

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 36 final

Brussels, 28 February 1977

PROPOSAL FOR A COUNCIL REGULATION

concerning import arrangements for certain
jute products originating in the Republic
of India

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. By decision of 20 January 1976 the Council authorized the Commission to open negotiations with India for the conclusion of a new agreement on trade in jute products as the Agreement previously in force had expired.

In accordance with this decision the Commission, in consultation with the Article 113 Committee, conducted negotiations with India in April, June and July of last year. These negotiations culminated in a draft Agreement initialled by the Heads of Delegation on 2 July; the Commission put before the Council a recommendation for a regulation concluding the Agreement.

2. The draft Agreement provides inter alia for voluntary restraint, within quantitative limits agreed by the Indian authorities, of exports to the Community of certain jute products and for a system of control by the Community that the agreed limits are being observed.

In order to permit this control to take place, this proposal for a regulation provides for the introduction of arrangements making imports into the Community of the products in question subject to quantitative limits.

3. The Agreement which has been initialled is concerned only with products originating in and coming from India. The Indian authorities will therefore apply voluntary restraint only to direct exports to the Community. Thus products covered by the Agreement and originating in India may be freely exported to the Community through non-member countries. The Community may oppose such indirect exports, for by the Agreement it is only obliged to admit products originating in and coming from India which are accompanied by an export authorization as required by the Agreement.

Since such indirect imports run counter to the objectives of the Agreement the import arrangements introduced by the Community must be applied to products originating in India irrespective of where they come from.

4. It is proposed to administer the Community quantitative limits in accordance with the procedure for administering Community quantitative quotas established by Council Regulation (EEC) No 1023/70, and in particular Article 11 (1) thereof. Under this procedure the Council has to determine the criteria for allocating the quantitative limits.

.../...

The criteria referred to are primarily those taken as a guide for allocating the ceilings of the previous Agreement.

However, these criteria have been adjusted in the light of experience of the functioning of that Agreement, to permit a breakdown of the Community quantitative limits between the Member States on the basis of the results of work already done which is better adapted to the supply requirements of the various market (1).

5. The Agreement which has been initialled provides for the automatic, immediate acceptance by the Community authorities of imports subject to a ceiling upon production by the importer of an export authorization issued by the Indian authorities certifying that the quantities have been set off against the agreed ceilings. This provision therefore obliges the Member States, authorities to grant import authorizations automatically as soon as a request is made accompanied by an export authorization, provided that the agreed limits are observed.
6. So that the objectives of the Agreement may be attained promptly the Commission proposes that the Council adopt the draft Regulation annexed hereto as soon as possible.

(1) The allocation will be the subject of a regulation to be adopted by the Commission, likewise on the basis of Regulation No 1023/70.

PROPOSAL FOR A COUNCIL REGULATION

concerning import arrangements for certain jute products originating in the Republic of India

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 the European Economic Community and the Republic of India have negotiated an Agreement on trade in jute products; whereas the Commission has put before the Council a recommendation for a Regulation concluding that Agreement;

Whereas, in order to implement that Agreement, import arrangements should be adopted for the products concerned;

Whereas the Agreement requires the Community to permit imports of certain jute products within quantitative limits, the observance of which will be guaranteed by an agreed bilateral system of control;

Whereas to this end the appropriate provisions valid in the Community for 1976, 1977, 1978 and 1979 and the criteria for the allocation of the quantitative limits agreed with India should be adopted;

Whereas the criteria for allocation must be based on those taken as a guide in allocating the quantitative limits of the previous Agreement with India but also, in the light of the functioning of the former Agreement, be adjusted so as to achieve a breakdown between Member States which is better adapted to the supply requirements of their markets;

Whereas steps should be taken to ensure that the objectives of the Agreement are not thwarted by indirect imports of products originating in India;

.../...

Whereas imports should be set off against the quantitative limits fixed for the year during which the goods were exported from India;

Whereas products which enter the Community's customs territory under inward processing or other temporary admission arrangements and are re-exported from that territory in their original condition or after processing should not be set off against the abovementioned quantitative limits,

HAS ADOPTED THIS REGULATION :

Article 1

1. Imports into the Community of the jute products listed in Annex A which originate in the Republic of India and are exported between 1 January 1976 and 31 December 1979 shall be subject to the quantitative limits agreed between the Community and India and set out in the Annex referred to above.
2. These quantitative limits shall be allocated among the Member States in accordance with the procedure laid down in Council Regulation (EEC) No 1023/70 of 25 May 1970 establishing a common procedure for administering quantitative quotas (1), and in particular in Article 11 thereof, in such a way as to ensure the expansion and orderly development of trade in jute products and to permit amounts to be carried over or brought forward from one year to another. However, the allocation made on the basis of the import volumes admitted on the conditions currently applied shall take account of the need to align them progressively with the supply requirements of their markets.
3. The authorities of the Member States concerned shall, within the quantitative limits prescribed, automatically authorize the import of the products referred to in paragraph 1 immediately upon presentation by the importer of the original copy of the export authorization issued by the Indian authorities, containing the details set out in Annex B.

(1) OJ No L 124, 8.6.1970, p.1.

4. Authorized imports shall be set off against the quantitative limits valid for the annual period during which the products were placed on board in India in order to be exported to the Community.

5. Products which enter the Community's customs territory under inward processing or other temporary admission arrangements and are re-exported from that territory in their original condition or after processing shall not be set off against the quantitative limits referred to in paragraph 1.

Article 2

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

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

For the Council

The President

Done at Brussels,

Quantitative Limits referred to in Article 1.

ANNEX A

Category N°	CCT heading	Description	Quantitative limits (metric tonnes)			
			1976	1977	1978	1979
4/5	57.10	Woven fabrics of jute or of other bast fibres of heading N° 57.03 : ex : B. Of a width of more than 150cm, other than those of category No 7-	10.186	10.967	11.770	12.628
7	57.10	Woven fabrics of jute or of other textile bast fibres of heading N° 57.03 : ex : B. Of a width of more than 150cm, wholly or partially dyed or printed and having no visible selvages in the width	1.943	2.086	2.233	2.391

Details referred to in Article 1 (3)

The export authorizations issued by the Indian authorities in respect of the products covered by this Regulation shall specify or contain the following :

- a) Destination (Member State concerned) ;
- b) Serial number ;
- c) Importer's name and address ;
- d) Exporter's name and address ;
- e) Net weight (in kg or tonnes) and value ;
- f) Category and classification of the product ;
- g) Certification by the authorities that the quantities have been set off against the ceilings fixed for exports to the Community (Member State concerned) or, where appropriate, are for immediate re-export or are for processing and subsequent re-export outside the Community ;
- h) Year during which the products were exported, i.e., were placed on board in India for export to the Community.

