

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

COM.TEX/SB/609

4 novembre 1980

Special Distribution

Textiles Surveillance Body

Original: English

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Article 4:4 Notification

Bilateral Agreement between Finland and Hong Kong

The Textiles Surveillance Body has received from Finland a notification of a bilateral agreement between Finland and Hong Kong which has been concluded under Article 4 of the Arrangement for the period 1 August 1980 to 31 July 1982.

The TSB, pursuant to its procedure regarding bilateral agreements notified under Article 4^{1/}, has examined the relevant documentation and is circulating the text of this agreement to participating countries for their information.^{2/}

^{1/} See COM.TEX/SB/35, Annex B.

^{2/} The comments of the TSB on this agreement are contained in COM.TEX/SB/612.

MEMORANDUM OF UNDERSTANDING

I. Introduction

This Memorandum of Understanding sets out the arrangements that have been agreed between the Government of Hong Kong and the Government of Finland regarding Hong Kong's exports of certain textile products to Finland.

II. Export Restraint Arrangements

2. These arrangements have been made having regard to the Arrangement Regarding International Trade in Textiles as extended by the Protocol dated 14 December 1977, and in particular to Articles 1 and 4 of the Arrangement.

Coverage

3. These arrangements shall apply to Hong Kong's exports to Finland of the textile products set out in Annex I to this Memorandum.

Restraint Period

4. These arrangements shall apply for the periods 1 August 1980 to 31 July 1981 and 1 August 1981 to 31 July 1982.

Either party may at any time terminate these arrangements provided that at least ninety days notice is given, in which event the arrangements shall come to an end at the expiry of the ninety day period.

Restraint Limit

5. The Government of Hong Kong shall restrict exports of the textile products set out in Annex I to the limits set out in column (e) and column (f) for the periods stated therein, save as provided for in paragraphs 7, 8, 9 and 10.

6. The Government of Finland shall for the purpose of these arrangements admit imports of the textile products of Hong Kong origin set out in Annex I only where such imports are covered by an export licence issued by the Trade Industry and Customs Department, Hong Kong, and endorsed to the effect that the consignments concerned have been debited to the agreed limits.

Swing

7. For any textile product set out in Annex I, exports may exceed the limit in column (e) and column (f) of Annex I during the periods stated therein by five per cent, provided that a corresponding reduction is applied in any one or more of the other limits in column (e) and column (f) of Annex I during the periods stated therein.

For the purpose of calculating such corresponding reductions, the conversion factors listed in column (g) of Annex I to this Memorandum of Understanding shall apply.

Carryover and Carryforward

8. The Government of Hong Kong may, after consultation between the Government of Finland and the Government of Hong Kong, approve exports of textile products in excess of the limits set out in

- (a) column (e) of Annex I by an amount equal to the quantity by which shipments in the period 1 August 1979 to 31 July 1980 fall short of the limits set out in column (f) of Annex I to the Memorandum of Understanding signed by the Government of Hong Kong and the Government of Finland on 21 March 1978, or 11% of the annual limits set out in column (e) of Annex I to this Memorandum, whichever is the less (carryover) provided that such exports are in the same categories where the shortfalls occur;

- (b) column (f) of Annex I by an amount equal to the quantity by which shipments in the period 1 August 1980 to 31 July 1981 fall short of the limits set out in column (e) of Annex I to this Memorandum, as adjusted by the provisions in (a) above, or 11% of the limits set out in column (f), whichever is the less provided that such exports are in the same category where the shortfalls occur.

9. The Government of Hong Kong may, after consultation between the Government of Finland and the Government of Hong Kong, approve the export of amounts in excess of the agreed annual limits in column (e) and column (f), as applicable, of Annex I by 6 per cent (carryforward). Where the agreed limits are increased by carryforward, corresponding deductions shall be made from any limits which may be agreed in respect of the same categories in the immediately following restraint period.

10. The carryover and carryforward taken together shall not exceed 11 per cent of the agreed annual limits in column (e) and column (f), as applicable, of Annex I to this Memorandum.

11. If exports of the textile products listed in Annex I to this Memorandum in the period 1 August 1981 to 31 July 1982 are less than the agreed limits in column (f) of Annex I as adjusted by the carryover provision in paragraph 8 above, the Government of Hong Kong may, after consultation between the Government of Finland and the Government of Hong Kong, approve the export of amounts in excess of any limits which may be agreed in respect of the same categories in the immediately following restraint period, equal to the actual shortfall or 11% of any limit which may be agreed for the immediately following restraint period, whichever is the less.

