COMMISSION REGULATION (EC) No 2944/94

of 2 December 1994

establishing rules for management and distribution with regard to textile quotas established for 1995 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 relating to the common rules for imports of textile imports from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules [1], as last amended by Regulation (EC) No 2798/94 [2], and in particular Article 17 (3) and (6) and Article 21 (2) and (3) thereof, in relation with Article 25 (3) therof,

Whereas the Council, by its Regulation (EC) No 517/94, established quantitative restrictions on imports of certain textile products originating in certain third countries and envisaged, in Article 17 (2), that these quotas will be allocated in the chronological reception order of the notifications from the Member States according to the principle of first come, first served;

Whereas past experience has revealed that for certain quotas the established annual quantities were insufficient to cover the quantities subject to requests for import authorizations notified to the Member States; that taking into account the foreseen accession on 1 January 1995 of new States to the European Union, there are serious reasons to believe that, for all the quotas established by the Regulation (EC) No 517/94 requests for import authorizations to be notified by the competent Member States authorities will exceed the quantitative limits established for 1995;

Whereas Regulation (EC) No 517/94, Article 17 (3), stipulates that it is possible, in these circumstances, to make use of allocation methods which differ from the allocation method based exclusively on the chronological reception order of the notifications from Member States, as well as to envisage the division of the quotas in tranches;

Whereas it is advisable, in order not to affect unduly the continuity of trade flows, to adopt before the start of the quota year, rules for management and distribution of the quotas fixed established for 1995 by Regulation (EC) No 517/94;

Whereas it seems appropriate that those rules be determined in taking into account the foreseen accession of new States to the European Union and the necessity to allow the importers of the States candidate to the Accession to accede to Community quotas for 1995 in identical or similar conditions to those for the existing Community importers;

Whereas the Governments of Austria, Finland, Norway and Sweden have undertaken on the one hand to adopt suitable measures to allow the participation of their operators to the distribution of the existing Community quotas along the rules established under Regulation (EC) No 517/94 or as adopted in application of the said Regulation and on the other hand to cooperate fully to the management and distribution of the said quotas, by notifying to the Commission, like other Member States within the deadlines laid down, all the necessary elements concerning the requests for import authorizations addressed to them by the operators established on their respective territory;

Whereas to ensure a certain flexibility to the management and distribution of the quotas fixed by Regulation (EC) No 517/94, it seems appropriate to divide them in tranches and to envisage therefore that the first tranche representing (75 %) of the amount of the annual quotas fixed by the said Regulation will be distributed, without prejudice to the entry into force of the Accession Treaty, on the basis of the requests for import authorizations introduced to the competent authorities of the Member States and of the candidate countries to the Accession at latest on 9 December 1994;

Whereas it seems appropriate, as far as the first tranche is concerned, to have a method of allocation which takes into account traditional trade flows in order to ensure a progressive transition towards the procedures introduced by Regulation (EC) No 517/94, and to this end it is appropriate to divide this quota into two parts, one reserved for traditional importers, the other for other applicants, and to fix the respective shares reserved for these different categories of operators at levels which, while taking into account traditional trade flows, will nevertheless ensure non-traditional importers significant access to the quotas created by Regulation (EC) No 517/94 and to define the concept of traditional importers while keeping in mind that 1993 cannot serve as a reference period due to certain distortions which characterized this period within the Community;

[1] OJ No L 67, 10. 3. 1994, p. 1.
[2] OJ No L 297, 18. 11. 1994, p. 6.

Whereas with regard to the distribution of the part reserved for the other operators, past experience has shown that the method retained in 1994, being the method based on the reception in chronological order of the notifications from the Member States, did allow in spite of the modifications adopted, to satisfy only a limited number of operators and that the application of method of distribution in proportion of the requested quantities on the basis of a simultaneous examination of all quantities notified to the Commission might satisfy a larger number of operators provided that the quantities requested by each individual operator would not exceed a predetermined quantity to a level economically significant;

Whereas for optimum use of the quantities which will be confirmed pursuant to this Regulation it is appropriate to fix the period of validity of the import authorizations to six months from 1 January 1995 and to allow their issuance by the Member States, after notification of the Commission decision to the Member States, from the same date and provided that the concerned operator can justify the existence of a contract and certifies not to have already benefited within the Community for the category and the country concerned of an import authorization;

Whereas confirmation by the Commission, according to the specific management and distribution rules introduced by this Regulation, of the quantities which will be notified, requires the communication by the Member States of certain data; that it is necessary therefore to specify the information required and, in order to allow confirmation by the Commission as quickly as possible, at the latest on 15 December 1994 for the communication of this date;

Whereas finally past experience has shown that in certain exceptional cases for certain categories and countries concerned, quantities in a part reserved remain available after application of quantitative criteria adopted; that it is therefore appropriate for an optimum distribution to envisage the possibility of a transfer of quantities in between the different parts reserved for the two categories of operators following the procedure of Article 25 of Regulation (EC) No 517/94;

Whereas with a view to making optimal use of the quantities of the first tranche it is foreseen that quantities still available after distribution according to the rules of the present Regulation will be distributed to all operators according to the principle of first come, first served as from 3 January 1995 at 10 a.m. (Brussels time);

Whereas these measures are in conformity with the opinion expressed by the Committee established by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation specifies certain rules concerning the management and distribution of the quantitative limits for 1995 listed in Annex I of this Regulation.

