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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 138/2003

of 21 January 2003

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) The application of Regulation (EEC) No 3030/93 [1] has raised questions with regard to textile products that are imported under special circumstances, and in particular when imported as commercial samples or in consignments of negligible value.

(2) Regulation (EEC) No 3030/93 does not contain provisions exempting imported textile products from the application of its rules, such as quantitative restrictions, licensing and other administrative requirements.

(3) It is appropriate to provide for an exemption from these measures for samples of textile products under certain conditions.

(4) Council Regulation (EC) No 1541/98 [2] lays down the general rules concerning the proof of origin for textile and clothing products falling within Section XI of the Combined Nomenclature, listed in Annex I to Regulation (EEC) No 3030/93. According to Articles 2 and 3 of that Regulation, the release for free circulation in the Community of textile products listed in groups IA, IB, IIA and IIB of Annex I to Regulation (EEC) No 3030/93 requires a certificate of origin while for products listed in other groups of Annex I, i.e. groups IIIA, IIIB, IV and V, a declaration of origin is sufficient.

(5) Some bilateral agreements, protocols or other arrangements between the Community and supplier countries go beyond these general provisions, namely by requiring a certificate of origin for groups of products other than IA, IB, IIA and IIB of Annex I to Regulation (EEC) No 3030/93 or by requesting the use of specific forms of certification of origin while Regulation (EC) No 1541/98 only specifies the general conditions with which the certificates used should comply.

(6) It seems desirable, in the interest of administrative simplification, to work towards a single regulatory system for proof of origin in respect of imports of textile and clothing products from all countries. It is advisable, in this regard, to follow the general provisions contained in Regulation (EC) No 1541/98.

(7) It is appropriate, therefore, to establish that, in addition to the specific requirements provided for in bilateral agreements with third countries, the origin of textile and clothing products can be proved in accordance with the general requirements contained in Regulation (EC) No 1541/98.

(8) The People's Republic of China became a Member of the World Trade Organisation on 11 December 2001.

(9) As part of the terms and conditions for China's accession to the WTO, Paragraph 242 of the Report of the Working Party, which forms an integral part of the Protocol on the Accession of China to the WTO, sets out a specific safeguard clause applicable until 31 December 2008 concerning imports of textiles and apparel products, covered by the (ATC) of Chinese origin, to a WTO Member.

(10) The safeguard provisions of Regulation (EEC) No 3030/93 should be brought into conformity with Paragraph 242 and establish that it should remain applicable to China for the purposes of the specific safeguard clause.

(11) 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 2344/2002 (OJ L 375, 31.12.2002, p. 91).
[2] OJ L 202, 18.7.1998, p. 11.