

II

(Actos cuya publicación no es una condición para su aplicabilidad)

CONSEJO

DECISIÓN DEL CONSEJO

de 10 de abril de 1995

relativa a la aplicación provisional del Acuerdo entre la Comunidad Europea y la República Popular de China sobre el comercio de productos textiles no incluidos en el Acuerdo bilateral AMF sobre el comercio de productos textiles, rubricado el 9 de diciembre de 1988, y ampliado y modificado por el Canje de Notas rubricado el 8 de diciembre de 1992

(95/155/CE)

EL CONSEJO DE LA UNIÓN EUROPEA,

DECIDE:

Visto el Tratado constitutivo de la Comunidad Europea y, en particular, su artículo 113 en relación con la primera frase del apartado 2 de su artículo 228,

Vista la propuesta de la Comisión,

Considerando que la Comisión ha negociado, en nombre de la Comunidad, con la República Popular de China, un Acuerdo sobre el comercio de productos textiles no incluidos en el Acuerdo bilateral AMF sobre el comercio de productos textiles, rubricado el 9 de diciembre de 1988, tal y como fue ampliado y modificado por el Canje de Notas rubricado el 8 de diciembre de 1992;

Considerando que este Acuerdo bilateral debe aplicarse, con carácter provisional, a partir del 1 de enero de 1995, en espera de la finalización de los procedimientos necesarios para su celebración, a condición de que se aplique provisionalmente de forma recíproca por la República Popular de China,

Artículo único

A partir del 1 de enero de 1995, se aplicará con carácter provisional el Acuerdo entre la Comunidad Europea y la República Popular de China sobre el comercio de productos textiles no incluidos en el Acuerdo bilateral AMF sobre el comercio de productos textiles, rubricado el 9 de diciembre de 1988, ampliado y modificado por el Canje de Notas rubricado el 8 de diciembre de 1992 con la República Popular de China.

El texto del Acuerdo figura adjunto a la presente Decisión.

Hecho en Luxemburgo, el 10 de abril de 1995.

Por el Consejo

El Presidente

A. JUPPÉ

AGREEMENT

between the European Community and the People's Republic of China on trade in textile products not covered by the MFA bilateral Agreement on trade in textile products initialled on 9 December 1988 as extended and modified by the exchange of letters initialled on 8 December 1992

THE COUNCIL OF THE EUROPEAN UNION,
of the one part, and

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA,
of the other part,

DESIRING to promote the orderly and equitable development of trade in textile products other than those made of cotton, wool, fine animal hair and man-made fibres, between the European Community (hereinafter referred to as 'the Community') and the People's Republic of China (hereinafter referred to as 'China'), with a view to strengthening cooperation and security for trade,

RESOLVED to take the fullest possible account of the serious economic and social problems at present affecting the textile industry in both importing and exporting countries and, in particular, to eliminate real risks of market disruption on the market of the Community and real risks of disruption to the textile trade of China,

HAVING REGARD to the Trade and Economic Cooperation Agreement between the Community and China,

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN UNION:

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA:

WHO HAVE AGREED AS FOLLOWS:

Article 1

1. The present Agreement covers the trade in textile raw materials and textile products, falling within Section XI of the combined nomenclature, that are listed in Annex I originating in the People's Republic of China.

2. Subject to the provisions of this or any subsequent Agreement, the Community undertakes, in respect of the products listed in Annex I, to suspend for the duration of this Agreement the application of quantitative import restrictions in force at the time of its initialling and not to introduce new quantitative restrictions, except as specified below.

3. Without prejudice to anti-dumping and countervailing measures, measures having equivalent effect to quantitative restrictions on the importation into the Community of the products listed in Annex I shall be prohibited for the duration of this Agreement.

Article 2

1. The classification of the products covered by this Agreement is based on the tariff and statistical nomenclature and on the Common Customs Tariff of the Community (hereinafter called the 'combined nomenclature' or in abbreviated form 'CN').

Any amendment to the combined nomenclature (CN) made in accordance with the procedures in force in the Community, concerning categories of products covered by this Agreement or any decision relating to the classification of goods shall not have the effect of reducing any quantitative limit introduced pursuant to this Agreement.

2. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in the Community.

Any amendment to these rules of origin shall be communicated to China and shall not have the effect of

reducing any quantitative limit introduced pursuant to this Agreement.

The procedures for control of the origin of the products referred to above are laid down in Protocol A.

Article 3

1. China agrees to establish and maintain for each calendar year quantitative limits on its exports to the Community in accordance with Annex II. Such exports shall be subject to the double checking system specified in Protocol A.

2. In administering the quantitative limits referred to in paragraph 1 China shall ensure that the Community textile industry shall benefit from utilization of the said limits.

More particularly, as regards categories 156, 157, 159 and 161, China undertakes to reserve, as a priority, 23% of the quantitative limits concerned for users belonging to the Community textile industry during 90 days beginning on 1 January of each year.

To facilitate the implementation of these provisions, the Community shall provide the competent Chinese authorities, before the end of each year, with a list of interested manufacturers and processors and, if possible, of the quantity of products requested by each firm. To this end, the firms concerned are invited to make direct contact with the relevant Chinese bodies by 15 February of the following year in order to make their purchasing intentions known.

3. In the event of denunciation of this Agreement as provided for in Article 17(3) the quantitative limits established in Annex II shall be reduced on a pro rata basis.

Article 4

1. Imports into the Community of textile products covered by this Agreement shall not be subject to the quantitative limits established in Annex II provided that they are declared to be for re-export outside the Community in the same state or after processing, within the framework of the administrative system of control which exists within the Community.

However, the release for home use within the Community of products imported under the conditions referred to above shall be subject to the production of an export licence issued by the Chinese authorities, and to proof of origin in accordance with the provisions of Protocol A.

2. Where the Community authorities ascertain that re-exports of textile products have been set off against a quantitative limit established under this Agreement, but that the products have subsequently been re-exported outside the Community, the authorities concerned shall inform the Chinese authorities within four weeks of the quantities involved and authorize imports of identical

quantities of the same products which shall not be set off against the quantitative limit established under this Agreement for the current or the following year, as appropriate.

Article 5

1. China shall monitor its exports of products under restraint into the Community. Should a sudden and prejudicial change in traditional trade flows arise, the Community will be entitled to request consultations in order to find a satisfactory solution to those problems. Such consultations must be held within 15 working days of their being requested by the Community.

2. China shall endeavour to ensure that exports of textile products subject to quantitative limits into the Community are spaced out as evenly as possible over the year, due account being taken in particular of seasonal factors.

Article 6

1. China shall supply the Community with precise statistical information on all export licences issued for categories of textile products subject to the quantitative limits set out in Annex II, expressed in quantities and in terms of value and broken down by Member States of the Community.

2. The Community shall likewise transmit to the Chinese authorities precise statistical information on import authorization or documents issued by the Community authorities and import statistics for products covered by the quantitative limits set out in Annex II.

3. The information referred to in paragraphs 1 and 2 above shall, for all categories of products, be forwarded before the end of the month following the month to which the statistics relate.

4. Upon request by the Community, China shall supply import statistics for all products covered by Annex I.

5. Should it be found on analysis of the information exchanged that there are significant discrepancies between the returns for exports and those for imports, consultations may be initiated in accordance with the procedure specified in Article 14 of this Agreement.

