

REGULATION (EEC) No 2603/69 OF THE COUNCIL

of 20 December 1969

establishing common rules for exports

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 111 and 113 thereof;

Having regard to the instruments establishing common organisation of agricultural markets and to the instruments concerning processed agricultural products adopted in pursuance of Article 235 of the Treaty, in particular the provisions of those instruments which allow for derogation from the general principle that quantitative restrictions or measures having equivalent effect may be replaced solely by the measures provided for in those same instruments;

Having regard to the proposal from the Commission;

Whereas, after the transitional period has ended, the common commercial policy must be based on uniform principles, *inter alia* as regards exports; and whereas implementation of this policy necessarily involves its progressive standardisation during the transitional period;

Whereas common rules should therefore be established for exports from the EEC;

Whereas exports are almost completely liberalised in all the Member States; whereas it is therefore possible to accept as a Community principle that exports to third countries are not subject to any quantitative restriction, subject to the exceptions provided for in this Regulation and without prejudice to such measures as Member States may take in conformity with the Treaty;

Whereas the Commission must be informed if, as a result of unusual developments on the market, a Member State considers that protective measures might be necessary;

Whereas it is essential that examination should take place at Community level, in particular on the basis

of any such information and within an advisory committee, of export terms and conditions, of export trends, of the various aspects of the economic and commercial situation, and of the measures, if any, to be taken;

Whereas it may become apparent from this examination that the Community should exercise surveillance over certain exports, or that interim protective measures should be introduced as a safeguard against unforeseen practices; whereas the need for rapid and effective action makes it justifiable for the Commission to be empowered to decide upon such measures, but without prejudice to the subsequent position of the Council, whose responsibility it is to adopt a policy consistent with the interests of the Community;

Whereas any protective measures necessitated by the interests of the Community should be adopted with due regard for existing international obligations;

Whereas it is desirable that Member States be empowered, in certain circumstances and provided that their actions are on an interim basis only, to take protective measures individually;

Whereas it is desirable that while such protective measures are in operation there should be an opportunity for consultation for the purpose of examining the effects of the measures and of ascertaining whether the conditions for their application are still satisfied;

Whereas certain products should be provisionally excluded from Community liberalisation until the Council shall have acted to establish common rules in respect of those products;

Whereas this Regulation is to apply to all products, whether industrial or agricultural; whereas its operation should be complementary to that of the instruments establishing common organisation of agricultural markets, and to that of the special instruments adopted under Article 235 of the Treaty

for processed agricultural products; whereas any overlap between the provisions of this Regulation and the provisions of those instruments, particularly the protective clauses thereof, must however be avoided;

HAS ADOPTED THIS REGULATION:

TITLE I

Basic principle

Article 1

The exportation of products from the European Economic Community to third countries shall be free, that is to say, they shall not be subject to any quantitative restriction, with the exception of those restrictions which are applied in conformity with the provisions of this Regulation.

TITLE II

Community information and consultation procedure

Article 2

If, as a result of any unusual developments on the market, a Member State considers that protective measures within the meaning of Title III might be necessary, it shall so notify the Commission, which shall advise the other Member States.

Article 3

1. Consultations may be held at any time, either at the request of a Member State or on the initiative of the Commission.

2. Consultations shall take place within four working days following receipt by the Commission of the notification provided for in Article 2, and in all cases before the introduction of any measure pursuant to Articles 5 to 7.

Article 4

1. Consultation shall take place within an advisory committee (hereinafter called 'the Committee'), which shall consist of representatives of each Member State with a representative of the Commission as Chairman.

2. The Committee shall meet when convened by its Chairman. He shall provide all the Member States, as promptly as possible, with all relevant information.

3. Consultation shall in particular cover:

- (a) terms and conditions of export, export trends, and the various aspects of the economic and commercial situation as regards the product in question;
- (b) the measures, if any, to be adopted.

Article 5

For the purpose of assessing the economic and commercial situation as regards a particular product, the Commission may request Member States to supply statistical data on market trends in that product and, to this end, acting in accordance with their national legislation and with a procedure to be specified by the Commission, to exercise surveillance over exports of such product. Member States shall take whatever steps are necessary in order to give effect to requests from the Commission and shall forward to the Commission the data requested. The Commission shall inform the other Member States.

