COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 642 final Brussels, 9 November 1981

Proposal for a COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for certain hand-made products (1982) →

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. The Community announced in the course of multilateral negotiations conducted under GATT that is was willing, subject to certain condimitions, one of which would be the production of a certificate of manufacture recongnized by the competent authorities, to open an annual Community tariff quota for certain articles made by hand (handicrafts), free of customs duty and to a value of 5 000 000 UA, with a limit of 500 000 UA for each of the tariff headings or subheading in question.

In pursuance of the Declaration of Intent concerning trade relations with certain Asian countries and to reflect the participation of new Member States in the use of this quota, the value of the quota was raised to 10 000 000 UA (with a limit of 1 000 000 UA for each tariff heading or subheading from 1 January 1974).

- 2. In the same context and following a request from the United Kingdon (1), the Commission was called upon to examine the commercial problems arising in trade relations between that Member State and Commonwealth Asian countries from the progressive phasing—out, with effect from 1 January 1974, of the preference these countries enjoyed on the Uni—ted Kingdom market for quite a range of products, notably some kinds of clothing and finished articles made from hand—woven fabrics. This question has been discussed several times with government experts and it was decided by common consent to re—examine the problem when the economic situation of the Community had improved.
- 3. The proposed Regulation annexed hereto thus provides for the opening of the quota on 1 January 1982 for the same products as for 1981 and up to the above-mentioned amount of 10,000,000 ECU, increased by 2% to take account of the accession of Greece.

(1) This request was endorsed by the Indian and Pakistan authorities.

- 4. Due to the lack of detailed statistical data on the articles concerned the allocation, as in preceding years, could only be carried out by dividing the tariff quota volume into nine parts and assigning one such part to each of the eight territories making up the Community, the last part being held in reserve to cover any additional requirements.
- 5. Another problem results from the fixing of a Community maximum amount, the value of which for each heading or subheading affected by the quota may not now exceed the level of 1 200 000 ECU. This problem was first referred to at the consultation meetings held on 9 and 15 April 1970 and there was evidence that if the ceiling were exceeded, this could, in certain circumstance cause difficulty in the Member States' own markets.

It was decided, however, that initially :

- (a) there would be no special provisions embodied in the Regulation itself to prevent this ceiling from being exceeded in any way;
- (b) the competent authorities of all Member States would cooperate closely with the Commission departments, so that appropriate action could be taken if there were signs of a real risk of the ceiling in question being exceeded.

This is the basis on which unanimous agreement was reached on the provisional application of a monitoring scheme under which, in general, the national ceiling was fixed theoretically for each tariff heading, equivalent to 10 % of the initial share assigned to each Member State, and the notification to the Commission of the 'state of availment of Member States' shares for each of the tariff headings over interim periods to be specified according to the circumstances. A Community balance sheet, produced by the Commission department would be circulated immediately to all Member States.

In practice, the scheme would work as follows:

whenever the drawings in a Member State against a particular tariff heading reached 10 % of its initial share, that Member State, without interrupting its drawings, notifies the Commission, which passes on this information to the other Member States, as soon as possible, advise the Commission of their latest status of drawings against the particular tariff heading; on the basis of the balance sheet compiled by the Commission for the heading, the ceiling is reached, the drawings against that particular tariff are suspended in all Member States; if it is not yet reached but likely to be so in a short while, Member States notify the Commission by telex, once a week or after each drawing of a substantial amount, of the total drawings made during the week expired or since the previous notification.

