COMMISSION REGULATION (EC) No 880/1999

of 28 April 1999

redistributing unused portions of the 1998 quantitative quotas for certain products originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas [1], as amended by Regulation (EC) No 138/96 [2], and in particular Articles 2(5), 14 and 24 thereof,

(1) Whereas Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 [3], as last amended by Regulation (EC) No 1138/98 [4], introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex II to that Regulation; whereas the provisions of Regulation (EC) No 520/94 are applicable to those quotas;

(2) Whereas the Commission accordingly adopted Regulation (EC) No 738/94 [5], as last amended by Regulation (EC) No 983/96 [6], laying down general rules for the implementation of Regulation (EC) No 520/94; whereas these provisions apply to the administration of the above quotas subject to the provisions of this Regulation;

(3) Whereas, in accordance with Article 20 of Regulation (EC) No 520/94, the competent authorities of the Member States notified the Commission of the quantities of quotas assigned in 1998 and not used;

(4) Whereas the unused quantities could not be redistributed in time to be used before the end of the 1998 quota year;

(5) Whereas examination of the data received for each of the products in question indicates that the quantities not used in the 1998 quota year should be redistributed in 1999, up to a limit of the amounts set out in Annex I to this Regulation;

(6) Whereas, the different administrative methods provided for by Regulation (EC) No 520/94 having been considered, the method based on traditional trade flows should be adopted; whereas under this method quota tranches are divided into two portions, one of which is reserved for traditional importers and the other for other applicants;

(7) Whereas this has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows;

(8) Whereas quantities redistributed under this Regulation should be divided using the same criteria as for the allocation of the 1999 quotas;

(9) Whereas the reference period used for the apportionment of the 1999 quotas, consisting of either the year 1996 or 1997, should again be applied to the allocation of the share set aside for traditional importers, since it continues to reflect the normal trend of trade flows for the products in question; whereas, therefore, traditional importers must prove that they imported products originating in China subject to the relevant quotas in the course of either 1996 or 1997;

(10) Whereas it is necessary to simplify the formalities to be fulfilled by traditional importers who already hold import licences issued when the 1999 Community quotas were allocated; whereas the competent administrative authorities already possess the requisite evidence of either 1996 or 1997 imports for all traditional importers; whereas the latter need therefore only enclose a copy of their previous licences with their new licence applications;

(11) Whereas measures should be taken to provide the best conditions for the allocation of that portion of the quota reserved for non-traditional importers with a view to optimum use of quotas; whereas, to this end, it is appropriate to provide for that

[1] OJ L 66, 10.3.1994, p. 1.
[2] OJ L 21, 27.1.1996, p. 6.
[3] OJ L 67, 10.3.1994, p. 89.
[4] OJ L 159, 3.6.1998, p. 1.
[5] OJ L 87, 31.3.1994, p. 47.
[6] OJ L 131, 1.6.1996, p. 47.

portion to be allocated in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications actually lodged, and grant access only to importers who can prove that they obtained and made use of at least 80 % of an import licence for the product in question during the 1998 quota year and to importers who did not obtain an import licence for the product in question during the 1998 quota year; whereas the amount that any non-traditional importer may request should also be restricted to a set volume or value;

(12) Whereas for the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and other importers;

(13) Whereas with a view to optimum use of quotas, licence applications for imports of footwear under quotas which refer to several CN codes must specify the quantities required for each code;

(14) Whereas the Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94; whereas the information about traditional importers' previous imports must be expressed in the same units as the quota in question;

(15) Whereas in the light of the experience gained in the management of the quotas, in order to facilitate import administration formalities to economic operators and in view of the fact that unused quantities may not be carried over to the following year more than once, thus the risk of excessive accumulation of imports appear to be limited, it is deemed appropriate, without prejudice to the results of a further analysis which may appear to be warranted in this respect in the future, to set the expiry date of the redistribution import licences at 31 December 1999;

(16) Whereas these measures are in accordance with the opinion of the Committee for the administration of quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down specific provisions for the redistribution in 1999 of portions of the quantitative quotas referred to in Annex II to Regulation (EC) No 519/94 which were not used in the 1998 quota year.

The quantities not used in the 1998 quota year shall be redistributed up to the limit of the volumes or values set out in Annex I to this Regulation.

