

## COMMISSION REGULATION (EC) No 1473/95

of 28 June 1995

## establishing rules for management and distribution of the second tranche of textile quotas established 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 relating to the 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 <sup>(1)</sup>, as modified by Regulation (EC) No 1325/95 <sup>(2)</sup>, and in particular Article 17 (3) and (6) and Article 21 (2) and (3), in relation to Article 25 (3) thereof,

Whereas Commission Regulation (EC) No 2944/94 <sup>(3)</sup> established specific rules for the management and distribution of all quantitative textile quotas established by Regulation (EC) No 517/94 and, for 1995, opened a first tranche for distribution on the basis of the requests notified by the Member States' competent authorities between 3 December and 15 December 1994;

Whereas for these quotas of which the level has been increased by Regulation (EC) No 1325/95 to take into account the accession of the new Member States it is appropriate to open rapidly a second tranche and to foresee that it will cover quantities not covered by Regulation (EC) No 2944/94, with the exception of those relating to quotas applicable to products originating in the People's Republic of China, since the bilateral agreement on textile products not covered by the MFA bilateral agreement of 1988, initialled on 19 January 1995 and put into provisional application by Council Decision 95/155/EC <sup>(4)</sup> foresees that these quantities will be export managed by the Peoples' Republic of China;

Whereas past experience accumulated during the allocation of the quantities of the first tranche tends to indicate, taking into account the quantities notified by the competent authorities of the Member States, that the continuation of the same method based on the taking into account of traditional trade flows seems to be indicated on account of the motives which led to it being retained in Regulation (EC) No 2944/94, for a limited number of quotas; it is therefore appropriate, for the allocation of the second tranche, to maintain it, *mutatis mutandis*, only for these quotas and to foresee that other quotas will be allocated according to the method based on the chro-

nological order of reception by the Commission of Member States' notifications, following the principle of 'first come, first served'; this choice relies on the consideration that this method constitutes, according to the letter and the spirit of Regulation (EC) No 517/94, the basic method of allocation; it is however appropriate with a view to satisfying the largest number of operators to limit the quantities to be allocated to each operator, on the basis of this method, to a predetermined quantity to a level however sufficient to allow operators concerned to make transactions economically justifiable;

Whereas for optimum use of the quantities which will be confirmed pursuant to this Regulation it is appropriate to fix the period of validity of the import authorizations to six months from the date of issuing and to allow their issuance by the Member States, after notification of the Commission decision to the Member States and provided that the operator concerned can justify the existence of a contract and certifies not to have already benefited for the category and the country concerned of an import authorization within the Community in application of the present Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee established by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation specifies certain rules concerning the management of the second tranche of quantitative limits established by Regulation (EC) No 517/94 and applicable for 1995 as indicated in Annex I. It indicates rules for the allocation applicable to quantities still available within these quotas.

TITLE I

*Article 2*

The second tranche of quotas referred to in Article 1 and indicated Annex II is distributed from the date of entry into force of the present Regulation in chronological order of reception by the Commission of the notifications by the Member States of requests for quantities not exceeding for each operator the predetermined quantities indicated in Annex IV, according to the principle first come, first served.

<sup>(1)</sup> OJ No L 67, 10. 3. 1994, p. 1.

<sup>(2)</sup> OJ No L 128, 13. 6. 1995, p. 1.

<sup>(3)</sup> OJ No L 310, 3. 12. 1994, p. 48.

<sup>(4)</sup> OJ No L 104, 6. 5. 1995, p. 1.

## TITLE II

*Article 3*

The second tranche of the quantitative limits referred to in Annex III is divided into two parts, one reserved for the traditional importers, the other to the other operators for quantities as indicated in the said Annex. These quantities are distributed following the modalities specified in Articles 4 to 7 on the basis of requests for import authorizations introduced by the operators up to 17 July 1995 to the competent Member State authorities. The quantities requested are notified to the Commission by the said authorities at the latest on 20 July 1995.

*Article 4*

Those to be regarded as traditional importers of a category of products originating in one of the countries referred to in Annex III will be importers who furnish proof to the competent Member State authorities of having imported, during 1992, products falling within the same category and originating in the same country.