TITLE III

Protective measures

Article 6

1. In order to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and where Community interests call for immediate intervention, the Commission, acting at the request of a Member State or on its own initiative, and taking account of the nature of the products and of the other particular features of the transactions in question, may make the export of a product subject to the production of an export authorisation, the granting of which shall be governed by such provisions and subject to such limits as the Commission shall lay down pending subsequent action by the Council under Article 7.

2. The Council and the Member States shall be notified of the measures taken. Such measures shall take effect immediately.

3. The measures may be limited to exports to certain countries or to exports from certain regions of the Community. They shall not affect products already on their way to the Community frontier.

4. Where intervention by the Commission has been requested by a Member State, the Commission shall take a decision within a maximum of five working days of receipt of such request. Should the Commission refuse to give effect to the request, it

shall forthwith communicate its decision to the Council, which may, acting by a qualified majority, decide differently.

5. Any Member State may, within twelve working days of the day of their communication to the Member States, refer the measures taken to the Council. The Council may, acting by a qualified majority, decide that different action be taken.

6. Where the Commission has acted pursuant to paragraph 1, it shall, not later than twelve working days following the entry into force of the measure which it has taken, make a proposal to the Council on appropriate measures as provided for in Article 7. If, at the end of six weeks following the entry into force of the measure, taken by the Commission, the Council has taken no decision on this proposal, the measure in question shall be deemed revoked.

Article 7

1. Where the interests of the Community so require, the Council may, acting by a qualified majority on a proposal from the Commission, adopt appropriate measures:

- to prevent a critical situation from arising owing to a shortage of essential products, or to remedy such a situation;
- to allow international undertakings entered into by the Community or all the Member States to be fulfilled, in particular those relating to trade in primary products.

2. Such measures may be limited to exports to certain countries or to exports from certain regions of the Community. They shall not affect products already on their way to the Community frontier.

3. When quantitative restrictions on exports are introduced, account shall be taken in particular of:

- the volume of goods exported under contracts concluded on normal terms and conditions before the entry into force of a protective measure within the meaning of this Title and notified by the Member State concerned to the Commission in conformity with its national laws; and
- the need to avoid jeopardising achievement of the aim pursued in introducing quantitative restrictions.

Article 8

1. Where a Member State considers that there exists in its territory a situation such as that defined

as regards the Community in Article 6 (1), it may, as an interim protective measure, make the export of a product subject to the production of an export authorisation, the granting of which shall be governed by such provisions and subject to such limits as that Member State shall lay down.

2. The Member State shall take such a measure after hearing the opinions expressed in the Committee or, where urgency precludes such a procedure, after notifying the Commission. The latter shall advise the other Member States.

3. The Commission shall be notified by telex of the measure immediately following its adoption; such notification shall be equivalent to a request within the meaning of Article 6 (4). The measure shall operate only until the coming into operation of the decision taken by the Commission.

4. The provisions of this Article shall apply until 31 December 1972. Before that date the Council shall, by a qualified majority on a proposal from the Commission, decide on the adjustments to be made thereto.

Article 9

1. While any measure referred to in Articles 6 to 8 is in operation, consultations within the Committee shall be held, either at the request of a Member State or on the initiative of the Commission. The purpose of such consultations shall be:

- (a) to examine the effects of the measures;
- (b) to ascertain whether the conditions for its application are still satisfied.

2. Where the Commission considers that any measure provided for in Article 6 or in Article 7 should be revoked or amended, it shall proceed as follows:

- (a) where the Council has taken no decision on a measure taken by the Commission, the latter shall amend or revoke such measure forthwith and shall immediately deliver a report to the Council;
- (b) in all other cases, the Commission shall propose to the Council that the measures adopted by the Council be revoked or amended. The Council shall act by a qualified majority.

TITLE IV

Article 12

Transitional and final provisions

Article 10

Until such time as the Council, acting by a qualified majority on a proposal from the Commission, shall have introduced common rules in respect of the products listed in the Annex to this Regulation, the principle of freedom of export from the Community as laid down in Article 1 shall not apply to those products.

