COUNCIL REGULATION (EEC) No 495/76

of 2 March 1976

concerning import arrangements for certain textile products originating in Hong Kong

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 1471/70 of 20 July 1970 establishing a common procedure for the autonomous increase of imports into the Community of products subject to measures of voluntary restraint by exporting countries (1),

Having regard to the proposal from the Commission,

Whereas, in the context of the Arrangement regarding international trade in textiles, the European Economic Community and Hong Kong have negotiated an Agreement on trade in textile products ; whereas the Commission has submitted to the Council a recommendation for a Regulation concluding that Agreement ;

Whereas, during the negotiations, the Community and Hong Kong declared their intention of applying this Agreement prior to completion of the procedures necessary for its entry into force ;

Whereas import arrangements which will allow the negotiated Agreement to be applied should therefore be adopted for the products concerned and such arrangements should enter into force immediately ;

Whereas the Agreement requires the Community to permit imports of certain textile products within quantitative limits, the observance of which will be guaranteed by a system of double checking ;

Whereas to this end the provisions valid in the Community for 1976 and 1977 and the criteria for the allocation of the quantitative limits agreed with Hong Kong should be fixed ;

Whereas, because of the considerable disparities between the conditions to which imports of the products concerned into the Member States are currently subject and the particular sensitivity of the Community's textile industry, the achievement of uniformity of these import conditions can be achieved only progressively ; whereas to this end it should be adopted as one of the criteria for the allocation of the Community quantitative limits that the amounts admitted under current importation conditions be adapted progressively to the requirements of the market ;

Whereas, for certain other textile products, the Agreement makes provision for a consultation procedure permitting the adoption of protective measures in the event of a real risk of market disruption ; whereas under this procedure Hong Kong has undertaken to introduce voluntary restraint on its exports to certain Member States ; whereas the Agreement provides for management of these quantitative limits under a system of double checking ;

Whereas to this end such quantitative limits should be fixed for 1976 and 1977, together with detailed rules for their administration by the Member States ;

Whereas imports should be charged against the quantitative limits fixed for the year during which the goods were exported from Hong Kong ;

Whereas certain quantitative limits laid down by the Agreement for 1976 should be reduced to take account of the exports effected by Hong Kong in 1975 in excess of the limits laid down for that year and which were the subject of consultations between the Community and Hong Kong in accordance with Article 6 of the Agreement ;

Whereas products which enter the Community's customs territory under inward processing or temporary admission arrangements and are re-exported from that territory in their original condition or after processing should not be charged against the abovementioned quantitative limits,

HAS ADOPTED THIS REGULATION :

Article 1

1. During 1976 and 1977 imports into the Community of the textile products listed in Annex A and originating in Hong Kong shall be subject to the quantitative limits agreed for the Community with Hong Kong and set out in that Annex.

(1) OJ No L 164, 27. 7. 1970, p. 41.

2. These quantitative limits shall be allocated among the Member States by analogy with the procedure laid down in Council Regulation (EEC) No 1023/70 of 25 May 1970 establishing a common procedure for administering quantitative quotas [1], and in particular in Article 11 thereof, in such a way as to ensure the expansion and orderly development of trade in textiles and to permit amounts to be carried over or brought forward from one year to another.

However, the allocation shall be made on the basis of the import volumes admitted on the conditions currently applied in the Member States and shall provide for annual rates of increase that are appreciably higher for those Member States whose import volumes are relatively the lowest, in order to align them progressively with the requirements of the market.

3. The competent authorities of the Member States concerned shall, within the quantitative limits prescribed, automatically authorize the import of the products referred to in paragraph 1 immediately upon production by the importer of a certified copy of an export licence granted by the Hong Kong authorities and containing the details set out in Annex C.

4. Authorized imports shall be charged against the quantitative limits valid for the year during which the products left the territory of Hong Kong.

5. Products which enter the Community's customs territory under inward processing or temporary admission arrangements and are re-exported from that territory in their original condition or after processing shall not be charged against the limits referred to in paragraph 1.

Article 2

1. Except as provided for in paragraphs 2, 3 and 4, imports into the Community of the textile products originating in Hong Kong which are listed in Annex B shall not be subject to quantitative restrictions.

2. In the Member States listed in Annex B, imports of the textile products referred to in paragraph 1 shall be subject in 1976 and 1977 to the quantitative limits set out in that list.

3. The quantitative limits referred to in paragraph 2 may be adjusted by analogy with the procedure laid down in Regulation (EEC) No 1023/70, and in particular in Article 11 thereof.