Article 2

The quantitative limits referred to in the first Article are divided into tranches, the first of which, covering the quantities listed in Annex II, will be distributed without prejudice to the entry into force of the Accession Treaty according to the methods specified in this Regulation on the basis of the requests for import authorizations introduced by the operators until 9 December 1994 to the competent Member State authorities and the States candidate to Accession and notified to the Commission by the said authorities at the latest on 15 December 1994.

Article 3

The first tranche of the quantitative limits referred to in Article 2 divided into two parts as indicated in Annex II of this Regulation, one reserved for the traditional importers, the other to the other operators.

Those to be regarded as traditional importers of a category of products originating in one of the countries referred to in Annex II, will be importers who furnish proof to the competent Member State authorities and the States candidate to Accession of having imported, during 1992, products falling within the same category and originating in the same country.

Article 4

The amount which can be allocated to any individual traditional importer for each of the categories and countries concerned will not be able to exceed the quantities actually imported in 1992 by each one of them for these same categories and countries.

If all quantities to be allocated to traditional importers on the basis of the quantities notified by Member States and the States candidate to Accession exceed the part which is reserved to them, the quantities allocated to each one of them will be reduced proportionally.

Article 5

The quantities reserved for other importers is to be allocated by application of the method of distribution in proportion to the requested quantities, the quantities susceptible to requests by each importer may not exceed the quantities indicated in Annex III of the present Regulation.

Article 6

The duration of validity for import authorizations issued by the competent Member State authorities is six months as from the date of issuing.

Import authorizations will be granted by the competent Member State only after notification of the decision of the Commission as from the 1 January 1995 and in as far as the operator concerned can prove the existence of a contract and certifies by a written declaration not to have already benefited inside the Community from an import authorization issued pursuant to this Regulation for the category and the country concerned.

Article 7

Member States and the States candidate to Accession will inform the Commission within the time limit as indicated in Article 2 by category and countries concerned, including the quantities required as well as the number of operators and indicating, if necessary, for those demands introduced by traditional importers within the meaning of Article 3, the quantities imported by each one of them during 1992.

On basis of the total amounts transmitted, the Commission adopt the quantitative criteria on the basis of which, in application of the present Regulation, the competent authorities from the Member States will issue the import authorizations.

If on the basis of the quantitative criteria established under the present Regulation, quantities for a product and a country concerned are still available within the part reserved to a category of operators, the quantities might, in accordance with the procedure of Article 25 of Regulation (EC) No 517/94, be subject to a transfer of operators with a view to being distributed in conformity with the quantitative criteria applicable to this category of operators.

Article 8

The quantities still available after distribution on the basis of the present Regulation will be distributed in chronological reception order of requests introduced by all operators according to the principle of first come, first served as from 3 January 1995 at 10 a.m. (Brussels time).

Article 9

This Regulation shall enter into force on the day 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, 2 December 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	150,0
	ex 18 (1)	tonnes	98,0
	ex 20 (1)	tonnes	10,0
	ex 24 (1)	1 000 pieces	120,0
	ex 39 (1)	tonnes	10,0
	ex 78 (1)	tonnes	3,0
	115	tonnes	450,0
	117	tonnes	450,0
	118	tonnes	950,0
	120	tonnes	63,0
	122	tonnes	130,0
	123	tonnes	5,0
	124 (2)	tonnes	600,0
	125 B	tonnes	8,0
	127 B	tonnes	5,0
	ex 136 (1) (3)	tonnes	285,0
	140	tonnes	100,0
	145	tonnes	7,0
	146 A	tonnes	15,0
	146 B	tonnes	110,0
	146 C	tonnes	270,0
	156	tonnes	760,0
	157	tonnes	5 400,0
	159	tonnes	3 020,0
	160	tonnes	30,0
	161	tonnes	10 777,0
North Korea	1	tonnes	128,0
	2	tonnes	145,0
	3	tonnes	49,0
	4	1 000 pieces	285,0
	5	1 000 pieces	119,0
	6	1 000 pieces	144,0
	7	1 000 pieces	93,0
	8	1 000 pieces	133,0
	9	tonnes	71,0
	12	1 000 pairs	1 290,0
	13	1 000 pieces	1 509,0
	14	1 000 pieces	94,0
	15	1 000 pieces	107,0
	16	1 000 pieces	55,0
	17	1 000 pieces	38,0
	18	tonnes	61,0
	19	1 000 pieces	411,0
	20	tonnes	141,0
	21	1 000 pieces	2 857,0
	24	1 000 pieces	263,0
	26	1 000 pieces	173,0
	27	1 000 pieces	167,0
	28	1 000 pieces	285,0
	29	1 000 pieces	75,0
	31	1 000 pieces	293,0
	36	1 000 pieces	91,0
	37	1 000 pieces	356,0
	39	1 000 pieces	51,0
	59	1 000 pieces	466,0
	61	1 000 pieces	40,0
	68	1 000 pieces	75,0
	69	1 000 pieces	184,0
	70	1 000 pieces	270,0
	73	1 000 pieces	93,0

