

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 442 final
Brussels, 20.10.1994

94/0240 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

**establishing provisional quantitative limits on imports
into the Community of certain textile products originating in the
People's Republic of China (cat. 14, cat. 17), in the Republic of Indonesia
(cat. 23), and in the Republic of India (cat. 23, cat. 24)**

(presented by the Commission)

Explanatory Memorandum

The attached proposal of a draft Council Regulation introduces provisional quantitative limits on import into the Community of certain textile products originating in the People's Republic of China (cat. 14,17) India (cat. 23, 24) and Indonesia (cat. 23). This proposal is made as a consequence of the absence of a favorable opinion of the Textile Committee on draft measures submitted to it on of 27 September 1994.

Under Article 10 of Council Regulation (EEC) n° 3030/93, should the unrestricted imports of the concerned textile products into the Community reach a certain threshold, the Community may request supplier countries to enter into consultations and, pending the outcome of these consultations, it may establish a provisional quantitative limit.

Upon analysis of the requests of several Member States (F, IT, B, P) the Commission have come to the conclusion that for 5 cases of products the opening of consultations with the concerned exporting countries is fully justified as evidenced by the following figures:

China: cat. 14, cat. 17

India: cat. 23, cat. 24

Indonesia: cat. 23

Ranking as EEC supplier	Country	cat.	unit	Threshold	Imports 94 latest available figures	Imports 92/91	Imports 93/92	Imports 1993
1	China	14	(000pcs)	1.236	2.186	+ 57%	+ 8%	8.446
1	China	17	(000pcs)	1.499	1.875	+ 70%	+ 82%	8.381
2	India	23	(tonnes)	2.492	3.963	+ 66%	+ 5%	7.339
3	India	24	(000pcs)	7.542	16.541	+ 70%	+ 50%	23.741
1	Indonesia	23	(tonnes)	2.492	5.866	+ 19%	+ 42%	8.548

Imports from these countries for the categories concerned are indeed well in excess of the levels set out in the bilateral agreements on trade in textile products at which the Community may request the opening of consultations and limit the imports of products of the concerned categories provisionally. It has therefore been proposed in the Committee established by Council Regulation (EEC) n° 3030/93, pending the outcome of the consultations to limit the imports into the Community of those products for a period of three months up to the following amounts which correspond to the level provided for in Article 10 (3) of Council Regulation (EEC) n° 3030/93:

China	cat. 14	2112
China	cat. 17	2095
India	cat. 23	1835
India	cat. 24	5935
Indonesia	cat. 23	2137

The Commission proposal has not received a favourable opinion at qualified majority of the Textile Committee. Therefore in accordance with the procedure of Art. 17(4) of Regulation (EEC) n° 3030/93 which foresees that in the absence of an opinion of the Textile Committee the Commission shall present to the Council without delay a proposal for the measures to be taken, the attached draft Council Regulation has been prepared. Notes Verbale requesting the opening of consultations with a view to reaching an agreement or joint conclusions on a suitable level of restriction, together with a request to limit the concerned country's exports to the Community to the level provided in Article 10(3b) of Council Regulation (EEC) n° 3030/93 have been sent by the Commission on1994. The Council is asked to adopt the attached proposal.

**Proposal for a
Council Regulation n° (CE)**

**establishing provisional quantitative limits on imports
into the Community of certain textile products originating in the
People's Republic of China (cat. 14, cat. 17), in the Republic of Indonesia
(cat. 23), and in the Republic of India (cat. 23; cat. 24)**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular article 113 thereof,

Having regard to Council Regulation (EEC) N° 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries (1), as last amended by Commission Regulation (EC) N° 195/94(2), and in particular Article 10 thereof, in relation with Article 17 thereof,

Having regard the proposal of the Commission,

Whereas Article 10 of Regulation (EEC) N° 3030/93 lays down the conditions under which quantitative limits may be established of certain textile products originating in third countries not covered by quantitative limits by virtue of a bilateral textile agreement;

