COMMISSION REGULATION (EC) No 2308/2003

of 29 December 2003

laying down rules for the management and distribution of textile quotas established for the year 2004 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 2004 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 2357/2002 establishing rules for the management and distribution of textile quotas established for the year 2003 under Council Regulation (EC) No 517/94 [2], proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2004.

(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 2004 equivalent to the quantity which they imported in 2003.

(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/she 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 2005 licences of which at least one half has been used by the application date.

(9) Given that on 1 May 2004 the European Union will be enlarged, the allocation amongst importers of the 2004 quota should be divided into two tranches, corresponding to the Union's current and future membership respectively. Acceding States should be permitted to issue import authorisations only for goods to be imported on or after 1 May.

(10) 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 Annexes IIIB and IV to Regulation (EC) No 517/94 for the year 2004.

The 2004 quotas shall be allocated in two separate tranches, of which the second shall become available from 1 May 2004 for the acceding States. The quantitative limits for the tranches shall be as listed in Annex I.

[1] OJ L 67, 10.3.1994, p. 1; Regulation as last amended by Commission Regulation (EC) No 1484/2003 (OJ L 212, 22.8.2003, p. 46).
[2] OJ L 351, 28.12.2002, p. 45.

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 II.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2004, 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 2003.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2003 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/her 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 II.

Article 4

1. The competent national authorities listed in Annex III may, from 10.00 on 5 January 2004, 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.

Requests from the competent national authorities of Member States set out in section A of Annex III shall be processed initially by deduction from the first tranche. When the quantitative limit on a category of the first tranche is exhausted further requests shall be processed against the second tranche. Requests from the competent national authorities of Member States set out in section B of Annex III shall be processed only against the second tranche.

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. The competent national authorities of acceding States may only issue import authorisations for goods to be imported on or after 1 May.

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/she has not already been allocated an authorisation under this Regulation; or

  (ii) he/she 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 2004 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 2005.

Article 5

This Regulation shall enter into force on 1 January 2004.

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

Done at Brussels, 29 December 2003.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX I

Quantitative limits for the tranches referred to in Article 1

Serbia and Montenegro [1]

Category	Unit	First tranche 1 January to 30 April 2004	Second tranche 1 May to 31 December 2004
1	Tonne	770	1 580
2	Tonne	949	1 904
2a	Tonne	215	430
3	Tonne	104	208
5	1 000 pieces	429	897
6	1 000 pieces	185	409
7	1 000 pieces	96	215
8	1 000 pieces	355	754
9	Tonne	97	195
15	1 000 pieces	143	317
16	1 000 pieces	77	155
67	Tonne	80	164

[1] Including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

North Korea

Category	Unit	First tranche 1 January to 30 April 2004	Second tranche 1 May to 31 December 2004
1	Tonne	43	85
2	Tonne	48	102
3	Tonne	16	65
4	1 000 pieces	95	194
5	1 000 pieces	62	126
6	1 000 pieces	72	146
7	1 000 pieces	31	66
8	1 000 pieces	100	202
9	Tonne	24	47
12	1 000 pairs	430	878
13	1 000 pieces	503	1 006
14	1 000 pieces	51	103
15	1 000 pieces	58	117
16	1 000 pieces	29	59
17	1 000 pieces	20	41
18	Tonne	20	41
19	1 000 pieces	137	274
20	Tonne	47	95
21	1 000 pieces	1 137	2 279
24	1 000 pieces	88	175
26	1 000 pieces	58	117
27	1 000 pieces	95	193

Category	Unit	First tranche 1 January to 30 April 2004	Second tranche 1 May to 31 December 2004
28	1 000 pieces	95	191
29	1 000 pieces	40	80
31	1 000 pieces	98	195
36	Tonne	30	65
37	Tonne	119	259
39	Tonne	17	34
59	Tonne	155	311
61	Tonne	13	27
68	Tonne	40	80
69	1 000 pieces	61	123
70	1 000 pieces	90	180
73	1 000 pieces	50	99
74	1 000 pieces	44	89
75	1 000 pieces	13	26
76	Tonne	40	80
77	Tonne	5	9
78	Tonne	61	123
83	Tonne	18	36
87	Tonne	2	6
109	Tonne	4	7
117	Tonne	17	34
118	Tonne	8	15
142	Tonne	3	7
151A	Tonne	3	7
151B	Tonne	3	7
161	Tonne	50	102