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 (recast)

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

(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) Council Regulation (EC) No 517/94[(3)] has been substantially amended several times[(4)]. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.

(2) The common commercial policy should be based on uniform principles.

(3) Uniformity in the rules for imports should be ensured by laying down, as far as possible given the particular features of the economic system in the third countries in question, provisions similar to those applied under the common rules for other third countries.

(4) For a limited number of products originating in certain third countries, owing to the sensitivity of the textile sector of the Union, surveillance measures applicable at Union level should be laid down in this Regulation.

(5) Provision should be made for special rules for products re imported under the arrangements for economic outward processing.

(6) Annex III B to Regulation (EC) No 517/94 as amended by Commission Regulation (EC) No 1398/2007[(5)] was emptied of its content. Therefore, it is appropriate to delete that Annex entirely. In the interest of clarity, the reference to that Annex in Article 4(2) should also be deleted.

(7) Some imports of certain textile products from certain third countries may have to be subject to Union surveillance, quantitative limits or other appropriate measures.

(8) If Union surveillance is applied, release for free circulation of the products in question should be made subject to presentation of a surveillance document meeting uniform criteria. That document should, on simple application by the importer, be issued by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import. The document should therefore be valid only during such period as the import rules remain unchanged.

(9) It is in the interests of the Union that the Member States and the Commission should make as full as possible an exchange of information resulting from Union surveillance.

(10) It is necessary to adopt precise criteria for assessing possible injury and initiating an investigations procedure while still allowing the Commission to introduce appropriate measures in urgent cases.

(11) To that end, detailed provisions should be laid down in respect of the initiation of investigations, the checks and inspections required, the hearing of those concerned, the treatment of information obtained and the criteria for assessing injury.

(12) It is necessary to provide for an appropriate system for administering Union quantitative restrictions.

(13) The administrative procedure should ensure that all applicants have fair access to quotas.

(14) In the interests of uniformity of rules for imports, the formalities to be carried out by importers should be simple and identical regardless of the place where the goods clear customs. It is, therefore, desirable to provide that any formalities should be carried out using forms corresponding to the specimen set out in Annex VI to this Regulation.

(15) Surveillance or safeguard measures confined to one or more regions rather than the whole of the Union may nevertheless prove necessary. However, such measures should be authorised only exceptionally and where no alternative exists. It is necessary to ensure that such measures are temporary and cause the minimum of disruption to the operation of the internal market.

(16) The provisions of this Regulation are without prejudice to Union or national legislation concerning professional secrecy.

(17) The safeguard measures necessitated by the interests of the Union should be implemented with due regard for existing international obligations.

(18) In order to simplify procedures for importers, it is necessary to provide for the possibility to extend the validity of, wholly or partly, unused import authorisations, instead of returning them to the competent authorities of the issuing Member States.

(19) In order to ensure the appropriate functioning of the system for the management of imports of certain textile products not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission

in respect of amending the Annexes to this Regulation, altering the import rules and applying safeguard measures and surveillance measures in accordance with this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(20) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(6)].

(21) The advisory procedure should be used for the adoption of surveillance measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PRINICPLES

Article 1

1 This Regulation applies to imports of textile products falling within Section XI of Part Two of the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87[(7)] and of other textile products, as listed in Annex I to this Regulation, originating in third countries and not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules.

2 For the purposes of paragraph 1, textile products falling within Section XI of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87 shall be classified in categories as set out in Section A of Annex I to this Regulation, with the exception of products covered by Combined Nomenclature codes (CN codes) listed in Section B of Annex I to this Regulation.

3 For the purposes of this Regulation, the term ‘originating products’ and the methods for controlling the origin of those products shall be as defined by the relevant Union rules in force.

Article 2

Imports into the Union of products referred to in Article 1 and originating in third countries other than those listed in Annex II shall be free and therefore not subject to any quantitative restriction, without prejudice to the measures that may be taken under Chapter III and those that have been or may be taken under specific common import rules for the period during which those rules apply.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2015/936 of the European Parliament and of the Council. (See end of Document for details)*

Article 3

1 Imports into the Union of textile products listed in Annex III and originating in the countries indicated in that Annex shall be subject to the annual quantitative limits established in that Annex.