The amount which can be allocated to any individual traditional importer for each of the categories and countries concerned will not be able to exceed the quantities actually imported in 1992 by each one of them for these same categories and countries.

If all quantities to be allocated to traditional importers on the basis of the quantities notified by Member States exceed the part which is reserved for them, the quantities allocated to each one of them will be reduced proportionally.

*Article 5*

The quantities reserved for other importers is allocated by application of the method of distribution in proportion to the requested quantities, the quantities susceptible to requests by each importer may not exceed the quantities indicated in Annex IV of the present Regulation.

*Article 6*

Member States will inform the Commission within the time limit as indicated in Article 3 by category and countries concerned, as mentioned in Annex III, including the quantities required as well as the number of operators and

indicating, if necessary, for those demands introduced by traditional importers within the meaning of Article 4, the quantities imported by each one of them during 1992.

On the basis of the total amounts transmitted, the Commission will adopt the quantitative criteria on the basis of which, in application of the present Title, the competent authorities from the Member States can issue the import authorizations.

If quantities for a product and a country concerned are still available within the part reserved for a category of operators, the Commission can, in accordance with the procedure of Article 25 of Regulation (EC) No 517/94, transfer these quantities to the part reserved for the other category of importers with a view to distributing in conformity with the quantitative criteria applicable to this category of operators.

*Article 7*

The quantities which remain available after allocation on the basis of the provisions of Articles 4 to 6 will be allocated in chronological order of reception by the Commission of Member States' notifications following the principle of first come, first served, as from 1 September 1995, at 10 a.m. Brussels time, whatever is the quality of the operators concerned.

## TITLE III

*Article 8*

The duration of validity for import authorizations issued by the competent Member State authorities is six months as from the date of issuing.

Import authorizations will be granted by the competent Member State only after notification of the decision of the Commission and in as far as the operator concerned can prove the existence of a contract and certifies by a written declaration not to have already benefited from an import authorization inside the Community issued pursuant to this Regulation for the category and the country concerned.

*Article 9*

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

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

Done at Brussels, 28 June 1995.

*For the Commission*

Leon BRITTAN

*Vice-President*

## ANNEX I

## Quantitative restrictions specified in Article 1

Third country	Category	Unit	Quantity
North Korea	1	tonnes	128,0
	2	tonnes	145,0
	3	tonnes	49,0
	4	1 000 pieces	285,0
	5	1 000 pieces	123,0
	6	1 000 pieces	144,0
	7	1 000 pieces	93,0
	8	1 000 pieces	201,0
	9	tonnes	71,0
	12	1 000 paires	1 290,0
	13	1 000 pieces	1 509,0
	14	1 000 pieces	96,0
	15	1 000 pieces	108,0
	16	1 000 pieces	55,0
	17	1 000 pieces	38,0
	18	tonnes	61,0
	19	1 000 pieces	411,0
	20	tonnes	142,0
	21	1 000 pieces	2 961,0
	24	1 000 pieces	263,0
	26	1 000 pieces	173,0
	27	1 000 pieces	179,0
	28	1 000 pieces	285,0
	29	1 000 pieces	75,0
	31	1 000 pieces	293,0
	36	tonnes	91,0
	37	tonnes	356,0
	39	tonnes	51,0
	59	tonnes	466,0
	61	tonnes	40,0
	68	tonnes	75,0
69	1 000 pieces	184,0	
70	1 000 pieces	270,0	
73	1 000 pieces	93,0	
74	1 000 pieces	133,0	
75	1 000 pieces	39,0	
76	tonnes	75,0	
77	tonnes	9,0	
78	tonnes	115,0	
83	tonnes	34,0	
117	tonnes	51,0	
118	tonnes	23,0	
142	tonnes	10,0	
151A	tonnes	10,0	
151B	tonnes	10,0	
161	tonnes	152,0	
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	6 926,0
	2	tonnes	8 545,0
	2a	tonnes	1 931,0
	3	tonnes	935,0
	5	1 000 pieces	1 986,0
	6	1 000 pieces	1 048,0
	7	1 000 pieces	605,0
	8	1 000 pieces	2 664,0
	9	tonnes	877,0
	15	1 000 pieces	772,0
	16	1 000 pieces	580,0
	67	tonnes	722,0

