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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 487/2004

of 11 March 2004

amending Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) As from 1 May 2004, the European Union will include ten new Member States. The Act of Accession establishes that the new Member States must apply the common trade policy concerning textiles and that the quantitative restrictions applied by the Community on imports of textile and clothing products are to be adjusted to take account of the accession. The quantitative restrictions applicable to imports of certain textile products from third countries into the enlarged Community should consequently be adjusted so as to cover imports into the 10 new Member States. This necessitates amendments to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries [1].

(2) In the interests of preventing the enlargement of the Community from having restrictive effects on trade, it is appropriate, when amending the quantities, to use a methodology which takes into account, for the purpose of adjusting the new quota levels, the traditional levels and patterns of imports into the 10 new Member States. A formula consisting of the average of the last three years' imports into the 10 new Member States originating in third countries, adjusted pro rata temporis, would provide an appropriate reflection of these historic flows. The years 2000 to 2002 have been selected as the most significant, as they represent the latest available information about the 10 new Member States' imports in textiles and clothing.

(3) Accordingly, Annexes V and VII to Regulation (EEC) No 3030/93 should be amended to list quota levels applicable from the date of the enlargement, namely 1 May 2004.

(4) The quotas applicable to Vietnam should be those listed in the bilateral textile agreement between the European Community and the Socialist Republic of Vietnam, initialled on 15 February 2003 and approved by Decision 2003/453/EC [2], pending compliance by Vietnam with the market access commitments under that agreement.

(5) All provisions of Regulation (EEC) No 3030/93 should be reformulated to apply to imports into the 10 new Member States; consequently, the initials of the new Member States should be inserted in Annex III.

(6) In order to enable certain operations to take place, it is necessary to insert into Regulation (EEC) No 3030/93 a transitional rule whereby textile products whose importation into the Community is otherwise subject to quantitative limits or surveillance, and which are shipped into the Community prior to 1 May 2004 but which enter the ten new Member States on or after 1 May 2004, will qualify for import authorisations that are granted automatically.

(7) In order to provide legal cover for the operations in question, it is necessary to insert into Regulation (EEC) No 3030/93 a transitional rule whereby textile products which are shipped prior to 1 May 2004 from the acceding Member States out of the Community for processing, and which are re-imported into the 10 new Member States on or after 1 May 2004, are exempt from quantitative limits or presentation of an import authorisation.

(8) Regulation (EEC) No 3030/93 should therefore be amended accordingly,

[1] OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 260/2004 (OJ L 51, 20.2.2004, p. 1).

[2] OJ L 152, 20.6.2003, p. 41.

HAS ADOPTED THIS REGULATION:

Article 1

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

1. the following paragraph shall be added to Article 2:

   '9. The release for free circulation in one of the 10 new Member States acceding to the European Union on 1 May 2004, namely Czech Republic, Estonia, Cyprus, Lithuania, Latvia, Hungary, Malta, Poland, Slovenia and Slovakia, of textile products which are subject to quantitative limits or to surveillance in the Community and which have been shipped before 1 May 2004 and enter the 10 new Member States on or after 1 May 2004 shall be subject to presentation of an import authorisation. Such import authorisation shall be granted automatically and without quantitative limitation by the competent authorities of the Member State concerned, upon adequate proof, such as the bill of lading, that the products have been shipped before 1 May 2004.

   Such licences shall be communicated to the Commission.';

2. the following subparagraph shall be added to Article 5:

   'The release for free circulation of textile products sent from one of the ten new Member States acceding to the European Union on 1 May 2004 to a destination outside the Community for processing before 1 May 2004, and re-imported into the same Member State on or after that date, shall upon adequate proof, such as the export declaration, not be subject to quantitative limits or import authorisation requirements. The competent authorities of the Member State concerned shall provide information on those imports to the Commission.';

3. in Annex III, the second indent of Article 28(6) shall be replaced by the following:

   '— two letters identifying the intended Member State of destination, or group of such Member States, as follows:

   — AT = Austria

   — BL = Benelux

   — CY = Cyprus

   — CZ = Czech Republic

   — DE = Federal Republic of Germany

   — DK = Denmark

   — EE = Estonia

   — EL = Greece

   — ES = Spain

   — FI = Finland

   — FR = France

   — GB = United Kingdom

   — HU = Hungary

   — IE = Ireland

   — IT = Italy

   — LT = Lithuania

   — LV = Latvia

   — MT = Malta

   — PL = Poland

   — PT = Portugal

   — SE = Sweden

   — SI = Slovenia

   — SK = Slovakia';

4. Annex V shall be replaced by the text set out in Part A of the Annex to this Regulation;

5. in Annex VII, the table shall be replaced by the table set out in Part B of the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 May 2004.

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

Done at Brussels, 11 March 2004.