6. For the purpose of applying the provisions of Article 7, the Community undertakes to provide the Chinese authorities before 15 April of each year with the preceding year's statistics on imports of all textile products covered by this Agreement, broken down by supplying country and Community Member States.

Article 7

1. Exports of textile products not listed in Annex II to this Agreement may be made subject to quantitative limits on the conditions laid down in the following paragraphs.

2. Where the Community finds, under the system of administrative control set up, that the level of imports of products in a given category not listed in Annex II originating in China, in relation to the preceding years' total imports into the Community from all sources of products in that category, reaches 25% for categories covering silk products and 10% for all the other products listed in Annex I, it may request the opening of consultations in accordance with the procedure described in Article 14 of this Agreement, with a view to reaching agreement on an appropriate restraint level for the products falling within such category.

The Community shall authorize the importation of products of the said category shipped from China before the date on which the request for consultations was submitted.

For the purposes of applying the provisions of this paragraph in the year 1995, the preceding year's total imports from all third countries shall be calculated on the basis of imports into the Community as constituted on 31 December 1994 and of imports into Austria, Finland and Sweden. Trade between the Community, Austria, Finland and Sweden, or between Austria, Finland and Sweden shall be excluded from this total.

3. Pending a mutually satisfactory solution, China undertakes to limit exports of the products in the category concerned to the Community or to those regions of the Community market specified by the Community for a provisional period of three months from the date on which the request for consultations is made. Such provisional limit shall be established at 25% of the level of imports reached during the calendar year preceding that in which imports exceeded the level resulting from the application of the formula set out in paragraph 2, and gave rise to the request for consultation, or 25% of the level resulting from the application of the formula set out in paragraph 2, whichever is the higher.

4. Should the Parties be unable in the course of consultations to reach a satisfactory solution within the period specified in Article 14 (1), the Community shall have the right to introduce a definitive quantitative limit at an annual level not lower than the level resulting from the application of the formula set out in paragraph 2, or 106% of the level of imports reached during the calendar year preceding that in which imports exceeded the level resulting from the application of the formula set out in paragraph 2 and gave rise to the request for consultations, whichever is the higher.

The annual level so fixed shall be revised upwards after consultations in accordance with the procedure referred to in Article 14 with a view to fulfilling the conditions set out in paragraph 2, should the trend of total imports into the Community of the products in question make this necessary.

5. The limits introduced under paragraph 2 or 4 may in no case be lower than the level of imports of products in that category originating in China in 1993.

6. The provisions of this Article shall not apply where the percentages specified in paragraph 2 have been reached as a result of a fall in total imports into the Community, and not as a result of an increase in exports of products originating in China.

7. In the event of the provisions of paragraph 2, 3 or 4 being applied, China undertakes to issue export licences for products covered by contracts concluded before the introduction of the quantitative limit, up to the volume of the quantitative limit fixed.

8. Up to the date of communication of the statistics referred to in Article 6 (6), the provisions of paragraph 2 of this Article shall apply on the basis of the annual statistics previously communicated by the Community.

9. The provisions of this Agreement which concern exports of products subject to the quantitative limits established in Annex II shall also apply to products for which quantitative limits are introduced pursuant to this Article.

Article 8

1. In any Agreement year advance use of a portion of the quantitative limit established for the following Agreement year is authorized for each category of products up to 1% of the quantitative limit for the current Agreement year, with a possibility to reach 5% after consultations in accordance with Article 14 (1).

Amounts delivered in advance shall be deducted from the corresponding quantitative limits established for the following Agreement year.

2. Carryover to the corresponding quantitative limit for the following Agreement year of the amounts not used during any Agreement year is authorized for each category of products up to 3% of the quantitative limit for the current Agreement year, with a possibility to reach 7% after consultations in accordance with Article 14.

3. Transfers between categories shall not be made except as follows:

— transfers between categories 156, 157, 159 and 161 may be made up to 1,5% of the quantitative limits for the category to which the transfer is made,

— transfers between the remaining categories may be made up to 6% of the quantitative limit for the category to which the transfer is made.

4. The increase in any category of products resulting from the cumulative application of the provisions of paragraphs 1, 2, and 3 during an Agreement year shall not exceed 14%.

5. The table of equivalence applicable to the transfers referred to above is given in Annex I to this Agreement.

6. Prior notification shall be given by the Chinese authorities in the event of recourse to the provisions of paragraphs 1, 2 and 3, at least 15 days in advance.

Article 9

1. China and the Community agree to cooperate fully in preventing the circumvention of this Agreement by transshipment, rerouting or whatever other means.

2. Where information available to the Community as a result of the investigations carried out in accordance with the procedures set out in Protocol A constitutes evidence that products of Chinese origin subject to quantitative limits established under this Agreement have been transhipped, rerouted or otherwise imported into the Community in circumvention of this Agreement, the Community may request the opening of consultations in accordance with the procedures described in Article 14, with a view to reaching agreement on an equivalent adjustment of the corresponding quantitative limits established under this Agreement.

3. The two parties agree that in dealing with cases of circumvention the provisions of Article 5 of the Uruguay Round Agreement on Textiles and Clothing will be applied by the two parties, with the understanding that recourse to the TMB will become available as soon as both parties become Members of the WTO.

Article 10

The two Contracting Parties undertake to promote the exchange of visits by persons, groups and delegations from business, trade and industry, to facilitate contacts in the industrial, commercial and technical fields connected with trade in products and garments covered by the present Agreement and to assist in the organization of fairs and exhibitions of mutual interest.

The Contracting Parties, recognizing the need for an enhanced industrial cooperation for the products covered by this Agreement, will consult with a view to promoting action to encourage:

- investments that may promote increased integration between silk industries of both Parties and technological exchanges,
- the establishment of an arbitration body recognized by both industries to address possible disputes concerning the fulfilment of conditions and terms set out in contracts regarding in particular issues concerning the quantities and quality of products to be delivered,
- the establishment of a system of grading and standards for silk recognized by both industries and of appropriate common methods of testing.

Article 11

China and the Community recognize the special and differential character of reimports of textile products into the Community after processing in China.

Provided that they are effected in accordance with the Community regulations governing economic outward processing these reimports shall not be subject to the quantitative limits set out in Annex II when they are made in accordance with the specific arrangements laid down in Protocol B.

Article 12

China will ensure that the supply to the Community industry of raw materials shall be made at conditions not less favourable than to Chinese domestic users.

Article 13

China will ensure the respect of intellectual property rights on marks, designs and models belonging to Community operators. The two Parties, at the request of either of them, shall hold consultations in accordance with the procedure laid down in Article 14 for the purpose of finding an equitable solution to any dispute relating to the protection of intellectual property rights on products covered by this Agreement.

Article 14

1. Save where it is otherwise provided for in this Agreement, the consultation procedures referred to in this Agreement shall be governed by the following rules:

- any request for consultations shall be notified in writing to the other Party,
- the request for consultations shall be followed within a reasonable period (and in any case not later than 15 days following the notification) by a statement setting out the reasons and circumstances which, in the opinion of the requesting Party, justify the submission of such a request,
- the Parties shall enter into consultations within one month at the latest of notification of the request, with a view to reaching agreement on a mutually acceptable conclusion within one further month at the latest.

