



COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(95) 281final

95/0153 (ACC)

Proposal for a

COUNCIL DECISION

**on the progressive dismantling of certain quantitative restrictions on  
imports of certain ECSC products**

(presented by the Commission)



## Explanatory memorandum

Article 26 of Council Regulation (EC) No 3285/94 on the common rules for imports stipulates that residual national restrictions relating to products covered by the ECSC Treaty should be progressively dismantled in accordance with the provisions of the Agreement establishing the World Trade Organization (WTO), and in particular the provisions of the Agreement on Safeguards.

The national restrictions in question have for many years been applied by Spain to imports of coal, briquettes, etc.

Under the Agreement on Safeguards a timetable should be presented to the Committee on Safeguards for phasing out measures within a four-year period following the entry into force of the WTO Agreement. This period ends on 31 December 1998.

On 2 March 1995 the Commission notified the Committee on Safeguards of the national restrictions in question. It must now notify it by 1 July 1995 of the timetable for dismantling them.

The appropriate measures must therefore be adopted and the Member State in question must make provision for a progressive increase in imports of these products with a view to their definitive liberalization.

The quantities given in the Annex to this Decision take account of the need for this Member State and the economic sectors concerned to prepare gradually for this liberalization, which can already be achieved from 1 January 1998.

**Proposal for a  
Council Decision (EC) No..../95  
of....1995  
on the progressive dismantling of certain quantitative restrictions on  
imports of certain ECSC products**

**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 (EC) No 3285/94 of 22 December 1994 on the common rules for imports and repealing Regulation (EC) No 518/94, and in particular Articles 23 and 26 thereof,<sup>1</sup>

Having regard to the proposal from the Commission,

Whereas Spain has for many years applied quantitative restrictions to imports of certain ECSC products originating in third countries; whereas these restrictions apply to imports of products falling within CN codes 2701 11, 2701 12 90 and 2701 19;

Whereas due account was taken when Regulation (EC) No 3285/94 was adopted of the Community's international obligations, particularly those deriving from the Agreement establishing the World Trade Organization (WTO);

Whereas Article 26 of Regulation (EC) No 3285/94 stipulates that residual national restrictions relating to products covered by the ECSC Treaty shall be progressively dismantled in accordance with the provisions of the Agreement establishing the WTO, which include coal and steel products;

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<sup>1</sup> OJ No L 349, 31.12.1994, p.53.

Whereas the Agreement on Safeguards, contained in Annex 1A to the WTO Agreement, requires the progressive elimination of measures of the type applied by Spain which are not covered by the provisions of GATT 1994, and specifically those of Article XIX;

Whereas under the Agreement on Safeguards a timetable must be presented to the Committee on Safeguards for phasing out such measures within a period not exceeding four years after the date of entry into force of the WTO; whereas this process of elimination must therefore end by 31 December 1998;

Whereas on 2 March 1995 the Commission notified the Committee on Safeguards of the national restrictions in question and it must now notify the Committee by 1 July 1995 of the timetable for dismantling them;

Whereas, to this end, appropriate measures should be taken to draw up the timetable and arrangements for phasing out restrictions by setting annual limits which the Spanish authorities can apply to the imports in question, providing for a progressive increase in these imports with a view to their liberalization at the end of a period which may end on 31 December 1997,

**HAS ADOPTED THIS DECISION:**

**Article 1**

The national restrictions applied by Spain to imports originating in third countries falling within CN codes 2701 11, 2701 12 90 and 2701 19 shall be eliminated by 31 December 1997 at the latest.

The Annex to this Decision gives the annual limits which Spain can apply to imports of the products listed during the above period.

**Article 2**

**Spain shall charge the licences already issued at the date of entry into force of this Decision against the quantities for 1995.**

**Article 3**

**This Decision is addressed to Spain. It shall take effect on the day of its notification.**

**Done at Brussels, .... 1995.**

**For the Council**

**The President**

**Annex**  
**on the dismantling of national restrictions on imports of certain ECSC**  
**products**

| <b>Member State</b> | <b>Product</b>        | <b>CN code</b> | <b>1995<br/>(tonnes)</b> | <b>1996<br/>(tonnes)</b> | <b>1997<br/>(tonnes)</b> | <b>1998<br/>(tonnes)</b> |
|---------------------|-----------------------|----------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Spain               | Anthracite            | 2701 11        | } 10.600.000             | } 10.800.000             | } 11.100.000             | } Free import            |
|                     | Other bituminous coal | 2701 12 90     |                          |                          |                          |                          |
|                     | Other coal            | 2701 19        |                          |                          |                          |                          |

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