Arrangement regarding international trade in textiles

Notification under Article 4

Bilateral agreement between Canada and Indonesia

The Textiles Surveillance Body received a notification from Canada of a bilateral agreement concluded with Indonesia for the period 1 January 1987 to 31 December 1991.

The TSB, pursuant to its procedures regarding bilateral agreements notified under Article 4, has examined the relevant documentation and is forwarding the text of the notification to participating countries for their information.

1 The previous bilateral agreement and a modification are contained in COM.TEX/SB/1043 and 1165.
2 See COM.TEX/SB/35, Annex B
3 For the TSB's observation on this notification see COM.TEX/SB/1342.

*English only/Anglais seulement/Inglés solamente
Memorandum of Understanding Between the Government of Canada and the Government of Indonesia Relating to the Export from Indonesia of certain textiles and textile products for Import into Canada.

INTRODUCTION

1. This Memorandum of Understanding (MOU) sets out the arrangements that have been agreed between the Governments of Canada and of Indonesia regarding the export of certain textile products from Indonesia for import into Canada.

2. These arrangements have been made having regard to the Arrangement Regarding International Trade in Textiles and to the Protocol extending the said Arrangement (hereinafter referred to as "the MFA") and in particular to Article 4 thereof.

Restraint periods

3. These arrangements will apply for the periods commencing on January 1, 1987 and ending on December 31, 1991; of which the first restraint period will commence on January 1, 1987 and end on December 31, 1987 and the four (4) subsequent restraint periods will be for the calendar years 1988, 1989, 1990 and 1991.

Restraint levels

4. Except as provided for in paragraphs 14 to 16 below, the Government of Indonesia will restrain its exports to Canada of the textile products described in Annex I for the first period as defined in paragraph 3 to the limits specified in column (C) therein.

5. Except as provided for in paragraphs 14 to 16 below, for the four calendar year periods commencing January 1, 1988 and ending on December 31, 1991, the Government of Indonesia will restrain its exports to Canada of the textile products described in Annex I to the limits specified in column (C) therein for each of the years specified in column (D).

6. With respect to categories 2A, 4, 7 and 8 described in Annex I, an additional five percent of each unadjusted restraint level specified in column (C) therein shall be provided and shall consist of hand-made cottage industry products made of handloomed fabrics of the cottage industry. Export certificates, including quota
year and category number information, shall be issued by the Government of Indonesia as provided for in paragraph 9 to indicate coverage by this provision.

Coverage

7. For the purpose of classifying textiles and textile products in the appropriate category, the definitions and notes set out in Annex II will apply.

Administration

8. These arrangements will be implemented on the basis of the export control system operated by the Government of Indonesia.

9. The Government of Canada will admit imports of the textiles and textile products described in Annex I, and any other clothing items described in Annex II, provided such imports are covered by an original copy of an Indonesian "Certificate of Origin" (Form K) as per specimen in Annex III, endorsed and issued by the proper Indonesian Authorities. It will be indicated in box 13 of the Certificate of Origin (Form K) whether the textiles or textile products are subject to a quantitative Limit. Where textiles or textile products are subject to quantitative limits, Indonesian Authorities will indicate on the Certificates of Origin (Form K) that imports covered by the Certificate have been debited to the applicable quantitative limit (restraint) as set out in Annex I.

10. For the purpose of implementing these arrangements, the date of export from Indonesia will be used to determine within which restraint period any textiles or textile products will be counted.

11. The certificates issued by the Government of Indonesia in respect of products subject to this arrangement will contain the following information:

1. Country of destination;
2. Country of origin;
3. Licence number;
4. Importer's name and address;
5. Exporter's name and address;
6. Category number and description of product as set out in Annex II of the MOU;
7. Quantity expressed in the units as designated in Annex I of the MCU;
6. F.O.B. or C.I.F. value except for non-commercial consignments;

9. Indication of whether the textiles or textile products are subject to quantitative Limit, and;

10. Certification by the Indonesian Authority that the quantities for textiles or textile products subject to quantitative Limits have been debited against the agreed restraint level for exports to Canada.

