COMMISSION REGULATION (EC) No 2038/2005

of 14 December 2005

laying down rules for the management and distribution of textile quotas established for the year 2006 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 on common rules for imports of textile products 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 Article 21(2) thereof,

Whereas:

(1) Regulation (EC) No 517/94 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.

(2) Under that Regulation it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches, or to reserve a proportion of a specific quantitative limit exclusively for applications which are supported by evidence of the results of past import performance.

(3) Rules for management of the quotas established for 2006 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.

(4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 2171/2004 of 17 December 2004 laying down rules for the management and distribution of textile quotas established for the year 2005 under Council Regulation (EC) No 517/94 [2], proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2006.

(5) In order to satisfy the greatest possible number of operators it is appropriate to make the 'first come, first served' allocation method more flexible by placing a ceiling on the quantities which can be allocated to each operator by that method.

(6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2006 equivalent to the quantity which they imported in 2005.

(7) To achieve optimum use of the quantities, an operator who has used up at least one half of the amount already authorised should be permitted to apply for a further amount, provided that quantities are available in the quotas.

(8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but only until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2007 licences of which at least one half has been used by the application date.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 25 of Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

The purpose of this Regulation is to lay down rules on the management of quantitative quotas for imports of certain textile products set out in Annexes IIIB and IV to Regulation (EC) No 517/94 for the year 2006.

Article 2

The quotas referred to in Article 1 shall be allocated according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in Annex I.

[1] OJ L 67, 10.3.1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 931/2005 (OJ L 162, 23.6.2005, p. 37).
[2] OJ L 371, 18.12.2004, p. 20.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2006, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import licences granted to them for 2005.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2005 from given third countries and in given categories, provided that enough quota capacity is available.

Article 3

Any importer who has already used up 50 % or more of the amount allocated to him under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in Annex I.

Article 4

1. The competent national authorities listed in Annex II may, from 10 a.m. on 4 January 2006, notify the Commission of the amounts covered by requests for import authorisations.

The time fixed in the first subparagraph shall be understood as Brussels time.

2. The competent national authorities shall issue authorisations only after being notified by the Commission pursuant to Article 17(2) of Regulation (EC) No 517/94 that quantities are available for importation.

They shall issue authorisations only if an operator:

(a) proves the existence of a contract relating to the provision of the goods and,

(b) certifies in writing that, in respect of the categories and countries concerned:

(i) he has not already been allocated an authorisation under this Regulation, or

(ii) he has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3. Import authorisations shall be valid for nine months from the date of issue, but until 31 December 2006 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request. Such extension shall in no circumstances expire later than 31 March 2007.

Article 5

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 14 December 2005.

For the Commission
Peter MANDELSON
Member of the Commission

ANNEX I

Maximum amounts referred to in Articles 2 and 3

Country concerned	Category	Unit	Maximum amount
North Korea	1	Kilograms	10 000
	2	Kilograms	10 000
	3	Kilograms	10 000
	4	Pieces	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	12	Pairs	10 000
	13	Pieces	10 000
	14	Pieces	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	17	Pieces	10 000
	18	Kilograms	10 000
	19	Pieces	10 000
	20	Kilograms	10 000
	21	Pieces	10 000
	24	Pieces	10 000
	26	Pieces	10 000
	27	Pieces	10 000
	28	Pieces	10 000
	29	Pieces	10 000
	31	Pieces	10 000
	36	Kilograms	10 000
	37	Kilograms	10 000
	39	Kilograms	10 000
	59	Kilograms	10 000
	61	Kilograms	10 000
	68	Kilograms	10 000
	69	Pieces	10 000
	70	Pieces	10 000
	73	Pieces	10 000
	74	Pieces	10 000
	75	Pieces	10 000
	76	Kilograms	10 000
	77	Kilograms	5 000
	78	Kilograms	5 000
	83	Kilograms	10 000
	87	Kilograms	10 000
	109	Kilograms	10 000
	117	Kilograms	10 000
	118	Kilograms	10 000
	142	Kilograms	10 000
	151A	Kilograms	10 000
	151B	Kilograms	10 000
	161	Kilograms	10 000

Country concerned	Category	Unit	Maximum amount
Republic of Montenegro, Kosovo (1)	1	Kilograms	20 000
	2	Kilograms	20 000
	2a	Kilograms	10 000
	3	Kilograms	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	67	Kilograms	10 000

(1) As defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

ANNEX II

List of licensing offices referred to in Article 4

1. **Belgium**

Federale Overheidsdienst
Economie
Algemene Directie
Economisch Potentieel
Dienst Vergunningen
Leuvenseweg 44
B-1040 Brussel
Tel. (32-2) 548 64 69
Fax (32-2) 548 65 70

Service public fédéral
Économie
Direction générale du
potentiel économique
Service des licences
Rue de Louvain 44
B-1000 Bruxelles
Tél. (32 2) 548 64 69
Fax (32 2) 548 65 70

2. **Cyprus**

Ministry of Commerce, Industry and Tourism
Trade Department
6 Andrea Araouzou Str.
CY-1421 Nicosia
Tel.: (357-2) 867100
Fax: (357-2) 375120

3. **Czech Republic**

Ministerstvo průmyslu a obchodu
Licenční správa
Na Františku 32
CZ-110 15 Praha 1
Tel: (420-2) 24 90 71 11
Fax: (420-2) 24 21 21 33

