COMMISSION REGULATION (EC) No 1478/2005

of 12 September 2005

amending Annexes V, VII and VIII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries [1], and in particular Articles 8 and 19 thereof,

Whereas:

(1) On 10 June 2005, the European Commission and the Chinese Ministry of Commerce agreed on a Memorandum of Understanding on the export of certain Chinese textile and clothing products to the European Union. In order to take account of this Memorandum of Understanding the Commission subsequently adopted Regulation (EC) No 1084/2005.

(2) It is necessary to clarify the destination of shipments to the Community indicated in footnote 3 of the table shown under (b) in Annex V of Regulation (EEC) No 3030/93, as well as a specific conversion rate for children's garments for textiles category 4.

(3) It is necessary to provide for arrangements for the treatment of goods sent out from the Community to China for Processing Traffic (OPT).

(4) These arrangements on OPT should be reflected in Annex VII of Regulation (EEC) No 3030/93.

(5) The quantitative limits laid down in the Memorandum of Understanding have been reached for several product categories. As a consequence, a considerable amount of goods are blocked at the Community ports which creates unexpected difficulties for the normal conduct of trade.

(6) On 5 September 2005, the European Commission and the Chinese Ministry of Commerce concluded consultations on how to deal with the problems caused by exports of textile and clothing from China in excess of the quantities established in the Memorandum of Understanding. As a result it was agreed to provide for additional quantities for the categories concerned and to introduce certain flexibilities.

(7) In order to take into account of the arrangement agreed by the European Commission and the Chinese Ministry of Commerce it is necessary to adjust the quantitative limits for imports of textile and clothing products originating in China for 2005 and 2006 and to provide for certain flexibilities. Regulation (EEC) No 3030/93 should therefore be amended accordingly.

(8) In addition, given the particular circumstances of this situation, it is appropriate to provide for additional quantities in order to allow for the release of all textile and clothing products which are currently blocked.

(9) In view of the urgency of the matter, the Regulation should enter into force without delay.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3030/93 is amended as follows:

1. Annex V is amended in accordance with Annex I to this Regulation;

2. in Annex VII the table is replaced by the table set out in Annex II to this Regulation;

3. in Annex VIII the table is replaced by the table set out in Annex III to this Regulation.

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1084/2005 (OJ L 177, 9.7.2005, p. 19).

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 12 September 2005.

For the Commission
Peter MANDELSON
Member of the Commission

ANNEX I

Annex V to Regulation (EEC) No 3030/93 is modified as follows:

(a) Annex V is replaced by the following:

'ANNEX V

COMMUNITY QUANTITATIVE LIMITS

(a) **applicable for the year 2005**

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2005
Belarus	GROUP IA		
	1	tonnes	1 585
	2	tonnes	5 100
	3	tonnes	233
	GROUP IB		
	4	1 000 pieces	1 600
	5	1 000 pieces	1 058
	6	1 000 pieces	1 400
	7	1 000 pieces	1 200
	8	1 000 pieces	1 110
	GROUP IIA		
	9	tonnes	363
	20	tonnes	318
	22	tonnes	498
	23	tonnes	255
	39	tonnes	230
	GROUP IIB		
	12	1 000 pairs	5 958
	13	1 000 pieces	2 651
	15	1 000 pieces	1 500
	16	1 000 pieces	186
	21	1 000 pieces	889
	24	1 000 pieces	803
	26/27	1 000 pieces	1 069
	29	1 000 pieces	450
	73	1 000 pieces	315
	83	tonnes	178
	GROUP IIIA		
	33	tonnes	387
	36	tonnes	1 242
	37	tonnes	463
	50	tonnes	196

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2005
	GROUP IIIB		
	67	tonnes	339
	74	1 000 pieces	361
	90	tonnes	199
	GROUP IV		
	115	tonnes	87
	117	tonnes	1 800
	118	tonnes	448
Serbia (1)	GROUP IA		
	1	tonnes	
	2	tonnes	
	2a	tonnes	
	3	tonnes	
	GROUP IB		
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIA		
	9	tonnes	
	GROUP IIB		
	15	1 000 pieces	
	16	1 000 pieces	
	GROUP IIIB		
	67	tonnes	
Vietnam (2)	GROUP IB		
	4	1 000 pieces	
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIA		
	9	tonnes	
	20	tonnes	
	39	tonnes	
	GROUP IIB		
	12	1 000 pairs	
	13	1 000 pieces	
	14	1 000 pieces	
	15	1 000 pieces	
	18	tonnes	