Article 11

Without prejudice to other Community provisions, this Regulation shall not preclude the adoption or application by a Member State of quantitative restrictions on exports on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property.

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

Done at Brussels, 20 December 1969.

1. This Regulation shall be without prejudice to the operation of the instruments establishing common organisation of agricultural markets, or of the special instruments adopted under Article 235 of the Treaty for processed agricultural products; it shall operate by way of complement to those instruments.

2. However, in the case of products covered by such instruments, the provisions of Articles 6 and 8 shall not apply to those in respect of which the Community rules on trade with third countries make provision for the application of quantitative export restrictions. The provisions of Article 5 shall not apply to those products in respect of which such rules require the production of a licence or other export document.

Article 13

This Regulation shall enter into force on 31 December 1969.

For the Council

The President

H. J. DE KOSTER

ANNEX

CCT heading No	Description of goods
1	2
06.01	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower:
A	— Dormant
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips:
ex A	— Unrooted cuttings, of hop
07.01	Vegetables, fresh or chilled:
A	— Potatoes
07.05	Dried leguminous vegetables, shelled, whether or not skinned or split:
ex A	— Beans, of a kind used for sowing — Garden and field peas, of a kind used for sowing — Field beans (<i>vicia faba varminor</i>), of a kind used for sowing — Broad beans (<i>vicia faba var-megalosperma</i>), of a kind used for sowing
09.01	Coffee, whether or not roasted or freed of caffeine; coffee husks and skins; coffee substitutes containing coffee in any proportion:
A	— Coffee
12.03	Seeds, fruit and spores, of a kind used for sowing
12.05	Chicory roots, fresh or dried, whole or cut, unroasted
14.01	Vegetable materials of a kind used primarily for plaiting (for example, cereal straw, cleaned, bleached or dyed, osier, reeds, rushes, rattans, bamboos, raffia and lime bark):
B	— Bamboos, reeds and the like
14.05	Vegetable products not elsewhere specified or included:
ex B	Laminaria, lichen, carrageen, seaweed, gelidium
21.02	Extracts, essences or concentrates of coffee, tea or maté; preparations with a basis of those extracts, essences or concentrates:
ex A	— Extracts, essences or concentrates of coffee without added coffee substitutes
ex 23.05	Wine lees; argol: — Wine lees containing less than 6% of wine by weight; argol
26.03	Ash and residues (other than from the manufacture of iron or steel), containing metals or metallic compounds
27.09	Petroleum oils and oils obtained from bituminous minerals, crude
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:
A	— Light oils
B	— Medium oils
ex C	— Heavy oils except lubricating oils used in clocks and watches and the like presented in small receptacles containing not more than 250 g net of oil
28.38	Sulphates (including alums) and persulphates:
ex A II	— Copper sulphate
ex 29.40	Enzymes: — Rennet of sheep or goats

CCT heading No	Description of goods
1	2
31.03	Mineral or chemical fertilisers, phosphatic:
A I	— Basic slag
36.06	Matches (excluding Bengal matches)
ex	— Made up for private customers
37.04	Sensitised plates and film, exposed but not developed, negative or positive:
ex A I	— Perforated cinematograph film exceeding 30 m in length; negatives; intermediate positives
ex A II	— Perforated cinematograph film exceeding 30 m in length; positives
37.06	Cinematograph film, exposed and developed, consisting only of sound track, negative or positive
ex 37.07	Other cinematograph film, exposed and developed, whether or not incorporating sound track, negative or positive:
	— Cinematograph feature film
41.01	Raw hides and skins (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool
41.02	Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading Nos 41.06, 41.07 or 41.08:
ex A	— Bovine leather, not further prepared than tanned
41.09	Parings and other waste, of leather or of composition or parchment-dressed leather, not suitable for the manufacture of articles of leather; leather dust, powder and flour
ex 43.01	Raw furskins:
	— Of rabbits and badges
ex 44.01	Fuel wood, in logs, in billets, in twigs or in faggots; wood waste, including sawdust:
	— Fuel wood, of coniferous wood and pine and fir shavings
44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down:
B	— Other
44.04	Wood, roughly squared or half-squared, but not further manufactured:
ex B	— Other, not including poplar
44.05	Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm:
ex B	— Of coniferous wood, not including small boards for the manufacture of boxes, sieves or riddles and the like
44.07	Railway or tramway sleepers of wood
ex 46.03	Basketwork, wickerwork and other articles of plaiting materials, made directly to shape; articles made up from goods falling within heading No 46.01 or 46.02; articles of loofah:
	— Covers for bottles or flasks
47.02	Waste paper and paperboard; scrap articles of paper or of paperboard, fit only for use in paper-making
50.01	Silk-worm cocoons suitable for reeling
54.01	Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags)
58.04	Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05)
ex B	— Cotton velour, smooth