12. In the event any quantity covered by a Certificate of Origin is not shipped, the Government of Indonesia will notify the Government of Canada of such quantities which may be credited by the Government of Indonesia to the appropriate restraint level.

13. The Government of Indonesia will endeavour to ensure that exports of all textiles and textile products which are listed in Annex II and are subject to restraint levels in Annex I are spaced out as evenly as possible during each restraint period, due account being taken of seasonal factors and of normal channels of trade.

14. Subject to the specific limitations set out in Annex I, and following notification to the Canadian authorities, any restraint level may be exceeded by the percentage shown in column (E) provided that an equivalent amount, through application of the conversion factors shown in column (H), is deducted from any other restraint level in the same group. When any restraint level is exceeded by the application of swing, the Government of Indonesia will so indicate in subsequent monthly statistical reports.

Carry-Over/Carry-Forward

15. Following notification to the Government of Canada of the quantities involved, portions of any quantitative limit set out in Annex I which are not used during a restraint period may be carried over and added to the corresponding quantitative limit for the following restraint period. The restraint level for the latter restraint period will be increased within the carry-over percentage limit set out in column (F) of Annex I.

16. Following notification to the Government of Canada of the quantities involved, any restraint level may
be increased within the carry-forward percentage limit set out in column (F) of Annex I by an amount advanced from the corresponding restraint level for the following restraint period. The restraint level for any such following restraint period will be reduced by an amount equal to the amount so advanced.

17. No carry-over shall be available for application in the first restraint period. No carry-forward shall be available for application in the final restraint period.

18. Further to paragraphs 14 to 17 above, where applicable, the restraint levels in column (C) of Annex I may not be increased by the combined use of swing, carry-over and carry-forward by more than the percentage indicated in column (G) of Annex I.

Exchange of Statistics

19. Both Governments will exchange such other statistical data relating to the exports of textiles and textile products not subject to these arrangements as may reasonably be required.

20. The Government of Indonesia will provide the Government of Canada with monthly statistics relating to exports of the textile products listed in Annex II which are licensed for export to Canada.

21. When submitting the monthly statistics mentioned in paragraph 20, the Government of Indonesia undertakes to include the following information:

   a. Category, quantities and description of goods as set out in Annex II,
   b. Total quantity issued for the calendar year to date in the units designated in Annex I,
   c. Original and adjusted restraint level for the restraint period for textiles or textile products included in Annex I,
   d. Notification of any utilization of swing, carry-over or carry-forward provisions and the quantities involved as provided for in paragraphs 14 - 18 above for textiles or textile products included in Annex I.

This information will be provided as soon as possible following the end of each month.
22. The Government of Canada through the Canadian Embassy in Jakarta will provide the Government of Indonesia with monthly statistics relating to import permits issued for imports originating in Indonesia of the textiles and textile products listed in Annex II along lines similar to the statistics to be provided by the Government of Indonesia pursuant to paragraph 20 above. In addition, the Government of Canada will provide the Government of Indonesia with monthly statistics of total imports from other significant suppliers in respect of textiles and textile products categorized as in Annex II.

23. Both Governments reserve the option of requesting, should it be necessary, more specific and detailed information.

Equity

24. Should either Government consider, as a result of this arrangement, that it is placed in an inequitable position compared with any third party, that Government may request the other to consult as provided in paragraph 26 with a view to implementing appropriate remedial measures.

Re-Exports

25. The Government of Canada will, so far as possible, inform the Government of Indonesia when imports into Canada of textiles or textile products subject to these arrangements are subsequently re-exported from Canada. Where such re-exports have been debited by the Canadian Government to quantitative limits, the Government of Indonesia may then credit the amount involved to the appropriate quantitative limits.

Consultations

26. Either Government has the right to request consultations with the other Government on any matter arising from the implementation or operation of these arrangements or on any matter germane thereto. Such consultations will be governed by the following:

- Any request for consultations will be notified in writing to the other Government;

- The request for consultations will be accompanied by or followed within a reasonable period (and in any case not later
than twenty-one days following the request) 
by a statement setting out the reasons and 
circumstances which, in the opinion of the 
requesting Government, justify the 
submission of such a request;

- The other government will accept such a 
request and such consultations will be held 
within thirty days of the date of 
notification of the request;

- Both Governments will enter into 
consultations with a view to reaching a 
mutually acceptable conclusion within thirty 
days of the date on which actual 
consultations commence.

