COUNCIL REGULATION (EEC) No 3733/90

of 13 December 1990

establishing ceilings and Community surveillance for imports of certain products originating in Malta (1991)

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 the Agreement establishing an Association between the European Economic Community and Malta [1], as supplemented by the Additional Protocol [2] and by the Supplementary Protocol to the Agreement [3], has provided in Article 2 of Annex I for the total abolition of customs duties in respect of the products to which the Agreement applies; whereas, however, exemption from duties in respect of a number of products is subject to ceilings above which the customs duties applicable to third countries may be re-established; whereas, in the context of the said ceilings, the Kingdom of Spain and the Portuguese Republic will apply custome duties calculated in accordance with the said Protocol to the Agreement establishing an Association between the European Economic Community and Malta consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community [4];

Whereas the ceilings to be applied in 1991 should therefore be determined; whereas those ceilings can be applied only if the Community is regularly informed of imports of the said products originating in Malta; whereas imports of those products should therefore be subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when the products are entered with customs authorities for free circulation; whereas this administrative procedure must provide for the possibility of the applicable customs duties being re-established as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission and the latter must in particular be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take appropriate measures to re-establish customs tariffs if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1991 imports into the Community of the products listed in the Annex and originating in Malta shall be subject to annual ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, the corresponding CN codes and the ceilings are set out in the Annex.

In the framework of these tariff ceilings, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and Malta consequent on the accession of Spain and Portugal.

2. Quantities shall be charged against the ceilings as and when the products are entered with customs authorities for free circulation accompanied by a movement certificate in accordance with the rules contained in the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta [5].

Goods may be charged against the ceiling only if the movement certificate is submitted before the date on which customs duties are re-established.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it in the manner defined in the preceding subparagraphs.

Member States shall inform the Commission of imports charged in accordance with the above procedure at the intervals and within the time limits specified in paragraph 4.

(1) OJ No L 61, 14. 3. 1971, p. 2.
(2) OJ No L 304, 29. 11. 1977, p. 2.
(3) OJ No L 81, 23. 3. 1989, p. 2.
(4) OJ No L 81, 23. 3. 1989, p. 11.
(5) OJ No L 111, 28. 4. 1976, p. 3.

3. As soon as the ceilings are reached, the Commission may adopt a Regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries.

4. Member States shall send the Commission not later than the 15th day of each month stratements of the quantities charged during the preceding month.

Article 2

The Commission, in close cooperation with the Member States, shall take all appropriate measures for the purposes of applying this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 13 December 1990.

For the Council

The President

P. ROMITA

ANNEX

List of products subject to import ceilings in 1991

Order No	CN code (1)	Description	Level of ceiling (tonnes)
11.0010	5204	Cotton sewing thread, whether or not put up for retail sale:	application of ceiling suspended
		– Not put up for retail sale:	
	5204 11 00	– – Containing 85 % or more by weight of cotton	
	5204 19 00	– – Other	
	5205	Cotton yarn (other than sewing thread), containing 85 % or more by weight of cotton, not put up for retail sale	
	5206	Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale	
	5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like falling within code 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:	
	ex 5604 90 00	– Other:	
		– – Of cotton	
11.0020	5208	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m²	application of ceiling suspended
	5209	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m²	
	5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m²	
	5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m²	
	5212	Other woven fabrics of cotton	
	5801	Woven pile fabrics and chenille fabrics, other than fabrics falling within code 5802 or 5806:	
		– Of cotton:	
	5801 21 00	– – Uncut weft pile fabrics	
	ex 5811 00 00	Quilted textile products of cotton in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery falling within code 5810	
	ex 6308 00 00	Sets consisting of woven fabric and yarn, of cotton, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale	
11.0030	5506	Synthetic staple fibres, carded, combed or otherwise processed for spinning	application of ceiling suspended
	5507 00 00	Artificial staple fibres, carded, combed or otherwise processed for spinning	

(1) The Taric codes are to be found on the last page of this Annex.

