



COMMISSION OF THE EUROPEAN COMMUNITIES

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98/0133 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

amending Annexes II and III to Regulation (EC) No 519/94 on common rules for imports
from certain third countries

(presented by the Commission)

Explanatory Memorandum

On 9 March 1998¹ the Commission forwarded to the Council a report on the quantitative quotas and surveillance measures, applicable to certain non-textile products originating in the P. R. of China, introduced under Council Regulation (EC) No 519/94 of 7 March 1994², last amended by Regulation (EC) No 847/97 of 12 May 1997³.

The attached proposal contains the practical amendments to Regulation (EC) No 519/94 stemming from the conclusions drawn by the Commission in that report:

- abolition of the quota on Toys (CN codes 9503 41, 9503 49 and 9503 90);
- increase of 5 % in the level of the Tableware quotas.

1 COM (1998) 128.
2 OJ L 67, 10.3.1994, p.89.
3 OJ L 122, 14.5.1997, p.1.

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Council Regulation (EC) No/98
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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 519/94 of 7 March 1994¹, introduced, in respect of
the People's Republic of China, the quotas listed in Annex II to that Regulation and
surveillance measures listed in Annex III thereto;

Whereas the Council's objective in establishing the quotas was to strike a balance
between an appropriate level of protection for the Community industries concerned and
maintenance of an acceptable level of trade with China, taking into account the various
interests in play;

Whereas analysis of the main economic indicators, in particular the volume and market
share of Chinese imports, leads to the conclusion that the quota on toys falling within
HS/CN codes 9503 41 + 9503 49 + 9503 90 should be abolished and that such abolition
would be neither inconsistent with the above objective nor liable to disrupt the
Community market;

Whereas, in light of the experience acquired in implementing the quotas, the situation of
the Community producers concerned indicates that a 5 % upward adjustment of the
quotas would be appropriate and would be neither inconsistent with the above objective
nor liable to disrupt the Community market; whereas, however, in the case of footwear
the particularly sensitive nature of the industry indicates that for the time being no
increase is appropriate;

Whereas the products in respect of which the quota is abolished by this Regulation
should, however, be subject to prior Community surveillance, in order to ensure adequate
monitoring of the volume and prices of the imports of the products concerned;

⁽¹⁾ OJ No L 67, 10.3.1994, p. 89. Regulation as last amended by Regulation (EC) No 847/97 (OJ No L 122,
14.5.1997, p.1).

Whereas the quantitative quotas and the surveillance measures introduced pursuant to Regulation (EC) No 519/94 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II and III to Regulation (EC) No 519/94 shall be replaced by the Annexes which appear in Annexes I and II to this Regulation respectively.

Article 2

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

It shall apply from 1 January 1998.

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

ANNEX I

ANNEX II

List of quotas for certain products originating in China

Description of products	HS/CN Code	Quotas (annual basis)
Footwear	ex 6402 99 ⁽¹⁾	39 151 481 pairs
	6403 51	2 795 000 pairs
	6403 59	
	ex 6403 91 ⁽¹⁾	12 120 000 pairs
	ex 6403 99 ⁽¹⁾	
	ex 6404 11 ⁽²⁾	18 228 780 pairs
	6404 19 10	31 897 716 pairs
Tableware, kitchenware of porcelain or china	6911 10	48 090 tonnes
Ceramic tableware, kitchenware, other than of porcelain or china	6912 00	36 383 tonnes

(1) Excluding footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

(2) Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

ANNEX II

ANNEX III

List of products originating in the People's Republic of China subject to Community surveillance

Description	HS/CN code
Ammonium chloride	2827 10
Other polyhydric alcohols	2905 49 90
Citric acid	2918 14
Tetracyclines and their derivatives	ex 2941 30
Chloramphenicol	ex 2941 40
Basic dyes and preparations based thereon	3204 13
Vat dyes and preparations based thereon	3204 15
Fireworks, signalling flares, rain rockets, fog signals and other pyrotechnic articles	3604
Polyvinyl alcohol	3905 30
Gloves	4203 29 91 4203 29 99
Footwear	6402 19 ex 6402 99 ⁽¹⁾ 6403 19 ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾ ex 6404 11 ⁽²⁾
Ornamental ceramic articles of porcelain	ex 6913 10
Glassware	ex 7013 ⁽³⁾
Bicycles	8712 00
Toys	9503 30 9503 41 9503 49
Puzzles	9503 60
Toys	9503 90
Playing cards	9504 40
Articles falling within HS/CN codes	9603 29 9603 30 9603 40 9603 90

(1) Footwear involving special technology: shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers

(2) (a) Footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bats or the like, with a non-injected sole;

(b) Footwear involving special technology; shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers'.

(3) Excluding glass-fronted clip-frames, consisting of a mechanically-gathered glass sheet with worked edges, a printed paper sheet and a piece of hardboard to support the picture, held together by clips of base metal'.

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