Whereas imports into the Community of certain textile products specified in the Annex hereto and originating in the People's Republic of China (herein after referred to as "China"), in the Republic of Indonesia (herein after referred to as "Indonesia"), in the Republic of India (herein after referred to as "India") have exceeded the level referred to in Article 10 (1) in conjunction with Annex IX of Regulation (EEC) N° 3030/93;

Whereas, in accordance with Article 10 (3) of Regulation (EEC) N° 3030/93, on 1994 China, Indonesia and India were notified of a request for consultations;

Whereas, pending a mutually satisfactory solution, the Commission has requested China, Indonesia and India for a provisional period of three months to limit their exports to the Community of the products concerned to the provisional quantitative limits set out in the Annex with effect from the date of the request for consultations;

Whereas pending the outcome of the requested consultations quantitative limits identical to the one requested of the supplier country should be applied provisionally to imports of the category of products in question;

Whereas it is appropriate to apply to imports into Community of products for which quantitative limits are introduced the provisions of Council Regulation (EEC) No 3030/93 which are applicable to imports of products subject to the quantitative limits set out in Annex V of the said Regulation;

(1) OJ N° L 275, 8.11.1993, p. 1

(2) OJ N° L 29, 2.2.1994, p.1

Whereas the products in question exported from China, Indonesia and India between 1994 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced;

Whereas these quantitative limits should not prevent the importation of products covered by it, shipped from China, Indonesia and India before the date of entry into force of this Regulation;

Whereas the measures provided for in this Regulation have not received a favourable opinion by the Committee established by Regulation (CEE) n° 3030/93; that article 17, paragraph 4, of the said regulation foresees that if the measures envisaged are not conform the opinion of the Textiles Committee or in absence of an opinion, the Commission shall submit to the Council, without delay, a proposal concerning the mesasures to be taken,

HAS ADOPTED THIS REGULATION :

Article 1

Without prejudice to the provisions of Article 2, imports into the Community of the categories of products originating in China, Indonesia and India and specified in the Annex hereto shall be subject to the provisional quantitative limits set out in that Annex.

Article 2

1. Products referred to in Article 1 shipped from China, Indonesia and India to the Community before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place during that period.

2. Imports of products shipped to the Community after the entry into force of this Regulation shall be subject to the provisions of Council Regulation (EEC) No 3030/93 which apply to imports into the Community of products subject to the quantitative limits set out in Annex V of the said Regulation.

3. All quantities of products shipped to the Community on or after 1994 and released for free circulation shall be deducted from the quantitative limits laid down. These provisional limits shall not, however, prevent the importation of products covered by them but shipped from China, Indonesia and India before the date of entry into force of this Regulation.

Article 3

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

It shall apply until 1994.

Done at Brussels,

ANNEX

Category	CN code	Description	Third country	Unit	Quantitative limits from
14	6201 11 00 ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6210 20 00	Men's or boys' woven overcoats, raincoats and other coats, cloaks and capes, of wool, of cotton or of man-made textile fibres (other than parkas) (of category 21)	China	000 pcs	2112
17	6203 31 00 6203 32 90 6203 33 90 6203 39 19	Men's or boys' jackets and blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres	China	000 pcs	2095
23	5508 20 10 5510 11 00 5510 12 00 5510 20 00 5510 30 00 5510 90 00	Yarn of staple or waste artificial fibres, not put up for retail sale	Indonesia India	tonnes	2137 1835
24	6107 21 00 6107 22 00 6107 29 00 6107 91 10 6107 91 90 6107 92 00 ex 6107 99 00 6108 31 10 6108 31 90 6108 32 11 6108 32 19 6108 32 90 6108 39 00 6108 91 10 6108 91 90 6108 92 00 6108 99 10	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted Women's or girls' nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted	India	000 pcs	5935

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