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COUNCIL REGULATION (EC) No 54/2007

of 22 January 2007

amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries

(OJ L 18, 25.1.2007, p. 1)

Corrected by:

►**C1** Corrigendum, OJ L 142, 5.6.2007, p. 23 (54/2007)

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COUNCIL REGULATION (EC) No 54/2007

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amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) As from 1 January 2007, the European Union includes two new Member States, Romania and Bulgaria. Article 6(7) of the Act of Accession provides that the quantitative restrictions applied by the Community on imports of textile and clothing products are to be adjusted to take account of the accession of the new Member States to the Community. The quantitative restrictions applicable to imports of certain textile products from third countries into the enlarged Community should consequently be adjusted so as to cover imports into the two new Member States. This necessitates amendments to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ([1]).

(2) In order to prevent the enlargement of the Community from having restrictive effects on trade, it is appropriate, when amending the quantities, to use a methodology which takes into account, for the purpose of adjusting the new quota levels, the traditional imports into the new Member States. A formula consisting of the average of the last three years' imports into the two new Member States originating in third countries, provides an adequate measurement of those historical flows. A growth rate has been added. The years 2003 to 2005 have been selected as the most significant, as they represent the latest available information about the two new Member States' imports in textiles and clothing.

(3) Accordingly, Annexes V and VII to Regulation (EEC) No 3030/93 should be amended to list quota levels applicable from the date of the enlargement, namely 1 January 2007.

(4) All provisions of Regulation (EEC) No 3030/93 should be adapted so as to apply to imports into the new Member States. Consequently, the initials of the new Member States should be inserted in Annex III.

(5) Regulation (EEC) No 3030/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. in Article 2, paragraph 9 is replaced by the following:

([1]) OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 35/2006 (OJ L 7, 12.1.2006, p. 8).

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‘9. The release for free circulation in one of the new Member States acceding to the European Union on 1 January 2007, namely Romania and Bulgaria, of textile products which are subject to quantitative limits or to surveillance in the Community and which have been shipped before 1 January 2007 and enter the two new Member States on or after 1 January 2007 shall be subject to presentation of an import authorisation. Such import authorisation shall be granted automatically and without quantitative limitation by the competent authorities of the Member State concerned, upon adequate proof, such as the bill of lading, that the products have been shipped before 1 January 2007.

Such licences shall be communicated to the Commission.’;

2. in Article 5, the second paragraph is replaced by the following:

‘The release for free circulation of textile products sent from one of the Member States acceding to the European Union on 1 January 2007 to a destination outside the Community for processing before 1 January 2007, and re-imported into the same Member State on or after that date, shall upon adequate proof, such as the export declaration, not be subject to quantitative limits or import authorisation requirements. The competent authorities of the Member State concerned shall provide information on those imports to the Commission.’;

3. in Annex III, the second indent of Article 28(6) shall be replaced by the following:

‘— two letters identifying the intended Member State of destination, or group of such Member States, as follows:

AT = Austria

BG = Bulgaria

BL = Benelux

CY = Cyprus

CZ = Czech Republic

DE = Federal Republic of Germany

DK = Denmark

EE = Estonia

GR = Greece

ES = Spain

FI = Finland

FR = France

GB = United Kingdom

HU = Hungary

IE = Ireland

IT = Italy

LT = Lithuania

LV = Latvia

MT = Malta

PL = Poland

PT = Portugal

RO = Romania

SE = Sweden

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SI = Slovenia

SK = Slovakia';

4. Annex V is replaced by the text set out in Part A of the Annex to this Regulation;

5. in Annex VII, the table is replaced by the table set out in Part B of the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication.

It shall apply from 1 January 2007.

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

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ANNEX

PART A

Annex V is replaced by the following:

'ANNEX V

COMMUNITY QUANTITATIVE LIMITS

Applicable for the year 2007

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2007
BELARUS	GROUP IA		
	1	tonnes	1 586
	2	tonnes	6 643
	3	tonnes	242
	GROUP IB		
	4	1 000 pieces	1 839
	5	1 000 pieces	1 105
	6	1 000 pieces	1 705
	7	1 000 pieces	1 377
	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	1 726
	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	1 312
	37	tonnes	463
	50	tonnes	207
	GROUP IIIB		
	67	tonnes	359
	74	1 000 pieces	377
	90	tonnes	208
	GROUP IV		
	115	tonnes	268
	117	tonnes	2 312
	118	tonnes	471

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(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	70 636
	GROUP IB				
	4 (2)	1 000 pieces	161 255	540 204	595 624
	5	1 000 pieces	118 783	189 719	220 054
	6	1 000 pieces	124 194	338 923	388 528
	7	1 000 pieces	26 398	80 493	90 829
	GROUP IIA				
	20	tonnes	6 451	15 795	18 518
	39	tonnes	5 521	12 349	14 862
	GROUP IIB				
	26	1 000 pieces	8 096	27 001	29 736
	31	1 000 pieces	108 896	219 882	250 209
	GROUP IV				
	115	tonnes	2 096	4 740	5 347

(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.

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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.” ’

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PART B

In Annex VII the table is replaced by the following:

'Table

COMMUNITY QUANTITATIVE LIMITS FOR GOODS RE-IMPORTED UNDER OUTWARD PROCESSING TRAFFIC

(The complete description of the goods is shown in Annex I)			Community quantitative limits
Third country	Category	Unit	2007
BELARUS	GROUP IB		
	4	1 000 pieces	5 796
	5	1 000 pieces	8 079
	6	1 000 pieces	10 775
	7	1 000 pieces	8 088
	8	1 000 pieces	2 754
	GROUP IIB		
	12	1 000 pairs	5 445
	13	1 000 pieces	853
	15	1 000 pieces	4 723
	16	1 000 pieces	962
	21	1 000 pieces	3 142
	24	1 000 pieces	809
	26/27	1 000 pieces	3 938
	29	1 000 pieces	1 596
	73	1 000 pieces	6 119
	83	tonnes	813
	GROUP IIIB		
	74	1 000 pieces	1 067

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			Specific agreed levels		
			11 June to 31 December 2005 (1)	2006	2007
China	GROUP IB				
	4	1 000 pieces	208	408	450
	5	1 000 pieces	453	886	977
	6	1 000 pieces	1 642	3 216	3 589
	7	1 000 pieces	439	860	970
	GROUP IIB				
	26	1 000 pieces	791	1 550	1 707
	31	1 000 pieces	6 301	12 341	13 681

(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.'