COMMISSION REGULATION (EC) No 35/2006

of 11 January 2006

amending Annexes I, V and VII 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 Article 19 thereof,

Whereas:

(1) For the implementation of the Memorandum of Understanding between the European Commission and its Chinese counterpart it is necessary to reintroduce the original provisions under Annex I regarding the product description.

(2) The Council has approved by Decision 2005/948/EC [2] the signing and the provisional application of a bilateral agreement between the European Community and the Republic of Belarus on trade in textile products.

(3) Regulation (EEC) No 3030/93 should therefore be amended accordingly.

(4) 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. in Annex I, paragraph 2 is replaced by the following:

   '2. When the constitutive material of the products of categories 1 to 114 originating in Vietnam and China is not specifically mentioned, these products shall be taken to be made exclusively of wool of or fine animal hair, of cotton or of man-made fibres.';

2. Annex V is replaced by the text in Annex I to this Regulation;

3. in Annex VII, the table is replaced by the table in Annex II to this Regulation.

Article 2

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

It shall apply with effect from 1 January 2006.

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

Done at Brussels, 11 January 2006.

For the Commission
Peter MANDELSON
Member of the Commission

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1478/2005 (OJ L 236, 13.9.2005, p. 3).
[2] OJ L 345, 28.12.2005, p. 21.

ANNEX I

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

'ANNEX V

COMMUNITY QUANTITATIVE LIMITS

(a) **applicable for the year 2006**

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2006
Belarus	GROUP IA		
	1	tonnes	1 585
	2	tonnes	6 000
	3	tonnes	242
	GROUP IB		
	4	1 000 pieces	1 672
	5	1 000 pieces	1 105
	6	1 000 pieces	1 550
	7	1 000 pieces	1 252
	8	1 000 pieces	1 160
	GROUP IIA		
	9	tonnes	363
	20	tonnes	329
	22	tonnes	524
	23	tonnes	255
	39	tonnes	241
	GROUP IIB		
	12	1 000 pairs	5 959
	13	1 000 pieces	2 651
	15	1 000 pieces	1 569
	16	1 000 pieces	186
	21	1 000 pieces	930
	24	1 000 pieces	844
	26/27	1 000 pieces	1 117
	29	1 000 pieces	468
	73	1 000 pieces	329
	83	tonnes	184
	GROUP IIIA		
	33	tonnes	387
	36	tonnes	1 309
	37	tonnes	463
	50	tonnes	207
	GROUP IIIB		
	67	tonnes	356
	74	1 000 pieces	377
	90	tonnes	208

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2006
	GROUP IV		
	115	tonnes	95
	117	tonnes	2 100
	118	tonnes	471
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	
	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	

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2006
	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
	GROUP IIB				
	26	1 000 pieces	8 096	27 001	29 701
	31	1 000 pieces	108 896	219 882	248 261

(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 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 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 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 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 (OJ L 177, 9.7.2005, p. 19) in Annex V to 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.

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 REIMPORTED UNDER OPT

Community quantitative limits			
Third country	Category	Unit	2006
Belarus	GROUP IB		
	4	1 000 pieces	5 055
	5	1 000 pieces	7 047
	6	1 000 pieces	9 398
	7	1 000 pieces	7 054
	8	1 000 pieces	2 402
	GROUP IIB		
	12	1 000 pairs	4 749
	13	1 000 pieces	744
	15	1 000 pieces	4 120
	16	1 000 pieces	839
	21	1 000 pieces	2 741
	24	1 000 pieces	706
	26/27	1 000 pieces	3 434
	29	1 000 pieces	1 392
	73	1 000 pieces	5 337
	83	tonnes	709
	GROUP IIIB		
	74	1 000 pieces	931
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	

Community quantitative limits			
Third country	Category	Unit	2006
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 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 reimported into the Community after that date will, upon adequate proof such as the export declaration, benefit from these provisions.'