Toposal for a TUNCIL REGULATION (EEC) :

opening, allocating and providing for the administration of a Community tariff quota for certain hand-made products (1982)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, as regards certain hand-made products, the European Economic Community has declared its readiness to open an annual duty-free Community tariff quota of an overall amount of 5 000 000 units of account for each tariff heading or subheading in question; whereas, in pursuance of the Declaration of Intent concerning trade relations with certain Asian countries, the total amount of the quota and the maximum for each tariff heading or subheading were raised to 10 000 000 and 1 200 000 units of account respectively; whereas products may however be admitted under the Community tariff quota only on the submission to the Community's customs authorities of a document issued by the recognized authorities of a document issued by the recognized authorities of the accountries.

orities of the country of manufacture certifying that the goods concerned are handmade; whereas the specimen certificate of manufacture as annexed to the Regulations adopted made by the Council each year for the opening of the above-mentioned tariff quotas and in particular to Regulation (EEC) Nº 3182/80(1) is no longer in conformity with the most recent international standards; whereas in particular, it is not in conformity with the layout key recommended by the Economic Commission for Europe in Geneva for documents used in external trade; whereas, in order to take account of that recommendation, it is desirable to adapt the specimen certificate of manufacture; whereas, in the interests of economy, the use of forms based on the old model should be permitted until existing stocks have been used up in the supplying countries; whereas it is accordingly appropriate to open the tariff quota in question with effect from 1 January 1982 in accordance with the provisions of Council Regulation (EEC) Nº 3308/80 of 16 December 1980 on the replacement of the European unit of account by the ECU in Community legal instruments (2) and after making provision for an increase of 2% in the overall amount of the quota to take account of the accession of Greece.

⁽¹⁾ OJ Nº L 337, 13.12.1980, p. 50

⁽²⁾ OJ Nº L 345, 20.12.1980, p. 1

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the tariff quota should be applied consistently to all imports until the quota is used up; whereas a system of utilization of the Community tariff quota based on an allocation between the Member States concerned would, in the light of the principles outlined above, appear consistent with the Community nature of the quota; whereas, to represent as closely as possible

the actual development of the market in the said goods, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the tariff year in question;

Whereas however, there is no specific classification of the said goods in the statistical nomenclatures; whereas it has thus been impossible to collect sufficiently precise and representative statistics; whereas the extent to which the current Community tariff quota has been used is not such that the real requirements of each of the Member States can be firmly ascertained; whereas the only possibility is therefore to divide the tariff quota volume into nine parts, of which one each would be allocated to the Benelux countries, Denmark, Germany, Greece, France, Ireland, Italy and the United Kingdom, the last part being held in reserve to cover the later requirements of Member States which use up their initial shares;

Whereas the initial shares may be used up at different rates; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial share should draw a supplementary share from the Community reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and inform the Member States accordingly; whereas this collaboration must be all the closer since it does not seem necessary, at present, to provide for special measures in this Regulation to avoid exceeding the maximum allocation of 1 200 000 ECU tariff heading or subheading;

Whereas if, at a given date in the quota period, a Member State has a considerable quantity left over it is essential that is should return a significant percentage thereof to the reserve so as to avoid a part of the Community tariff quets: I ining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and jointly represented by the Benelux Economic Union, any operation concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, a Community tariff quota of a volume corresponding to a value of 10,000 000 ECU shall be opened for the products listed below, subject to a maximum of 1,200,000 ECU for each tariff heading or subheading in the list:

| | • |
|----------------------|---|
| CCT heading No | Description |
| 42.02 | Travel goods (for example trunks, suit cases, hat-boxes, travelling-bags, ruck-sacks), shopping-bags, handbags, satchels, brief-cases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers, of leather or composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric: |
| | B. Of materials other than artificial plastic sheeting |
| 42.03 | Articles of apparel and clothing accessories, of leather or of composition leather: |
| | C. Other clothing accessories • |
| 44.24 | Household utensils of wood |
| 44.27 | Standard lamps, table lamps and other lighting fittings, of wood; articles of furniture, of wood, not falling within Chapter 94; caskets, cigarette boxes, trays, fruit bowls, ornaments and other fancy articles, of wood; cases for cutlery, for drawing instruments or for violins, and similar receptacles, of wood; articles of wood for personal use or adornment of a kind normally carried in the pocket, in the handbag or on the person; parts of the foregoing articles, of wood |
| 48.21 | Other articles of paper pulp, paper, paperboard or cellulose wadding: |
| | D. Bed linen, table linen, toilet linen (including hand- |
| • , | kerchiefs and cleansing tissues) and kitchen linen; garments |
| | F. Other: I. Articles of a kind used for surgical, medical or hygienic purposes, not put up for retail sale II. Other |
| ex 55.09 | Other woven fabrics of cotton: |
| • | - Fabrics, hand-dyed or hand-printed by the 'batik' method |
| 58.01 | Carpets, carpeting and rugs, knotted (made up or not): |
| | A. Of wool or of fine animal hair: |
| | I. Containing a total of more than 10 % by weight of silk or of wa : ilk other than noil |
| | B. Of silk, of waste silk other than noil, of synthetic textile fibres, of yarn falling within heading No 52.01 or of metal threads |
| - | C. Of other textile materials |
| 58.10 | Embroidery, in the piece, in strips or in motifs |
| 59.02 | Felt and articles of felt, whether or not impregnated or coated: |
| | ex B. Other: |
| | |