2. The Community may request consultations in accordance with paragraph 1 when it ascertains that during a particular year of application of the Agreement difficulties arise in the Community or one of its regions from a sharp and substantial increase in imports, by comparison to the preceding year.

Article 15

This Agreement shall be drawn up in two copies in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Chinese languages, each of these texts being equally authentic.

Article 16

As regards the Community, this Agreement shall apply to the territories in which the Treaty establishing the

European Community is applied under the conditions laid down in that Treaty.

Article 17

1. This Agreement shall enter into force on the first day of the month following the date of its signature. It shall apply with effect from 1 January 1995 and be applicable for a duration of two years. Thereafter, its application shall be automatically extended for successive periods of one year unless either Party notifies the other at least six months in advance that it does not agree with the extension.

2. Should China become a Member of the World Trade Organization the restrictions in force shall be phased out in the framework of the Agreement on

Textiles and Clothing of the Uruguay Round and notably the provisions of its Articles 2 (8), (13) and (14), 3 (2) (b) and 9.

3. Either Party may at any time propose modifications to this Agreement or denounce it, provided that at least six months' notice is given. In that event, the Agreement shall come to an end at the expiry of the period of notice.

4. The Annexes and Protocols to this Agreement and the Agreed Minutes joined thereto shall form an integral part thereof.

*For the Government
of the
People's Republic of China*

*For the Council
of the
European Union*

ANNEX I

(Referred to in Article 1 of the Agreement)

1. This Annex covers textile raw materials (categories 128 and 154), textile products other than those of wool and fine animal hair, cotton and man-made fibres, as well as man-made fibres and filaments and yarns of categories 124, 125 A, 125 B, 126, 127 A and 127 B.
2. Without prejudice to the rules for the interpretation of the combined nomenclature, the wording of the description of goods is considered to be of indicative value only, since the products covered by each category are determined, within this Annex, by CN codes. Where there is an 'ex' symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.
3. Garments which are not recognizable as being garments for men or boys or as being garments for women or girls are classified with the latter.
4. Where the expression 'babies' garments' is used, this is meant to cover garments up to and including commercial size 86.

GROUP I

Category	CN code 1994	Description	Table of equivalence	
			pieces/kg	g/piece
(1)	(2)	(3)	(4)	(5)
ex 20	ex 6302 29 90 ex 6302 39 90	Bed linen, other than knitted or crocheted		
ex 32	ex 5802 20 00 ex 5802 30 00	Woven pile fabrics and chenille fabrics and tufted textile surfaces		
ex 39	ex 6302 59 00 ex 6302 99 00	Table linen, toilet and kitchen linen, other than knitted or crocheted and other than those of category 118		

GROUP II

(1)	(2)	(3)	(4)	(5)
ex 12	ex 6115 19 90 ex 6115 20 90 ex 6115 99 00	Panty-hose and tights, stockings, understockings, socks, ankle socks, sockettes and the like, knitted or crocheted, other than for babies	24,3	41
ex 13	ex 6107 19 00 ex 6108 29 00	Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted	17	59
ex 14	ex 6210 20 00	Men's or boys' woven overcoats, raincoats and other coats, cloaks and capes	0,72	1 389
ex 15	ex 6210 30 00	Women's or girls' woven overcoats, raincoats and other coats, cloaks and capes, jackets and blazers, other than parkas	0,84	1 190
ex 18	ex 6207 19 00 ex 6207 29 00 ex 6207 99 00 ex 6208 19 90 ex 6208 29 00 ex 6208 99 00	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, other than knitted or crocheted		

(1)	(2)	(3)	(4)	(5)
ex 19	ex 6213 90 00	Handkerchiefs, other than those of silk and silk waste	59	17
ex 24	ex 6107 29 00 ex 6108 39 00	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted Women's or girls' nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted	3,9	257
ex 27	ex 6104 59 00	Women's or girls' skirts, including divided skirts	2,6	385
ex 28	ex 6103 49 10 ex 6104 69 10	Trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted	1,61	620
ex 31	ex 6212 10 00	Brassières, woven, knitted or crocheted	18,2	55
ex 68	ex 6209 90 00	Babies' garments and clothing accessories, excluding babies' gloves, mittens and mitts of categories ex 10 and ex 87, and babies' stockings, socks and sockettes, other than knitted or crocheted, of category ex 88		
ex 73	ex 6112 19 00	Tracksuits of knitted or crocheted fabric	1,67	600
ex 78	ex 6210 40 00 ex 6210 50 00	Woven garments of fabrics of heading Nos 5903, 5906 and 5907, excluding garments of categories ex 14 and ex 15		
ex 83	ex 6112 20 00 ex 6113 00 90	Garments of knitted or crocheted fabrics of heading Nos 5903 and 5907 and ski suits, knitted or crocheted		

GROUP III A

(1)	(2)	(3)	(4)	(5)
ex 38 B	ex 6303 99 90	Net curtains, other than knitted or crocheted		
ex 40	ex 6303 99 90 ex 6304 19 90 ex 6304 99 00	Woven curtains (including drapes, interior blinds, curtain and bed valances and other furnishing articles), other than knitted or crocheted		
ex 58	ex 5701 90 10 ex 5701 90 90	Carpets, carpetines and rugs, knotted (made up or not)		
ex 59	ex 5702 10 00 ex 5702 59 00 ex 5702 99 00 ex 5703 90 10 ex 5703 90 90 ex 5704 10 00 ex 5704 90 00 ex 5705 00 90	Carpets and other textile floor coverings, other than the carpets of categories ex 58, 142 and 151 B		
ex 60	ex 5805 00 00	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needleworked tapestries (for example, petit point and cross stitch) made in panels and the like by hand		

(1)	(2)	(3)	(4)	(5)
ex 61	ex 5806 10 00 ex 5806 20 00 ex 5806 39 00 ex 5806 40 00	Narrow-woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than labels and similar articles of category ex 62 and of category 137 Elastic fabrics and trimmings (not knitted or crocheted), made from textile materials assembled from rubber thread		
ex 62	ex 5606 00 91 ex 5606 00 99 ex 5804 10 11 ex 5804 10 19 ex 5804 10 90 ex 5804 29 10 ex 5804 29 90 ex 5804 30 00 ex 5807 10 10 ex 5807 10 90 ex 5808 10 00 ex 5808 90 00 ex 5810 10 10 ex 5810 10 90 ex 5810 99 10 ex 5810 99 90	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn and gimped horsehair yarn) Tulle and other net fabrics but not including woven, knitted or crocheted fabrics, hand or mechanically-made lace, in the piece, in strips or in motifs Labels, badges and the like of textile materials, not embroidered, in the piece, in strips or cut to shape or size, woven Braids and ornamental trimmings in the piece; tassels; pompoms and the like Embroidery, in the piece, in strips or in motifs		
ex 63	ex 5906 91 00 ex 6002 10 10 ex 6002 10 90 ex 6002 30 10 ex 6002 30 90	Knitted or crocheted fabric containing by weight 5% or more of elastometric yarn and knitted or crocheted fabric containing by weight 5% or more of rubber thread		
ex 65	ex 5606 00 10 ex 6002 10 10 ex 6002 30 10	Knitted or crocheted fabric other than those of category ex 63		
ex 66	ex 6301 10 00 ex 6301 90 90	Travelling rugs and blankets, other than knitted or crocheted		

