COUNCIL REGULATION (EEC) No 116/77

of 18 January 1977

concerning import arrangements for certain textile products originating in Macao

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 the proposal from the Commission,

Whereas, in the context of the Arrangement regarding international trade in textiles, the European Economic Community and Macao 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, hereinafter referred to as the 'Agreement';

Whereas, for the purpose of implementing the Agreement, import arrangements must be adopted for the products in question;

Whereas the Agreement requires the Community to admit imports of certain textile products within the quantitative limits laid down, compliance with which will be guaranteed by a system of bilateral checking;

Whereas appropriate provisions applicable in the Community should therefore be adopted for the duration of the Agreement, including criteria for the allocation of the quantitative limits agreed with Macao;

Whereas, in view of the considerable disparities existing between the conditions currently governing imports of the products concerned into the Member States and in view of the particular sensitivity of the Community's textile industry, standarization of these import conditions can only be achieved progressively; whereas the criterion to be adopted for the allocation of the Community quantitative limits should therefore be in particular the gradual adjustment of the quantities admitted under current import conditions to market supply requirements;

Whereas steps should be taken to ensure that there is no evasion of the objectives of the Agreement by indirect imports of products originating in Macao;

Whereas the quantitative limits laid down by the Agreement apply to exports from Macao; whereas the goods imported should therefore be charged against the quantitative limit fixed for the period in which these goods were exported from Macao;

Whereas, for certain textile products, the Agreement provides for a consultation procedure enabling safeguard measures to be adopted where there is real risk of market disruption; whereas, in accordance with this procedure, Macao has undertaken to apply voluntary restraint in respect of exports of certain textile products to certain Member States; whereas compliance with these quantitative limits will be guaranteed by a system of bilateral checking;

Whereas, to this end, quantitative limits should be fixed for imports of these products into the Member States and detailed rules laid down for their administration by the Member States;

Whereas the Agreement provides that those products which enter the Community's customs territory under inward processing or other temporary importation arrangements and re-exported therefrom in their original state or after processing should not be charged against the agreed quantitative limits;

Whereas, account being taken of Article 12 of the Arrangement regarding international trade in textiles, on which the Agreement is based, the latter does not apply to textile products of silk, of flax or of ramie;

Whereas the Community and Macao have agreed that in certain cases the quantitative limits for the period 1 October 1975 to 31 December 1977 should be established by taking into account the carry-over of unutilized quantitative limits valid for the preceding period under the rules in effect until 30 September 1976,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of the textile products listed in Annex A, originating in Macao and exported between 1 October 1975 and 31 December 1977, shall be subject to the quantitative limits agreed between the Community and Macao and set out in that Annex.

2. The quantitative limits shall be allocated among the Member States in accordance 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

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

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 under the conditions currently applied in the Member States and shall provide for annual rates of increase which are appreciably higher for those Member States whose import volumes are relatively the lowest, in such a way that this allocation is gradually aligned with market supply requirements.

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 the original of the export licence issued by the competent Macao authorities and containing the details set out in Annex C.

4. Authorized imports shall be charged against the quantitative limits valid for the period during which the products were taken aboard within the territory of Macao for export to the Community.

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

Article 2

1. Save as otherwise provided in paragraphs 2 and 3, imports into the Community of the textile products listed in Annex B and originating in Macao shall not be subject to quantitative restrictions.

2. In the Member States specified in Annex B, imports of the textile products referred to in paragraph 1 and exported from Macao between 1 October 1975 and 31 December 1977 shall be subject to the quantitative limits given in that Annex.

These quantitative limits may be modified according to the procedure laid down by Regulation (EEC) No 1023/70, and in particular Article 11 thereof.

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

Article 3

Imports into the Community of the textile products referred to below, originating in Macao and accompanied by a certificate which is issued and endorsed by the competent authorities of Macao and contains the details set out in Annex D, shall not be subject to quantitative restrictions :

(a) cotton handloom fabrics of the cottage industry, containing not more than 5 % by weight of man-made fibres, being fabrics which are both traditionally of the kind woven on handlooms and actually woven on a loom for which the motive power is provided entirely by the operators (that is where the three primary movements of weaving, namely shedding, picking and beating, are induced by hand or foot and no other source of power is used) ;

(b) handmade goods made up by the cottage industry from such cotton handloom fabrics ;

(c) jerseys and pullovers knitted by hand from wool yarns without use of a machine ;

(d) traditional Macao folklore handicraft textile products cut, sewn, or otherwise fabricated by hand in cottages which are units of the cottage industry.

Article 4

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, 18 January 1977.