Regulation (EC) No 738/94 laying down general rules for the implementation of Regulation (EC) No 520/94 shall apply, subject to the specific provisions of this Regulation.

Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2(2)(a) of Regulation (EC) No 520/94.

2. The portions of each quantitative quota set aside for traditional importers and other importers are set out in Annex II to this Regulation.

3. The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested; the volume requested by a single importer may not exceed that shown in Annex III. Only importers who can prove that they imported at least 80 % of the volume of the product for which they were granted an import licence pursuant to Commission Regulations (EC) No 2021/97 [1] and/or (EC) No 1280/98 [2] and importers who declare that they did not obtain an import licence pursuant to Regulations (EC) No 2021/97 and/or (EC) No 1280/98 shall be entitled to apply for import licences.

Article 3

Applications for import licences shall be lodged from the day following the day of publication of this Regulation in the *Official Journal of the European Communities* to 27 May 1999 at 3 p.m., Brussels time, with the competent authorities listed in Annex IV to this Regulation.

Article 4

1. For the purposes of allocating the portion of each quota set aside for traditional importers, 'traditional' importers shall mean importers who can show that they have imported goods in either the calendar year 1996 or 1997.

2. The evidence referred to in Article 7 of Regulation (EC) No 520/94 shall relate to the release into free circulation during either calendar year 1996 or 1997, as indicated by the importer, of products originating in the People's Republic of China which are covered by the quota in respect of which the application is made.

[1] OJ L 284, 16.10.1997, p. 42.
[2] OJ L 176, 20.6.1998, p. 17.

3. Instead of the evidence referred to in the first indent of Article 7 of Regulation (EC) No 520/94:

— applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during calendar year 1996 or 1997 carried out by themselves or, where applicable, by the operator whose activities they have taken over,

— applicants already holding import licences issued for 1999 under Commission Regulation (EC) No 2297/98 [1], for products covered by the licence application may enclose a copy of their previous licences with their licence applications. In that case they shall indicate in their licence application the aggregate quantity of imports of the product in question during the chosen reference period.

Article 5

Member States shall inform the Commission no later than 10 June 1999 at 10 a.m., Brussels time, of the number and aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during the reference period referred to in Article 4(1) of this Regulation.

Article 6

No later than 30 June 1999 the Commission shall adopt the quantitative criteria to be used by the competent national authorities for the purpose of meeting importers' applications.

Article 7

Import licences shall be valid up to 31 December 1999. The validity shall not be extendable.

Article 8

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, 28 April 1999.

For the Commission

Leon BRITTAN

Vice-President

[1] OJ L 287, 24.10.1998, p. 10.

ANNEX I

Quantities to be redistributed

Product description	HS/CN code	Quantities redistributed
Footwear falling within HS/CN codes	ex 6402 99 (1)	6 508 239 pairs
	6403 51 6403 59	1 294 088 pairs
	ex 6403 91 (1) ex 6403 99 (1)	1 823 036 pairs
	ex 6404 11 (2)	5 863 051 pairs
	6404 19 10	15 869 720 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	8 175,49 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	7 043,15 tonnes

(1) Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

(2) Excluding:

(a) footwear which is designed for a sporting activity and has, or has a provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;

(b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX II

Allocation of the quotas

Product description	HS/CN code	Portion reserved for traditional importers	Portion reserved for other importers
Footwear falling within HS/CN codes	ex 6402 99 (1)	4 881 179 pairs (75 %)	1 627 060 pairs (25 %)
	6403 51 6403 59	970 566 pairs (75 %)	323 522 pairs (25 %)
	ex 6403 91 (1) ex 6403 99 (1)	1 367 277 pairs (75 %)	455 759 pairs (25 %)
	ex 6404 11 (2)	4 397 288 pairs (75 %)	1 465 763 pairs (25 %)
	6404 19 10	11 902 290 pairs (75 %)	3 967 430 pairs (25 %)
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	6 131,62 tonnes (75 %)	2 043,87 tonnes (25 %)
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	5 282,36 tonnes (75 %)	1 760,79 tonnes (25 %)

(1) Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

(2) Excluding:

(a) footwear which is designed for a sporting activity and has, or has a provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;