## ANNEX II

## Distribution of second tranche

Third country	Category	Unit	Total
North Korea	1	tonnes	32,0
	2	tonnes	36,3
	3	tonnes	12,3
	4	1 000 pieces	71,3
	5	1 000 pieces	33,8
	6	1 000 pieces	36,0
	7	1 000 pieces	23,3
	8	1 000 pieces	101,3
	9	tonnes	17,8
	12	1 000 pairs	322,5
	13	1 000 pieces	377,3
	14	1 000 pieces	25,5
	15	1 000 pieces	27,8
	16	1 000 pieces	13,8
	17	1 000 pieces	9,5
	18	tonnes	15,3
	19	1 000 pieces	102,8
	20	tonnes	36,3
	24	1 000 pieces	65,8
	26	1 000 pieces	43,3
	27	1 000 pieces	53,8
	28	1 000 pieces	71,3
	29	1 000 pieces	18,8
	31	1 000 pieces	73,3
	36	tonnes	22,8
	37	tonnes	89,0
	39	tonnes	12,8
	59	tonnes	116,5
	61	tonnes	10,0
	68	tonnes	18,8
	69	1 000 pieces	46,0
	70	1 000 pieces	67,5
	73	1 000 pieces	23,3
	74	1 000 pieces	33,3
	75	1 000 pieces	9,8
	76	tonnes	19,5
78	tonnes	28,8	
83	tonnes	10,8	
117	tonnes	12,8	
118	tonnes	5,8	
142	tonnes	2,5	
151A	tonnes	2,5	
151B	tonnes	2,5	
161	tonnes	38,0	
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	1 751,8
	2	tonnes	2 137,0
	2a	tonnes	482,8
	3	tonnes	233,8
	9	tonnes	253,8
	15	1 000 pieces	213,8

## ANNEX III

**Distribution of the second tranche to be allocated to requests made by importers and notified to the Commission before 20 July 1995**

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
North Korea	21	1 000 pieces	581,0	237,3	818,3
	77	tonnes	1,6	0,7	2,3
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	5	1 000 pieces	393,0	160,5	553,5
	6	1 000 pieces	236,1	96,4	332,5
	7	1 000 pieces	125,5	51,3	176,8
	8	1 000 pieces	524,0	214,0	738,0
	16	1 000 pieces	109,9	44,9	154,8
	67	tonnes	128,2	52,3	180,5

## ANNEX IV

## Maximum amounts specified in Articles 2 and 5

Third country	Category	Unit	Maximum amount
North Korea	1	kilograms	1 000
	2	kilograms	1 000
	3	kilograms	1 000
	4	pieces	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	1 000
	8	pieces	5 000
	9	kilograms	5 000
	12	pairs	5 000
	13	pieces	5 000
	14	pieces	5 000
	15	pieces	1 000
	16	pieces	5 000
	17	pieces	5 000
	18	kilograms	1 000
	19	pieces	5 000
	20	kilograms	1 000
	21	pieces	5 000
	24	pieces	5 000
	26	pieces	5 000
	27	pieces	5 000
	28	pieces	5 000
	29	pieces	5 000
	31	pieces	5 000
	36	kilograms	5 000
	37	kilograms	5 000
	39	kilograms	5 000
	59	kilograms	5 000
	61	kilograms	5 000
	68	kilograms	5 000
69	pieces	5 000	
70	pieces	5 000	
73	pieces	5 000	
74	pieces	5 000	
75	pieces	5 000	
76	kilograms	1 000	
77	kilograms	1 000	
78	kilograms	1 000	
83	kilograms	1 000	
117	kilograms	1 000	
118	kilograms	1 000	
142	kilograms	1 000	
151A	kilograms	1 000	
151B	kilograms	1 000	
161	kilograms	1 000	
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	kilograms	5 000
	2	kilograms	5 000
	2a	kilograms	5 000
	3	kilograms	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	5 000
	8	pieces	5 000
	9	kilograms	5 000
	15	pieces	5 000
	16	pieces	5 000
67	kilograms	5 000	