COMMISSION REGULATION (EC) No 1164/2008

of 24 November 2008

laying down rules for the management and distribution of textile quotas established for the year 2009 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 2009 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 1402/2007 of 28 November 2007 laying down rules for the management and distribution of textile quotas established for the year 2008 under Council Regulation (EC) No 517/94 [2], proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2009.

(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 2009 equivalent to the quantity which they imported in 2008.

(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 2010 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 Annex IV to Regulation (EC) No 517/94 for the year 2009.

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.
[2] OJ L 311, 29.11.2007, p. 27.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2009, 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 2008.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2008 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 10.00 on 7 January 2009, 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 2009 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 2010.

Article 5

This Regulation shall enter into force on 1 January 2009.

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

Done at Brussels, 24 November 2008.

For the Commission
Catherine ASHTON
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	pairs	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

ANNEX II

List of licensing offices referred to in Article 4

1. **Austria**

Bundesministerium für Wirtschaft und Arbeit
Außenwirtschaftsadministration
Abteilung C2/2
Stubenring 1
A-1011 Wien
Tel. (43-1) 711 00-0
Fax (43-1) 711 00-8386

2. **Belgium**

FOD Economie, KMO, Middenstand en Energie
Economisch Potentieel
KBO-Beheerscel — Vergunningen
Leuvenseweg 44
B-1000 Brussel
Tel. +32 (0) 2 277 67 13
Fax +32 (0) 2 277 50 63

SPF Économie, PME, Classes moyennes et Énergie
Potentiel économique
Cellule de gestion BCE — Licences
Rue de Louvain 44
B-1000 Bruxelles
Tél. +32 (0) 2 277 67 13
Fax +32 (0) 2 277 50 63

3. **Bulgaria**

Министерство на икономиката и енергетиката
Дирекция 'Регистриране, лицензиране и контрол'
ул. 'Славянска' № 8
BG-1052 София
Република България
Тел. (359-2) 940 70 08/(359-2) 940 76 73/
(359-2) 940 78 00
Факс (359-2) 981 50 41/(359-2) 980 47 10/
(359-2) 988 36 54

4. **Cyprus**

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

5. **Czech Republic**

Ministerstvo průmyslu a obchodu
Licenční správa
Na Františku 32
CZ-110 15 Praha 1
Tel.: (420) 224 90 71 11
Fax: (420) 224 21 21 33

6. **Denmark**

Erhvervs- og Byggestyrelsen
Økonomi- og Erhvervsministeriet
Langelinje Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 30
Fax (45) 35 46 60 29

7. **Estonia**

Majandus- ja Kommunikatsiooniministeerium
Harju 11
EE-15072 Tallinn
Estonia
Tel.: (372) 625 6400
Faks: (372) 631 3660

8. **Finland**

Tullihallitus
PL 512
FI-00101 Helsinki
Puhelin: (358-9) 61 41
Faksi: (358-20) 492 28 52

Tullstyrelsen
PB 512
FI-00101 Helsingfors
Faksi: (358-20) 492 28 52

9. **France**

Ministère de l'Economie, de l'Industrie et de l'Emploi
Direction générale des entreprises
Service des industries manufacturières et des activités postales
Bureau «Textile Importations»
Le Bervil
12, rue Villiot
F-75572 Paris Cedex 12
Tél. (33) 153 44 96 60
Fax (33) 153 44 91 81

10. **Germany**

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Str. 29—35
D-65760 Eschborn
Tel.: (49 61 96) 908-0
Fax: (49 61 96) 908 800

11. **Greece**

Υπουργείο Οικονομίας & Οικονομικών
Γενική Διεύθυνση Διεθνούς Οικονομικής Πολιτικής
Διεύθυνση Καθεστώτων Εισαγωγών-Εξαγωγών, Εμπορικής Άμυνας
Κορνάρου 1
GR-105 63 Αθήνα
Τηλ. (30210) 328 6021-22
Φαξ: 210 328 60 94

12. **Hungary**

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

13. **Ireland**

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

14. **Italy**

Ministero dello Sviluppo Economico
Direzione Generale per la Politica Commerciale
DIV. III
Viale America 341
I-00144 Roma
Tel. (39 06) 59 64 75 17, 59 93 24 71, 59 93 22 45, 59 93 22 60
Fax (39 06) 59 93 26 36
E-mail: polcom3@mincomes.it

15. **Latvia**

Ekonomikas ministrija
Brīvības iela 55
LV-1519 Rīga
Tel.: 00 371 670 132 99 / 00 371 670 132 48
Fakss: 00 371 672 808 82

16. **Lithuania**

Lietuvos Respublikos ūkio ministerija
Gedimino pr. 38/2
LT-01104 Vilnius
Tel.: 00 370 5 262 87 50 / 00 370 5 261 94 88
Fax: 00 370 5 262 39 74

17. **Luxembourg**

Ministère de l'économie et du commerce
Office des licences
Boîte postale 113
L-2011 Luxembourg
Tél. (352) 47 82 371
Fax (352) 46 61 38

18. **Malta**

Ministry for Competitiveness and Communication
Commerce Division, Trade Services Directorate
Lascaris
Valletta CMR02
Malta
Tel: 00 356 21 237 112
Fax: 00 356 21 237 900

19. **Netherlands**

Belastingdienst/Douane
Centrale dienst voor in- en uitvoer
Engelse Kamp 2
Postbus 30003
NL-9700 RD Groningen
Tel. (31 50) 523 26 00
Fax (31 50) 523 22 10

20. **Poland**

Ministerstwo Gospodarki
pl. Trzech Krzyży 3/5
PL-00-950 Warszawa
Tel.: (48 22) 693-55-53
Faks: (48 22) 693-40-21

21. **Portugal**

Ministério das Finanças e da Administração Pública
Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo
Rua Terreiro do Trigo
Edifício da Alfândega
P-1149-060 LISBOA
Tel.: (351) 218 81 42 63
Fax: (351) 218 81 42 61
E-mail: dsl@dgaiec.min-financas.pt

22. **Romania**

Ministerul pentru Întreprinderi Mici şi Mijlocii, Comerţ, Turism şi Profesii Liberale
Direcţia Generală Politici Comerciale
Str. Ion Câmpineanu nr. 16
Bucureşti, sector 1
Cod poştal 010036
Tel. +40 21 315 00 81
Fax +40 21 315 04 54
E-mail: clc@dce.gov.ro

23. **Slovakia** Ministerstvo hospodárstva SR Oddelenie licencií Mierová 19 827 15 Bratislava Slovensko Tel.: (421-2) 48 54 20 21/(421-2) 48 54 71 19 Fax: (421-2) 43 42 39 19	24. **Slovenia** Ministrstvo za finance Carinska uprava Republike Slovenije Carinski urad Jesenice Center za TARIC in kvote Spodnji Plavž 6c SLO-4270 Jesenice Slovenija Tel: +386(0)4 297 44 70 Fax: +386(0)4 297 44 72 E-mail: taric.cuje@gov.si
25. **Spain** Ministerio de Industria, Turismo y Comercio Secretaría General de Comercio Exterior Paseo de la Castellana nº 162 E-28046 Madrid Tel. (34) 913 49 38 17, 913 49 37 48 Fax (34) 915 63 18 23, 913 49 38 31	26. **Sweden** National Board of Trade (Kommerskollegium) Box 6803 S-113 86 Stockholm Tfn (46-8) 690 48 00 Fax (46-8) 30 67 59
27. **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	