Changes to legislation: *Commission Regulation (EC) No 1478/2005 is up to date with all changes known to be in force on or before 06 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Regulation (EC) No 1478/2005 of 12 September 2005 amending Annexes V, VII and VIII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries

COMMISSION REGULATION (EC) No 1478/2005

of 12 September 2005

amending Annexes V, VII and VIII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries[(1)], and in particular Articles 8 and 19 thereof,

Whereas:

(1) On 10 June 2005, the European Commission and the Chinese Ministry of Commerce agreed on a Memorandum of Understanding on the export of certain Chinese textile and clothing products to the European Union. In order to take account of this Memorandum of Understanding the Commission subsequently adopted Regulation (EC) No 1084/2005.

(2) It is necessary to clarify the destination of shipments to the Community indicated in footnote 3 of the table shown under (b) in Annex V of Regulation (EEC) No 3030/93, as well as a specific conversion rate for children's garments for textiles category 4.

(3) It is necessary to provide for arrangements for the treatment of goods sent out from the Community to China for Processing Traffic (OPT).

(4) These arrangements on OPT should be reflected in Annex VII of Regulation (EEC) No 3030/93.

(5) The quantitative limits laid down in the Memorandum of Understanding have been reached for several product categories. As a consequence, a considerable amount of goods are blocked at the Community ports which creates unexpected difficulties for the normal conduct of trade.

(6) On 5 September 2005, the European Commission and the Chinese Ministry of Commerce concluded consultations on how to deal with the problems caused by exports of textile and clothing from China in excess of the quantities established in the Memorandum of Understanding. As a result it was agreed to provide for additional quantities for the categories concerned and to introduce certain flexibilities.

(7) In order to take into account of the arrangement agreed by the European Commission and the Chinese Ministry of Commerce it is necessary to adjust the quantitative limits for imports of textile and clothing products originating in China for 2005 and 2006 and

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to provide for certain flexibilities. Regulation (EEC) No 3030/93 should therefore be amended accordingly.

(8) In addition, given the particular circumstances of this situation, it is appropriate to provide for additional quantities in order to allow for the release of all textile and clothing products which are currently blocked.

(9) In view of the urgency of the matter, the Regulation should enter into force without delay.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3030/93 is amended as follows:

1. Annex V is amended in accordance with Annex I to this Regulation;

2. in Annex VII the table is replaced by the table set out in Annex II to this Regulation;

3. in Annex VIII the table is replaced by the table set out in Annex III to this Regulation.

Article 2

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

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

Done at Brussels, 12 September 2005.

For the Commission

Peter MANDELSON

Member of the Commission

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ANNEX I

Annex V to Regulation (EEC) No 3030/93 is modified as follows:

(a) Annex V is replaced by the following:

‘ANNEX V COMMUNITY QUANTITATIVE LIMITS(a)applicable for the year 2005Quantitative restrictions for Serbia do not apply pursuant to the Agreement between the European Community and Serbia on trade in textile products (OJ L 90, 8.4.2005, p. 36). The European Community retains the right to reapply quantitative restrictions under certain circumstances.Quantitative restrictions for Vietnam are suspended pursuant to the Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access (OJ L 75, 22.3.2005, p. 35). The European Community retains the right to reapply quantitative restrictions under certain circumstances.(The complete description of the goods is shown in Annex I)Community quantitative limitsThird countryCategoryUnit2005BelarusGROUP IA1tonnes1 5852tonnes5 1003tonnes233GROUP IB41 000 pieces1 60051 000 pieces1 05861 000 pieces1 40071 000 pieces1 20081 000 pieces1 110GROUP IIA9tonnes36320tonnes31822tonnes49823tonnes25539tonnes230GROUP IIB121 000 pairs5 958131 000 pieces2 651151 000 pieces1 500161 000 pieces186211 000 pieces889241 000 pieces80326/271 000 pieces1 069291 000 pieces450731 000 pieces31583tonnes178GROUP IIIA33tonnes38736tonnes1 24237tonnes46350tonnes196GROUP IIIB67tonnes339741 000 pieces36190tonnes199GROUP IV115tonnes87117tonnes1 800118tonnes448SerbiaGROUP IA1tonnes2tonnes2atonnes3tonnesGROUP IB51 000 pieces61 000 pieces71 000 pieces81 000 piecesGROUP IIA9tonnesGROUP IIB151 000 pieces161 000 piecesGROUP IIIB67tonnesVietnamGROUP IB41 000 pieces51 000 pieces61 000 pieces71 000 pieces81 000 piecesGROUP IIA9tonnes20tonnes39tonnesGROUP IIB121 000 pairs131 000 pieces141 000 pieces151 000 pieces18tonnes211 000 pieces261 000 pieces281 000 pieces291 000 pieces311 000 pieces68tonnes731 000 pieces76tonnes78tonnes83tonnesGROUP IIIA35tonnes41tonnesGROUP IIIB101 000 pairs97tonnesGROUP IV118tonnesGROUP V161tonnes(b)applicable for the years 2005, 2006 and 2007Imports into the Community of products which were shipped to the Community before 11 June 2005 but presented for free circulation on or after that date shall not be subject to quantitative limits. Import authorisations for such products shall be granted automatically and without quantitative limits by the competent authorities of the Member States, upon adequate proof, such as the bill of lading, and the presentation of a signed declaration by the importer, that the goods have been shipped to the Community before that date. By way of derogation of Article 2(2) of Council Regulation (EEC) No 3030/93, imports of goods shipped before 11 June 2005 shall also be released for free circulation upon the presentation of a surveillance document issued in accordance with Article 10a(2a) of Council Regulation (EEC) No 3030/93.Import authorisations for goods shipped to the Community between 11 June 2005 and 12 July shall be granted automatically and cannot be denied on the grounds that there are no quantities available within the 2005 quantitative limits. However, the import of all products shipped from 11 June 2005 will be counted against the 2005 quantitative limits.The granting of import authorisations will not require the presentation of the corresponding export licenses for goods shipped to the Community before China has put in place its export licensing system (20 July 2005).Applications for import licences for the import, from the date of entry into force of this Regulation, of goods that have been shipped between 11 June 2005 and 19 July