GROUP III B

(1)	(2)	(3)	(4)	(5)
ex 10	ex 6116 10 10 ex 6116 10 90 ex 6116 99 00	Gloves, mittens and mitts, knitted or crocheted	17 pairs	59
ex 67	ex 5807 90 90 ex 6113 00 10 ex 6117 10 00 ex 6117 20 00 ex 6117 80 10 ex 6117 80 90 ex 6117 90 00 ex 6301 90 10 ex 6302 10 90 ex 6302 40 00	Knitted or crocheted clothing accessories other than for babies; household linen of all kinds, knitted or crocheted; curtains (including drapes) and interior blinds, curtain or bed valances and other furnishing articles knitted or crocheted; knitted or crocheted blankets and travelling rugs, other knitted or crocheted articles including parts of garments or of clothing accessories		

(1)	(2)	(3)	(4)	(5)
ex 67 (cont'd)	ex 6303 19 00 ex 6304 11 00 ex 6304 91 00 ex 6307 10 10 ex 6307 90 10			
ex 69	ex 6108 19 90	Women's or girls' slips and petticoats, knitted or crocheted	7,8	128
ex 72	ex 6112 39 10 ex 6112 39 90 ex 6112 49 10 ex 6112 49 90 ex 6211 11 00 ex 6211 12 00	Swimwear	9,7	103
ex 75	ex 6103 19 00 ex 6103 29 00	Men's or boys' knitted or crocheted suits and ensembles	0,80	1 250
ex 85	ex 6215 90 00	Ties, bow ties and cravats not knitted or crocheted, other than those of category 159	17,9	56
ex 86	ex 6212 20 00 ex 6212 30 00 ex 6212 90 00	Corsets, corset-belts, suspender belts, braces, suspenders, garters and the like, and parts thereof, whether or not knitted or crocheted	8,8	114
ex 87	ex 6216 00 00 ex 6209 90 00	Gloves, mittens and mitts, not knitted or crocheted		
ex 88	ex 6217 10 00 ex 6217 90 00 ex 6209 90 00	Stockings, socks and sockettes, not knitted or crocheted; other clothing accessories, parts of garments or of clothing accessories, other than for babies, other than knitted or crocheted		
ex 91	ex 6306 29 00	Tents		
ex 94	ex 5601 10 90 ex 5601 29 00 ex 5601 30 00	Wadding of textile materials and articles thereof; textile fibres, not exceeding 5 mm in length (flock), textile dust and mill neps		
ex 95	ex 5602 10 19 ex 5602 10 39 ex 5602 10 90 ex 5602 29 90 ex 5602 90 00 ex 5807 90 10 ex 6210 10 10 ex 6307 90 91	Felt and articles thereof, whether or not impregnated or coated, other than floor coverings		
ex 97	ex 5608 90 00	Nets and netting made of twine, cordage or rope and made up fishing nets of yarn, twine, cordage or rope		
ex 98	ex 5609 00 00 ex 5905 00 10	Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics, articles made from such fabrics and articles of category ex 97		
ex 99	ex 5901 10 00 ex 5901 90 00	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like, tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations		

(1)	(2)	(3)	(4)	(5)
ex 99 (cont'd)	ex 5904 10 00 ex 5904 91 10 ex 5904 91 90 ex 5904 92 00 ex 5906 10 10 ex 5906 10 90 ex 5906 99 10 ex 5906 99 90 ex 5907 00 00	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape Rubberized textile fabrics, not knitted or crocheted excluding those for tyres Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back-cloths or the like, other than of category ex 100		
ex 100	ex 5903 10 10 ex 5903 10 90 ex 5903 20 10 ex 5903 20 90 ex 5903 90 10 ex 5903 90 91 ex 5903 90 99	Textile fabrics, impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials		
ex 109	ex 6306 19 00 ex 6306 39 00	Tarpaulins, sails, awnings and sunblinds		
ex 110	ex 6306 49 00	Woven pneumatic mattresses		
ex 111	ex 6306 99 00	Camping goods, woven, other than pneumatic mattresses and tents		
ex 112	ex 6307 20 00 ex 6307 90 99	Other made up textile articles, woven excluding those of categories ex 113 and ex 114		
ex 113	ex 6307 10 90	Floor cloths, dish cloths and dusters, other than knitted or crocheted		
ex 114	ex 5908 00 00 ex 5909 00 90 ex 5910 00 00 ex 5911 10 00 ex 5911 31 19 ex 5911 31 90 ex 5911 32 10 ex 5911 32 90 ex 5911 40 00 ex 5911 90 10 ex 5911 90 90	Woven fabrics and articles for technical uses, other than those of category 136		

GROUP IV

(1)	(2)	(3)	(4)	(5)
115	5306 10 11 5306 10 19 5306 10 31 5306 10 39 5306 10 50 5306 10 90 5306 20 11 5306 20 19 5306 20 90	Flax or ramie yarn		

(1)	(2)	(3)	(4)	(5)
115 (cont'd)	5308 90 11 5308 90 13 5308 90 19			
117	5309 11 11 5309 11 19 5309 11 90 5309 19 10 5309 19 90 5309 21 10 5309 21 90 5309 29 10 5309 29 90 5311 00 10 5803 90 90 5905 00 31 5905 00 39	Woven fabrics of flax or ramie		
118	6302 29 10 6302 39 10 6302 39 30 6302 52 00 ex 6302 59 00 6302 92 00 ex 6302 99 00	Table linen, toilet linen and kitchen linen, of flax or ramie, other than knitted or crocheted		
120	ex 6303 99 90 6304 19 30 ex 6304 99 00	Curtains (including drapes), interior blinds, curtain and bed valances and other furnishing articles, not knitted or crocheted, of flax or ramie		
121	ex 5607 90 00	Twine, cordage, ropes and cables, plaided or not, of flax or ramie		
122	ex 6305 90 00	Sacks and bags, of a kind used for the packing of goods, used, of flax, other than knitted or crocheted		
123	5801 90 10 6214 90 90	Woven-pile fabrics and chenille fabrics of flax or ramie, other than narrow-woven fabrics Shawls, scarves, mufflers, mantillas, veils and the like, of flax or ramie, other than knitted or crocheted		

GROUP V

(1)	(2)	(3)	(4)	(5)
124	5501 10 00 5501 20 00 5501 30 00 5501 90 00 5503 10 11 5503 10 19 5503 10 90 5503 20 00 5503 30 00 5503 40 00			