27. Any consultations held under these provisions 
will be approached by both Governments in a spirit of 
cooperation and with a desire to reconcile the differences 
between them.

28. Consistent with the orderly development of trade, 
Canada may request consultations in accordance with 
paragraph 20 when it anticipates that, during any 
particular restraint period of this arrangement, 
difficulties may arise in Canada from a sharp and 
substantial increase, by comparison to the preceding 
restraint period, in imports of a given category subject 
to the quantitative limits set out in Annex I.

29. In the event that the Government of Canada 
believes that imports from Indonesia, classified in any 
category or sub-category not covered by specific limits 
are, due to market disruption or threat thereof, 
threatening to impede the orderly development of trade 
between the two countries, the Government of Canada may 
request consultations with the Indonesian Government with 
a view to easing or avoiding such market disruption. The 
Government of Canada will provide the Government of 
Indonesia at the time of the request with available data 
such as factors cited in Annex A of the Multi-Fibre 
Arrangement which are indicative of the market situation 
and in the opinion of the Government of Canada show:

A. The existence of market disruption, or the 
threat thereof, and
B. The role of exports from Indonesia in that 
disruption.
30. The Government of Indonesia agrees to consult with the Government of Canada within 30 days of receipt of the request for consultations. Both governments agree to make every effort to reach agreement on a mutually satisfactory resolution of the issue within 90 days of the receipt of such request, unless this period is extended by mutual agreement.

31. During that 90-day period, the Government of Indonesia agrees to hold its exports to Canada in the category or sub-category concerned to a level no greater than 35 percent of the amount entered into Canada, as recorded by Special Trade Relations Bureau import statistics, during the latest 12 months prior to the month in which the request for consultations was made.

32. If no mutually satisfactory solution is reached during these consultations, the Government of Indonesia will limit its exports in the category or sub-category concerned to a level 15.5% above the level entered into Canada as recorded by Special Trade Relations Bureau import statistics during the first 12 of the most recent 14 months preceding the month in which the request for consultations was made.

33. The first term of any specific limit established under paragraph 32 will begin on the first day following the conclusion of the 90-day consultation period and end on the last day of the restraint period in which the specific limit was established. If a specific limit is established during the restraint period, that limit will be prorated to correspond to the period of time remaining in the current restraint period. The limit shall be accorded swing of 5 percent, carry-over of 7 percent, carry-forward of 5 percent, and an annual growth rate of 6 percent.

MFA Rights

34. Each Government reserves its rights under the MFA with respect to textiles and textile products not subject to specific quantitative limits in this arrangement. For textiles and textile products covered by this arrangement, it is understood that either Government may have recourse to any or all of the provisions of the MFA, save that the Government of Canada waives its rights under Article 3 of the MFA with respect to restrained products covered by this arrangement as long as this arrangement remains in effect.
Revisions and Termination

35. Either Government may at any time propose revisions to the terms of this arrangement having regard to the MFA and to the Protocol extending it.

36. Either Government may terminate these arrangements effective at the end of any restraint period by written notice to the other Government, to be given at least ninety days prior to the end of any restraint period.

Annexes

37. The annexes to this arrangement will be considered an integral part of it.

Transitional Arrangements

38. Any difficulties which may arise as a consequence of the transition to these arrangements will be brought immediately to the attention of the one Government by the other Government and efforts will be made by both Governments, through consultations or other means, to resolve such difficulties to their mutual satisfaction.

Final Provisions

39. This Memorandum of Understanding will become effective on January 1, 1987 subsequent to an exchange of letters between the two Governments confirming their acceptance of the arrangement.

December 15, 1986

For the Government of Canada  For the Government of Indonesia

[Signatures]
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Annex II

Definitions and Description of Terms

General Notes

1. Gender - Unless otherwise indicated, all definitions of garments apply to garments for men (M), boys (B), women (W), girls (G), children and infants (C&I). Children's and infants' garments include all garments sized 0 - 6X.