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040	5608	Knotted netting of twine, cordage or rope; made-up fishing nets and other made-up nets, of textile materials:	application of ceiling suspended
		– Of man-made textile materials:	
	5608 19	– – Other:	
		– – – Made-up nets:	
		– – – – Of nylon or other polyamides:	
	5608 19 19	– – – – – Other	
		– – – – Other:	
	5608 19 39	– – – – – Other	
	5608 90 00	– Other	
	6101	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those falling within code 6103	
	6102	Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those falling within code 6104	
	6103	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted	
	6104	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted	
	6106	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted	
	6107	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted:	
		– Other:	
	6107 91 00	– – Of cotton	
	6107 92 00	– – Of man-made fibres	
	6107 99 00	– – Of other textile materials	
	6108	Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted:	
		– Other:	
	6108 91 00	– – Of cotton	
	6108 92 00	– – Of man-made fibres	
	6108 99	– – Of other textile materials:	
	6108 99 10	– – – Of wool or fine animal hair	
	6108 99 90	– – – Of other textile materials	
	6110	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted:	
	6110 10	– Of wool or fine animal hair:	
		– – Other:	
		– – – Men's or boys':	
	6110 10 31	– – – – Of wool	
	6110 10 39	– – – – Of fine animal hair	
		– – – Women's or girls':	
	6110 10 91	– – – – Of wool	
	6110 10 99	– – – – Of fine animal hair	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040 *(cont'd)*	6110 20	– Of cotton:	application of ceiling suspended *(cont'd)*
		– – Other:	
	6110 20 91	– – – Men's or boys'	
	6110 20 99	– – – Women's or girls'	
	6110 30	– Of man-made fibres:	
		– – Other:	
	6110 30 91	– – – Men's or boys'	
	6110 30 99	– – – Women's or girls'	
	6110 90	– Of other textile materials:	
	6110 90 10	– – Of flax or ramie	
	6110 90 90	– – Other	
	6111	Babies' garments and clothing accessories, knitted or crocheted:	
	6111 10	– Of wool or fine animal hair:	
	6111 10 90	– – Other	
	6111 20	– Of cotton:	
	6111 20 90	– – Other	
	6111 30	– Of synthetic fibres:	
	6111 30 90	– – Other	
	6111 90 00	– Of other textile materials	
	6112	Track suits, ski suits and swimwear, knitted or crocheted:	
		– Track suits:	
	6112 11 00	– – Of cotton	
	6112 12 00	– – Of synthetic fibres	
	6112 19 00	– – Of other textile materials	
	6112 20 00	– Ski suits	
		– Men's or boys' swimwear:	
	6112 31	– – Of synthetic fibres:	
	6112 31 90	– – – Other	
	6112 39	– – Of other textile materials:	
	6112 39 90	– – – Other	
		– Women's or girls' swimwear:	
	6112 41	– – Of synthetic fibres:	
	6112 41 90	– – – Other	
	6112 49	– – Of other textile materials:	
	6112 49 90	– – – Other	
	6113 00	Garments, made up of knitted or crocheted fabrics falling within code 5903, 5906 or 5907:	
	6113 00 90	– Other	
	6114	Other garments, knitted or crocheted	
	6117	Other made up clothing accessories, knitted or crocheted; knitted or crocheted parts of garments or of clothing accessories	
	6301	Blankets and travelling rugs:	
	6301 20	– Blankets (other than electric blankets) and travelling rugs, of wool or of fine animal hair:	
	6301 20 10	– – Knitted or crocheted	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040 *(cont'd)*	6301 30	– Blankets (other than electric blankets) and travelling rugs, of cotton:	application of ceiling suspended *(cont'd)*
	6301 30 10	– – Knitted or crocheted	
	6301 40	– Blankets (other than electric blankets) and travelling rugs, of synthetic fibres:	
	6301 40 10	– – Knitted or crocheted	
	6301 90	– Other blankets and travelling rugs:	
	6301 90 10	– – Knitted or crocheted	
	6302	Bed linen, table linen, toilet linen and kitchen linen:	
	6302 10	– Bed linen, knitted or crocheted:	
	6302 10 10	– – Of cotton	
	6302 10 90	– – Of other textile materials	
	6302 40 00	– Table linen, knitted or crocheted	
	6303	Curtains (including drapes) and interior blinds; curtain or bed valances:	
		– Knitted or crocheted:	
	6303 11 00	– – Of cotton	
	6303 12 00	– – Of synthetic fibres	
	6303 19 00	– – Of other textile materials	
	6304	Other furnishing articles, excluding those falling within code 9404:	
		– Bedspreads:	
	6304 11 00	– – Knitted or crocheted	
		– Other:	
	6304 91 00	– – Knitted or crocheted	
	6305	Sacks and bags, of a kind used for the packing of goods:	
	6305 20 00	– Of cotton	
		– Of man-made textile materials:	
	6305 31	– – Of polyethylene or polypropylene strip or the like	
	ex 6305 39 00	– – Other:	
		– – – Knitted or crocheted	
	ex 6305 90 00	– Of other textile materials:	
		– – Knitted or crocheted	
	6307	Other made up articles, including dress patterns:	
	6307 10	– Floor-cloths, dish-cloths, dusters and similar cleaning cloths:	
	6307 10 10	– – Knitted or crocheted	
	6307 90	– Other:	
	6307 90 10	– – Knitted or crocheted	
11.0050	6201	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those falling within code 6203	1 610
	6203	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear)	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0050 *(cont'd)*	6207	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles:	
		– Other:	
	6207 91 00	– – Of cotton	
	6207 92 00	– – Of man-made fibres	
	6207 99 00	– – Of other textile materials	
	6210	Garments, made up of fabrics falling within code 5602, 5603, 5903, 5906 or 5907:	
	6210 10	– Of fabrics falling within code 5602 or 5603:	
		– – Of fabrics falling within code 5603:	
	6210 10 91	– – – In sterile packs	
	6210 10 99	– – – Other	
	6210 20 00	– Other garments, of the type described in codes 6201 11 to 6201 19	
	6210 40 00	– Other men's or boys' garments	
	6211	Track suits, ski suits and swimwear; other garments:	1 610 *(cont'd)*
		– Swimwear:	
	6211 11 00	– – Men's or boys'	
	6211 20 00	– Ski suits	
		– Other garments, men's or boys':	
	6211 31 00	– – Of wool or fine animal hair	
	6211 32	– – Of cotton:	
	6211 32 10	– – – Industrial and occupational clothing	
	6211 32 90	– – – Other	
	6211 33	– – Of man-made fibres:	
	6211 33 10	– – – Industrial and occupational clothing	
	6211 33 90	– – – Other	
	6211 39 00	– – Of other textile materials	
	6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those falling within code 6212:	
	6217 90 00	– Parts	

Taric codes

Order No	CN code	Taric code
11.0010	ex 5604 90 00	5604 90 00 * 50
11.0020	ex 5811 00 00	5811 00 00 * 14 5811 00 00 * 91 5811 00 00 * 92
	ex 6308 00 00	6308 00 00 * 11 6308 00 00 * 19
11.0040	ex 6305 39 00	6305 39 00 * 91
	ex 6305 90 00	6305 90 00 * 10 6305 90 00 * 19