COMMISSION REGULATION (EC) No 1664/94

of 8 July 1994

introducing specific rules for the amendment and distribution of the second tranche of certain textile quotas established under Council Regulation (EC) No 517/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules [1], amending Commission Regulation (EC) No 1470/94 [2], and in particular Article 17 (3) and (6) and Articles 20 and 21 (2) and (3) thereof,

Whereas Commission Regulation (EC) No 934/94 [3] established specific rules for the management and distribution of certain quantitative textile quotas established by Regulation (EC) No 517/94 and, for the purposes of managing these quotas, opened a first tranche for distribution on the basis of the requests notified by the Member States' competent authorities before 31 March 1994;

Whereas the management of these quotas calls for the rapid opening of a second tranche and provision to be made, on the one hand, for that tranche to be distributed on the basis of requests lodged with the competent authorities of the Member States and notified to the Commission between 31 March and 11 July 1994 inclusive and, on the other, for it to cover quantities not covered by the first tranche plus any quantities which the Commission allocated from the first tranche, but for which no import authorization has been issued, or which, an import authorization having been issued, have not been taken up by the operators concerned within 90 days of the authorization being issued;

Whereas the second tranche should also be allocated using a method which takes account of traditional trade flows in order to ensure a progressive transition towards the system provided for in Regulation (EC) No 517/94; whereas the second tranche should therefore be divided into two parts, the first reserved for traditional importers and the second for other applicants; whereas the share reserved for each category of importer should be set at a level which, while taking due account of traditional trade flows, nevertheless affords non-traditional importers significant access to the quotas established by Regulation (EC) No 517/94;

Whereas it is advisable, in the interests of equity, again to limit the amount which may be allocated to a traditional importer for each category and country concerned to the level of that importer's actual imports from those categories and countries in 1992 and, where the aggregate quantities to be allocated to traditional importers exceed the share reserved for them, to provide, in the interests of sound management, for a *pro rata* reduction in the quantities allocated to each;

Whereas the share reserved for the other operators will be dealt with in the chronological order in which the Member States' notifications are received, in order to give access to as many importers as possible, and an upper limit should again be set on the quantity an importer may receive from each category and country;

Whereas it should be stipulated, in the interests of clarity, that a traditional importer's allocation from this second tranche may not exceed the quantities imported by that importer in 1992 for which no import authorization has been issued under Regulation (EC) No 934/94; whereas, in order to afford as many importers as possible access to the quota share not specifically reserved for traditional importers such access should be limited to importers who failed to obtain an import authorization for the category and country in question under the first tranche and those who obtained such an authorization under Regulation (EC) No 934/94 and are able to satisfy the Member States' competent authorities that they have imported the products concerned before 12 July 1994;

Whereas, with a view to making optimal use of the quantities that will be confirmed under this Regulation, the validity of import authorizations should again be set at 90 days from the date of issue by the Member States, and such issue, which, under Article 19 of Regulation No 517/94, has to occur within five working days of notification of the Commission's decision, should be authorized only where the operators concerned are able to show the

[1] OJ No L 67, 10. 3. 1994, p. 1.
[2] OJ No L 159, 28. 6. 1994, p. 14.
[3] OJ No L 107, 28. 4. 1994, p. 19.

existence of a contract and certify that they have not already received an import authorization in the Community issued by a Member State under this Regulation for the category and country concerned;

Whereas confirmation by the Commission, in accordance with the specific management and distribution rules introduced by this Regulation, of the quantities which will be notified to it between 31 March and 11 July 1994 inclusive, calls for the full cooperation of the Member States, and in particular the communication of certain data; whereas it is therefore necessary to specify the information required and provide that it be supplied as soon as possible, in order to allow rapid confirmation by the Commission;

Whereas the measures for which this Regulation provides are in accordance with the opinion of the Committee established by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down certain specific rules for the management and distribution of the second tranche of the quantitative quotas established for 1994 by Council Regulation (EC) No 517/94 and listed in Annex I to this Regulation.

