Commission Regulation (EC) No 1164/2008 of 24 November 2008 laying down rules for the management and distribution of textile quotas established for the year 2009 under Council Regulation (EC) No 517/94

COMMISSION REGULATION (EC) No 1164/2008

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laying down rules for the management and distribution of textile quotas established for the year 2009 under Council Regulation (EC) No 517/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 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 Community import rules[(1)], and in particular Article 17(3) and (6) and Article 21(2) thereof,

Whereas:

(1) Regulation (EC) No 517/94 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 that Regulation 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 management of the quotas established for 2009 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.

(4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 1402/2007 of 28 November 2007 laying down rules for the management and distribution of textile quotas established for the year 2008 under Council Regulation (EC) No 517/94[(2)], proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2009.

(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 which can be allocated to each operator by that method.

(6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2009 equivalent to the quantity which they imported in 2008.

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

(8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but only until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2010 licences of which at least one half 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 25 of Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

The purpose of this Regulation is to lay down rules on the management of quantitative quotas for imports of certain textile products set out in Annex IV to Regulation (EC) No 517/94 for the year 2009.

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 2009, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import licences granted to them for 2008.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2008 from given third countries and in given categories, provided that enough quota capacity is available.

Article 3

Any importer who has already used up 50 % or more of the amount allocated to him 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 on 7 January 2009, notify the Commission of the amounts covered by requests for import authorisations.

The time fixed in the first subparagraph shall be understood as Brussels time.

2 The competent national authorities shall issue authorisations only after being notified by the Commission pursuant to Article 17(2) of Regulation (EC) No 517/94 that quantities are available for importation.

They shall issue authorisations only if 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) he has not already been allocated an authorisation under this Regulation; or

(ii) he has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3 Import authorisations shall be valid for nine months from the date of issue, but until 31 December 2009 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request. Such extension shall in no circumstances expire later than 31 March 2010.

Article 5

This Regulation shall enter into force on 1 January 2009.

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

Done at Brussels, 24 November 2008.

For the Commission

Catherine ASHTON

Member of the Commission

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1164/2008. (See end of Document for details)*

ANNEX I

MAXIMUM AMOUNTS REFERRED TO IN ARTICLES 2 AND 3

Country concerned	Category	Unit	Maximum amount
North 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
	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	10 000
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 licensing offices referred to in Article 4

1. **Austria**

Bundesministerium für Wirtschaft und Arbeit

Außenwirtschaftsadministration

Abteilung C2/2

Stubenring 1

A-1011 Wien

Tel. (43-1) 711 00-0

Fax (43-1) 711 00-8386

2. **Belgium**

FOD Economie, KMO,

Middenstand en Energie

Economisch Potentieel