COMMISSION REGULATION (EC) No 1539/1999

of 13 July 1999

derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [1], as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council [2], and in particular Article 249 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3], as last amended by Regulation (EC) No 502/1999 [4], and in particular Article 76 thereof,

(1) Whereas, by Council Regulation (EC) No 2820/98 of 21 December 1998 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001 [5], the Community gave such preferences to Nepal; whereas that Regulation has also extended, until 30 June 1999, the validity of Council Regulation (EC) No 3281/94 of 19 December 1994 applying a four-year scheme of generalised tariff preferences (1995 to 1998) in respect of certain industrial products originating in developing countries [6], as last amended by Regulation (EC) No 602/98 [7], by which Nepal was also given such preferences;

(2) Whereas Articles 67 to 97 of Regulation (EEC) No 2454/93 establish the definition of the concept of originating products to be used for the purposes of generalised tariff preferences; whereas Article 76 of that Regulation provides, however, for derogations to those provisions in favour of least-developed GSP-beneficiary countries which submit an appropriate request to that effect to the Community;

(3) Whereas, by Commission Regulation (EC) No 1715/97 [8], Nepal obtained such a derogation for certain textiles, for the period 1 August 1997 to 31 December 1998;

(4) Whereas the Government of Nepal has asked for the term of validity of that derogation to be extended;

(5) Whereas the request submitted by Nepal satisfies the requirements of Article 76 of Regulation (EEC) No 2454/93; whereas in particular the introduction of quantitative conditions (on an annual basis) reflecting the Community market's capacity to absorb the Nepalese products, Nepal's export capacity and actual recorded trade flows, is such as to prevent injury to the corresponding branches of Community industry; whereas the derogation should be adapted, however, with reference to the economic needs, and to the new rules of origin, applicable under generalised tariff preferences, given in Commission Regulation (EC) No 46/1999 [9];

(6) Whereas in order to encourage regional cooperation among beneficiary countries it is desirable to provide that the raw materials to be used in Nepal in the context of this derogation should originate in countries belonging to the Association of South-East Asian Nations (Asean) (except Myanmar), the South Asian Association for Regional Cooperation (SAARC) or to the Lomé Convention;

(7) Whereas the open and effective administration of these measures should be ensured by applying the relevant provisions, for the management of tariff quotas, laid down in Regulation (EEC) No 2454/93, as amended by Regulation (EC) No 1427/97 [10];

(8) Whereas provision should be made for the transfer of quantities between product categories in accordance with and up to the limits for Bangladesh in Annex VIII to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries [11], as last amended by Commission Regulation (EC) No 1072/1999 [12];

(9) Whereas, to be fully effective, the derogation should be granted for a reasonable length of time;

(10) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

[1] OJ L 302, 19.10.1992, p. 1.
[2] OJ L 119, 7.5.1999, p. 1.
[3] OJ L 253, 11.10.1993, p. 1.
[4] OJ L 65, 12.3.1999, p. 1.
[5] OJ L 357, 30.12.1998, p. 1.
[6] OJ L 348, 31.12.1994, p. 1.
[7] OJ L 80, 18.3.1998, p. 1.
[8] OJ L 242, 4.9.1997, p. 19.
[9] OJ L 10, 15.1.1999, p. 1.
[10] OJ L 196, 24.7.1997, p. 31.
[11] OJ L 275, 8.11.1993, p. 1.
[12] OJ L 134, 28.5.1999, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Articles 67 to 97 of Regulation (EEC) No 2454/93, products listed in the Annex to this Regulation which are manufactured in Nepal from woven fabric (woven items) or yarn (knitted items) imported into that country and originating in a country belonging to the Association of South-East Asian Nations (Asean) (except Myanmar), the South Asian Assocation for Regional Cooperation (SAARC) or to the Lomé Convention shall be regarded as originating in Nepal in accordance with the arrangements set out below.

2. For the purposes of paragraph 1, products shall be considered as originating in Asean or SAARC when they are obtained in these countries according to the rules of origin provided for in Articles 67 to 97 of Regulation (EEC) No 2454/93, or as originating in the beneficiary countries of the Lomé Convention when they are obtained in those countries according to the rules of origin provided in Protocol 1 to the Fourth ACP-EEC Convention [1].

3. The competent authorities of Nepal shall undertake to take all of the necessary measures to ensure compliance with the provisions of paragraph 2.

Article 2

The derogation provided for in Article 1 shall apply to products imported into the Community from Nepal during the period 15 July 1999 to 14 July 2000, up to the annual quantities listed in the Annex against each product.

Article 3

The quantities referred to in Article 2 shall be managed by the Commission, in accordance with the provisions laid down in Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 4

Quantities may be transferred in accordance with the provisions and up to the limits set out for Bangladesh in Annex VIII to Regulation (EEC) No 3030/93.

