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Textiles Monitoring Body

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AGREEMENT ON TEXTILES AND CLOTHING

Notification under Article 2.17

Canada

Administrative Arrangements with India

The Textiles Monitoring Body has received a notification from Canada pursuant to paragraph 17 of Article 2. The TMB is circulating this notification to WTO Members for their information.

The Permanent Mission of Canada
to the United Nations

1 rue du Pré-de-la-Bichette
1202 Geneva

13 March 1996

Dear Ambassador Szepesi,

Pursuant to Article 2.17 of the Agreement on Textiles and Clothing, I have the honour to notify the Administrative Arrangements that have been concluded with the following WTO Members: Bangladesh, Brazil, Costa Rica, Cuba, Hong Kong, Hungary, India¹, Indonesia, Korea, Lesotho, Macau, Malaysia, Mauritius, Pakistan, Philippines, Romania, Slovak Republic, Sri Lanka, Swaziland, Thailand and Uruguay.

Yours sincerely,

(Signed) Jean Saint-Jacques
Counsellor

Ambassador András Szepesi
Chairman
Textiles Monitoring Body
World Trade Organization
Centre William Rappard
154 rue de Lausanne
1211 Geneva

¹This document contains the Administrative Arrangements with India. Arrangements concluded with the other WTO Members mentioned above will be circulated as separate documents.

Memorandum of Understanding Between the Government of Canada
and the Government of India Relating to the Export from
India of Certain Textile Products to Canada

Introduction

1. This Memorandum of Understanding (MOU) sets out the administrative arrangements that have been agreed upon between the Governments of Canada and India, pursuant to Article 2.17 of the MTN Agreement on Textiles and Clothing (ATC) in order to implement the textiles and clothing restraints between Canada and India to be notified pursuant to Article 2.1 of the ATC. These provisions will also apply with respect to any restraint introduced by Canada on imports of textiles and clothing from India pursuant to the provisions of Article 6 of the ATC.

Implementation

2. In accordance with the provisions of Article 4.1 of the ATC, these arrangements shall be implemented on the basis of the export control system operated by the Government of India. Exports of the textile products included in the restraints notified under Article 2.1 of the ATC shall be covered by an original "Export Licence" endorsed and issued by the competent authorities of India to the effect that the goods covered by the export licence have been debited from the applicable quantitative limit.

3. For the purpose of implementing these arrangements, the date of export from India (i.e. consignment to the carrier) will be used to determine within which restraint period any textiles or textile products will be counted.

4. The Government of India shall endeavour to ensure that exports to Canada of all restrained textile products are spaced out as evenly as possible during each restraint period, due account being taken of seasonal factors and of normal channels of trade.

5. Export licences issued by the Government of India in respect of restrained textile products shall contain the following information:

- (a) Country of destination;
- (b) Country of origin;
- (c) Licence number and quota year;
- (d) Importer's name and address;
- (e) Exporter's name and address;
- (f) Item number and description of product as contained in the notification under Article 2.1 of the ATC;
- (g) Quantity expressed in the units designated for each product in the notification under Article 2.1 of the ATC. If more than one set of measures is established, all should be indicated; where the quantity is expressed other than as designated, the equivalent weight, units or m² should be calculated in accordance with the conversion factors set out in the restraint notified under Article 2.1 of the ATC;

- (h) F.o.b. or c.i.f. value except for non-commercial consignments;
- (i) Certification by the competent authorities of India that the quantity has been debited from the agreed restraint limit for exports to Canada.

6. In the event that any quantity covered by an export certificate is not shipped, or any part of it is returned, regardless of the reason, the Government of India will notify the Government of Canada of such quantities which may be credited by the Government of India to the appropriate restraint level.

7. Except as provided for in paragraphs 8 to 11 below (swing and carryover/carry forward), the Government of India shall restrain its exports to Canada of the textile products notified pursuant to Article 2.1 of the ATC to the limits notified under Article 2.1 of the ATC, as modified by the provisions of Articles 2.7, 2.8, 2.13 and 2.14 of the ATC.

Swing

8. Subject to the specific limitations contained in the restraint notification under Article 2.1 of the ATC, and following notification to the appropriate Canadian authorities, the Government of India may exceed the specified annual quantitative limit up to the percentage specified in the restraint notification under Article 2.1 of the ATC, provided that an equivalent amount is deducted from any other restraint level. When any restraint limit is exceeded by the application of swing, the Government of India shall so indicate in subsequent monthly statistical reports.

