REGULATION (EEC) No 3005/75 OF THE COUNCIL

of 17 November 1975

opening, allocating and providing for the administration of Community tariff quotas 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;

Having regard to the Opinion of the European Parliament (1);

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 industrial products falling within Chapters 25 to 99 of the Brussels Nomenclature and originating in developing countries;

Whereas, however, in respect of cotton textile products formerly covered by the long-term arrangement regarding international trade in cotton textiles (2), 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 arrangement or possibly to those countries benefiting from generalized preferences which undertake in respect of the Community commitments similar to those existing under that arrangement and for its duration; whereas, having particular regard to the link which Article 6 of the long-term arrangements 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that this offer, while being of a temporary nature, does not constitute a binding commitment and, in particular, may be withdrawn wholly or in part at a later date; whereas this possibility may be adopted *inter alia* with a view to remedying any unfavourable situations which might arise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 ACP States 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 progressively to adopt an overall policy of development cooperation on a world-wide 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, in accordance with Protocol 23 to the Act of Accession (3) the generalized tariff preference scheme has been applicable in the new Member States since 1 January 1974;

Whereas, for the various categories of textile products in question, Council Regulation (EEC) No 3001/75 (4) of 17 November 1975 opening, allocating and providing for the administration of Community tariff quotas for certain cotton textile and like products originating in developing countries, and

(1) OJ No C 257, 10. 11. 1975, p. 30.
(2) OJ No L 225, 12. 10. 1970, p. 29.
(3) OJ No L 73, 27. 3. 1972, p. 14.
(4) See page 1 of this Official Journal.

Council Regulation (EEC) No 3002/75 [1] of 17 November 1975 opening preferential tariffs for certain cotton textile and like products originating in developing countries, put into effect the above-mentioned offer for 1976 in favour of those developing countries satisfying the conditions outlined above and listed in Annex B to those Regulations; whereas this measure has been taken on a transitional basis, the Commission counting on the countries thus concerned to take measures ensuring that equivalent objectives are respected, at least throughout 1976 as well, pending application of the arrangement regarding international trade in textiles [2]; whereas Yugoslavia for its part has entered into commitments similar to those made under the long-term arrangement; whereas Yugoslavia should, therefore, also be granted the benefit of tariff preferences for the textile products in question and also for 1976; whereas, in order not to affect the advantages which the present beneficiaries enjoy for these 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 3001/75 and (EEC) No 3002/75 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 1976, 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 apply only to products originating in Yugoslavia, and the concept of originating products should be determined in accordance with the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 [3] of 27 June 1968 on the common definition of the concept of origin of goods;

Whereas a utilization scheme of Community tariff quotas among the Member States 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, on the basis of general economic criteria, i.e. foreign trade in the textile sector, 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	27%
Benelux	10%
France	19%
Italy	14%
Denmark	7%
Ireland	1%
United Kingdom	22%

Whereas, since the tariff quotas involved are relatively small it appears possible, without affecting the Community nature of the quotas under consideration, to provide at this stage for a utilization scheme based on a single allocation among the Member States, especially since implementation of the principle of setting up a reserve share can, in this particularly sensitive sector, take place only progressively and must remain attuned to the methods of administration laid down in the general framework of the generalized tariff preference scheme; 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 shares allocated to that Economic Union may be carried out by one of its members,

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(1) See page 9 of this Official Journal.
(2) OJ No L 118, 30. 4. 1974, p. 1.
(3) OJ No L 148, 28. 6. 1968, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1976 the Common Customs Tariff duties and the tariff duties of the new Member States on the products listed in the Annex 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 in paragraph 1 shall be granted only to products originating in Yugoslavia. 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.

Article 2

The Community tariff quotas referred to in Article 1 (1) shall be allocated among the Member States in 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 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 shares of Member States have been actually filled shall be determined on the basis of imports of the products which have been entered for home use, and which are accompanied by a certificate of origin in accordance with the rules referred to in Article 1 (2).

3. Goods may qualify for a tariff quota only if the certificate of origin referred to in paragraph 2 is submitted before the date on which the levying of duties is re-introduced.

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1976.

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

Done at Brussels, 17 November 1975.

For the Council

The President

E. COLOMBO

ANNEX

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

Order No	CCT heading No (1)	Description (2)	Quota volume (in metric tons) (3)	Volume of shares allocated to Member States (in metric tons) (4)	
	55.05	Cotton yarn, not put up for retail sale:			
		B. Other:			
		II. Other:			
		Measuring, per single yarn, per kg:			
1		— 14 000 m or less	79	Germany	21·33
				Benelux	7·90
				France	15·01
				Italy	11·06
				Denmark	5·53
				Ireland	0·79
				United Kingdom	17·38
2		— More than 14 000 m but not more than 40 000 m	1 413	Germany	381·51
				Benelux	141·30
				France	268·47
				Italy	197·82
				Denmark	98·91
				Ireland	14·13
				United Kingdom	310·86
3		— More than 40 000 m but not more than 80 000 m	485	Germany	130·95
				Benelux	48·50
				France	92·15
				Italy	67·90
				Denmark	33·95
				Ireland	4·85
				United Kingdom	106·70
4		— More than 80 000 m but less than 120 000 m	71	Germany	19·17
				Benelux	7·10
				France	13·49
				Italy	9·94
				Denmark	4·97
				Ireland	0·71
				United Kingdom	15·62
	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:			
5		— Unbleached	42	Germany	11·34
				Benelux	4·20
				France	7·98
				Italy	5·88
				Denmark	2·94
				Ireland	0·42
				United Kingdom	9·24