Re-export

12. The Government of Finland will inform the Government of Hong Kong when imports into Finland of the textile products that have been debited to the agreed limits are subsequently re-exported from Finland. The Government of Hong Kong may then credit the quantities involved to the appropriate limits.

Exchange of statistics

13. The Government of Hong Kong will provide the Government of Finland with monthly statistics of the textile products listed in Annex I licensed for export to Finland and debited to the limits set out in column (e) and column (f) of Annex I.

14. The Government of Finland will provide the Government of Hong Kong with quarterly statistics of total imports and of imports from Hong Kong and other significant suppliers of each of the textile products set out in Annex I.

Consultations

15. The Government of Hong Kong and the Government of Finland agreed to consult together, at the request of either party, on any matter arising from the implementation of these arrangements.

16. If the Government of Hong Kong considers that, as a result of the restraint imposed by these arrangements, Hong Kong is being placed in an inequitable position vis-à-vis a third country, the Government of Hong Kong may request the Government of Finland to consult with a view to appropriate remedial action such as a reasonable modification of these arrangements.

III. Export Authorization Arrangements

17. These arrangements shall apply for the period 1 August 1980 to 31 July 1982.
18. The Government of Hong Kong shall require all exports to Finland of the products listed in Annex II to be covered by export authorizations (Attachment A) issued by the Trade Industry and Customs Department, Hong Kong. An export authorization shall be issued only on evidence of a firm contract for the supply of the goods involved and shall be valid for 3 months from the date of issue.
19. Export licences (Attachment B) to ship goods covered by an export authorization will be issued by the Government of Hong Kong on presentation of the relevant export authorization within the latter's validity period. An export licence shall be valid for 28 days from the date of issue. The Government of Hong Kong shall not issue export licences in respect of exports to Finland of the products listed in Annex II which are not covered by a valid export authorization.
20. The Government of Hong Kong shall provide the Government of Finland with half-monthly statistical returns showing the quantities covered by export authorizations issued to Hong Kong exporters in respect of the products listed in Annex II. The Government of Hong Kong agrees to notify the Government of Finland immediately upon receipt of any applications for export authorizations in exceptionally large amounts or unusual concentration of applications for export authorizations in the products. In judging what constitutes exceptionally large or unusual concentrations of applications, Hong Kong will have regard to recent levels of trade and will ensure that the quantities

covered by the issue of export authorizations in question would not be such as to cause a sharp and substantial increase of imports of the products in question into Finland.

21. The Government of Finland shall admit imports of the textile products of Hong Kong origin listed in Annex II where such imports satisfy all normal conditions of entry, and are accompanied by a copy of an export licence issued by the Trade Industry and Customs Department, Hong Kong.

22. The Government of Finland may request the Government of Hong Kong to suspend the issue of export authorizations if, in the opinion of the Government of Finland, a limitation on further trade in the products listed in Annex II may be necessary to eliminate real risks of market disruption. Such a request shall be accompanied by a request for consultations with due regard to the relevant provisions of the Arrangement Regarding International Trade in Textiles and the Protocol for its extension and by a detailed factual statement within a reasonable period of time, including data designed to demonstrate the existence of real risks of market disruption (as defined in Annex A of the Arrangement Regarding International Trade in Textiles). The Government of Finland and the Government of Hong Kong shall enter into consultations as soon as possible following notification of the request, with a view to reaching agreement or a mutually acceptable conclusion within 2 months from the date of notification.

23. Upon receipt of such a request for suspension and for consultations, the Government of Hong Kong shall suspend immediately the issue of export authorizations in respect of the relevant products. The Government of Hong Kong may, however, continue to issue export licences against valid export authorizations issued before such a suspension.

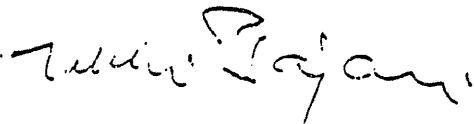
24. Where the issue of export authorizations is suspended, the Government of Finland shall consider giving its consent to the extension of validity of an existing export authorization for a period not exceeding 90 days, if it is satisfied that the failure to apply for an export licence within the validity period of the export authorization has been caused by circumstances beyond the control of the person to whom the export authorization was made.

25. The Government of Finland and the Government of Hong Kong agree to consult, at the request of either party, on any matter arising from the implementation of these arrangements.