For the Council

The President

M. HARNEY

ANNEX

PART A

'ANNEX V

COMMUNITY QUANTITATIVE LIMITS

applicable in 2004

(The complete description of the goods is shown in Annex I)

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable from 1 May 2004
Argentina	GROUP IA		
	1	tonnes	6 010
	2	tonnes	8 551
	2a	tonnes	7 622
Belarus	GROUP IA		
	1	tonnes	1 532
	2	tonnes	4 334
	3	tonnes	225
	GROUP IB		
	4	1 000 pieces	1 135
	5	1 000 pieces	1 012
	6	1 000 pieces	854
	7	1 000 pieces	843
	8	1 000 pieces	1 062
	GROUP IIA		
	9	tonnes	347
	20	tonnes	307
	22	tonnes	473
	23	tonnes	243
	39	tonnes	219
	GROUP IIB		
	12	1 000 pairs	5 675
	13	1 000 pieces	2 574
	15	1 000 pieces	969
	16	1 000 pieces	176
	21	1 000 pieces	850
	24	1 000 pieces	764
	26/27	1 000 pieces	1 023
	29	1 000 pieces	352
	73	1 000 pieces	302
	83	tonnes	173
	GROUP IIIA		
	33	tonnes	370
	36	tonnes	1 178
	37	tonnes	441
	50	tonnes	186
	GROUP IIIB		
	67	tonnes	323
	74	1 000 pieces	346
	90	tonnes	189
	GROUP IV		
	115	tonnes	83
	117	tonnes	1 210
	118	tonnes	427

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable from 1 May 2004
Brazil (5)	GROUP IA		
	1	tonnes	
	2	tonnes	
	2a	tonnes	
	3	tonnes	
	GROUP IB		
	4	1 000 pieces	
	6 (1)	1 000 pieces	
	GROUP IIA		
	9	tonnes	
	20	tonnes	
	22	tonnes	
	39	tonnes	
China (2) (3)	GROUP IA		
	1	tonnes	4 770
	2 (*) (1)	tonnes	30 556
	of which 2a	tonnes	4 359
	3	tonnes	8 088
	of which 3a	tonnes	2 769
	GROUP IB		
	4 (1)	1 000 pieces	126 808
	5 (1)	1 000 pieces	39 422
	6 (1)	1 000 pieces	40 913
	7 (1)	1 000 pieces	17 093
	8 (1)	1 000 pieces	27 723
	GROUP IIA		
	9	tonnes	6 962
	20/39	tonnes	11 361
	22	tonnes	19 351
	23	tonnes	11 847
	GROUP IIB		
	12	1 000 pairs	132 029
	13	1 000 pieces	586 244
	14	1 000 pieces	17 887
	15	1 000 pieces (1)	20 131
	16	1 000 pieces	17 181
	17	1 000 pieces	13 061
	26	1 000 pieces (1)	6 645
	28	1 000 pieces	92 909
	29	1 000 pieces	15 687
	31	1 000 pieces	96 488
	78	tonnes	36 651
	83	tonnes	10 883
	GROUP III B		
	97	tonnes	2 861
	GROUP V		
	163 (1)	tonnes	8 481

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable from 1 May 2004
Hong Kong	GROUP IA		
	2	tonnes	14 172
	2a	tonnes	12 166
	3	tonnes	11 912
	3a	tonnes	8 085
	GROUP IB		
	4 (1)	1 000 pieces	58 250
	5	1 000 pieces	40 240
	6 (1)	1 000 pieces	79 703
	6a	1 000 pieces	68 857
	7	1 000 pieces	42 372
	8	1 000 pieces	59 172
	GROUP IIA		
	39	tonnes	2 444
	GROUP IIB		
	12	1 000 pairs	53 159
	13 (1)	1 000 pieces	117 655
	16	1 000 sets	4 707
	26	1 000 pieces	12 498
	29	1 000 sets	5 191
	31	1 000 pieces	35 442
	78	tonnes	14 658
	83	tonnes	792
India	GROUP IA		
	1	tonnes	55 398
	2	tonnes	67 539
	2a	tonnes	30 211
	3	tonnes	38 567
	3a	tonnes	7 816
	GROUP IB		
	4 (1)	1 000 pieces	100 237
	5	1 000 pieces	53 303
	6 (1)	1 000 pieces	13 706
	7	1 000 pieces	78 485
	8	1 000 pieces	58 173
	GROUP IIA		
	9	tonnes	15 656
	20	tonnes	29 049
	23	tonnes	31 206
	39	tonnes	9 185
	GROUP IIB		
	15	1 000 pieces	10 238
	26	1 000 pieces	24 712
	29	1 000 pieces	14 637
Indonesia	GROUP IA		
	1	tonnes	22 559
	2	tonnes	34 126
	2a	tonnes	12 724
	3	tonnes	31 250
	3a	tonnes	16 872
	GROUP IB		
	4	1 000 pieces	59 337
	5	1 000 pieces	58 725
	6 (1)	1 000 pieces	21 429
	7	1 000 pieces	15 694
	8	1 000 pieces	24 626
	GROUP II A		
	23	tonnes	32 405
	GROUP IIIA		
	35	tonnes	32 725