Arabia
Senegal
Sierra Leone
Singapore
Somalia
Sri Lanka
Sudan
Swaziland
Syria
Tanzania
Thailand
Togo
Tonga
Trinidad and Tobago
Tunisia
Uganda
United Arab Emirates:
- Abu Dhabi
- Dubai
- Ras al Khaimah
- Fujairah
- Ajman
- Sharjah
- Ummal Qaiwain

Upper Volta
Uruguay
Venezuela
Vietnam, Republic of
Western Samoa
Yemen, People's Democratic Republic of
Yemen Arab Republic
Yugoslavia
Zaire
Zambia