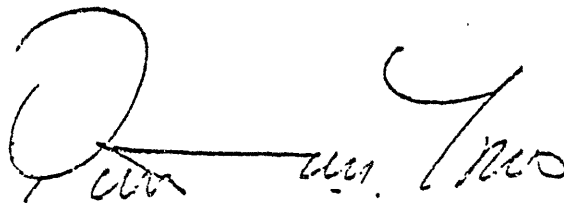
IV. General

26. The Annexes to this Memorandum shall be considered an integral part of it.

Done in Hong Kong, 2 July 1980



For the Government of Finland



For the Government of Hong Kong

Annex I

(a) Category	(b) Finnish Statistical Classification No.	(c) Hong Kong Statistical Classification No.	(d) Description	(e) Restraint Limit 1 Aug 1980 to 31 July 1981	(f) Restraint Limit 1 Aug 1981 to 31 July 1982	(g) Conversion Factor (Square yards equivalent per dozen)
1	ex 60.04.812 60.04.813 60.04.815 60.04.816 60.04.817	ex 846 286 ex 846 287 ex 846 341 ex 846 342 ex 846 406 ex 846 407	Briefs, drawers, panties, undershorts and the like, knitted or cro- cheted, wholly or mainly by weight of cotton or of man-made fibres, women's and girls' wear.	2,124,717 pieces	2,188,459 pieces	9 sq.yd./doz
2	ex 60.04.712 60.04.713 60.04.715 60.04.716 60.04.717	ex 846 282 ex 846 283 ex 846 331 ex 846 332 ex 846 402 ex 846 403	Briefs, drawers, under- shorts, and the like, knitted or crocheted, wholly or mainly by weight of cotton or of man-made fibres, men's and boys' wear.	614,430 pieces	632,863 pieces	9 sq.yd./doz
3	61.03.102 61.03.103 61.03.105 61.03.106 ex 61.03.109	844 111 844 112 844 121 844 122 844 195 844 196	Shirts, not knitted or crocheted, wholly or mainly by weight of cotton or of man-made fibres, men's and boys' wear.	327,836 pieces	337,671 pieces	26 sq.yd./doz

(a) Category	(b) Finnish Statistical No.	(c) Hong Kong Statistical No.	(d) Description
E1	ex 60.04.852 60.04.853 60.04.855 60.04.856 60.04.857	ex 846 292 ex 846 345 ex 846 412	Briefs, drawers, panties, undershorts, and the like, knitted or crocheted, wholly or mainly by weight of cotton or of man-made fibres, infants' wear i.e. garments of sizes up to and including 110.
E2	60.04.115 60.04.155 60.05.315 60.05.355 60.05.365	ex 845 121 ex 845 122 ex 845 123 ex 845 124 ex 845 125 ex 845 930 ex 845 937 846 211 846 212 ex 846 282 ex 846 283 ex 846 286 ex 846 287 ex 846 292	Jumpers, sweaters, cardigans, pullovers, blouses and shirts (including T-shirts, singlets and undershirts), knitted or crocheted, wholly or mainly by weight of cotton.
E3	60.04.112 60.04.113 60.04.116 60.04.117 60.04.152 60.04.153 60.04.156 60.04.157 60.05.312 60.05.313 60.05.316 60.05.317 60.05.352 60.05.353 60.05.356 60.05.357 60.05.362 60.05.363 60.05.366 60.05.367	ex 845 131 ex 845 132 ex 845 133 ex 845 134 ex 845 135 ex 845 141 ex 845 142 ex 845 143 ex 845 144 ex 845 145 845 950 ex 845 957 845 970 ex 845 977 846 321 846 322 ex 846 331 ex 846 332 ex 846 341 ex 846 342 ex 846 345 ex 846 402 ex 846 403 ex 846 406 ex 846 407 ex 846 412 846 413 846 414	Jumpers, sweaters, cardigans, pullovers, blouses and shirts (including T-shirts, singlets and undershirts), knitted or crocheted; wholly or mainly by weight of man-made fibres.