Article 5

The following shall be entered in box 4 of certificates of origin Form A issued pursuant to this Regulation:

'Derogation — Regulation (EC) No 1539/1999'

Article 6

In case of doubt, the Member States may demand a copy of the document certifying the origin of the materials used in Nepal under this derogation. Such a demand may be made at the time of entry into free circulation of the goods benefiting from this Regulation, or within the framework of the administrative cooperation for which provision is made in Article 94 of Regulation (EEC) No 2454/93.

Article 7

This Regulation shall enter into force on the seventh 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, 13 July 1999.

For the Commission

Mario MONTI

Member of the Commission

[1] OJ L 229, 17.8.1991, p. 1.

ANNEX

Order No	Textile category	Combined Nomenclature	Description of goods	Quantity (1.1-31.12)
09.8103	6	6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90 6203 49 19 6203 49 50 6204 61 10 6204 62 31 6204 62 33 6204 62 39 6204 63 18 6204 69 18 6211 32 42 6211 33 42 6211 42 42 6211 43 42	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres; lower parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres	474 814 pieces
09.8104	7	6106 10 00 6106 20 00 6106 90 10 6206 20 00 6206 30 00 6206 40 00	Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, of cotton or of man-made fibres	386 814 pieces
09.8105	8	6205 10 00 6205 20 00 6205 30 00	Men's or boys' shirts, other than knitted or crocheted, of wool, of cotton or of man-made fibres	144 532 pieces
09.8106	10	6111 10 10 6111 20 10 6111 30 10 ex 6111 90 00 6116 10 20 6116 10 80 6116 91 00 6116 92 00 6116 93 00 6116 99 00	Gloves, mittens and mitts, knitted or corcheted	1 195 331 pairs
09.8107	12	6115 12 00 6115 19 00 6115 20 11 6115 20 90 6115 91 00 6115 92 00 6115 93 10 6115 93 30 6115 93 99 6115 99 00	Panty-hose and tights, stockings, understockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, other than for babies, including stockings for varicose veins, other than products of category 70	416 579 pairs

Order No	Textile category	Combined Nomenclature	Description of goods	Quantity (1.1-31.12)
09.8109	14	6201 11 00 ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6210 20 00	Men's or boys' woven overcoats, raincoats and other coats, cloaks and capes, of wool, of cotton or of man-made fibres (other than parkas of category 21)	50 792 pieces
09.8110	15	6202 11 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6204 31 00 6204 32 90 6204 33 90 6204 39 19 6210 30 00	Women's or girls' woven overcoats, raincoats and other coats, cloaks and capes; jackets and blazers, of wool, of cotton or of man-made fibres (other than parkas of category 21)	420 669 pieces
09.8111	16	6203 11 00 6203 12 00 6203 19 10 6203 19 30 6203 21 00 6203 22 80 6203 23 80 6203 29 18 6211 32 31 6211 33 31	Men's or boys' suits and ensembles, other than knitted or corcheted, of wool, of cotton or of man-made fibres, excluding ski-suits; men's or boys' tracksuits with lining, with an outer shell of a single identical fabric, of cotton or of man-made fibres	43 523 pieces
09.8112	17	6203 31 00 6203 32 90 6203 33 90 6203 39 19	Men's or boys' jackets and blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres	90 785 pieces
09.8113	18	6207 11 00 6207 19 00 6207 21 00 6207 22 00 6207 29 00 6207 91 10 6207 91 90 6207 92 00 6207 99 00	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing-gowns and similar articles, other than knitted or crocheted	227 tonnes
		6208 11 00 6208 19 10 6208 19 90 6208 21 00 6208 22 00 6208 29 00 6208 91 11 6208 91 19 6208 91 90 6208 92 00 6208 99 00 ex 6212 10 10 6212 10 90	Women's or girls singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing-gowns and similar articles, other than knitted or corcheted	

Order No	Textile category	Combined Nomenclature	Description of goods	Quantity (1.1-31.12)
09.8114	21	ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00 6211 32 41 6211 33 41 6211 42 41 6211 43 41	Parkas; anoraks, wind-cheaters, waister jackets and the like, other than knitted or corcheted, of wool, of cotton or of man-made fibres; upper parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres	21 109 pieces
09.8116	26	6104 41 00 6104 42 00 6104 43 00 6104 44 00 6204 41 00 6204 42 00 6204 43 00 6204 44 00	Women's or girls' dresses, of wool, of cotton or of man-made fibres	1 955 024 pieces
09.8117	27	6104 51 00 6104 52 00 6104 53 00 6104 59 00 6204 51 00 6204 52 00 6204 53 00 6204 59 10	Women's or girls' skirts, including divided skirts	455 582 pieces
09.8119	29	6204 11 00 6204 12 00 6204 13 00 6204 19 10 6204 21 00 6204 22 80 6204 23 80 6204 29 18 6211 42 31 6211 43 31	Women's or girls' suits and ensembles, other than knitted or crocheted, or wool, of cotton or of man-made fibres, excluding ski-suits; women's or girls' tracksuits with lining, with an outer shell of an identical fabric, of cotton or of man-made fibres	201 701 pieces
09.8120	31	ex 6212 10 10 6212 10 90	Brassières, woven, knitted or crocheted	1 100 pieces
09.8121	68	6111 10 90 6111 20 90 6111 30 90 ex 6111 90 00 ex 6209 10 00 ex 6209 20 00 ex 6209 30 00 ex 6209 90 00	Babies' garments and clothing accessories, excluding babies' gloves, mittens and mitts of categories 10 and 87, and babies' stockings, socks and sockettes, other than knitted or crocheted, of category 88	21 tonnes