(1)	(2)	(3)	(4)	(5)
124 (cont'd)	5503 90 10 5503 90 90 5505 10 10 5505 10 30 5505 10 50 5505 10 70 5505 10 90			
125 A	5402 41 10 5402 41 30 5402 41 90 5402 42 00 5402 43 10 5402 43 90	Synthetic filament yarn (continuous) not put up for retail sale		
125 B	5404 10 10 5404 10 90 5404 90 11 5404 90 19 5404 90 90 ex 5604 20 00 5604 90 00	Monofilament, strip (artificial straw and the like) and imitation catgut of synthetic materials		
126	5502 00 10 5502 00 90 5504 10 00 5504 90 00 5505 20 00	Artificial staple fibres		
127 A	5403 31 00 ex 5403 32 00 5403 33 10	Yarn of artificial filaments (continuous) not put up for retail sale, single yarn or viscose rayon untwisted or with a twist of not more than 250 turns per metre and single non-textured yarn of cellulose acetate		
127 B	5405 00 00 ex 5604 90 00	Monofilament, strip (artificial straw and the like) and imitation catgut of artificial textile materials		
128	5105 40 00	Coarse animal hair, carded or combed		
129	5110 00 00	Yarn of coarse animal hair or of horsehair		
130 A	5004 00 10 5004 00 90 5006 00 10	Silk yarn other than yarn spun from silk waste		
130 B	5505 00 10 5505 00 90 5006 00 90 ex 5604 90 00	Silk yarn other than of category 130 A; silk-worm gut		
131	5308 90 90	Yarn of other vegetable textile fibres		
132	5308 30 00	Paper yarn		

(1)	(2)	(3)	(4)	(5)
133	5308 20 10 5308 20 90	Yarn of true hemp		
134	5605 00 00	Metalized yarn		
135	5113 00 00	Woven fabrics of coarse animal hair or of horsehair		
136 A	5007 20 19 ex 5007 20 31 ex 5007 20 39 ex 5007 20 41 5007 20 59 5007 20 61 5007 20 69 5007 20 71 5007 90 30 5007 90 50 5007 90 90	Woven fabrics of silk or of silk waste other than unbleached, scoured or bleached		
136 B	5007 10 00 5007 20 11 5007 20 21 ex 5007 20 31 ex 5007 20 39 ex 5007 20 41 5007 20 51 5007 90 10 5803 90 10 ex 5905 00 90 ex 5911 20 00	Woven fabrics of silk or of silk waste other than those of category 136 A		
137	ex 5801 90 90 ex 5806 10 00	Woven pile fabrics and chenille fabrics and narrow-woven fabrics of silk, or of silk waste		
138	5311 00 90 ex 5905 00 90	Woven fabrics of paper yarn and other textile fibres other than of ramie		
139	5809 00 00	Woven fabrics of metal threads or of metalized yarn		
140	ex 6001 10 00 6001 29 90 6001 99 90 6002 20 90 6002 49 00 6002 99 00	Knitted or crocheted fabric of textile material other than wool or fine animal hair, cotton or man-made fibres		
141	ex 6301 90 90	Travelling rugs and blankets of textile material other than wool or fine animal hair, cotton or man-made fibres		
142	ex 5702 39 90 ex 5702 49 90 ex 5702 59 00 ex 5702 99 00 ex 5705 00 90	Carpets and other textile floor coverings of sisal, of other fibres of the Agave family or of Manila hemp		
144	5602 10 35 5602 29 10	Felt of coarse animal hair		

(1)	(2)	(3)	(4)	(5)
145	5607 30 00 ex 5607 90 00	Twine, cordage, ropes and cables plaited or not, abaca (Manila hemp) or of true hemp		
146 A	ex 5607 21 00	Binder or baler twine for agricultural machines, of sisal or other fibres of the Agave family		
146 B	5607 21 00 5607 29 10 5607 29 90	Twine, cordage, ropes and cables of sisal or other fibres of the Agave family, other than the products of category 146 A		
146 C	5607 10 00	Twine, cordage, ropes and cables, whether or not plaited or braided, of jute or of other textile bast fibres of heading No 5303		
147	5003 90 00	Silk waste (including cocoons unsuitable for reeling), yarn waste and garnetted stock, other than not carded or combed		
148 A	5307 10 10 5307 10 90 5307 20 00	Yarn of jute or of textile bast fibres of heading No 5303		
148 B	5308 10 00	Coir yarn		
149	5310 10 90 ex 5310 90 00	Woven fabrics of jute or of other textile bast fibres of a width of more than 150 cm		
150	5310 10 10 ex 5310 90 00 5905 00 50 6305 10 90	Woven fabrics of jute or of other textile bast fibres of a width of not more than 150 cm Sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres, other than used		
151 A	5702 20 00	Floor coverings of coconut fibres (coir)		
151 B	ex 5702 39 90 ex 5702 49 90 ex 5702 59 00 ex 5702 99 00	Carpets and other textile floor coverings, of jute or of other textile bast fibres, other than tufted or flopped		
152	5602 10 11	Needle loom felt of jute or of other textile bast fibres, other than tufted or flopped		
153	6305 10 10	Used sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres of heading No 5303		
154	5001 00 00 5002 00 00 5003 10 00 5101 11 00 5101 19 00 5101 21 00 5101 29 00 5101 30 00 5102 10 10 5102 10 30 5102 10 50 5102 10 90 5102 20 00	Silk worm cocoons, suitable for reeling Raw silk (not thrown) Silk waste (including cocoons unsuitable for reeling), yarn waste and garnetted stock, not carded or combed Wool and carded or combed Fine or coarse animal hair, not carded or combed		

(1)	(2)	(3)	(4)	(5)
154 (cont'd)	5103 10 10 5103 10 90 5103 20 10 5103 20 91 5103 20 99 5103 30 00 5104 00 00 5301 10 00 5301 21 00 5301 29 00 5301 30 10 5301 30 90 5305 91 00 5305 99 00 5201 00 10 5201 00 90 5202 10 00 5202 91 00 5202 99 00 5302 10 00 5302 90 00 5305 21 00 5305 29 00 5303 10 00 5303 90 00 5304 10 00 5304 90 00 5305 11 00 5305 19 00 5305 91 00 5305 99 00	Waste of wool or fine or coarse animal hair, including yarn waste but excluding garnetted stock Garnetted stock of wool or fine or coarse animal hair Flax, raw or processed but not spun: flax tow and waste (including yarn waste and garnetted stocks) Ramie and other vegetable textile fibres raw or processed but not spun: tow, noils and waste, other than coir and abaca of heading No 5304 Cotton, not carded or combed Cotton waste (including yarn waste and garnetted stock) True hemp (<i>Cannabis sativa</i> L.), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garnetted stock) Abaca (Manila hemp or <i>Musa textilis</i> Nee), raw or processed but not spun: tow, noils and waste or abaca (including yarn waste and garnetted stock) Jute and other textile bast fibres (excluding flax, true hemp and ramie), raw or processed but not spun: tow and waste of true hemp (including yarn waste and garnetted stock) Other vegetable textile fibres, raw or processed but not spun: tow, noils and waste of such fibres (including yarn waste and garnetted stock)		
156	6106 90 30 ex 6110 90 90	Blouses and pullovers knitted or crocheted of silk or silk waste for women and girls		
157	6101 90 10 6101 90 90 6102 90 10 6102 90 90 ex 6103 39 00 6103 49 99 ex 6104 19 00 ex 6104 29 00 ex 6104 39 00 6104 49 00 6104 69 99 6105 90 90 6106 90 50 6106 90 90	Garments, knitted or crocheted, excluding garments of categories ex 10, ex 12, ex 13, ex 24, ex 27, ex 28, ex 67, ex 69, ex 72, ex 73, ex 75, ex 83 and 156		