Annex II

(a) Category	(b) Finnish Statistical No.	(c) Hong Kong Statistical No.	(d) Description
E4	60.04.114	ex 845 111	Jumpers, sweaters, cardigans, pullovers, blouses and shirts (including T-shirts, singlets and undershirts), knitted or crocheted, wholly or mainly by weight of wool.
	60.04.154	ex 845 112	
	60.05.314	ex 845 113	
	60.05.354	ex 845 114	
	60.05.364	ex 845 115	
		845 910	
		ex 845 917	
		ex 846 182	
		ex 846 183	
		ex 846 186	
		ex 846 187	
		ex 846 192	
	846 193		
	846 194		
E5	65.05.906	ex 848 435	Woven peaked caps, wholly or mainly by weight of cotton or of man-made fibres or of wool.
		ex 848 436	
		ex 848 437	
E6	61.02.502	843 511	Blouses, not knitted or crocheted, wholly or mainly by weight of cotton or of man-made fibres, women's and girls' wear.
		843 512	
		843 521	
		ex 61.02.509	
E7	ex 61.09.201	846 511	Brassieres, wholly or mainly by weight of cotton or of man-made fibres.
		ex 846 512	
E8	ex 61.07.000	ex 847 130	Neckties, wholly or mainly by weight of man-made fibres.

Attachment A

<p style="text-align: center;">EXPORT AUTHORISATION (Three-month validity) 出口授權書 (有效期三個月)</p> <p style="text-align: center;">IMPORT AND EXPORT ORDINANCE (CAP. 68) 進出口條例 (香港法律第六十號)</p> <p>EXPORT OF TEXTILE MANUFACTURES TO (country) 輸往.....之紡織製品 (國家)</p>	<p style="text-align: center;">FOR OFFICIAL USE ONLY 工務署職員填寫</p> <hr/> <p><i>Date of Receipt and Receipt No.</i></p> <hr/> <p><i>Date of Issue and Export Authorisation No.</i></p>
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IMPORTANT NOTES
重要聲明

1. It is an offence for any unauthorised person to make any alteration, deletion or addition to this Export Authorisation after issue.
本出口授權書發出後，未經許可而擅自予以修改或增刪，均屬違法。

2. No extension of the validity period of this Export Authorisation will be granted.
本出口授權書有效期不得延長。

PART I - APPLICATION AND DECLARATION BY EXPORTER 第一部份 - 出口商申請書及宣誓書 **OFFICIAL USE ONLY**
此與不用填寫

1	Quota Ref. 配額編號	Name of Quota Supplier 配額供給公司名稱	Qty. in Equivalent Quota Units 相等之配額單位數量	Quantity 數量
TOTAL 總額:				

Category/Classification No. 項目或分類編號	Full description of goods 貨物詳細描述
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2 I on behalf of
本人 (name) (姓名) 五代表 (Name and address of exporter) (出口商名稱及地址)
hereby declare that I have entered into a firm contract with a foreign buyer for the supply of the textile goods described in paragraph 1 in Part I "and that I agree to supply the quota specified above (delete if not applicable), and I hereby apply to the Director of Trade Industry and Customs for an Export Authorisation in respect of these goods to be exported."
重聲聲明，本人與海外買家訂有供應第一部份第一條所描述之貨物之合約。本人願意供應上述之配額 (*刪去如不適用者)。本人現向工商署長申請出口授權書，用以輸出此等貨物。註：
to:
(consignee's name and address) (收貨人名稱及地址)

3 I understand that if, for any reason whatsoever, I fail to export fully the contracted quantity shown above within the validity period of the export licence(s) issued under this Export Authorisation, any unutilised quantity covered in this authorisation may be forfeited and future authorisations and licences to my company may be denied.
本人明白無論因任何理由，以致在憑此出口授權書所簽發出口證之有效期內，未能將定貨數量全部付運，則列入本出口授權書內而未運用之任何數量，可能予以沒收，本公司以後亦可能不再獲得簽發授權書及出口證。

4 I declare that the above and any other information which I have given in support of this application is true to the best of my knowledge. 本人重聲聲明，據本人所知，上述資料與支持這項申請所提供之資料，確實無訛。

Quota Holder/Textile Control Registration No. 配額持有人或紡織品管制登記編號	Tel. No. 電話 Date 日期
(Signature and Chop of exporter) (出口商簽名及蓋章)	

PART II - DECLARATION BY MANUFACTURER 第二部份 - 製造商宣誓書

1 I on behalf of
本人 (name) (姓名) 五代表 (Name and address of factory) (工廠名稱及地址)
hereby declare that I have contracted to manufacture and deliver the goods described in paragraph 1 of Part I in the total amount to permit shipment within the validity period of the export licence(s) issued under this authorisation "and that I agree to supply the quota as stated above (* delete if not applicable)."
重聲聲明本人訂有合約，必須依期將上文第一部份第一條所述之貨物悉數製造及交妥，以便在憑本授權書所簽發出口證之有效期內付運。*本人並願意供應上述之配額 (*刪去如不適用者)