Order No	CCT heading No (1)	Description (2)	Quota volume (in metric tons) (3)	Volume of shares allocated to Member States (in metric tons) (4)	
6	55.09 *(cont'd)*	— Other	126	Germanx	34·02
				Benelux	12·60
				France	23·94
				Italy	17·64
				Denmark	8·82
				Ireland	1·26
				United Kingdom	27·72
		II. Other:			
7		— Unbleached, of a width of:			
		— 85 cm or more but not more than 115 cm	1 267	Germany	342·09
				Benelux	126·70
				France	240·73
				Italy	177·38
				Denmark	88·69
				Ireland	12·67
				United Kingdom	278·74
8		— More than 115 cm but not more than 165 cm	769	Germany	207·63
				Benelux	76·90
				France	146·11
				Italy	107·66
				Denmark	53·83
				Ireland	7·69
				United Kingdom	169·18
9		— More than 165 cm	248	Germany	66·96
				Benelux	24·80
				France	47·12
				Italy	34·72
				Denmark	17·36
				Ireland	2·48
				United Kingdom	54·56
		Other:			
10		— Printed	86	Germany	23·22
				Benelux	8·60
				France	16·34
				Italy	12·04
				Denmark	6·02
				Ireland	0·86
				United Kingdom	18·92
11		— Other	86	Germany	23·22
				Benelux	8·60
				France	16·34
				Italy	12·04
				Denmark	6·02
				Ireland	0·86
				United Kingdom	18·92
	56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale:			
12		B. Of regenerated textile fibres	182	Germany	49·14
				Benelux	18·20
				France	34·58
				Italy	25·48
				Denmark	12·74
				Ireland	1·82
				United Kingdom	40·04

Order No	CCT heading No (1)	Description (2)	Quota volume (in metric tons) (3)	Volume of shares allocated to Member States (in metric tons) (4)	
	56.07	Woven fabrics of man-made fibres (discontinuous or waste):			
		B. Of regenerated textile fibres:			
13		— Printed	165	Germany	44·55
				Benelux	16·50
				France	31·35
				Italy	23·10
				Denmark	11·55
				Ireland	1·65
				United Kingdom	36·30
14		— Other	165	Germany	44·55
				Benelux	16·50
				France	31·35
				Italy	23·10
				Denmark	11·55
				Ireland	1·65
				United Kingdom	36·30
	ex 60.03	Stockings, under stockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, not elastic or rubberized:			
15		— Of cotton	24	Germany	6·48
				Benelux	2·40
				France	4·56
				Italy	3·36
				Denmark	1·68
				Ireland	0·24
				United Kingdom	5·28
	60.04	Under garments, knitted or crocheted, not elastic or rubberized:			
16		A. Of cotton	119	Germany	32·13
				Benelux	11·90
				France	22·61
				Italy	16·66
				Denmark	8·33
				Ireland	1·19
				United Kingdom	26·18
	61.01	Men's and boys' outer garments:			
17		— Of cotton fabric	49	Germany	13·23
				Benelux	4·90
				France	9·31
				Italy	6·86
				Denmark	3·43
				Ireland	0·49
				United Kingdom	10·78
18		— Other	313	Germany	84·51
				Benelux	31·30
				France	59·47
				Italy	43·82
				Denmark	21·91
				Ireland	3·13
				United Kingdom	68·86

Order No	CCT heading No (1)	Description (2)	Quota volume (in metric tons) (3)	Volume of shares allocated to Member States (in metric tons) (4)	
	61.02	Women's, girls' and infants' outer garments:			
19		— Of cotton fabric	66	Germany	17·82
				Benelux	6·60
				France	12·54
				Italy	9·24
				Denmark	4·62
				Ireland	0·66
				United Kingdom	14·52
20		— Other	126	Germany	34·02
				Benelux	12·60
				France	23·94
				Italy	17·64
				Denmark	8·82
				Ireland	1·26
				United Kingdom	27·72
	ex 61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs:			
21		— Other than of cotton fabric	66	Germany	17·82
				Benelux	6·60
				France	12·54
				Italy	9·24
				Denmark	4·62
				Ireland	0·66
				United Kingdom	14·52
	62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles:			
22		— Of cotton fabric	55	Germany	14·85
				Benelux	5·50
				France	10·45
				Italy	7·70
				Denmark	3·85
				Ireland	0·55
				United Kingdom	12·10
23		— Other	7	Germany	1·89
				Benelux	0·70
				France	1·33
				Italy	0·98
				Denmark	0·49
				Ireland	0·07
				United Kingdom	1·54