(b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX III

Maximum quantity which may be requested by each importer other than traditional

Product description	HS/CN code	Predetermined maximum quantity
Footwear falling within HS/CN codes	ex 6402 99 (1)	4 000 pairs
	6403 51 6403 59	4 000 pairs
	ex 6403 91 (1) ex 6403 99 (1)	4 000 pairs
	ex 6404 11 (2)	4 000 pairs
	6404 19 10	4 000 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	4 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	4 tonnes

(1) Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

(2) Excluding:

(a) footwear which is designed for a sporting activity and has, or has a provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;

(b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX IV

LIST OF THE COMPETENT NATIONAL AUTHORITIES

1. BELGIQUE/BELGIË

Ministère des affaires économiques
Administration des relations économiques, 4e division: Mise en œuvre des politiques commerciales. Services licences

Ministerie van Economische Zaken
Bestuur van de Economische Betrekkingen. 4e afdeling: Toepassing van de handelspolitiek. Dienst Vergunningen
60, rue Général Leman/Generaal Lemanstraat 60
B-1040 Bruxelles/Brussel
Tél./Tel.: (32 2) 206 58 16
Télécopieur/Fax: (32 2) 230 83 22 231 14 84

2. DANMARK

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Tlf. (45) 87 20 40 60
Fax (45) 87 20 40 77

3. DEUTSCHLAND

Bundesamt für Wirtschaft
Frankfurter Straße 29-31
D-65760 Eschborn
Tel.: (49) 61 96 404-0
Fax: (49) 61 96 40 42 12

4. GREECE

Ministry of National Economy
1, Kornarou Street
GR-Athens 105-63
Tel.: (301) 328-6031/328-60 32
Fax: (301) 328 60 94/328 60 59

5. ESPAÑA

Ministerio de Economía y Hacienda
Dirección General de Comercio Exterior
Paseo de la Castellana, 162
E-28071 Madrid
Tel.: (34) 913 49 38 94/913 49 37 78
Fax: (34) 913 49 38 32.

6. FRANCE

Service des titres du commerce extérieur
8, rue de la Tour-des-Dames
F-75436 Paris Cedex 09
Tél.: (331) 40 04 04 04
Télécopieur: (331) 55 07 46 59

7. IRELAND

Department of Enterprise Trade and Employment
Licencing Unit
Kildare Street
Dublin 2
Tel.: (353 1) 631 21 21
Fax: (353 1) 676 61 54

8. ITALIA

Ministero del Commercio con l'estero
Direzione generale delle importazioni e delle esportazioni
Viale America 341
I-00144 Roma
Tel.: (39 6) 59 931
Telefax: (39 6) 59 93 26 31/59 93 22 35
Telex: 610083-610471-614478

9. LUXEMBOURG

Ministère des affaires étrangères
Office des Licences
Boîte postale 113
L-2011 Luxembourg
Tél.: (352) 22 61 62
Télécopieur: (352) 46 61 38

10. NEDERLAND

Centrale Dienst voor in- en uitvoer
Engelse Kamp 2
Postbus 30003
NL-9700 RD Groningen
Tel.: (31 50) 523 91 11
Fax: (31 50) 526 06 98

11. ÖSTERREICH

Bundesministerium für wirtschaftliche Angelegenheiten
Landstrasser Hauptstraße 55/57
A-1031 Wien
Tel.: (43) 1 71 10 23 61
Fax: (43) 1 715 83 47

12. PORTUGAL

Ministério da Economia
Direcção-Geral do Comércio
Avenida da República, 79
P-1094 Lisboa
Tel.: (351 1) 793 09 93/793 30 02
Fax: (351 1) 793 22 10/796 37 23
Telex: 13418

13. SUOMI

Tullihallitus
PL 512
FIN-00101 Helsinki
P. (358-9) 61 41
F. (358-9) 614 28 52

14. SVERIGE

Kommerskollegium
Box 6803
S-113 86 Stockholm
Tfn (46-8) 690 48 00
Fax (46-8) 30 67 59

15. UNITED KINGDOM

Department of Trade and Industry
Import Licencing Branch
Queensway House, West Precinct Billingham
Stockton on Tees TS23 2NF
Tel.: (44 1642) 36 43 33/36 43 34
Fax: (44 1642) 53 35 57