2 The goods will be manufactured by my factory registered with the Trade Industry and Customs Department under registration No. for certification purposes.
上述貨物由本廠製造。本廠業已經向工商署登記領取執照。工廠登記號碼為:

3 I understand that if I fail to deliver the goods in time to permit shipment within the validity period of the export licence(s) issued under this authorisation, it may result in the refusal of future authorisations, licences and certificates for the above products of my registered factory.
本人明瞭，倘若未能如期交貨，以致無法在憑本出口授權書所簽發出口證之有效期內付運貨物，則以後本登記廠號之上述製品，可能不再獲得簽發授權書、出口證及來源證。

Quota Holder/Textile Control Registration No. 配額持有人或紡織品管制登記編號	Tel. No. 電話 Date 日期
(Signature and Chop of manufacturer) (製造商簽名及蓋章)	

Attachment B

ORIGINAL

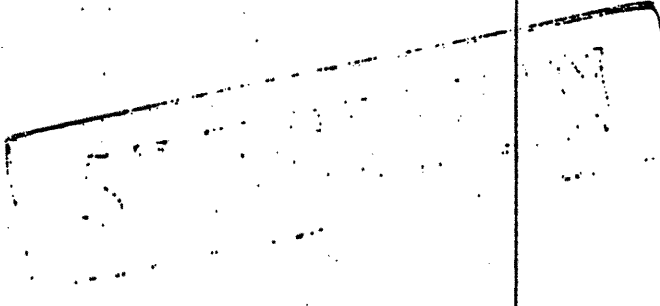
EXPORT LICENCE (TEXTILES) FORM 4

HONG KONG GOVERNMENT
Import and Export Ordinance (Cap. 60)
Import and Export (General) Regulations

Exporter (Name & Address)		License No. and Date of Issue.		Receipt No. and Date of Receipt.	
S.R. No.	Tel. No.	Issue of this Licence is approved.		for Director of Trade Industry and Customs.	
Consignee		Name and Address of Hong Kong Manufacturer or Country of Manufacture (if not Hong Kong)			
		C.O./C.P.C. Number			
		Tel. No.			
Carrier		Date of Departure		Country of Destination	

FOR CONDITIONS OF ISSUE
PLEASE SEE OVERLEAF

WARNING - All alterations must be corrected out by authorized officers. Heavy penalties are provided for false declarations and information, unauthorized alterations and misuse of this licence.

Mark(s) and Number(s)	No. of packages	Full Description of Goods (State Country of Origin of raw materials)	No. of Units	Value f.o.b. HK\$	c.i.f. Value in currency of payment
					
				Total Amount	Total Amount

Item No.	Commodity Item Code No.	EXPORTER'S DECLARATION			
		I, principal official of (Name and Address of Exporter's Co.)			
		hereby declare that I am the exporter of the packages of goods in respect of which this application is made and that the particulars given herein are true.			
		Date		Signature and Chop.	

Conditions of Issue of this Licence include the following: —

- (1) This form must be submitted in quadruplicate.
- (2) The original must be surrendered to the Shipping or Airline Company, and returned by their agent to the Trade Industry and Customs Department together with the relevant manifest, within fourteen days after the day on which the goods are exported as required by Section 11 of the Import and Export Ordinance, Cap. 60.
- (3) The exporter must file an Export Declaration in respect of items on this licence.
- (4) This licence is valid for twenty-eight days from the date of issue, unless otherwise stated.

Note:

Provided there are no complications, the licence will be ready for collection two clear working days (i.e. excluding Sundays and public holidays) after the date upon which the form is received.

簽發本證之條件如下：—

- (一) 本表格必須以一式四份呈交。
- (二) 根據進出口條例即香港法例第六十章第十一款之規定，本表格之正本必須交與船務或航空公司，然後在輸出貨物後之十四天內，由其代理人交回工商署，同時須一併附呈有關倉單。
- (三) 出口商必須將本證所列各項貨物報關。
- (四) 除另有說明者外，本證之有效期為二十八天，由發出日期起計。

注意：申請人在遞交本表格足兩工作日（不包括星期日及公眾假期）以後，倘無複雜情形，即可到本處領取出口證。