



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.02.1997
COM(97) 65 final

97/0061 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

authorizing imports into the Canary Islands
of textile and clothing products and certain quota goods originating in China without
quantitative restrictions or measures having an equivalent effect

(presented by the Commission)

Explanatory Memorandum

Council Regulation (EEC) No 1911/91 on the application of the provisions of Community law to the Canary Islands, which establishes special trade arrangements for the Canary Islands, provides that the common commercial policy applies to the Canary Islands on the terms laid down for mainland Spain without prejudice to the adoption of specific measures, such as the exemption of certain sensitive products from the rules of the common commercial policy.

Spain has asked for derogations from commercial policy and for quantitative restrictions applicable on Community territory to imports of certain textile and clothing products and certain quota products originating in China not to apply to products intended for consumption in the Canary Islands.

In view of the special constraints facing the Canary Islands, the free trade arrangements existing at the time of Spain's accession to the European Community and the low volume of trade involved, such a derogation is called for.

The Commission believes that end-use measures implemented by the competent Spanish authorities to ensure, in accordance with Regulation (EC) No 527/96, that products put into free circulation are exclusively designated for the internal market of the Canary Islands, could also cover textile and clothing products and quota products originating in China.

As end-use rules apply in principle only in case of suspension or reduction of an import duty, the Commission proposes to apply customs control in cases of specific derogation from commercial policy measures as well. This would also ensure that the goods in question reach the internal market of the Canary Islands, as they would continue to be under customs supervision.

However, in case goods are re-consigned into Community customs territory the Commission proposes that the competent authorities take measures to avoid all risk of circumventing the quantitative restrictions which apply there. To this end, if the original import license cannot be submitted products must be accompanied by T5 documents, according to the rules in force.

Council Regulation (EC) No ... 97 authorizing imports into the Canary Islands of textile and clothing products and certain quota products originating in China without quantitative restrictions or measures with an equivalent effect

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 according to Regulation (EC) No 1911/91¹ the Council may allow derogations, at the request of the Spanish authorities, from the provisions of the common commercial policy applicable to the territory of the Canary Islands;

Whereas Spain has asked for such derogations from commercial policy and requests that quantitative restrictions applicable in the Community to imports of textile and clothing products and certain quota products originating in China be waived in respect of products intended for consumption in the Canary Islands;

Whereas in light of the special constraints facing the Canary Islands, the free trade arrangements in force at the time of Spain's accession to the European Communities and the low volume of trade involved, such a derogation is justifiable;

Whereas provisions should be adopted to ensure that products subject to derogation from the quantitative restrictions in force are exclusively for the internal market of the Canary Islands and that the Commission receives regular reports on the volume of imports and reconsignments;

Whereas if the products in question are consigned to the rest of the Community customs territory, measures concerning quantitative restrictions must apply; whereas goods should therefore be accompanied by T5 documents as far as the customs office where they are released for consumption on presentation of the corresponding documents in order to ensure that they are subject to these measures;

¹ OJL 171, 29.6.91, p. 1

HAS ADOPTED THIS REGULATION:

Article 1

Textile products falling within Chapter 50 to 63 of the Combined Nomenclature and those included in Annex II of Council Regulation (EC) No 519/94² shall be released for import into the Canary Islands without quantitative restrictions or measures having equivalent effect.

Article 2

1. The measures set out in Article 1 shall apply exclusively to products for the domestic market of the Canary Islands.

2. The competent Spanish authorities shall take all necessary measures to ensure compliance with paragraph 1, in accordance with the relevant Community provisions on end use set out in Council Regulation (EEC) No 2913/92.³

Article 3

1. Should products subject to the measures set out in Article 1 be consigned to other parts of the Community customs territory, the competent Spanish authorities shall take all necessary measures for the collection of common customs tariff duties in accordance with the provisions of Article 2, paragraph 2 of Council Regulation (EC) No 527/96.⁴ The goods in question shall also be subject to the relevant common commercial policy measures as laid down in the following regulations:

- Council Regulation (EEC) No 3030/93⁵ on common rules for imports of certain textile products from third countries

- Council Regulation (EC) No 517/94⁶ 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,

- Council Regulation (EC) No 519/94 on common rules for imports from certain third countries

2. Any consignment of the products in question must be accompanied by a copy of control copy T5, issued according to Articles 472 to 484 of Commission Regulation (EEC) No 2453/93⁷ laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

² OJ L 67, 10.3.94, p. 89

³ OJ L 302, 19.10.92, p.1

⁴ OJ L 78, 28.3.1996, p. 1

⁵ OJ L 275, 8.11.1993, p.1

⁶ OJ L 67, 10.3.1994, p. 1

⁷ OJ L 253, 11.10. 1993, p. 1

3. A copy of control copy T5 can only be issued upon presentation of a copy of the related Community import licence.
4. The T5 control copy delivered by the office of departure must include the following particulars:

in box 8, "Consignee": the name of the person in whose name the Community import licence is issued.

in box 104:

"Mercancías que deben someterse, para su despacho a consumo fuera de las islas canarias, a las restricciones cuantitativas aplicables en la Comunidad

Reglamento (CE) no ... Derogación en las islas Canarias de las restricciones cuantitativas"

(Goods subject to the quantitative restrictions applicable in the Community on release for consumption outside the Canary Islands)

(Regulation (EC) No ... Derogation from quantitative restrictions for the Canary Islands).
5. Documents accompanying goods moving under the Community internal transit procedure in accordance with Article 311(c) of Regulation (EEC) No 2454/93 must include in box 44 a reference to the relevant T5 control copy.
6. The competent authorities at the office of destination shall deduct the quantity shown on the licence.

Article 4

For products referred to in Article 1 which are subject to quantitative restrictions or other surveillance measures in Community territory, the competent Spanish authorities shall notify the Commission by the 15th of each month of the volume of imports which have been subject to derogations during the previous month, and, where appropriate, of products that have been consigned towards the rest of the Community customs territory.

Article 5

The present Regulation shall enter into force on the third day after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels

For the Council
President

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