2. Unless otherwise indicated, swing is permitted from adult garments to children's and infants' garments at a 3 to 5 ratio. This note is not applicable to items 4, 7 and 8.

3. All descriptions include partially manufactured products. Partially manufactured garments include cut-to-shape fabric pieces for garments on which there has been any processing beyond cutting to shape and knit-to-shape pieces for garments, whether or not there has been any processing beyond the knitting to shape.

4. Garments of indeterminate gender including unisex garments, are to be counted as of male gender.

5. Unless otherwise indicated, products covered under this arrangement are those which are wholly or mainly (i.e. 50 per cent or more) by weight of cotton, other vegetable fibres, wool, man-made fibres, silk, or blends thereof. Excluded are products containing more than 85 per cent by weight of vegetable fibres other than cotton or more than 70 per cent by weight of silk fibres.

Description of Product Categories

Clothing

1. Winter Outerwear Garments

Winter Outerwear Garments (commonly referred to as snowsuits, snowmobile suits, ski-suits, ski-pants, and snow-pants, and jackets, and similar jacket-type garments) that have an outer shell manufactured substantially by surface area with woven fabrics and that are lined and designed to protect the wearer against cold, e.g., quilted linings, down or fibre filling, etc. but not plain acetate or viscose lining. Excluded are unlined outerwear; all coats three-quarter length or longer, that is, to the knee or below the knee; garments commonly known as squall jackets, windbreakers or similar jacket-type garments where there is no thermal insulation; and ski-pants and cross-country ski-suits which do not meet the above description (e.g. constructed entirely from knitted fabric).
Note: A unit comprises garments which have been designed to be sold as a set, e.g. matching or coordinated ski-jackets and ski-pants comprising a ski-suit will be counted as one unit if packed and shipped as a set. Vests are counted separately.

2. **Trousers, Shorts, Overalls and Coveralls**

   A. **Trousers, pants, slacks and jeans** being garments which do not extend above the waist but extend to the knee or below. Included are jodhpurs, knickers, footless tights, gauchos.

   Note: Men's and boys' garments in this item manufactured of fabric containing 5 per cent or more by weight of wool or hair are considered to be woolen garments.

   B. **Overalls and coveralls.** Overalls and coveralls are one-piece garments, as either pants or shorts but extending above the waist in the form of a bib (or permanently affixed straps) or other structure which partially or fully covers the upper part of the body. One-piece jumpsuits are included.

   C. **Outershorts.** Shorts are garments similar to pants but not extending to the knees.

3. **Shirts, Tailored Collar**

Shirts with tailored collars, men's and boys; knitted or woven, being garments covering the upper part of the body normally worn next to the skin or directly over underwear and with a full or partial front opening which may include a zipper and may be designed to be worn either inside or outside of pants. Included are all men's and boys' shirts meeting this description whether exported separately or part of a set.

Note: Included are children's sizes 4-6X.

Note: A "tailored collar" consists of one or more pieces of material which are cut and sewn or cut and fused and designed with two pointed or rounded ends. The following may be used, when needed, in the construction: stays, lining, stiffening by any means.
4. Shirts, Blouses, T-shirts, Sweatshirts

Blouses and shirts, women's and girls', children's and infants', knitted or woven, being garments which may have a complete or partial front or back opening covering the upper part of the body, excluding underwear, jackets, T-shirts, sweatshirts and sweaters.

Shirts, men's and boys', children's and infants', other than with tailored collars, including full-fashioned collars. A full-fashioned collar consists of one piece knitted to shape collar. For a full description of "shirts" see also the description for Shirts, Tailored Collar, above.

T-shirts. T-shirts are knitted garments which may have collarless front openings or no front opening covering the upper part of the body of construction 19 or more vertical stitches per inch.

Sweatshirts, being garments at least one side of which is brushed or fleeced, covering the upper part of the body. Sweaters are not included.