Article 2

The second tranche of the quantitative quotas referred to in Article 1, which covers the quantities listed in Annex II, will be distributed according to the methods set out in this Regulation on the basis of requests for import authorizations submitted to the Member States' competent authorities and notified to the Commission between 31 March and 11 July 1994 inclusive.

Article 3

The second tranche referred to in Article 2 is divided into two parts as indicated in Annex II to this Regulation, the first reserved for traditional importers and the second for other importers.

In order to be considered a traditional importer of a category of products originating in one of the countries referred to in Annex II, an importer must furnish proof to the Member States' competent authorities of having imported products falling within the same category and originating in the same country in 1992.

Article 4

The amount allocated to a traditional importer for a given category and country may not exceed his actual imports of that category from that country in 1992.

If the aggregate quantities for allocation to traditional importers on the basis of the quantities notified by Member States exceed the share reserved for such importers, the quantities allocated to each will be reduced *pro rata.*

Article 5

Without prejudice to Article 6, requests for import authorizations submitted by other non-traditional operators and notified to the Commission will be dealt with in chronological order of their receipt from the Member States. Requests will be met up to the maximum indicated for each category in Annex III. Should the Commission find, on the basis of notifications from Member States, that a proportion of the share reserved for non-traditional operators remains unused, the maximum may be increased in accordance with the procedures laid down in Article 25 of Regulation (EC) No 517/94.

Article 6

Without prejudice to Article 4, a traditional importer may receive a new allocation only for quantities for which no import authorization has yet been issued pursuant to Regulation (EC) No 934/94, and a non-traditional importer only if goods have actually been imported before 12 July 1994 under an authorization obtained pursuant to Regulation (EC) No 934/94 for the category and country concerned.

Article 7

Import authorizations issued by the competent authorities in the Member States shall be valid for 90 days from the date of iussue.

Import authorizations will be granted by the Member States' competent authorities only where the importer concerned is able to show the existence of a contract and certify in writing that he has not already had an import authorization in the Community issued under this Regulation for the category and the country concerned.

Article 8

Member States shall inform the Commission as soon as possible:

(a) of quantities allocated by the Commission under the first tranche for which no import authorization has been issued and of quantities for which an authorization has been issued but which have not been used by the operators concerned within 90 days of the date of issue of such authorization;

(b) for every notification made in the period from 31 March to 11 July 1994 inclusive, of the quantities required by each importer, by category and country, indicating :

— in the case of requests from traditional importers within the meaning of Article 3, the quantities imported by each of them during 1992 and the amount for which no import authorization has yet been issued pursuant to Regulation (EC) No 934/94,

— in the case of requests from other importers, the quantities imported on the strength of import authorizations issued pursuant to Regulation (EC) No 934/94.

Article 9

This Regulation shall enter into force on the day following that of 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, 8 July 1994.

For the Commission

Leon BRITTAN

Member of the Commission

ANNEX I

Quantitative restrictions referred to in Article 1

Third country	Category	Unit	Quantities
China	ex 13 (1)	1 000 pieces	150
	ex 18 (1)	tonnes	98
	ex 20 (1)	tonnes	10
	ex 24 (1)	1 000 pieces	120
	ex 39 (1)	tonnes	10
	ex 78 (1)	tonnes	3
	115	tonnes	450
	117	tonnes	450
	118	tonnes	950
	120	tonnes	63
	ex 136 (1) (2)	tonnes	285
	156	tonnes	760
	157	tonnes	5 400
	159	tonnes	3 020
	161	tonnes	10 777
North Korea	4	1 000 pieces	285
	5	1 000 pieces	119
	6	1 000 pieces	144
	7	1 000 pieces	93
	8	1 000 pieces	133
	15	1 000 pieces	107
	21	1 000 pieces	2 857
	76	tonnes	74
	78	tonnes	115
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	2	tonnes	8 544
	2a	tonnes	1 931
	6	1 000 pieces	954
	7	1 000 pieces	571
	8	1 000 pieces	2 568
	16	1 000 pieces	567

(1) Categories marked by 'ex' cover products other than those of wool or fine hairs, cotton or synthetic or artificial textile materials.