Carpets, mats

| CCT heading No | Description |
|----------------------|---|
| 60.05 | Outer garments and other articles, knitted or crocheted, not elastic nor rubberized: |
| * , | A. Outer garments and clothing accessories: |
| | II. Other: |
| | b) Other: |
| | 4. Other outer garments: |
| | bb) Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed jackets and jumpers: |
| | 11. Men's and boys': |
| | ex bbb) Of fine animal hair: |
| • | - Jerseys, pullovers, slip-overs |
| | 22. Women's, girls' and infants': |
| • | ex ccc) Of fine animal hair: |
| | - Jerseys, pullovers, slip-overs |
| | ll) Other outer garments: |
| | ex 11. Of wool or of fine animal hair |
| • | - Ponchos in fine animal hair |
| ex 61.01 | Marie and Land amount and |
| CX 61.01 | Men's and boys' outer garments: |
| | B. Other: |
| | . V. Other: |
| , | b) Overcoats, raincoats and other coats, cloaks and capes: |
| | ex 1. Of wool or of fine animal hair: |
| | — Ponchos |
| ex 61.02 | Women's, girls' and infants' outer garments: |
| CA 01.02 | - Garments, hand-dyed or hand-printed by the 'batik' method |
| `` | Garmenes, hand-dyed of hand-printed by the battix inculou |
| 61.02 | Women's, girls' and infants' outer garments: |
| | B. Other: |
| , , | II. Other: |
| • | e) Other: |
| . ' | 2. Coats and raincoats; cloaks and capes: |
| | ex aa) Of wool or of fine animal hair: |
| 1 | — Ponchos and capes in wool |
| | — Ponchos in fine animal hair |
| | |
| | 5. Skirts, including divided skirts: |
| | ex aa) Of wool or of fine animal hair: |
| | — Skirts, skirtlengths, in wool |
| 61.05, | Handkerchiefs: |
| , | A. Of cotton fabric, of a value of more than 15 ECU per kg net weight |
| 61.06 | Shawls, scarves, mufflers, mantillas, veils and the like |
| 61.07 | Ties, bow ties and cravats |
| 61.11 | Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets), etc. |
| 62.01 | Travelling rugs and blankets |
| 62.02 | Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles: ex B. Other: |
| • | - Cotton fabric articles, hand-dyed or hand-printed by the 'batik' |
| | method |