Note: The definitions of T-shirt and sweatshirts for men and boys are subject to the over-riding definitions of men's and boys' shirts with tailored or full-fashioned collars.

5. Sweaters, Pullovers and Cardigans

Sweaters, pullovers, cardigans, (including knitted ponchos), being knitted or crocheted garments covering the upper part of the body and which may be of any length of construction, less than 19 vertical stitches per inch. Included are such items with coordinating or matching accessories, e.g. hats, scarves, gloves, mittens, booties, etc. A garment in this item when shipped with such coordinating or matching accessories will be considered a set and counted as one unit.

6. Sleepwear and Bathrobes

Pyjamas and sleepwear, being garments normally worn for sleeping.
Bathrobes, dressing gowns and housecoats, being garments other than sleepwear normally worn in privacy, including bed jackets and negligees.

Sportswear (Paras. 7 and 8)

Dresses and Skirts

Dresses, women's and girls', children's and infants'. Dresses are one-piece garments extended above the waist, including jumpers, evening gowns, dusters and house dresses (other than sleepwear).

Skirts, women's and girls', children's and infants'. Skirts are one-piece garments not extending above the waist including golf skirts, kilts (including men's and boys') and culottes (divided skirts).

Suits, Coordinates, Athletic and Leisure Sets

Suits and coordinates are garments comprising two or three matched or coordinated pieces, covering both the upper and lower parts of the body, packed and shipped and sold as a set. Excluded are pieces which are Fine Suits, Winter Outerwear, Underwear, Sleepwear, Swimwear, Foundation Garments, Rainwear, Shirts Tailored-Collar.

Coordinates or matching sets, men's and boys', children's and infant's.

Suits, coordinates, or matching sets, and blazers, women's and girls', children's and infants'.

Miscellaneous Garments, Children's and infants' garments not meeting any of the descriptions relating to children's and infants' wear contained elsewhere in this Annex, including sunsuits, christening sets, pram sets, creepers, rompers, crawlers, diaper sets, sleepers, and blanket sleepers where the legs of the garments extend to completely encase the feet.
Athletic Sets. Suits normally worn for participation in athletic activities and not covered by any other definition in this Annex including leotards covering the trunk of the body, judo sets, track suits, jogging suits, cross-country ski suits (subject to the description in Item 1).

Leisurewear. Coordinates not defined by any other definitions in this Annex. These may include shortsets, beachwear sets and cabana sets.

9. Underwear

Underwear. Included are slips and bloomers.

Note: In the case of underwear sets, each piece is to be counted separately.

10. Swimwear

Swimwear, being garments normally worn for swimming and bathing. Included are bathing trunks and bathing suits.

Note: Garments fitting this description which consist of two (or more) pieces must be matched or coordinated, and packed and shipped as a unit, otherwise they are classified under the appropriate item elsewhere in this Annex as individual garments. Coordinated or matched sets comprising garments in addition to those described as meeting the criteria of this item, e.g. beachwear sets, are classified as sets and coordinates.

11. Foundation Garments

Foundation garments. Included are: Brassieres, girdles, corselettes, and panty girdles.
12. Coats, Jackets and Rainwear

Jackets. Jackets are outerwear garments covering the upper part of the body not extending to the knee, including woven ponchos, vests, boleros, but excluding garments covered elsewhere in this Annex.

Overcoats and topcoats, being outerwear garments extending to the knee or below excluding rainwear.

Professional and shop coats. Professional and shop coats are one-piece garments including barber coats, clinical coats, medical coats, laboratory coats, and surgical gowns.

Rainwear. Rainwear are garments of coated, impregnated or treated fabrics, normally worn to protect against rain (including rainsuits, sets, capes and ponchos).

13. Fine Suits

Fine suits, sportscoats and blazers, men's and boys'.

Note: The suit-jacket, sportscoat or blazers may include lapels, lining, shoulder padding, and front stiffening and would normally be worn over another outer-garment.

Note: A unit is either a jacket, sportscoat or a suit. A suit is a two-or-three piece garment consisting of matching or coordinated jacket/pants or jacket/vest/pants packed and shipped and sold as a set.

