COMMISSION REGULATION (EC) No 934/94

of 27 April 1994

establishing rules for management and distribution with regard to certain textile quotas established under 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], and in particular Article 17 (3) and (6) and Articles 20 and 21 (2) and (3) thereof,

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 the first come, first served;

Whereas on the basis of the data available, there are serious reasons to believe that for some of these quotas, the requests for import authorizations, notified by the competent Member State authorities, will significantly exceed the quantitative limits fixed for 1994;

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 the considerable importance of expected overshootings of quota limits, as well of as the notifications already received by the Commission, division of the quotas concerned into tranches is justified in order to allow a progressive implementation of them which takes into account the realities of the market; that it is therefore advisable to divide the quotas concerned into tranches and to envisage that the first part will be distributed on the basis of the requests for import authorizations introduced to the competent authorities of Member States and notified to the Commission before 31 March 1994;

Whereas it seems appropriate, as far as concerns the first tranch, 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, with the respective shares reserved for these different categories of operator fixed at levels which, while taking into account traditional trade flows, will nevertheless ensure non-traditional importers considerable 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;

Whereas, in the spirit of equity, it is advisable to limit the amount which can be allocated to individual traditional importers for each of the categories and countries concerned to the level of quantities actually imported in 1992 by each importer for these same categories and countries, and to envisage, with the goal of good management, that if the quantities to be allocated to the traditional importers exceed the part which is reserved to them, the quantities allocated to each one of them will be reduced proportionally;

Whereas with regard to the part reserved for the other operators, which will be treated in accordance with the chronological reception order of the notifications by Member States, in order to allow access to the largest number, it is appropriate to fix a maximum quantity, by category of product, to be allocated to each operator;

Whereas, for optimum use of the quantities which will be confirmed pursuant to this Regulation, it is appropriate to fix the duration of validity for import authorizations at 90 days as from the issuing date by Member States, and to permit this issuing, which according to Article 19 of Regulation No 517/94 must take place within five working days following notification of the Commission's decision, only in as far as the operator concerned can prove the existence of a contract and certifies already not

[1] OJ No L 67, 10. 3. 1994, p. 1.

to have benefited inside the Community, from an import authorization for the category and the country concerned;

Whereas confirmation by the Commission, according to the specific management and distribution rules introduced by this Regulation, of the quantities which will be notified to it between 13 March and 30 March 1994 inclusive, 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, to set as short a deadline as possible for the communication of this data;

Whereas it is advisable, in order to rule out any risk of ambiguity, to specify that the rules of management and of distribution established by this Regulation pursuant to Regulation (EC) No 517/94, apply from 13 March 1994, date of the entry into force of the Regulation referred to above;

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 1994 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 according to the methods specified in this Regulation on the basis of the requests for import authorizations introduced by the competent Member State authorities and notified to the Commission before 31 March 1994.

Article 3

The first tranche of the quantitative limits referred to in Article 2 is 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 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 the quantities to be allocated to traditional importers on the basis of the quantities notified by Member States exceed the part which is reserved to them, the quantities allocated to each one of them will be reduced proportionally.

Article 5

The requests for import authorizations submitted by other operators and notified to the Commission will be dealt with in the chronological order of reception of the notifications from Member States but will not be able, with regard to each request, to be satisfied for quantities higher than the maximum quantities indicated by category in Annex III. These maximum quantities may be increased, according to the procedures foreseen in Article 25 of Regulation (EC) No 517/94, if on the basis of notifications from Member States, quantities of the part reserved for other operators remain unused.

Article 6

The duration of validity for import authorizations issued by the competent Member State authorities is 90 days as from the issuing date.

Import authorizations will be granted by the competent Member State authorities only 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 will inform the Commission, as quickly as possible, of each notification occurring before 31 March 1994, by category and countries concerned, including the quantities required by each operator 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.

Article 8

This Regulation enters into force from the day of its publication in the *Official Journal of European Communities.*

It is applicable from 13 March 1994.

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

Done at Brussels, 27 April 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
	ex 136 (1) (2)	tonnes	285,0
	156	tonnes	760,0
	157	tonnes	5 400,0
	159	tonnes	3 020,0
	161	tonnes	10 777,0
North Korea	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
	15	1 000 pieces	107,0
	21	1 000 pieces	2 857,0
	76	tonnes	74,0
	78	tonnes	115,0
Republics of Bosnia-Herzegovina, Croatia and the former Yougoslav Republic of Macedonia	2	tonnes	8 544,0
	2 a	tonnes	1 931,0
	6	1 000 pieces	954,0
	7	1 000 pieces	571,0
	8	1 000 pieces	2 568,0
	16	1 000 pieces	567,0

(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 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 II

Repartition of the first tranche to be allocated with regard to importers' requests submitted and notified to the Commission before 31 March 1994

Third country	Category	Unit	Quantites reserved for traditional importers	Quantities reserved for other importers	Total
China	ex 13 (1)	1 000 pieces	75,0	30,0	105,0
	ex 18 (1)	tonnes	49,0	19,6	68,6
	ex 20 (1)	tonnes	5,0	2,0	7,0
	ex 24 (1)	1 000 pieces	60,0	24,0	84,0
	ex 39 (1)	tonnes	5,0	2,0	7,0
	ex 78 (1)	tonnes	1,5	0,6	2,1
	115	tonnes	225,0	90,0	315,0
	117	tonnes	225,0	90,0	315,0
	118	tonnes	475,0	190,0	665,0
	120	tonnes	31,5	12,6	44,1
	ex 136 (1) (2)	tonnes	142,5	57,0	199,5
	156	tonnes	380,0	152,0	532,0
	157	tonnes	2 700,0	1 080,0	3 780,0
	159	tonnes	1 510,0	604,0	2 114,0
	161	tonnes	5 389,0	2 155,0	7 544,0
North Korea	4	1 000 pieces	142,5	57,0	199,5
	5	1 000 pieces	59,5	23,8	83,3
	6	1 000 pieces	72,0	28,8	100,8
	7	1 000 pieces	46,5	18,6	65,1
	8	1 000 pieces	66,5	26,6	93,1
	15	1 000 pieces	53,5	21,4	74,9
	21	1 000 pieces	1 428,5	571,4	1 999,9
	76	tonnes	37,0	14,8	51,8
	78	tonnes	57,5	23,0	80,5
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	2	tonnes	4 272,0	1 708,0	5 980,0
	2a	tonnes	965,5	386,2	1 351,7
	6	1 000 pieces	477,0	190,8	667,8
	7	1 000 pieces	285,5	114,2	399,7
	8	1 000 pieces	1 284,0	513,6	1 797,6
	16	1 000 pieces	283,5	113,4	396,9

(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 and 5007 90 90.

ANNEX III

Maximum amounts to be allocated to operators, other 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	kilograms	100
	ex 20	kilograms	100
	ex 24	pieces	250
	ex 39	kilograms	100
	ex 78	kilograms	100
	115	kilograms	500
	117	kilograms	500
	118	kilograms	1 000
	120	kilograms	100
	ex 136	kilograms	500
	156	kilograms	500
	157	kilograms	500
	159	kilograms	250
	161	kilograms	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	kilograms	500
	78	kilograms	500
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	2	kilograms	2 500
	2 a	kilograms	2 500
	6	pieces	2 500
	7	pieces	2 500
	8	pieces	2 500
	16	pieces	2 500