(1)	(2)	(3)	(4)	(5)
157 (cont'd)	ex 6107 99 00 6108 99 90 6109 90 90 6110 90 10 ex 6110 90 90 ex 6111 90 00 6114 90 00			
159	6204 49 10 6206 10 10 6214 10 00 6215 10 00	Dresses, blouses and shirt-blouses, not knitted or crocheted, of silk or silk waste Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of silk or silk waste Ties, bow ties and cravats of silk or silk waste		
160	6213 10 00	Handkerchiefs of silk or silk waste		
161	6201 19 00 6201 99 00 6202 19 00 6202 99 00 6203 19 90 6203 29 90 6203 39 90 6203 49 90 6204 19 90 6204 29 90 6204 39 90 6204 49 90 6204 59 90 6204 69 90 6205 90 10 6205 90 90 6206 90 10 6206 90 90 ex 6211 20 00 6211 39 00 6211 49 00	Garments, not knitted or crocheted, excluding garments of categories ex 14, ex 15, ex 18, ex 31, ex 68, ex 72, ex 78, ex 86, ex 87, ex 88 and 159		

ANNEX II

Annual Community quantitative limits referred to in Article 3 (1)

(The product descriptions of the categories listed in this Annex are to be found in Annex I to this Agreement)

Categories	Units	Quantitative limits	
		1995	1996
ex 13 ⁽¹⁾	1 000 pieces	616	634
ex 18 ⁽¹⁾	tonnes	759	793
ex 20 ⁽¹⁾	tonnes	33	35
ex 24 ⁽¹⁾	1 000 pieces	142	149
ex 39 ⁽¹⁾	tonnes	322	337
115	tonnes	979	1 008
117	tonnes	466	480
118	tonnes	1 018	1 059
120	tonnes	401	417
122	tonnes	137	143
123	tonnes	68	71
124	tonnes	749 ⁽²⁾	779 ⁽²⁾
125 A	tonnes	16	16
125 B	tonnes	29	31
126	tonnes	16	16
127 A	tonnes	21	22
127 B	tonnes	10	11
136 A	tonnes	320	333
140	tonnes	105	109
145	tonnes	21	22
146 A	tonnes	125	130
146 B	tonnes	188	196
151 B	tonnes	1 933	2 011
156	tonnes	2 588	2 679
157	tonnes	10 250	10 506
159	tonnes	3 950	3 990
160	tonnes	44	45
161	tonnes	13 136	13 465

⁽¹⁾ Categories marked by 'ex' cover products other than those of wool or fine animal hairs, cotton or synthetic or artificial textile materials.

⁽²⁾ This limit does not apply to fibres of polyvinyl alcohol falling within CN code ex 5503 90 90.

PROTOCOL A

TITLE I

CLASSIFICATION

Article 1

1. The competent authorities of the Community undertake to inform China of any changes in the combined nomenclature (CN) before the date of their entry into force in the Community.

2. The competent authorities of the Community undertake to inform the competent authorities of China of any decisions relating to the classification of products subject to the Agreement, within one month of their adoption at the latest. Such communication shall include:

- (a) a description of the products concerned;
- (b) the relevant category and the related CN codes;
- (c) the reasons which have led to the decision.

3. Where a decision on classification results in a change of classification practice or a change of category of any product subject to the Agreement, the competent authorities of the Community shall provide 30 days' notice, from the date of the Community's communication, before the decision is put into effect. Products shipped before the date of entry into effect of the decision shall remain subject to the earlier classification practice, provided that the goods in question are presented for importation into the Community within 60 days of that date.

4. Where a Community decision on classification resulting in a change of classification practice or a change of categorization of any product subject to the Agreement affects a category subject to quantitative limits, the Contracting Parties agree to enter into consultation in accordance with the procedures described in Article 14 of the Agreement with a view to honouring the obligation under the second subparagraph of Article 2(1) of the Agreement.

5. In case of divergent opinions between China and the competent Community authorities at the point of entry into the Community on the classification of products covered by the Agreement, classification shall provisionally be based on indications provided by the Community, pending consultations in accordance with Article 14 of the Agreement with a view to reaching agreement on definitive classification of the product concerned.

TITLE II

ORIGIN

Article 2

1. Products originating in China for export to the Community in accordance with the arrangements established by the Agreement shall be accompanied by a certificate of Chinese origin conforming to the model annexed to this Protocol.

2. The certificate of origin shall be certified by the competent Chinese authorities if the products in question can be considered to be products originating in that country within the meaning of the relevant rules in force in the Community.

Article 3

The certificate of origin shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. The competent Chinese authorities shall ensure that the certificate of origin is properly completed and for this purpose they shall call for any necessary documentary evidence or carry out any check which they consider appropriate.

Article 4

Where different criteria for determining origin are laid down for products falling within the same category the certificates or declarations of origin must contain a sufficiently detailed description of the goods so as to enable the Chinese criterion to be determined, on the basis of which the certificate was issued or the declaration drawn up.

Article 5

The discovery of slight discrepancies between the statements made in the certificate of origin and those made in the documents produced to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* cast doubt upon the statements in the certificate.

TITLE III

DOUBLE-CHECKING SYSTEM FOR THE CATEGORIES
OF PRODUCTS SUBJECT TO COMMUNITY
QUANTITATIVE LIMITS

Section I

Exportation

Article 6

The competent authorities of China shall issue an export licence in respect of all consignments from China of textile products referred to in Annex II, up to the relevant quantitative limits as may be modified by Article 3(3), and Articles 8 and 9 of the Agreement, as well as of textile products subject to any definitive or provisional quantitative limits established as a result of the application of Article 7 of the Agreement.

Article 7

1. The export licence shall conform to the model annexed to this Protocol and it shall be valid for exports throughout the customs territory to which the Treaty establishing the European Community applies.

2. Each export licence must certify *inter alia* that the quantity of the product in question has been set off against the quantitative limit established for the category of the products concerned and shall only cover one of the categories of products subject to quantitative limits. It may be used for one or more consignments of the products in question.

Article 8

The competent authorities of the Community must be informed immediately of the withdrawal or modification of any export licence already issued.

Article 9

1. Exports shall be set off against the quantitative limits established for the year in which the shipment of the goods has been effected even if the export licence is issued after such shipment.

2. For the purpose of applying paragraph 1, shipment of the goods is considered to have taken place on the date of their loading onto the exporting aircraft, vehicle or vessel.

Article 10

The presentation of an export licence, in application of Article 12 hereafter, shall be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped.

Section II

Importation

Article 11

Importation into the Community of textile products subject to quantitative limits shall be subject to the presentation of an import authorization.

Article 12

1. The competent authorities of the Community shall issue the import authorization referred to in Article 11 within five working days of the presentation by the importer of the original of the corresponding export licence.

2. The import authorizations shall be valid for six months from the date of their issue for imports throughout the customs territory to which the Treaty establishing the European Community is applied.

3. The competent authorities of the Community shall cancel the import authorization already issued whenever the corresponding export licence has been withdrawn.

However, if the competent authorities of the Community are notified of the withdrawal or the cancellation of the export licence only after the importation of the products into the Community, the relevant quantities shall be set off against the quantitative limits established for the category and the quota year concerned.