Third country	Category	Unit	Quantities
North Korea *(cont'd)*	74	1 000 pieces	133,0
	75	1 000 pieces	39,0
	76	tonnes	74,0
	77	tonnes	9,0
	78	tonnes	115,0
	83	tonnes	31,0
	117	tonnes	51,0
	118	tonnes	23,0
	142	tonnes	10,0
	151 A	tonnes	10,0
	151 B	tonnes	10,0
	161	tonnes	152,0
Republics of Bosnia Herzegovina Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	6 899,0
	2	tonnes	8 544,0
	2 a)	tonnes	1 931,0
	3	tonnes	935,0
	5	1 000 pieces	1 910,0
	6	1 000 pieces	954,0
	7	1 000 pieces	571,0
	8	1 000 pieces	2 568,0
	9	tonnes	831,0
	15	1 000 pieces	745,0
	16	1 000 pieces	567,0
	67	1 000 pieces	722,0

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

(2) Only CN code ex 5503 90 90 (polyvinyl alcohol).

(3) 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 41, 5007 20 59, 5007 20 61, 5007 20 69, 5007 20 71, 5007 90 30, 5007 90 50 and 5007 90 90.

ANNEX II

Repartition of the first tranche to be allocated with regard to importers' requests submitted and notified to the Commission before 9 December 1994

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
China	ex 13 (1)	1 000 pieces	80,4	32,1	112,5
	ex 18 (1)	tonnes	52,5	21,0	73,5
	ex 20 (1)	tonnes	5,4	2,1	7,5
	ex 24 (1)	1 000 pieces	64,3	25,7	90,0
	ex 39 (1)	tonnes	5,4	2,1	7,5
	ex 78 (1)	tonnes	1,6	0,6	2,2
	115	tonnes	241,1	96,4	337,5
	117	tonnes	241,1	96,4	337,5
	118	tonnes	508,9	203,6	712,5
	120	tonnes	33,8	13,5	47,3
	122	tonnes	69,6	27,9	97,5
	123	tonnes	2,7	1,1	3,8
	124 (2)	tonnes	321,4	128,6	450,0
	125 B	tonnes	4,3	1,7	6,0
	127 B	tonnes	2,7	1,1	3,8
	ex 136 (1) (3)	tonnes	152,7	61,1	213,8
	140	tonnes	53,6	21,4	75,0
	145	tonnes	3,8	1,5	5,3
	146 A	tonnes	8,0	3,2	11,3
	146 B	tonnes	58,9	23,6	82,5
	146 C	tonnes	144,6	57,9	202,5
	156	tonnes	407,1	162,9	570,0
	157	tonnes	2 892,9	1 157,1	4 050,0
	159	tonnes	1 617,9	647,1	2 265,0
	160	tonnes	16,1	6,4	22,5
	161	tonnes	5 773,4	2 309,4	8 082,8
North Korea	1	tonnes	68,6	27,4	96,0
	2	tonnes	77,7	31,1	108,8
	3	tonnes	26,3	10,5	36,8
	4	1 000 pieces	152,7	61,1	213,8
	5	1 000 pieces	63,8	25,5	89,3
	6	1 000 pieces	77,1	30,9	108,0
	7	1 000 pieces	49,8	19,9	69,7
	8	1 000 pieces	71,3	28,5	99,8
	9	tonnes	38,0	15,2	53,2
	12	1 000 pairs	691,1	276,4	967,5
	13	1 000 pieces	808,4	323,4	1 131,8
	14	1 000 pieces	50,4	20,1	70,5
	15	1 000 pieces	57,3	22,9	80,2
	16	1 000 pieces	29,5	11,8	41,3
	17	1 000 pieces	20,4	8,1	28,5
	18	tonnes	32,7	13,1	45,8
	19	1 000 pieces	220,2	88,1	308,3
	20	tonnes	75,5	30,2	105,7
	21	1 000 pieces	1 530,5	612,2	2 142,7
	24	1 000 pieces	140,9	56,4	197,3
	26	1 000 pieces	92,7	37,1	129,8
	27	1 000 pieces	89,5	35,8	125,3
	28	1 000 pieces	152,7	61,1	213,8
	29	1 000 pieces	40,2	16,1	56,3
	31	1 000 pieces	157,0	62,8	219,8
	36	1 000 pieces	48,8	19,5	68,3
	37	1 000 pieces	190,7	76,3	267,0
	39	1 000 pieces	27,3	10,9	38,2
	59	1 000 pieces	249,6	99,9	349,5