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2005
	21	1 000 pieces	
	26	1 000 pieces	
	28	1 000 pieces	
	29	1 000 pieces	
	31	1 000 pieces	
	68	tonnes	
	73	1 000 pieces	
	76	tonnes	
	78	tonnes	
	83	tonnes	
	GROUP IIIA		
	35	tonnes	
	41	tonnes	
	GROUP IIIB		
	10	1 000 pairs	
	97	tonnes	
	GROUP IV		
	118	tonnes	
	GROUP V		
	161	tonnes	

(1) Quantitative restrictions for Serbia do not apply pursuant to the Agreement between the European Community and Serbia on trade in textile products (OJ L 90, 8.4.2005, p. 36). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

(2) Quantitative restrictions for Vietnam are suspended pursuant to the Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access (OJ L 75, 22.3.2005, p. 35). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

(b) **applicable for the years 2005, 2006 and 2007**

(The complete description of the goods is shown in Annex I)			Agreed levels		
Third country	Category	Unit	11 June to 31 December 2005 (1)	2006	2007
China	GROUP IA				
	2 (including 2a)	tonnes	20 212	61 948	69 692
	GROUP IB				
	4 (2)	1 000 pieces	161 255	540 204	594 225
	5	1 000 pieces	118 783	189 719	219 674
	6	1 000 pieces	124 194	338 923	382 880
	7	1 000 pieces	26 398	80 493	88 543
	GROUP IIA				
	20	tonnes	6 451	15 795	17 770
	39	tonnes	5 521	12 349	13 892

(The complete description of the goods is shown in Annex I)			Agreed levels		
Third country	Category	Unit	11 June to 31 December 2005 [1]	2006	2007
	GROUP IIB				
	26	1 000 pieces	8 096	27 001	29 701
	31	1 000 pieces	108 896	219 882	248 261
	GROUP IV				
	115	tonnes	2 096	4 740	5 214

[1] Imports into the Community of products which were shipped to the Community before 11 June 2005 but presented for free circulation on or after that date shall not be subject to quantitative limits. Import authorisations for such products shall be granted automatically and without quantitative limits by the competent authorities of the Member States, upon adequate proof, such as the bill of lading, and the presentation of a signed declaration by the importer, that the goods have been shipped to the Community before that date. By way of derogation of Article 2(2) of Council Regulation (EEC) No 3030/93, imports of goods shipped before 11 June 2005 shall also be released for free circulation upon the presentation of a surveillance document issued in accordance with Article 10a(2a) of Council Regulation (EEC) No 3030/93.
Import authorisations for goods shipped to the Community between 11 June 2005 and 12 July shall be granted automatically and cannot be denied on the grounds that there are no quantities available within the 2005 quantitative limits. However, the import of all products shipped from 11 June 2005 will be counted against the 2005 quantitative limits.
The granting of import authorisations will not require the presentation of the corresponding export licenses for goods shipped to the Community before China has put in place its export licensing system (20 July 2005).
Applications for import licences for the import, from the date of entry into force of this Regulation, of goods that have been shipped between 11 June 2005 and 19 July 2005 (inclusive) shall be presented to the competent authorities of a Member State no later than 20 September 2005.
Goods shipped before 12 July do not need to have been shipped directly to the Community to benefit from the exemption of quantitative limits, although the competent authorities of the Community may deny such benefits if they have reasons to suspect that they have been shipped to another destination before 12 July in order to circumvent this Regulation, in case such transactions do not respond to normal business practices or purely logistical reasons. By way of example, are considered as corresponding to a normal conduct of business goods shipped to distribution centres for the importing companies, or when the importer can present a contract or letter of credit preceding the date of shipment, or when the goods have been transhipped outside China onto another means of transport within a reasonably short period of time.
The increases to the agreed levels introduced by the Regulation (EC) No 1478/2005 are made available to enable the issuance of import licences for goods shipped to the Community between 13 and 19 July 2005, or for goods shipped to the Community after 20 July 2005 with a valid Chinese export licence, which are in excess of the agreed levels introduced by Commission Regulation (EC) No 1084/2005 in Annex V to Council Regulation (EEC) No 3030/93.
Should any goods shipped to the Community between 13 and 19 July 2005 exceed these levels, the Commission may authorise the issuance of further import licences after informing the Textiles Committee, and after effecting the transfer of 2 072 924 kg of products of category 2 as provided for in Annex VIII.