(2) This category only covers woven fabrics and other silk products other than unbleached, scoured or bleached falling within CN 5007 20 19, 5007 20 31, 5007 20 39, 5007 20 41, 5007 20 59, 5007 20 61, 5007 20 69, 5007 20 71, 5007 90 30, 5007 90 50, 5007 90 90.

ANNEX II

Repartition of the second tranche to be allocated with regard to importers' requests submitted and notified to the Commission between 31 March and 11 July 1994 included

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
China	ex 13 (1)	pieces	31 950	13 050	45 000
	ex 18 (1)	kilogrammes	20 874	8 526	29 400
	ex 20 (1)	kilogrammes	4 106	1 677	5 783
	ex 24 (1)	pieces	57 108	23 326	80 434
	ex 39 (1)	kilogrammes	4 868	1 989	6 857
	ex 78 (1)	kilogrammes	639	261	900
	115	kilogrammes	132 465	54 105	186 570
	117	kilogrammes	263 000	107 422	370 422
	118	kilogrammes	310 324	126 752	437 076
	120	kilogrammes	13 419	5 481	18 900
	ex 136 (1) (2)	kilogrammes	60 705	24 795	85 500
	156	kilogrammes	161 880	66 120	228 000
	157	kilogrammes	1 637 290	668 752	2 306 042
	159	kilogrammes	643 260	262 740	906 000
	161	kilogrammes	3 423 072	1 398 156	4 821 228
North Korea	4	pieces	161 880	66 120	228 000
	5	pieces	25 347	10 353	35 700
	6	pieces	39 705	16 218	55 923
	7	pieces	19 809	8 091	27 900
	8	pieces	57 794	23 606	81 400
	15	pieces	22 791	9 309	32 100
	21	pieces	608 541	248 559	857 100
	76	kilogrammes	26 270	10 730	37 000
	78	kilogrammes	47 570	19 430	67 000
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	2	kilogrammes	4 274 987	1 746 122	6 021 109
	2a	kilogrammes	1 342 610	548 390	1 891 000
	6	pieces	316 066	129 098	445 164
	7	pieces	121 623	49 677	171 300
	8	pieces	1 456 636	594 964	2 051 600
	16	pieces	206 858	84 491	291 349

(1) Categories marked by 'ex' cover products other than those of wool or fine hairs, cotton or synthetic or artificial textile materials.

(2) This category only covers woven fabrics and other silk products other than unbleached, scoured or bleached falling within CN codes 5007 20 19, 5007 20 31, 5007 20 39, 5007 20 41, 5007 20 59, 5007 20 61, 5007 20 69, 5007 20 71, 5007 90 30, 5007 90 50, 5007 90 90.

ANNEX III

Maximum amounts to be allocated to operators, others than those to be considered as traditional importers of the category and the country concerned

Third country	Category	Unit	Maximum amount
China	ex 13	pieces	250
	ex 18	kilogrammes	100
	ex 20	kilogrammes	100
	ex 24	pieces	250
	ex 39	kilogrammes	100
	ex 78	kilogrammes	100
	115	kilogrammes	500
	117	kilogrammes	500
	118	kilogrammes	1 000
	120	kilogrammes	100
	ex 136	kilogrammes	500
	156	kilogrammes	500
	157	kilogrammes	500
	159	kilogrammes	250
	161	kilogrammes	250
North Korea	4	pieces	2 500
	5	pieces	2 500
	6	pieces	2 500
	7	pieces	500
	8	pieces	2 500
	15	pieces	500
	21	pieces	2 500
	76	kilogrammes	500
	78	kilogrammes	500
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	2	kilogrammes	2 500
	2a	kilogrammes	2 500
	6	pieces	2 500
	7	pieces	2 500
	8	pieces	2 500
	16	pieces	2 500