4. Article 1 (3), (4) and (5) shall apply to the quantitative limits referred to in this Article.

Article 3

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, 2 March 1976.

For the Council

The President

G. THORN

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[1] OJ No L 124, 8. 6. 1970, p. 1.

ANNEX A

Quantitative limits referred to in Article 1

Category	CCT heading No	NIMEXE code (1975)	Description	Units	Quantitative limits	
					1976	1977
1	ex 55.09	55.09-01 ; 02 ; 11 ; 12 ; 13 ; 14 ; 15 ; 16 ; 17 ; 19 ; 21 ; 29 ; 31 ; 33 ; 35 ; 37 ; 38 ; 39 ; 41 ; 49 ; 68 ; ex 71 ; 72 ; 73 ; 74 ; 76 ; 77 ; 78	Other woven fabrics of cotton : — Unbleached or bleached	equivalent 1 000 kg (a)	25 154 (b)	27 032 (b)
	56.07	56.07-ex 01 ; ex 03 ; 04 ; 11 ; 17 ; 24 ; 32	Woven fabrics of man-made fibres (discontinuous or waste) : ex A. Of synthetic textile fibres : — Unbleached or bleached			
2	ex 55.09	55.09-03 ; 04 ; 05 ; 51 ; 52 ; 53 ; 54 ; 55 ; 56 ; 57 ; 59 ; 61 ; 63 ; 64 ; 65 ; 66 ; 67 ; 69 ; ex 71 ; 81 ; 82 ; 83 ; 84 ; 86 ; 87 ; 92 ; 93 ; 97	Other woven fabrics of cotton : — Other than unbleached and bleached	equivalent 1 000 kg (a)	10 481 (c)	11 214 (c)
	56.07	56.07-ex 01 ; ex 03 ; 05 ; 07 ; 08 ; 13 ; 14 ; 16 ; 18 ; 21 ; 23 ; 26 ; 27 ; 28 ; 33 ; 34 ; 36	Woven fabrics of man-made fibres (discontinuous or waste) : ex A. Of synthetic textile fibres : — Other than unbleached and bleached			

(a) Equivalent weight means the weight obtained on dividing the total area of the fabric in m^2 by the average area of the fabric in m^2 per kg. For this purpose the average area per kg is to be taken as follows :

— woven fabrics of cotton : 5 m^2 per kg,
— woven fabrics of synthetic textile fibres (discontinuous or waste) : 6 m^2 per kg,
— woven fabrics of synthetic textile fibres (continuous) : 8 m^2 per kg.

(b) The limits established under this category also cover in respect of the United Kingdom imports of the products falling within Common Customs Tariff heading No 51.04 : Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02 : ex A. Woven fabrics of synthetic textile fibres — unbleached or bleached, there being a sub-limit for the United Kingdom on products of Common Customs Tariff subheadings 56.07 ex A and 51.04 ex A.

(c) The limits established under this category also cover in respect of the United Kingdom imports of the products falling within Common Customs Tariff heading No 51.04 : Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02 : ex A. Woven fabrics of synthetic textile fibres — other than unbleached or bleached, there being a sub-limit for the United Kingdom on products of Common Customs Tariff subheadings 56.07 ex A and 51.04 ex A.

Category	CCT heading No	NIMEXE code (1975)	Description	Units	Quantitative limits	
					1976	1977
3	ex 60.04	60.04-ex 11 ; 13 ; ex 24 ; ex 29 ; ex 35 ; 41 ; ex 45 ; ex 59 ; ex 70 ; ex 80	Undergarments, knitted or crocheted, not elastic or rubberized : — Shirts, undervests, T-shirts, singlets and the like	1 000 units (a)	21 680	24 494
4	60.05	60.05-ex 01 ; ex (21 to 39)	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : ex A. Outer garments and clothing accessories : — Jerseys and pullovers, slipovers, twinsets cardigans, bed jackets and jumpers with the exception of those which are part of a combination set (b)	1 000 items	28 993	33 294
5	60.05	60.05-ex 01 ; 02 to 09 ; 11 ; 13 ; 15 ; ex (16 to 19) ; ex (21 to 39) ; 41 to 49 ; 51 to 59 ; ex (61 to 69) ; 71 to 79 ; ex (81 to 85)	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : A. Outer garments and clothing accessories : ex II. Other : — Infants' garments — Bathing costumes and trunks — Dresses — Skirts — Combination sets (including costumes) (b)	1 000 kg (c)	3 154 (d)	3 475 (d)
6	ex 61.01	61.01-ex 11 ; ex 41 ; ex 45 ; ex 49	Men's and boys' outer garments : — Raincoats of the overcoat type	1 000 items	2 669	2 736
	61.02	61.02-ex 11 ; ex 41 ; ex (43 to 49)	Women's girls' and infants' outer garments : ex B. Other than babies' garments : — Raincoats of the overcoat type			

(a) Shirts, undervests and T-shirts are regarded as a unit each ; singlets are regarded as half a unit.