Article 13

1. If the competent authorities of the Community find that the total quantities covered by export licences issued by the competent authorities of China for a particular category in any year exceed the quantitative limit established in accordance with Articles 3 and 7 of the Agreement for that category, as may be modified by Article 3 (3), and Articles 8 and 9 of the Agreement, the said authorities may suspend the further issue of import authorizations. In this event, the competent authorities of the Community shall immediately inform the authorities of China and the special consultation procedure set out in Article 14 of the Agreement shall be initiated forthwith.

2. Exports of products of Chinese origin subject to quantitative limits and not covered by Chinese export licences issued in accordance with the provisions of this Protocol may be refused an import authorization by the competent Community authorities.

However, without prejudice to Article 9 of the Agreement, if the import of such products is allowed into the Community by the competent authorities of the Community, the quantities involved shall not be set off against the appropriate quantitative limits established in Annex II or by virtue of Article 7, without the express agreement of the competent authorities of China.

TITLE IV

FORM AND PRODUCTION OF EXPORT CERTIFICATES
AND CERTIFICATES OF ORIGIN, AND COMMON
PROVISIONS CONCERNING EXPORTS TO THE
COMMUNITY*Article 14*

1. The export licence and the certificate of origin may comprise additional copies duly indicated as such. They shall be made out in English or French. If they are completed by hand, entries must be in ink and in printed script.

The documents shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². If the documents have several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked as 'original' and the other copies as 'copies'. Only the original shall be accepted by the competent authorities of the Community as being valid for the purpose of export to the Community in accordance with the provisions of the Agreement.

2. Each document shall bear a standardized serial number, whether or not printed, by which it can be identified.

This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: CN,
- two letters identifying the intended Member State of customs clearance as follows:

AT = Austria

BL = Benelux

DE = Germany

DK = Denmark

EL = Greece

ES = Spain

FI = Finland

FR = France

GB = United Kingdom

IE = Ireland

IT = Italy

PT = Portugal

SE = Sweden

- a one-digit number identifying quota year, as follows:

1 for 1995; 2 for 1996; 3 for 1997 and so on,

- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,

- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.

Article 15

The export licence and the certificate of origin may be issued after the shipment of the products to which they relate. In such cases they must bear the endorsement 'délivré a posteriori' or 'issued retrospectively'.

Article 16

1. In the event of a theft, loss or destruction of an export licence or a certificate of origin the exporter may apply to the competent Chinese authorities which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement 'duplicata' or 'duplicate'.

2. The duplicate shall bear the date of the original export licence or certificate of origin.

TITLE V

ADMINISTRATIVE COOPERATION

Article 17

The Community and China shall cooperate closely in the implementation of the provisions of this Protocol. To this end, contacts and exchanges of views, including on technical matters, shall be facilitated by both Parties.

Article 18

In order to ensure the correct application of this Protocol, the Community and China offer mutual assistance for the checking of the authenticity and the accuracy of export licences and certificates of origin issued or of any declarations made within the terms of this Protocol.

Article 19

China shall transmit to the Commission of the European Community the names and addresses of the authorities competent to issue and verify the export licences and the certificates of origin, together with specimens of the stamps used by these authorities and specimen signatures of officials responsible for signing the export licences. China shall also notify the Community of any change in this information.

Article 20

1. Subsequent verification of certificates of origin or export licences shall be carried out at random, or

whenever the competent Community authorities have reasonable doubt as to the authenticity of the certificate or licence or as to the accuracy of the information regarding the true origin of the products in question.

2. In such cases, the competent authorities in the Community shall return the certificate of origin or the export licence or a copy thereof to the competent Chinese authorities, giving, where appropriate, the reasons of form or substance which justify an enquiry. If the invoice has been submitted, such invoice or a copy thereof shall be attached to the certificate or to the licence or their copies. The authorities shall also forward any information that has been obtained suggesting that the particulars given on the said certificate or licence are inaccurate.

3. The results of the subsequent verifications carried out in accordance with paragraphs 1 and 2 shall be communicated to the competent authorities of the Community within three months at the latest. The information communicated shall indicate whether the disputed certificate, licence or declaration, applies to the goods actually exported and whether these goods are eligible for export under the arrangements established by the Agreement. The information shall also include, at the request of the Community, copies of all the documentation necessary to fully determine the facts, and in particular the true origin of the goods.

4. For the purpose of subsequent verification of certificates of origin, copies of the certificates as well as any export documents referring to them shall be kept for at least two years by the competent Chinese authorities.

5. Recourse to the random verification procedure specified in this Article must not constitute an obstacle to the release for home use of the products in question.

Article 21

1. Where the verification procedure referred to in Article 20 or where information available to the competent authorities of the Community or of China

indicates or appears to indicate that the provisions of this Agreement are being circumvented or infringed, the two contracting Parties shall cooperate closely and with the appropriate urgency in order to prevent or remedy any such circumvention or infringement.

2. To this end, the competent authorities of China shall, on their own initiative or at the request of the Community, carry out appropriate inquiries, or arrange for such inquiries to be carried out, concerning operations which are, or appear to the Community to be, in circumvention or infringement of the Agreement. China shall communicate the results of these inquiries to the Community, including any other pertinent information enabling the cause of the circumvention or infringement, including the true origin of the goods, to be determined.

3. By agreement between the Community and China, officials designated by the Community may be present at the inquiries referred to in paragraph 2.

4. In pursuance of the cooperation referred to in paragraph 1, the competent authorities of the Community and China shall exchange any information considered by either contracting Party to be of use in preventing or remedying circumvention or infringement of the provisions of the Agreement. These exchanges may include information on the production of textile products in China and on the trade in the type of products covered by this Agreement between China and third countries, particularly where the Community has reasonable grounds to consider that the products in question may be in transit across the territory of China prior to their importation into the Community. This information may include at the request of the Community copies of all available relevant documentation.

5. Where sufficient evidence shows that the provisions of the Agreement have been circumvented or infringed, the competent authorities of China and the Community may agree to take the measures set out in Article 9(4) of the Agreement, and any other measures as are necessary to prevent a recurrence of such circumvention or infringement.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL	2 No
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	3 Quota year Année contingentaire	4 Category number Numéro de catégorie
8 Place and date of shipment - Means of transport Lieu et date d'embarquement - Moyen de transport	CERTIFICATE OF ORIGIN (Textile products) <hr/> CERTIFICAT D'ORIGINE (Produits textiles)	
10 Marks and numbers - Number and kind of packages - DESCRIPTION OF GOODS Marques et numéros - Nombre et nature des colis - DÉSIGNATION DES MARCHANDISES	6 Country of origin Pays d'origine	7 Country of destination Pays de destination
13 CERTIFICATION BY THE COMPETENT AUTHORITY - VISA DE L'AUTORITÉ COMPÉTENTE I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the category shown in box No 4 by the provisions regulating trade in textile products with the European Community. Je soussigné certifie que les marchandises désignées ci-dessus ont été imputées sur la limite quantitative fixée pour l'année indiquée dans la case 3 pour la catégorie désignée dans la case 4 dans le cadre des dispositions régissant les échanges de produits textiles avec la Communauté européenne.	9 Supplementary details Données supplémentaires	
14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)	11 Quantity (1) Quantité (1)	12 FOB value (2) Valeur fob (2)
	At - À, on - le	(Signature) (Stamp - Cachet)