| CCT heading No | Description |
|----------------------|--|
| 62.02 | Bed linen, table linen, toiler linen and kitchen linen; curtains and other furnishing articles: B. Other: IV Curtains and other furnishing articles: ex c) Of other textile materials: — Double curtains in wool |
| 62.05 | Other made-up textile articles (including dress patterns) |
| 64.05 | Parts of footwear (including uppers, in-soles and screw-on heels) of any material except metal |
| ex 65.05 | Hats and other headgear (including hairnets) knitted or crocheted, or made up from lace, felt or other textile fabric in the piece (but not from strips), whether or not lined or trimmed: — Berets, in wool |
| 66 .02 | Walking-sticks (including climbing-sticks and seat-sticks), canes, whips, riding-crops and the like |
| 68.02 | Worked monumental or building stone, and articles thereof (including mosaic cubes), other than goods falling within heading No 68.01 or within Chapter 69: A. Worked monumental or building stone: |
| ŧ | IV. Carved |
| 74.18 | Other articles of a kind commonly used for domestic purposes, sanitary ware for indoor use and parts of such articles and ware, of copper |
| 74.19 | Other articles of copper |
| 83.06 | Statuettes and other ornaments of a kind used indoors, of base metal; photography, picture and similar frames, of base metal; mirrors of base metal: A. Statuettes and other ornaments of a kind used indoors |
| 83.07 | Lamps and lighting fittings, of base metal, and parts thereof, of base metal: B. Other |
| ex 83.09 | Clasps, frames with clasps for handbags and the like, buckles, buckle-clasps, hooks, eyes, eyelets, and the like, of base metal, of a kind commonly used for clothing, travel goods, handbags or other textile or leather goods; tubular rivets and bifurcated rivets, of base metal; beads and spangles, of base metal: |
| | Beads and spangles, of base metal |
| 83.11 | Bells and gongs, non-electric, of base metal, and parts thereof of base metal |
| 94.03 | Other furniture and parts thereof |
| 95.05 | Worked tortoise-shell, mother of pearl, ivory, bone, horn, coral (natural or agglomerated) and other animal carving material, and articles of those materials: B. Other: II. Other |
| 95.08 | Worked vegetable or mineral carving material and articles of those materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins (for example, copal or rosin) or of modelling pastes, and other moulded or carved articles not elsewhere specified or included; worked, unhardened gelatin (except gelatin falling within heading No 35.03) and articles of unhardened gelatin: B. Other |

| CCT heading No | Description |
|----------------------|--|
| 97.02 | Dolls: ex A. Dolls (dressed or undressed): |
| | Dolls dressed in a folk costume representative of the country of origin |
| 97.03 | Other toys; working models of a kind used for recreational purposes: A. Of wood |

2. Admission under this quota shall, however, be granted only for products accompanied by a certificate recognized by the competent authorities of the Community and conforming to one of the examples in Annex I, issued by one of the recognized authorities of the country of manufacture appearing in Annex II and certifying that the goods in question are hand-made. However, the specimen certificates used previously, and in particular those annexed to Regulation (EEC) No 3182/80 may continue to be used until the stocks held by the supplying country have been exhausted.

The goods must in addition be accepted as hand-made by the competent authorities of the Community.

3. Within this Community tariff quota the Common Customs Tariff duties shall be totally suspended.

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions of the Act of Accession of 1979.

Article 2

1. A first instalment of 6580 000 ECU shall be allocated among the Member States; the respective shares of the Member States, which, subject to Article 5, shall be valid from 1 January to 31 December 1982, shall correspond to the following values:

| | ECU |
|----------------|------------|
| Benelux | 1 250 000 |
| Denmark | 250 000 |
| Germany | 1 450 000 |
| Greece | 152 000 |
| France | 1 250 000 |
| lreland | 163 800 |
| Italy | 757 000 |
| United Kingdom | 1 307 200. |

2. The second instalment of 3 620 000 ECU shall constitute the Community reserve.

Article 3

- 1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next whole number, to the extent permitted by the amount of the reserve.
- 2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions set out in paragraph 1, draw a third share equal to 7.5 % of its initial share, rounded up where necessary to the next whole number.
- 3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw lower shares than those specified therein if there are grounds for believing that that those specified may not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

3. The provisions of Regulation (EEC) No 3308/80 and in particular Article 2 thereof shall apply for the purposes of determining the cequivalent value in national currenties of amounts expressed in ECU.

Article 5

Member States shall return to the reserve, not later than 1 Dotober 1982 the unused portion of their initial share which, or 15 September 1982, is in excess of 50% of the initial amount. They may return a larger quantity if there are grounds for believing that such quantity might not be used.