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2005 (inclusive) shall be presented to the competent authorities of a Member State no later than 20 September 2005.Goods shipped before 12 July do not need to have been shipped directly to the Community to benefit from the exemption of quantitative limits, although the competent authorities of the Community may deny such benefits if they have reasons to suspect that they have been shipped to another destination before 12 July in order to circumvent this Regulation, in case such transactions do not respond to normal business practices or purely logistical reasons. By way of example, are considered as corresponding to a normal conduct of business goods shipped to distribution centres for the importing companies, or when the importer can present a contract or letter of credit preceding the date of shipment, or when the goods have been transhipped outside China onto another means of transport within a reasonably short period of time.The increases to the agreed levels introduced by the Regulation (EC) No 1478/2005 are made available to enable the issuance of import licences for goods shipped to the Community between 13 and 19 July 2005, or for goods shipped to the Community after 20 July 2005 with a valid Chinese export licence, which are in excess of the agreed levels introduced by Commission Regulation (EC) No 1084/2005 in Annex V to Council Regulation (EEC) No 3030/93.Should any goods shipped to the Community between 13 and 19 July 2005 exceed these levels, the Commission may authorise the issuance of further import licences after informing the Textiles Committee, and after effecting the transfer of 2 072 924 kg of products of category 2 as provided for in Annex VIII.See Appendix A.’(The complete description of the goods is shown in Annex I)Agreed levelsThird countryCategoryUnit11 June to 31 December 200520062007ChinaGROUP IA2 (including 2a)tonnes20 21261 94869 692GROUP IB41 000 pieces161 255540 204594 22551 000 pieces118 783189 719219 67461 000 pieces124 194338 923382 88071 000 pieces26 39880 49388 543GROUP IIA20tonnes6 45115 79517 77039tonnes5 52112 34913 892GROUP IIB261 000 pieces8 09627 00129 701311 000 pieces108 896219 882248 261GROUP IV115tonnes2 0964 7405 214

(b) Appendix A to Annex V is replaced by the following:

Appendix A to Annex V

Category	Third Country	Remarks
4	China	For the purpose of setting off exports against the agreed levels a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the agreed levels.The export licence concerning these products must bear, in box 9, the words “The conversion rate for garments of a commercial size of not more than 130 cm must be applied”.

ANNEX II

In Annex VII to Regulation (EEC) No 3030/93 the table is replaced by the following:

TABLE

COMMUNITY QUANTITATIVE LIMITS FOR GOODS RE-IMPORTED UNDER OPT

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Third country	**Category**	**Unit**	**Community quantitative limits**
			2005
Belarus	GROUP IB		
	4	1 000 pieces	4 733
	5	1 000 pieces	6 599
	6	1 000 pieces	8 800
	7	1 000 pieces	6 605
	8	1 000 pieces	2 249
	GROUP IIB		
	12	1 000 pairs	4 446
	13	1 000 pieces	697
	15	1 000 pieces	3 858
	16	1 000 pieces	786
	21	1 000 pieces	2 567
	24	1 000 pieces	661
	26/27	1 000 pieces	3 215
	29	1 000 pieces	1 304
	73	1 000 pieces	4 998
	83	tonnes	664
	GROUP IIIB		
	74	1 000 pieces	872
Serbia[a]	GROUP IB		
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIB		
	15	1 000 pieces	
	16	1 000 pieces	
Vietnam[b]	GROUP IB		

a Quantitative restrictions for Serbia do not apply pursuant to the Agreement between the European Community and Serbia on trade in textile products (OJ L 90, 8.4.2005, p. 36). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

b Quantitative restrictions for Vietnam are suspended pursuant to the Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access (OJ L 75, 22.3.2005, p. 35). The European Community retains the right to reapply quantitative restrictions under certain circumstances.