Commission Implementing Regulation (EU) 2016/2148 of 7 December 2016 laying down rules for the management and distribution of textile quotas established for the year 2017 under Regulation (EU) 2015/936 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2148

of 7 December 2016

laying down rules for the management and distribution of textile quotas established for the year 2017 under Regulation (EU) 2015/936 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 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 Union import rules[(1)], and in particular Article 17(3) and (6) and Article 21(2) thereof,

Whereas:

(1) Regulation (EU) 2015/936 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.

(2) Under Regulation (EU) 2015/936 it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches, or to reserve a proportion of a specific quantitative limit exclusively for applications which are supported by evidence of the results of past import performance.

(3) Rules for the management and distribution of textile quotas established for the year 2017 should be adopted before the quota year begins so that the continuity of trade flows is not unduly affected.

(4) The measures adopted in previous years, such as those in Commission Implementing Regulation (EU) 2015/2106[(2)], proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2017.

(5) In order to satisfy the greatest possible number of operators, it is appropriate to make the ‘first come, first served’ allocation method more flexible by placing a ceiling on the quantities that can be allocated to each operator by that method.

(6) In order to guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2017 equivalent to the quantity that they imported in 2016.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/2148. (See end of Document for details)*

(7) In order to achieve optimum use of the quantities, an operator who has used at least half of the amount already authorised should be permitted to apply for a further amount, provided that quantities are available in the quotas.

(8) In order to secure a sound administration, import authorisations should be valid for nine months from the date of issue until the end of the year at the latest. Member States should issue authorisations only after being notified by the Commission that quantities are available and only if operators can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that they have not yet been granted a Union import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to an importer's application, to extend by three months and until 31 March 2018 the validity of an authorisation provided that at least half of the allocated quantity has been used by the application date.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 30 of Regulation (EU) 2015/936,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules on the management of quantitative quotas for imports of certain textile products set out in Annex III to Regulation (EU) 2015/936 for the year 2017.

Article 2

The quotas referred to in Article 1 shall be allocated according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in Annex I.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2017, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import authorisations granted to them for 2016.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2016 from given third countries and in given categories, provided that enough quota capacity is available.

Article 3

Importers who have already used 50 per cent or more of the amount allocated to them under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in Annex I.

Article 4

1 The competent national authorities listed in Annex II may, from 10.00 a.m., Brussels time, on 11 January 2017, notify the Commission of the amounts covered by requests for import authorisations.

2 The competent national authorities shall issue import authorisations only after being notified by the Commission pursuant to Article 17(2) of Regulation (EU) 2015/936 that the requested quantities are available for importation.

They shall issue authorisations only where an operator:

a proves the existence of a contract relating to the provision of the goods; and

b certifies in writing that, in respect of the categories and countries concerned:

(i) the operator has not already been granted an authorisation under this Regulation; or

(ii) the operator has been granted an authorisation under this Regulation but has used at least 50 per cent of the quantity allocated.

3 Import authorisations shall be valid for nine months from the date of issue until 31 December 2017 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension to the validity of an authorisation, provided that at least 50 per cent of the allocated quantity has been used at the time of the request. Such extension shall in no circumstances expire later than 31 March 2018.

Article 5

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

It shall apply as from 1 January 2017.

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/2148. (See end of Document for details)*

ANNEX I

Maximum amounts referred to in Articles 2 and 3

[F1]

Textual Amendments

F1 Deleted by Commission Implementing Regulation (EU) 2017/992 of 12 June 2017 amending Implementing Regulation (EU) 2016/2148 as regards the deletion of references to the Republic of Belarus.

Country concerned	Category	Unit	Maximum amount
Democratic People's Republic of Korea	1	Kilograms	10 000
	2	Kilograms	10 000
	3	Kilograms	10 000
	4	Pieces	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	12	Pairs	10 000
	13	Pieces	10 000
	14	Pieces	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	17	Pieces	10 000
	18	Kilograms	10 000
	19	Pieces	10 000
	20	Kilograms	10 000
	21	Pieces	10 000
	24	Pieces	10 000
	26	Pieces	10 000
	27	Pieces	10 000
	28	Pieces	10 000
	29	Pieces	10 000

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/2148. (See end of Document for details)*

31	Pieces	10 000
36	Kilograms	10 000
37	Kilograms	10 000
39	Kilograms	10 000
59	Kilograms	10 000
61	Kilograms	10 000
68	Kilograms	10 000
69	Pieces	10 000
70	Pairs	10 000
73	Pieces	10 000
74	Pieces	10 000
75	Pieces	10 000
76	Kilograms	10 000
77	Kilograms	5 000
78	Kilograms	5 000
83	Kilograms	10 000
87	Kilograms	8 000
109	Kilograms	10 000
117	Kilograms	10 000
118	Kilograms	10 000
142	Kilograms	10 000
151A	Kilograms	10 000
151B	Kilograms	10 000
161	Kilograms	10 000

ANNEX II

List of competent national authorities referred to in Article 4

1. **Belgium** FOD Economie, KMO, Middenstand en Energie (*FPS Economy, SMEs, Self-Employed and Energy*)	SPF Économie, PME, Classes moyennes et Énergie (*FPS Economy, SMEs, Self-Employed and Energy*) Direction générale des Analyses économiques et	2. **Bulgaria** Министерство на икономиката и енергетиката Дирекция ‘Регистриране, лицензиране и контрол’ ул. ‘Славянска’ № 8 1052 София