Member States shall notify the Commission, not later than 1 October 1982, of the total quantities of the said goods imported up to and including 15 September 1982 and charged against the Community tariff quota and of any portion of their initial share returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1982 of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that supplementary shares drawn

pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quota.

- 2. Member States shall ensure that importers of the said goods established in their territory have free access to the shares allocated to them.
- 3. Member States shall charge imports of the said goods against their shares as and when such goods are entered with the customs authorities for free circulation.
- 4. The extent to which a Member State has used up its share shall be determined on the basis of imports charged in accordance with paragraph 3.

Article 8

At the Commission's request, Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels,

For the Council
The President

Modeller til fremstillingscertifikat

Muster der Herstellungsbescheinigung

Ynnerfysigte njarangjerige gerangener

Model certificate of manufacture

Modelles de certificat de fabrication

Modelli di certificato di fabbricazione

Modellen van certificaat van vervaardiging

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| ¹² ΑΡΜΟΔΙΑ ΥΠΗΡΕΣΙΑ (ΟΝ ΟΜΑ, ΠΛΗΡΗΣ ΔΙΕΎΘΥΝ ΣΗ , ΧΩΡΑ) | | ala da a a paramenta | |
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| 1) EXPORTER (Name, full address, country) | ry) 2) NUMBER | 00000 |
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| | 4) COUNTRY OF MANUFA | C- 5)COUNTRY OF DESTI- |
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| I, THE UNDERSIGNED, CERTIFY THAT THE HANDICRAFT PRODUCTS (HANDICRAFTS) O IN BOX NO. 4. | | |
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Department of Trade and Cooperatives

Ministère du commerce et des coopératives

Fremstillingsland Kompetent Myndighed Herstellungsland Zuständige Behörde אקטם אמדמייינווטב יאקטיים לו 'Ymnneufa Country of manufacture Competent authority Pays de fabrication Autorité compétente Paese di fabbricazione Autorità competente Land van vervaardiging Bevoegde autoriteit Indien Indien TUE for . The handicrafts and Handlooms Export Corporation of India Ltd India Inde All India handicrafts Board India India Pakistan Pakistan Hak Lather Export Promotion Bureau Pakistan Pakistan Pakistan Pakistan Department of Foreign Trade Thailand Thailand Talkanon Thailand Thailande Tailandia Thailand Indonesien Ministeriet for Handel og Kooperativer Ministerium für Handel und Genossenschaften Indonesien

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Department for Marketing and Export

Promotion of Handicrafts of Sri Lanka

Uruguay

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Dirección general de comercio exterior

Bangladesh

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Μπαγκλαντές

Bangladesh

Bangladesh

Export Promotion Bureau

Bangladesh Bangladesh Laos Laos ME Y Service national de l'Artisanat et de l'Industrie Laos Laos Laos Laos Ecuador -Ecuador Tamerejus Ministerio de Industria, Comercio e Integración Ecuador Equateur Ecuador Ecuador Paraguay Paraguay Maryunia . Paraguay Ministerio de Industria y Comercio Paraguay Paraguay Paraguay Panama Panama Burning Camara de comercio e industrias de Panama-Dirección de comercio interior y exterior Panama Panama Panama Panama El Salvador El Salvador 'Ελ Σαλβαντήρ Dirección de comercio internacional

El Salvador El Salvador El Salvadòr El Salvador Malaysia Malaysia יי לדין נו לייוני Malaysian Handicraft Development Corporation Malaysia Malaisie Malaisia Maleisië Bolivia Bolivien 703 1010 Ministerio de Industria, Comercio y Turismo -Bolivia Instituto boliviano de Pequeña industria Bolivie y artesania Bolivia Bolivië Honduras Honduras กับอาทักกา Honduras Dirección general de comercio exterior Honduras Honduras * Honduras Peru Peru Densis Ministerio de Industria y Turismo Peru Pérou Perù Peru Chile Chile Servicio de cooperación tecnica (SERCOTEC) YIZA

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Dirección de comercio interior y exterior

Secretaria de Estado e comercio y

negociaciones econômicas internacionales

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