CCT heading No	Description of goods
1	2
ex 70.10	Carboys, bottles, jars, pots, tubular containers and similar containers, of glass, of a kind commonly used for the conveyance or packing of goods; stoppers and other closures, of glass: — Carboys and flasks, of glass, of a capacity not exceeding 5 litres
ex 71.01	Pearls, unworked or worked, but not mounted, set or strung (except ungraded pearls temporarily strung for convenience of transport): — Pearls, unworked
71.02	Precious and semi-precious stones, unworked, cut or otherwise worked but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport)
71.07	Gold, including platinum-plated gold, unwrought or semi-manufactured
71.09	Platinum and other metals of the platinum group, unwrought or semi-manufactured
71.11	Goldsmiths', silversmiths' and jewellers' sweepings, residues, lemls and other waste and scrap, of precious metal
ex 72.01	Coin: — Coin, withdrawn from circulation
74.01	Nickel matte; nickel speiss and other intermediate products of nickel metallurgy; unwrought nickel (excluding electro-plating anodes); nickel waste and scrap
75.02	Wrought bars rods, angles, shapes and sections, of nickel; nickel wire
ex	Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire not including metal thread or strip of the kind used for the manufacture of lamé cloth, ornamental trimmings, galloons and adornments — Of nickel alloy containing more than 10% but not more than 50% of nickel — Of nickel alloy containing not less than 50% of nickel
75.03	Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes:
ex A	— Plates, sheets, strip and foil not including metal thread or strip of the kind used for the manufacture of lamé cloth, ornamental trimmings galloons and adornments — Of nickel alloy containing more than 10% but not more than 50% of nickel — Of nickel alloy containing not less than 50% of nickel
ex B	— Nickel flakes
75.04	Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel:
A	— Tubes and pipes and blanks therefor; hollow bars
75.05	Electro-plating anodes, wrought or unwrought, including those produced by electrolysis
76.01	Unwrought aluminium; aluminium waste and scrap:
B	Waste and scrap
77.01	Unwrought magnesium; magnesium waste (excluding shavings of uniform size) and scrap:
B	— Waste and scrap
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap:
B	— Waste and scrap
79.01	Unwrought zinc; zinc waste and scrap:
B	— Waste and scrap

CCT heading No	Description of goods
1	2
ex 80.01	Unwrought tin; tin waste and scrap: — Waste and scrap
81.04	Other base metals, unwrought or wrought, and articles thereof; cer- mets, unwrought or wrought, and articles thereof:
ex IJ I	— Antimony waste and scrap
86.09	Parts of railway and tramway locomotives and rolling-stock:
ex C	— Wheels assembled on axles, axles, wheels, metal tyres, hoops, hubs and other parts of wheels for railway rolling-stock, used
88.02	Flying machines, gliders and kites; rotochutes:
ex B	— Flying machines, used
ex 89.01	Ships, boats and other vessels not falling within heading Nos 89.02 to 89.05:
ex B I	Sea-going vessels
89.04	Ships, boats and other vessels for breaking up
ex 91.01	Pocket-watches, wrist-watches and other watches, including stop-watches: — Pocket-watches with lever escapement
ex 91.07	Watch movements (including stop-watch movements), assembled: — Watch movements (including stop-watch movements), assembled, with lever escapement
91.11	Other clock and watch parts:
C	— Watch movements, unassembled
E	— Rough watch movements
92.10	Parts and accessories of musical instruments (other than strings), including perforated music rolls and mechanisms for musical boxes; metronomes, tuning forks and pitch pipes of all kinds:
ex B	— Reeds, tuning forks, tongues, diaphragms and parts and accessories thereof, for accordions