[2] See Appendix A.'

(b) Appendix A to Annex V is replaced by the following:

'*Appendix A to Annex V*

Category	Third Country	Remarks
4	China	For the purpose of setting off exports against the agreed levels a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the agreed levels. The export licence concerning these products must bear, in box 9, the words "The conversion rate for garments of a commercial size of not more than 130 cm must be applied".'

ANNEX II

In Annex VII to Regulation (EEC) No 3030/93 the table is replaced by the following:

'TABLE

COMMUNITY QUANTITATIVE LIMITS FOR GOODS RE-IMPORTED UNDER OPT

Third country	Category	Unit	Community quantitative limits
			2005
Belarus	GROUP IB		
	4	1 000 pieces	4 733
	5	1 000 pieces	6 599
	6	1 000 pieces	8 800
	7	1 000 pieces	6 605
	8	1 000 pieces	2 249
	GROUP IIB		
	12	1 000 pairs	4 446
	13	1 000 pieces	697
	15	1 000 pieces	3 858
	16	1 000 pieces	786
	21	1 000 pieces	2 567
	24	1 000 pieces	661
	26/27	1 000 pieces	3 215
	29	1 000 pieces	1 304
	73	1 000 pieces	4 998
	83	tonnes	664
	GROUP IIIB		
	74	1 000 pieces	872
Serbia [1]	GROUP IB		
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIB		
	15	1 000 pieces	
	16	1 000 pieces	
Vietnam [2]	GROUP IB		
	4	1 000 pieces	
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	

Third country	Category	Unit	Community quantitative limits
			2005
	GROUP IIB		
	12	1 000 pairs	
	13	1 000 pieces	
	15	1 000 pieces	
	18	tonnes	
	21	1 000 pieces	
	26	1 000 pieces	
	31	1 000 pieces	
	68	tonnes	
	76	tonnes	
	78	tonnes	

([1]) Quantitative restrictions for Serbia do not apply pursuant to the Agreement between the European Community and Serbia on trade in textile products (OJ L 90, 8.4.2005, p. 36). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

([2]) Quantitative restrictions for Vietnam are suspended pursuant to the Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access (OJ L 75, 22.3.2005, p. 35). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

Third country	Category	Unit	Specific agreed levels		
			11 June to 31 December 2005 ([1])	2006	2007
China	GROUP IB				
	4	1 000 pieces	208	408	449
	5	1 000 pieces	453	886	975
	6	1 000 pieces	1 642	3 216	3 538
	7	1 000 pieces	439	860	946
	GROUP IIB				
	26	1 000 pieces	791	1 550	1 705
	31	1 000 pieces	6 301	12 341	13 575

([1]) The relevant textile products sent from the Community to the People's Republic of China for processing before 11 June 2005 and re-imported into the Community after that date will, upon adequate proof such as the export declaration, benefit from these provisions.'

ANNEX III

In Annex VIII to Regulation (EEC) No 3030/93 the table is replaced by the following:

'1. COUNTRY	2. Advance utilisation	3. Carry-over	4. Transfers from category 1 to categories 2 and 3	5. Transfers between categories 2 and 3	6. Transfers between categories 4, 5, 6, 7, 8	7. Transfers from Groups I, II, III to Groups II, III, IV	8. Maximum increase in any category	9. Additional conditions
Belarus	5 %	7 %	4 %	4 %	4 %	5 %	13,5 %	With regard to column 7, transfers can also be made from and to Group V. For Group I categories the limit in column 8 is 13 %
Serbia	5 %	10 %	12 %	12 %	12 %	12 %	17 %	With regard to column 7, transfers can be made from any category in Groups I, II and III to Groups II and III.
China	5 %	7 %						Transfers between categories 4, 5, 6, 7, 26 and 31: 4 %. Transfers between categories 2, 20, 39 and 115: 4 %. 2 072 924 kg of category 2 can be transferred by the Commission in 2005 into categories 4, 5, 6, 7, 20, 26, 31, 39 and 115. Before any such transfers can be carried out, prior authorisation from the Commission is necessary. The implementation of such transfers shall be made public.'