9. For the purpose of implementing the swing provisions in paragraph 8, the conversion factors specified in the restraint notification under Article 2.1 of the ATC shall apply.

Carryover/carry forward

10. Following notification to the Government of Canada of the quantities involved, portions of any quantitative limit which are not used during the annual restraint period may be carried over and added to the corresponding quantitative limit for the following annual restraint period. The restraint limit for any such restraint period shall be increased within the percentage limits specified in the restraint notification under Article 2.1 of the ATC.

11. Following notification to the Government of Canada of the quantities involved, any restraint limit may be increased within the percentage limits specified in the restraint notification under Article 2.1 of the ATC by a quantity advanced from the corresponding restraint limit for the following annual restraint period. The restraint limit for any such following restraint period shall be reduced by a quantity equal to the quantity so advanced.

Exchange of statistics

12. The Government of India shall provide the Government of Canada with monthly statistical reports relating to exports of restrained textile products, licensed for export to Canada and debited from the quantitative limits for each restraint period. These statistics shall include the following information:

- (a) Item number and description;
- (b) Original and adjusted restraint limits for the restraint period;
- (c) Total quantity issued for the restraint period to date;

- (d) Notification of any utilization of swing, carryover or carry forward provisions and the quantities involved as provided for in paragraphs 8 to 11 above.

This information should be provided as soon as possible following the end of each month.

13. The Government of Canada shall provide the Government of India with monthly statistical reports relating to import permits issued for imports originating in India of textile products listed in Annex I.

14. Both Governments reserve the right to request additional statistics as may be reasonably required, including statistics relating to the export or import of products not contained in the notification, under Article 2.1 of the ATC, of Canada's restraints on imports from India.

Re-exports

15. The Government of Canada shall, so far as possible, inform the Government of India when imports into Canada of restrained textile products are subsequently re-exported from Canada. Where such re-exports have originally been debited by the Government of India from quantitative limits, the Government of India may then credit back the quantity involved to the appropriate quantitative limits.

Consultations

16. Pursuant to Article 8.4 of the ATC, the Government of India and the Government of Canada express their willingness to consult, on request, on any matter arising from the implementation or operation of the ATC or of this MOU or on any matter germane thereto.

(Signed) _____
For the Government of Canada

(Signed) _____
For the Government of India

Ottawa
2 March 1995

ANNEX I - RESTRAINT LEVELS (PHASE I)INDIAGROUP I

(A) Agreement Item No.	(B) Product coverage		(C) 1995 Restraint level (NMB)	(D) Growth	(E) Swing	(F) Carryover/ carry forward	(G) Combined flexibility (E) & (F)	(H) Conversion factor (m ² /unit)
	Category	Short description						
A		Clothing (MTK)	28,517,414	6.96%	7%	11% (6%)	-	-
1a	1.2	Jackets	587,424*	6.96%	7%	11% (6%)	-	3.0
2	2.0	Winter outerwear	645,402*	6.96%	7%	11% (6%)	-	3.5
3a	3.2	Ensembles, MBC	*					2.7
4	4.0	Female casual & fine wear	*					2.7
5	5.0	Trousers, overalls & shorts	923,895*	6.96%	7%	11% (6%)	-	1.6
6	6.0	Tailored collar shirts	2,893,753*	6.96%	7%	11% (6%)	-	1.7
7	7.0	Woven shirts, blouses & similar articles	*					1.3
8a	8.1, 8.3, 8.4	Athletic wear, (k/c) shirts, blouses & similar articles, & sweatshirts	*					1.3
8b	8.2	T-shirts	*					1.0
9	9.0	Underwear (MBWGC)	5,348,000	6.96%	7%	11% (6%)	-	0.5

*Within group limit, Agreement Item No. A.

GROUP II

(A) Agreement Item No.	(B) Product coverage		(C) 1995 Restraint level (NMB)	(D) Growth	(E) Swing	(F) Carryover/ carry forward	(G) Combined flexibility (E) & (F)	(H) Conversion factor (m ² /unit)
	Category	Short description						
31a	31.1	Combed wool fabric (MTK)	1,242,452	6.96%	6%	11% (6%)	-	4.0 m ² /KGM
41a	41.1	Bedsheets (NMB)	953,274	6.96%	7%	11% (6%)	-	6.25 m ² /NMB
32a	32.3	Denim Fabrics (KG)	1,940,458	6.96%	7%	11% (6%)	-	2.0 m ² /KGM