2 The release for free circulation in the Union of imports subject to the quantitative limits referred to in paragraph 1 shall be subject to the presentation of an import authorisation or equivalent document issued by the Member States' authorities in accordance with the procedure set out in this Regulation. The imports authorised in accordance with this paragraph shall be charged against the quantitative limits fixed for the calendar year for which quantitative limits have been fixed.

3 Any textile product referred to in Annex IV and originating in the third countries indicated therein may be imported into the Union provided that an annual quantitative limit is established by the Commission. Any such quantitative limit shall be based on previous trade flows or, where not available, duly justified estimations of such trade flows. The Commission shall be empowered to adopt delegated acts in accordance with Article 31 to amend the relevant Annexes to this Regulation with respect to the establishment of such annual quantitative limits.

4 Imports into the Union of textile products other than those covered by paragraphs 1 and 3 and originating in the countries indicated in Annex II shall be free, subject to the measures that may be taken under Chapter III and to measures that have been or may be taken under specific common import rules for the duration of those rules.

Article 4

1 Without prejudice to measures that may be taken under Chapter III or under specific common import rules, re imports into the Union of textile products after processing in third countries other than those listed in Annex II shall not be subject to quantitative limits.

[F1]2 . . . . . .

Textual Amendments

F1 Deleted by Regulation (EU) 2017/354 of the European Parliament and of the Council of 15 February 2017 amending Regulation (EU) 2015/936 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.

Article 5

1 The Committee referred to in Article 30 may consider any matter relating to the application of this Regulation raised by the Commission or at the request of a Member State.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 31 concerning the measures required to adapt Annexes III to VI where problems are detected as regards their effective functioning.

CHAPTER II

UNION INFORMATION AND INVESTIGATION PROCEDURE

Article 6

1 In respect of the textile products listed in Annex I, Member States shall notify the Commission, within 30 days following the end of each month, of the total quantities imported during that month by country of origin and CN code and the units, including where appropriate supplementary units of the CN code. The imports shall be broken down in accordance with the statistical procedures in force.

2 In order to enable the market trends in the products covered by this Regulation to be monitored, Member States shall communicate to the Commission, by 31 March each year, statistical data for the preceding year on exports. The statistical data relating to the production and the consumption of each product shall be forwarded to the Commission under arrangements to be determined subsequently in accordance with the examination procedure referred to in Article 30(3).

3 Where the nature of the products or particular circumstances so require, the Commission may, at the request of a Member State or on its own initiative, alter the time limits for communicating the information referred to in paragraphs 1 and 2 of this Article in accordance with the examination procedure referred to in Article 30(3).

4 In the urgent cases referred to in Article 13, the Member State or States concerned shall send the necessary import statistics and economic data to the Commission and the other Member States without delay.

Article 7

1 Where it is apparent to the Commission that there is sufficient evidence to justify an investigation, with regard to the conditions of imports of products referred to in Article 1, the Commission shall initiate an investigation. The Commission shall inform Member States once it has determined that there is a need to initiate such an investigation.

2 In addition to the information supplied under Article 6, the Commission shall seek all information it deems necessary and shall endeavour to check that information with importers, traders, agents, producers, trade associations and organisations.

The Commission shall be assisted in this task by staff of the Member State on whose territory these checks are being carried out, provided that this Member State so wishes.

3 The Member States shall provide the Commission, at its request and following procedures laid down by it, with the information at their disposal on developments in the market of the product being investigated.

4 The Commission may hear the interested natural and legal persons. Such parties must be heard where they have applied in writing within the period laid down in the notice published in the *Official Journal of the European Union*, showing that they are actually likely to be affected by the outcome of the investigation and that there are special reasons for them to be heard orally.

5 Where the information requested by the Commission is not supplied within a reasonable period, or the investigation is significantly impeded, findings may be made on the basis of the facts available.