(b) A knitted combination set consists of two or three pieces, including a top garment and a knitted lower garment, which are contracted for, packed, consigned and sold together.

(c) This weight is to be taken as that of the textile components of the garments concerned.

(d) The limits established under this category also cover, in respect of the United Kingdom, imports of all other outer garments and clothing accessories classified under CCT heading No 60.05 other than those specified under category 5 and category 4.

Category	CCT heading No	NIMEXE code (1975)	Description	Units	Quantitative limits 1976	Quantitative limits 1977
7	ex 61.01	61.05-51 to 59 ; 71 to 79	Men's and boys' outer garments : — Suits — Jackets, blazers and the like	1 000 units (a)	11 538	12 519
8	ex 61.01 61.02	61.01-61 to 69 61.02-ex (91 to 99)	Men's and boys' outer garments : — Trousers, breeches and the like Women's, girls' and infants' outer garments : ex B. Other than babies' garments : — Trousers, jeans, shorts and the like except divided skirts	1 000 pairs	52 322	54 926
9	61.02	61.02-41 to 49	Women's, girls' and infants' outer garments : ex B. Other than babies' garments : — Coats and jackets	1 000 items	4 535	5 088
10	61.02	61.02-61 to 69 ; 71 to 79	Women's, girls' and infants' outer garments : ex B. Other than babies' garments : — Dresses — Skirts, including divided skirts	1 000 items	11 851	13 170
11	61.02	61.02-81 to 89	Women's girls' and infants' outer garments : ex B. Other than babies' garments : — Shirts and blouses	1 000 items	23 245	24 963
12	ex 61.03	61.03-11 ; 15 ; 19	Men's and boys' under garments, including collars, shirt fronts and cuffs : — Shirts	1 000 items	63 125	65 103
13	ex 61.03 ex 61.04	61.03-ex 31 ; ex 35 ; ex 39 61.04-ex 10 ; ex 30 ; ex 90	Men's and boys' under garments, including collars, shirt fronts and cuffs : — Pyjamas and other night garments Women's, girls' and infants' under garments : — Pyjamas, nightdresses and other night garments	1 000 items	11 882	13 467
14	62.02	62.02-11 ; 17 ; 41 to 65 ; 71 to 77	Bed linen, table linen, toilet linen and kitchen linen ; curtains and other furnishing articles : ex B. Other than net curtains : — Bed linen — Table linen — Toilet linen and kitchen linen	1 000 kg	6 157	6 588

(a) One suit shall be regarded as two units.

ANNEX B

Quantitative limits referred to in Article 2

Category	CCT heading No	NIMEXE code (1975)	Description	Member State (a)	Units	Quantitative limits 1976	Quantitative limits 1977
15	ex 60.02	60.02	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized :	Benelux (a), France, Italy	1 000 pairs	2 396 209 541	2 540 222 573
		40	— Gloves impregnated or coated with artificial plastic materials				
			— Other :				
		60	— Of synthetic textile fibres				
		70	— Of cotton				
16	ex 60.04	60.04-11 ; 15 ex 24 ; 26 ; 27 ; ex 29 ; 31 to 34 ; ex 35 ; ex 45 ; 52 ; 54 ; 56 ; ex 59 ; ex 70 ; 80	Under garments, knitted or crocheted, not elastic or rubberized : — Other than shirts, undervests, T-shirts, singlets and the like and men's and boys' drawers and briefs	Germany, United Kingdom	1 000 kg	364 763	379 793
17	ex 61.01		Men's and boys' outer garments : — Waterproof garments and raincoats other than raincoats of the overcoat type	United Kingdom	1 000 items	1 613	1 710
	61.02		Women's, girls' and infants' outer garments : ex B. Other than babies' garments : — Waterproof garments and raincoats other than raincoats of the overcoat type				
18	ex 61.01	61.01-21 ; 29	Men's and boys' outer garments : — Work clothing	United Kingdom	1 000 items	2 240	2 352
	61.02	61.02-21 ; 23	Women's, girls' and infants' outer garments : ex B. Other than babies' garments : — Work clothing				
19	ex 61.01	61.01-31 ; 35 ; 39	Men's and boys' outer garments : — Articles of apparel used for sports	United Kingdom	1 000 items	429	455
	61.02	61.02-31 to 38	Women's, girls' and infants' outer garments : ex B. Other than babies' garments : — Articles of apparel used for sports				

(a) Imports into Ireland of the products set out in this Annex remain temporarily subject to the import rules and formalities applicable at the date of entry into force of this Regulation until they have been included in the programme for the elimination of quantitative restrictions provided for in Article 2 (2) of the Geneva Arrangement.