4. **Denmark**

Erhvervs- og Byggestyrelsen
Økonomi- og Erhvervsministeriet
Vejlsøvej 29
DK-8600 Silkeborg
Tel.: (45) 35 46 64 30
Fax: (45) 35 46 64 01

5. **Germany**

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Str. 29—35
D-65760 Eschborn
Tel.: (49 61 96) 9 08-0
Fax: (49 61 96) 9 42 26

6. **Greece**

Υπουργείο Οικονομίας & Οικονομικών
Γενική Διεύθυνση Σχεδιασμού & Διαχείρισης Πολιτικής
Διεύθυνση Διεθνών Οικονομικών Ροών
Κορνάρου 1
GR-105 63 Αθήνα
Τηλ.: (30) 210 328 60 31-5
Φαξ: (30) 210 328 60 94

7. **Spain**

Ministerio de Industria, Turismo y Comercio
Secretaría General de Comercio Exterior
Paseo de la Castellana nº 162
E-28046 Madrid
Tel.: (34 91) 349 38 17, 349 37 48
Fax: (34 91) 563 18 23, 349 38 31

8. **Estonia**

Majandus- ja Kommunikatsiooniministeerium
Harju 11
15072 Tallinn
Estonia
Tel.: (372) 6256 400
Fax: (372) 6313 660

9. **France**

Ministère de l'économie, des finances et de l'industrie
Direction générale des entreprises
Service des industries manufacturières et de la poste (SIMAP)
Bureau «Textile-Importations»
Le Bervil, 12 rue Villiot
F-75572 Paris Cedex 12
Tél. (33-1) 53 44 96 60
Fax (33-1) 53 44 91 81

10. **Hungary**

Magyar Kereskedelmi Engedélyezési Hivatal
H-1024 Budapest
Margit krt. 85.
Postafiók: 1537 Budapest, Pf. 345.
Tel: (36-1) 336 73 00
Fax: (36-1) 336 73 02

11. **Ireland**

Department of Enterprise, Trade and Employment
Internal Market
Kildare Street
Dublin 2
Ireland
Tel.: (353-1) 631 21 21
Fax: (353-1) 631 28 26

12. **Italy**

Ministero del Commercio con l'estero
Direzione generale per la Politica commerciale e per la gestione del regime degli scambi
DIV. III
Viale America, 341
I-00144 Roma
Tel. (39 6) 59 64 75 17, 59 93 22 02/22 15
Fax (39 6) 59 93 22 35/22 63
Telex (39 6) 59 64 75 31

13. **Latvia**

Ekonomikas ministrija
Brīvības iela 55
LV-1519 Rīga
tel: (371) 701 30 06
fax: (371) 728 08 82

14. **Lithuania**

Lietuvos Respublikos ūkio ministerija
Gedimino pr. 38/2
LT-01104 Vilnius
Tel.: (370) 5 262 87 50; (370) 5 261 94 88
faksas (370) 5 262 39 74

15. **Luxembourg** Ministère des affaires étrangères Office des licences Boîte postale 113 L-2011 Luxembourg Tél. (352) 47 82 371 Fax (352) 46 61 38	16. **Malta** Ministry of Finance and Economic Affairs Trade Services Directorate, Commerce Division Lascaris Valletta CMR02 Malta tel: 00 356 21 246 800 fax: 00 356 21 251 515
17. **Netherlands** Belastingdienst/Douane Centrale dienst voor in- en uitvoer Engelse Kamp 2 Postbus 30003 9700 RD Groningen Nederland Tel. (31-50) 523 91 11 Fax (31-50) 523 22 10	18. **Poland** Ministerstwo Gospodarki Pl. Trzech Krzyży 3/5 00-950 Warszawa tel.: 0048/22/693 55 53 fax: 0048/22/693 40 21
19. **Portugal** Ministério das Finanças Direcção Geral das Alfândegas e dos Impostos Especiais sobre o Consumo Rua Terreiro do Trigo Edifício da Alfândega PT-1149-060 LISBOA Tel.: (351-1) 218 814 263 Fax: (351-1) 218 814 261 E-mail: dsl@dgaiec.min-financas.pt	20. **Slovakia** Ministerstvo hospodárstva SR Odbor licencií Mierová 19 827 15 Bratislava Slovenská republika Tel.: 00 421 2 48 54 20 21/00 421 2 48 54 71 19 Fax: 00 421 2 43 42 39 19
21. **Slovenia** Ministrstvo za finance Carinska uprava Republike Slovenije Carinski urad Jesenice Center za TARIC in kvote Spodnji Plavž 6c SI-4270 Jesenice Tel. (386-4) 297 44 70 Faks (386-4) 297 44 72 E-pošta: taric.cuje@gov.si	22. **United Kingdom** Department of Trade and Industry Import Licensing Branch Queensway House West Precinct Billingham TS23 2NF United Kingdom Tel.: (44-1642) 36 43 33/36 43 34 Fax: (44-1642) 53 35 57
23. **Austria** Bundesministerium für Wirtschaft und Arbeit Aussenwirtschaftsadministration Abteilung C2/2 Stubenring 1 A-1011 Wien Tel.: (43 1) 71100-0 Fax: (43 1) 71100-8386	24. **Sweden** National Board of Trade (Kommerskollegium) Box 6803 S-113 86 Stockholm Tel (46 8) 690 48 00 Fax (46 8) 30 67 59
25. **Finland** Tullihallitus Erottajankatu 2 FIN-00101 Helsinki Tel.: (358-9) 61 41 Fax: (358-20) 492 28 52	