For the Council

The President

Anthony CROSLAND

ANNEX A

Quantitative limits referred to in Article 1

Category No	CCT heading No	NIMEXE code (1976)	Description	Quantitative limits (1 000 items)	
				1. 10. 1975 to 31. 12. 1976	1977
1	ex 61.01		Men's and boys' outer garments :	13 561	11 980
		61.01-61 ; 63 ; 65 ; 67 ; ex 69	— Trousers (including jeans), breeches and the like, other than of silk or waste silk or of flax or ramie		
	61.02		Women's, girls' and infants' outer garments :		
			ex B. Other than babies garments :		
		61.02-ex 91 ; ex 93 ; 93 ; ex 95 ; ex 96 ; ex 98 ; ex 99 ;	— Trousers (including jeans), breeches and the like, other than of silk or waste silk or of flax or ramie		

ANNEX B

Quantitative limits referred to in Article 2

Category No	CCT heading No	NIMEXE code (1976)	Description	Member States	Units	Quantitative limits 1975/76	Quantitative limits 1977
2	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, other than of silk or noil or other waste silk or of flax or ramie	France	Items	(3)	1 800 000 (3)
3	60.05	60.05-01 ; 22 ; 23 ; 24 ; 25 ; ex 29 ; 31 ; 32 ; 33 ; 34 ; ex 39 ;	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : ex A. Outer garments and other articles : — Jerseys, pullovers, slipovers, twinsets, cardigans, bed-jackets and jumpers, other than of silk or noil or other waste silk or of flax or ramie	Benelux France	Items	600 000 (1) 2 200 000 (1)	513 600 1 900 400
4	61.02	61.02-83 ; 85 ; 87 ; ex 89	Women's, girls' and infants' outer garments : ex B. Other than babies' garments : — Shirts and blouses, other than of silk or noil or other waste silk or of flax or ramie	France	Items	1 600 000 (1)	1 369 700
5	ex 61.03	61.03-11 ; 15 ; ex 19	Men's and boys' under garments, including collars, shirt fronts and cuffs : — Shirts, other than of silk or noil or other waste silk or of flax or ramie	Benelux France United Kingdom	Items	400 000 (2) 2 459 200 (2) (3)	342 500 2 631 400 2 030 000 (3)
6	ex 61.03	61.03-ex 31 ; ex 35 ; ex 39	Men's and boys' under garments, including collars, shirt fronts and cuffs : — Pyjamas, other than of silk or noil or other waste silk or of flax or ramie	France	Items	2 014 000 (2)	2 155 000

Category No	CCT heading No	NIMEXE code (1976)	Description	Member States	Units	Quantitative limits 1975/76	Quantitative limits 1977
7	61.05		Handkerchiefs :	Benelux	1 000 kg	90·0 (1)	73·4
				Italy		273·3 (1)	222·8
				France		83·3 (2)	85·0
			ex B. Other :				
		61.05-30	— Of cotton				
8	62.02		Bed linen, table linen, toilet linen and kitchen linen, curtains and other furnishing articles :	Italy	1 000 kg	320·0(1)	273·9
			ex B. Other than net curtains :				
		62.02-11 ; 41 ; 43 ; 47 ; 71 ; 73 ; 81	— Of cotton				

(1) The quantitative restrictions established by this Regulation enter into effect on 1 October 1975 and the first quota period runs from 1 October 1975 to 31 December 1976.

(2) The quantitative restrictions established by this Regulation enter into effect on 1 January 1976 and the first quota period is the year 1976.

(3) The quantitative restrictions established by this Regulation enter into effect on 1 October 1976 and the first quota period runs from 1 October 1976 to 31 December 1977.

ANNEX C

Details referred to in Article 1 (3)

The export licences issued by the competent Macao authorities (1) for products covered by this Regulation shall specify or contain :

1. the designation, and in particular the Member State for which the goods are intended ;
2. the serial number ;
3. the name and address of the importer ;
4. the name and address of the exporter ;
5. the net quantity in the units specified in Annexes A and B to this Regulation, and the value of the products covered by the licence ;
6. the category against which the products have been charged by the competent Macao authorities and the description of the products ;
7. a declaration to the effect that the quantity in question has been charged against the Member State of destination's share of the agreed ceiling for exports to the Community, or, where appropriate, that the quantity is intended for immediate re-export from the Community or for re-export from the Community after processing ;
8. the year during which the products were exported, that is when they were taken aboard within the territory of Macao for export to the Community.

(1) Repartição Provincial de Serviços de Economia de Macao.

ANNEX D

Certificate referred to in Article 3

The certificate issued by the competent Macao authorities (1) for the products referred to in Article 3 of this Regulation shall contain :

1. the following heading (2) :

   'Certificate in respect of cottage industry textile products referred to in Article 6 of the Agreement between the EEC and Macao on trade in textile products' ;

2. name and address of the manufacturer ;

3. name and address of the exporter ;

4. name and address of the importer within the Community ;

5. description of goods ;

6. quantity (in tonnes or items) ;

7. name of vessel or flight number ;

8. port or airport of destination ;

9. the following declaration (3) :

   'This is to certify that the above shipment consists of :

   — cotton handloom fabrics (as defined in Article 6 of the Agreement) containing not more than 5 % by weight of man-made fibres,

   — handmade goods made up by the cottage industry from cotton handloom fabrics (as defined in Article 6 of the Agreement),

   — jerseys and pullovers knitted by hand from wool yarns without use of a machine,

   — traditional Macao folklore handicraft textiie products cut, sewn or otherwise fabricated by hand in cottages which are units of the cottage industry.

   Signed . . . . . .'

(1) Repartição Provincial de Serviços de Economia de Macao.
(2) The products referred to are those set out in Article 3 of this Regulation.
(3) The definition referred to in the first two indents is that set out in Article 3 of this Regulation.