Order No	Textile category	Combined Nomenclature	Description of goods	Quantity (1.1-31.12)
09.8123	72	6112 31 10 6112 31 90 6112 39 10 6112 39 90 6112 41 10 6112 41 90 6112 49 10 6112 49 90 6211 11 00 6211 12 00	Swimwear, of wool, of cotton or of man-made fibres	11 364 pieces
09.8127	76	6203 22 10 6203 23 10 6203 29 11 6203 32 10 6203 33 10 6203 39 11 6203 42 11 6203 42 51 6203 43 11 6203 43 31 6203 49 11 6203 49 31 6211 32 10 6211 33 10	Men's or boys' industrial or occupational clothing, other than knitted or crocheted	5 tonnes
		6204 22 10 6204 23 10 6204 29 11 6204 32 10 6204 33 10 6204 39 11 6204 62 11 6204 62 51 6204 63 11 6204 63 31 6204 69 11 6204 69 31 6211 42 10 6211 43 10	Women's or girls' aprons, smock-overalls and other industrial or occupational clothing, other than knitted or crocheted	
09.8128	78	6203 41 30 6203 42 59 6203 43 39 6203 49 39 6204 61 80 6204 61 90 6204 62 59 6204 62 90 6204 63 39 6204 63 90 6204 69 39 6204 69 50 6210 40 00 6210 50 00 6211 31 00 6211 32 90 6211 33 90 6211 41 00 6211 42 90 6211 43 90	Garments, other than knitted or crocheted, excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77	95 tonnes

Order No	Textile category	Combined Nomenclature	Description of goods	Quantity (1.1-31.12)
09.8130	84	6214 20 00 6214 30 00 6214 40 00 6214 90 10	Shawls, scarves, mufflers, mantillas, veils and the like, other than knitted or crocheted, of wool, of cotton or of man-made fibres	30 tonnes
09.8131	86	6212 20 00 6212 30 00 6212 90 00	Corsets, corset-belts, suspender-belts, braces, suspenders, garters and the like, and parts thereof, whether or not knitted or crocheted	1 100 pieces
09.8134	159	6204 49 10 6206 10 00 6214 10 00 6215 10 00	Dresses, blouses and shirt-blouses, not knitted or crocheted, of silk-waste Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of silk or of silk-waste Ties, bow-ties and cravats, of silk or of silk-waste	1,1 tonnes
09.8135	161	6201 19 00 6201 99 00 6202 19 00 6202 99 00 6203 19 90 6203 29 90 6203 39 90 6203 49 90 6204 19 90 6204 29 90 6204 39 90 6204 49 90 6210 59 90 6210 69 90 6205 90 10 6205 90 90 6206 90 10 6206 90 90 ex 6211 20 00 6211 39 00 6211 49 00	Garments, not knitted or crocheted, other than those of categories 1 to 123 and of category 159	51 tonnes
09.8136	20	6302 21 00 6302 22 90 6302 29 90 6302 31 10 6302 31 90 6302 32 90 6302 39 90	Bed linen, other than knitted or crocheted	5 tonnes
09.8137	40	ex 6303 91 00 ex 6303 92 90 ex 6303 99 90 6304 19 10 ex 6304 19 90 6304 92 00 ex 6304 93 00 ex 6303 99 00	Woven curtains (including drapes, interior blinds, curtain and bed valances and other furnishing articles), other than knitted or crocheted, of wool, of cotton or of man-made fibres	114 tonnes
09.8138	91	6306 21 00 6306 22 00 6306 29 00	Tents	3 tonnes

Order No	Textile category	Combined Nomenclature	Description of goods	Quantity (1.1-31.12)
09.8139	109	6306 11 00 6306 12 00 6306 19 00 6306 31 00 6306 39 00	Tarpaulins, sails, awnings and sunblinds	11 tonnes
09.8140	110	6306 41 00 6306 49 00	Woven pneumatic mattresses	1,1 tonnes
09.8141	111	6306 91 00 6306 99 00	Camping goods, woven, other than pneumatic mattresses and tents	1,1 tonnes