TEXTILES

14. Work Gloves, both finished and partially manufactured, that are wholly or mainly of textile fabrics, whether or not impregnated or coated including such gloves manufactured partly of leather.

Work Glove Liners, liners or shells wholly of textile fabrics which are neither impregnated or coated and without any other non-textile components, for incorporation in work gloves.
15. **Hosiery**, is knitted footwear for adults, children and infants. Excluded are men's and boys' woollen hosiery (over 50% of wool by weight) and ladies seamless or full fashioned full length hosiery and knee highs produced on machines of 400 needles or above and made from yarn of 30 denier or finer, and panty-hose.

16. **Handbags**, made of fabrics whether uncoated, coated or bonded containing natural or man-made fibres or blends of fibres, with a body area, excluding handles, between 258 to 1226 square centimetres, in the manufacture of which leather and plastic materials may be used as trim and finish but not a major component of the shell.

17. **Household Textiles**

**Bedsheets**, woven, including flannelette sheets.

**Pillowcases**, woven.

**Bedding**, other than bedsheets, and pillowcases.

**Cotton terry towels, washcloths and sets** containing 50 per cent or more by weight of cotton. Cotton terry towels, washcloths and sets are of fabrics woven on a terry loom using single or plied cotton (or blends thereof) yarns with loop pile on one or both sides covering the entire surface on either plain or patterned weave, whether greige, bleached, dyed or printed, including tea, hand, beach and bath towels and bath sheets, barmops and towel blanks.

**Towels**, other than cotton terry towels, wholly or mainly by weight of cotton, man-made fabrics or blends thereof.

18. **Yarns**

**Cotton Yarn**, comprises all yarns consisting of 100 per cent cotton fibres either combed or carded, in a state ready for further processing.

**Acrylic Yarn.** All types of yarns containing 50 per cent or more by weight of acrylic fibres.
Polyester Yarn, comprises all yarns consisting of 100 per cent polyester fibres or filaments or where polyester fibres represent either the chief value or 50% or more by weight.

Polyester/Cotton Yarn, comprises all yarns consisting of blended polyester and cotton fibres in which the combination of polyester and cotton fibres represent either the chief value or 50% or more by weight.

Rayon Yarn, spun or filament, where the total of rayon fibres in combination represent either the chief value or 50% or more by weight.

Nylon Yarn, spun or filament, where the total of the nylon fibres in combination represent either the chief value or 50% or more by weight.

Mixed Fibre Yarns, spun or filament, containing 50% or more by weight of man-made fibre, nes.

19. Fabrics

Polyester Fabrics, are woven fabrics in which the warp is composed of filament flat or textured polyester yarn.

Polyester/Cotton Broadwoven Fabric, are fabrics made from blends of cotton and polyester fibres, where polyester fibres represent 50 per cent or more by weight.

Polyester Fabrics, nes.

Worsted Fabrics, are woven fabrics having 17% or more by weight of wool in which at least the warp is made from worsted spun yarn.

Wool Blend Fabrics, nes. 17% or more by weight of wool.

Nylon Fabrics, are fabrics in which the nylon fibre accounts for 50 per cent or more by weight or thread count or where the nylon fibres in combination with other fibres represents the chief value.

Nylon Fabric, nes.

Cotton Fabric, are woven fabrics wholly or mainly by weight of cotton and include the following:
- Duck and allied fabrics, including awning fabric, tent cloth and canvas
- Drill, twill and warp sateen including gabardine, and cord fabric
- Flannel, napped, bleached, unbleached and coloured including billiard cloth, blanket cloth and flannelette
- Denim and corduroy
- Pile fabric, n.e.s. including plush fabric, velour, velveteens, velvet and flocked fabrics
- Print cloth and sheeting
- Terry cloth
- Cotton fabric nes.

Broadwoven Fabrics, nes which include the following:
- Rayon
- Rayon/polyester
- Rayon blend nes
- Mixed fibre nes
- Broadwoven fabrics nes

20. Miscellaneous Textiles nes, which include the following:
- Vinyl and polyurethane coated fabrics,
- Cordage, rope and twine