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight - Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
(2) In the currency of the sale contract - Dans la monnaie du contrat de vente.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL	2 No
	3 Quota year Année contingentaire	4 Category number Numéro de catégorie
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	EXPORT LICENCE (Textile products)	
	LICENCE D'EXPORTATION (Produits textiles)	
8 Place and date of shipment – Means of transport Lieu et date d'embarquement – Moyen de transport	6 Country of origin Pays d'origine	7 Country of destination Pays de destination
	9 Supplementary details Données supplémentaires	
10 Marks and numbers – Number and kind of packages – DESCRIPTION OF GOODS Marques et numéros – Nombre et nature des colis – DÉSIGNATION DES MARCHANDISES		11 Quantity ⁽¹⁾ Quantité ⁽¹⁾
		12 FOB value ⁽²⁾ Valeur fob ⁽²⁾
13 CERTIFICATION BY THE COMPETENT AUTHORITY – VISA DE L'AUTORITÉ COMPÉTENTE		
<p>I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.</p> <p>Je soussigné certifie que les marchandises désignées ci-dessus sont originaires du pays figurant dans le case 6, conformément aux dispositions en vigueur dans la Communauté européenne.</p>		
14 Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)		At – À, on – le
		(Signature) (Stamp – Cachet)

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight – Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie si cette unité n'est pas le poids net.
(2) In the currency of the sale contract – Dans la monnaie du contrat de vente.

PROTOCOL B

Outward processing traffic (OPT)

(Referred to in Article 11 of the Agreement)

1. Without prejudice to paragraph 2, only re-imports into the Community of products affected by the specific quantitative limits laid down in the Annex to this Protocol shall be considered re-imports within the meaning of Article 11 of the Agreement.
2. Re-imports not covered by the Annex to this Protocol may be made subject to specific quantitative limits following consultations in accordance with the procedures set out in Article 14 of the Agreement, provided the products concerned are subject to quantitative limits pursuant to the Agreement.
3. Having regard to the interests of both Parties, the Community may at its discretion, or in response to a request under Article 14 of the Agreement:
 - (a) examine the possibility of transferring from one category to another, using in advance or carrying over from one year to the next, portions of specific quantitative limits;
 - (b) consider the possibility of increasing specific quantitative limits.
4. However, the Community may apply automatically the flexibility rules set out in paragraph 3 within the following limits:
 - (a) transfers between categories may not exceed 20 % of the quantity for the category to which the transfer is made;
 - (b) carry-over of a specific quantitative limit from one year to the next may not exceed 10,5 % of the quantity set for the year of actual utilization;
 - (c) advance use of specific quantitative limits from one year to another may not exceed 7,5 % of the quantity set for the year of actual utilization.
5. The Community shall inform China of any measures taken pursuant to the preceding paragraphs.
6. The competent authorities in the Community shall debit the specific quantitative limits referred to in paragraph 1 at the time of issue of the prior authorization required by Council Regulation (EC) No 3036/94 which governs economic outward processing arrangements. A specific quantitative limit shall be debited for the year in which a prior authorization is issued.
7. A certificate of origin made out by the organizations authorized to do so under Chinese law shall be issued, in accordance with Protocol A to the Agreement, for all products covered by this Protocol. This certificate shall bear a reference to the prior authorization mentioned in paragraph 6 as evidence that the processing operation it describes has been carried out in China.
8. The Community shall provide China with the names and addresses of, and specimens of the stamps used by, the competent authorities of the Community which issue the prior authorizations referred to in paragraph 6.
9. Without prejudice to the provisions of paragraphs 1 to 8, China and the Community shall continue consultations with a view to seeking a mutually acceptable solution enabling both Contracting Parties to benefit from the Agreement's provisions on outward processing traffic and so ensure the effective development of trade in textile products between China and the Community.

Annex to Protocol B

(The product descriptions of the categories listed in this Annex are to be found in Annex I to the Agreement)

OPT QUOTAS

COMMUNITY QUANTITATIVE LIMITS

Category	Unit	Years
p.m.	p.m.	p.m.

**PROTOCOL OF UNDERSTANDING CONCERNING THE IMPLEMENTATION OF
ARTICLE 12 OF THE AGREEMENT**

For the purpose of implementing Article 12 of the Agreement it is understood by both Parties that if exports of raw materials (products listed in the Annex to this Protocol) are made subject to specific measures, practices or policies (such as licences, guidances, fiscal, customs or others) such measures, practices or policies must not have for consequence that the conditions applying to the Community users become less favorable than those applied to users in China notably in terms of actual access and prices.

Consequently China shall abstain from any such measures, practices or policies that may result in double pricing.

The actual implementation of Article 12 of the Agreement as well as of the provisions of Article 11 of the bilateral Agreement on trade in textile products, shall be subject to periodic reviews. Should difficulties appear consultations will be held without delay with a view to solving the problems by appropriate action.

Annex to the Protocol of Understanding

CN codes	Description
5002 00	Raw silk
5003 10	} Silk waste
5003 90	
5004 00	Silk yarn
5005 00	Yarn spun from silk waste
5007 20 11	} Silk fabrics, containing at least 85 % of silk
5007 20 21	
5007 20 51	
5007 90 10	Other fabrics

Agreed Minute

In the context of the Agreement between the European Community and the People's Republic of China the two Parties have agreed as follows:

1. In order to ensure the continuity of trade flows, and by derogation from Article 3 (1) of the Agreement, products listed in Annex II shipped from China after 31 December 1994 and subject, pursuant to Council Regulation (EC) No 517/94, to quantitative restrictions may be imported into the Community in 1995, without having to be accompanied by an export licence issued by the Chinese authorities, upon presentation of an import authorization issued after 31 December 1994 by the competent authorities of the Community pursuant to the provisions of the relevant Community regulation in force before the date of initialling of the present Agreement. Quantities thus imported in 1995 into the Community shall be set off against the quantitative limits established in Annex II to the Agreement and the levels for which export licences may be issued by the Chinese authorities for the year 1995 shall be reduced by equivalent quantities provided that the quantities for which import authorizations issued by the competent authorities of the Community are notified to China as soon as possible and not later than 28 February 1995.
2. Products listed in Annex II, not subject to quantitative restrictions in the Republic of Austria, the Republic of Finland and the Kingdom of Sweden before 1 January 1995, shall not be subject to the quantitative limits referred to in Article 3 (1) of the Agreement and to the double checking system specified in Protocol A provided that they have been shipped from the People's Republic of China to the Community before 1 January 1995, are presented for importation in one of these Member States before 31 March 1995 and are exclusively destined for internal consumption in the concerned acceding country.
3. Taking into account the portion of 1995 quotas already allocated to importers by the competent authorities within the EC at the beginning of the year, and the consequences of such allocation for the export management of the Agreement in 1995, the parties agree to hold consultations, notably on reconciliation of figures, when necessary to deal with any difficulty and to ensure a cooperative implementation of the Agreement.

*For the Delegation
of the People's Republic of China*

*For the Delegation
of the European Community*