(b) For Benelux only Nimexe heading 60.02-40 is covered by this restriction.

Category	CCT heading No	NIMEXE code (1975)	Description	Member State (a)	Units	Quantitative limits	
						1976	1977
20	ex 61.01		Men's and boys' outer garments : — Other than : — Waterproof garments — Work clothing — Articles of apparel used for sports — Suits — Trousers, breeches and the like — Jackets, blazers and the like	United Kingdom	1 000 kg	2 861	3 033
	ex 61.02		Women's, girls' and infants' outer garments : — Other than : — Waterproof garments — Work clothing — Articles of apparel used for sports — Coats and jackets — Dresses — Skirts — Shirts and blouses — Trousers, jeans and the like				
21	ex 61.03		Men's and boys' under garments, including collars, shirt fronts and cuffs : — Other than shirts, pyjamas and other night garments	United Kingdom	1 000 items	4 492	4 762
	ex 61.04		Women's girls' and infants' under garments : — Other than pyjamas, nightdresses and other nightwear				

(a) Imports into Ireland of the products set out in this Annex remain temporarily subject to the import rules and formalities applicable at the date of entry into force of this Regulation until they have been included in the programme for the elimination of quantitative restrictions provided for in Article 2 (2) of the Geneva Arrangement.

ANNEX C

Details referred to in Article 1 (3)

The export licences issued by the Hong Kong authorities in respect of the products subject to restraint under this Regulation shall specify and contain :

1. destination ;
2. serial number ;
3. importer's name and address ;
4. exporter's name and address ;
5. quantity in the units as designated in Annexes A and B to this Regulation and, where the quantity is expressed other than in weight, the equivalent weight calculated in accordance with the table of equivalences set out hereunder ;
6. category to which it has been imputed and description of product ;
7. certification by Hong Kong that the quantity has been debited against the agreed ceiling for exports to the Community or, where appropriate, is for immediate re-export or is for inward processing and subsequent re-export outside the Community ;
8. year during which the products were exported, that is, left the territory of Hong Kong.

Table of equivalencies

Category No	Brussels Tariff Nomenclature heading	Description	Ratio of equivalency
3	ex 60.04	— Shirts, T-shirts and undervests, knitted or crocheted	6·4 units/kg
		— Singlets, knitted or crocheted	12·8 units/kg
4	ex 60.05	Jerseys, pull-overs, slip-overs, twinsets, cardigans, bed-jackets and jumpers, knitted or crocheted	5·18 pieces/kg
6	ex 61.01 ex 61.02	Raincoats of the overcoat type	1·29 pieces/kg
7	ex 61.01	— Men's and boys' suits	0·70 pieces/kg
		— Men's and boys' jackets, blazers and the like	1·40 pieces/kg
8	ex 61.01 ex 61.02	Men's, boys', women's, girls' and infants' trousers, jeans, breeches and the like	2·47 pieces/kg
9	ex 61.02	Women's, girls' and infants' coats and jackets	1·25 pieces/kg
10	ex 61.02	Women's, girls' and infants' dresses and skirts	2·79 pieces/kg
11	ex 61.02	Women's, girls' and infants' shirts and blouses	5·55 pieces/kg
12	ex 61.03	Men's and boys' shirts	4·60 pieces/kg
13	ex 61.03 ex 61.04	Pyjamas, nightdresses and other night garments	3·22 pieces/kg
15	ex 60.02	Gloves	11·5 pairs/kg
17	ex 61.01 ex 61.02	Waterproof garments and raincoats other than raincoats of the overcoat type	1·29 pieces/kg
18	ex 61.01 ex 61.02	Work clothing	1·40 pieces/kg
19	ex 61.01 ex 61.02	Articles of apparel used for sports	2·00 pieces/kg
21	ex 61.03 ex 61.04	Other woven under garments	6·67 pieces/kg