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
North Korea *(cont'd)*	61	1 000 pieces	21,4	8,6	30,0
	68	1 000 pieces	40,2	16,1	56,3
	69	1 000 pieces	98,6	39,4	138,0
	70	1 000 pieces	144,6	57,9	202,5
	73	1 000 pieces	49,8	19,9	69,7
	74	1 000 pieces	71,3	28,5	99,8
	75	1 000 pieces	20,9	8,4	29,3
	76	tonnes	39,6	15,9	55,5
	77	tonnes	4,8	1,9	6,7
	78	tonnes	61,6	24,6	86,2
	83	tonnes	16,6	6,6	23,2
	117	tonnes	27,3	10,9	38,2
	118	tonnes	12,3	4,9	17,2
	142	tonnes	5,4	2,1	7,5
	151 A	tonnes	5,4	2,1	7,5
	151 B	tonnes	5,4	2,1	7,5
	161	tonnes	81,4	32,6	114,0
Republics of Bosnia Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	3 695,9	1 478,4	5 174,3
	2	tonnes	4 577,1	1 830,9	6 408,0
	2 (a)	tonnes	1 034,5	413,8	1 448,3
	3	tonnes	500,9	200,4	701,3
	5	1 000 pieces	1 023,2	409,3	1 432,5
	6	1 000 pieces	511,1	204,4	715,5
	7	1 000 pieces	305,9	122,4	428,3
	8	1 000 pieces	1 375,7	550,3	1 926,0
	9	tonnes	445,2	178,1	623,3
	15	1 000 pieces	399,1	159,6	558,7
	16	1 000 pieces	303,8	121,5	425,3
	67	1 000 pieces	386,8	154,7	541,5

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

(2) Only CN code ex 5503 90 90 (polyvinyl alcohol).

(3) 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 41, 5007 20 59, 5007 20 61, 5007 20 69, 5007 20 71, 5007 90 30, 5007 90 50 and 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	kgs	100
	ex 20	kgs	100
	ex 24	pieces	250
	ex 39	kgs	100
	ex 78	kgs	100
	115	kgs	500
	117	kgs	500
	118	kgs	1 000
	120	kgs	100
	122	kgs	250
	123	kgs	100
	124	kgs	500
	125 B	kgs	100
	127 B	kgs	100
	ex 136	kgs	500
	140	kgs	250
	145	kgs	100
	146 A	kgs	500
	146 B	kgs	2 500
	146 C	kgs	100
	156	kgs	500
	157	kgs	500
	159	kgs	500
	160	kgs	100
	161	kgs	1 000
North Korea	1	kgs	500
	2	kgs	500
	3	kgs	500
	4	pieces	2 500
	5	pieces	2 500
	6	pieces	2 500
	7	pieces	500
	8	pieces	2 500
	9	kgs	2 500
	12	pairs	2 500
	13	pieces	2 500
	14	pieces	2 500
	15	pieces	500
	16	pieces	2 500
	17	pieces	2 500
	18	kgs	500
	19	pieces	2 500
	20	kgs	500
	21	pieces	2 500
	24	pieces	2 500
	26	pieces	2 500
	27	pieces	2 500
	28	pieces	2 500
	29	pieces	2 500
	31	pieces	2 500
	36	pieces	2 500
	37	pieces	2 500
	39	pieces	2 500
	59	pieces	2 500
	61	pieces	2 500
	68	pieces	2 500
	69	pieces	2 500
	70	pieces	2 500
	73	pieces	2 500

Third country	Category	Unit	Maximum amount
North Korea *(cont'd)*	74	pieces	2 500
	75	pieces	2 500
	76	kgs	500
	77	kgs	500
	78	kgs	500
	83	kgs	500
	117	kgs	500
	118	kgs	500
	142	kgs	500
	151 A	kgs	500
	151 B	kgs	500
	161	kgs	500
Republics of Bosnia Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	kgs	2 500
	2	kgs	2 500
	2 (a)	kgs	2 500
	3	kgs	2 500
	5	pieces	2 500
	6	pieces	2 500
	7	pieces	2 500
	8	pieces	2 500
	9	kgs	2 500
	15	pieces	2 500
	16	pieces	2 500
	67	pieces	2 500