

AMENDMENTS 001-039

by the Committee on International Trade

Report**Christofer Fjellner****A8-0330/2018**

Temporary withdrawal of preferences in certain agreements concluded between the EU and certain third countries

Proposal for a regulation (COM(2018)0206 – C8-0158/2018 – 2018/0101(COD))

Amendment 1**Proposal for a regulation****Recital 1***Text proposed by the Commission*

(1) The Union regularly concludes trade agreements ('Agreements') with third countries which **may** include bilateral safeguard clauses. It is necessary to lay down the procedures to guarantee the effective application of the safeguard clauses that will have been agreed with the countries concerned.

Amendment

(1) The Union regularly concludes trade agreements (Agreements) with third countries **whereby it grants preferential treatment** which **might** include bilateral safeguard clauses. It is necessary to lay down the procedures to guarantee the effective application of the safeguard clauses that will have been agreed with the countries concerned.

Amendment 2**Proposal for a regulation****Recital 2***Text proposed by the Commission*

(2) The Agreements may also include other mechanisms for temporary

Amendment

(2) The Agreements **might** also include other mechanisms, **including stabilisation**

withdrawal of tariff or of other preferential treatment. It is also necessary to lay down the procedures for the application of such mechanisms, where included in the Agreements.

mechanisms for certain sensitive products, for ***the*** temporary withdrawal of tariffs or of other preferential treatment. It is also necessary to lay down the procedures for the application of such mechanisms, where included in the Agreements..

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The follow up and review of the Agreements, the conduct of investigations and, where appropriate, the imposition of safeguard measures should be carried out ***transparently***.

Amendment

(4) The follow up and review of the Agreements, the conduct of investigations and, where appropriate, the imposition of safeguard measures should be carried out ***in the most transparent manner possible. The European Parliament should be kept informed and involved at all stages of the procedure and, in particular, prior to the adoption of any safeguard measures.***

Amendment 4

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Close monitoring of sensitive products, if any, should facilitate a timely decision concerning the possible initiation of an investigation and subsequent application of measures. Therefore the Commission should regularly monitor imports of sensitive products, if any, from the date of provisional application or entry into force of the Agreements, if there is no provisional application. Monitoring should be extended to other sectors upon a duly justified request made by the relevant industry.

Amendment

(7) Close monitoring of sensitive products, ***including products that are produced in significant quantities in any or several outermost regions***, if any, should facilitate a timely decision concerning the possible initiation of an investigation and subsequent application of measures. Therefore the Commission should regularly monitor imports of sensitive products, if any, from the date of provisional application or entry into force of the Agreements, if there is no provisional application. Monitoring should be extended to other sectors upon a duly

justified request made by the relevant industry, *or a duly justified joint request of industry and a trade union.*

Amendment 5

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In accordance with Article 349 of the Treaty on the Functioning of the European Union (TFEU), special attention should be paid to the outermost regions of the Union, as certain sectors of those regions are particularly vulnerable. As a result, previous free trade agreements between the Union with third countries or regions already contain special mechanisms for those regions. Those mechanisms allow, in certain cases, for the removal of preferences if a product is imported in such increased quantities and under such conditions as to cause or threaten to cause serious deterioration in the economic situation of any of those regions. In the event of an increase of imports that could eventually cause or threaten to cause serious deterioration in the economic situation of any of those regions, it should be possible for the Commission to introduce prior surveillance measures. When a free trade agreement between the Union and a third country or region provides for special treatment for those regions, those specific measures should apply in accordance with the provisions of this Regulation.

Amendment 6

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Certain products, including agricultural products, that are produced in significant quantities in any or several of the outermost regions might be sensitive products and particular attention should be paid to them when applying this Regulation. Appropriate provisions should therefore apply where a product is imported in such large quantities or under such conditions as to cause or potentially cause serious injury to the economic situation of any or several of the outermost regions.

Amendment 7

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) The implementation of the safeguard clauses or other mechanisms and criteria for the temporary suspension of tariff or other preferences provided for in the Agreements require uniform conditions for the adoption of provisional and definitive safeguard measures, for the imposition of prior surveillance measures, for the termination of an investigation without measures and for suspending temporarily the preferential tariffs or other preferential treatment.

(14) The implementation of the safeguard clauses or other mechanisms and ***transparent*** criteria for the temporary suspension of tariff or other preferences provided for in the Agreements require uniform conditions for the adoption of provisional and definitive safeguard measures, for the imposition of prior surveillance measures, for the termination of an investigation without measures and for suspending temporarily the preferential tariffs or other preferential treatment. ***Criteria for the temporary suspension of tariff or other preferences should be subject to review, where appropriate.***

Amendment 8

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The stabilisation mechanism for bananas is one of the mechanisms for temporary withdrawal of tariff preferences in certain agreements between the Union and certain third countries.

Amendment 9

Proposal for a regulation

Article 2 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. For the purposes of this Regulation:

1. For the purposes of this Regulation ***the following definitions apply, without prejudice to any definition provided for in the Agreement :***

Amendment 10

Proposal for a regulation

Article 2 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ‘threat of serious injury’ to the position of Union industry means serious injury that is clearly imminent;

(e) ‘threat of serious injury’ to the position of Union industry means serious injury that is clearly imminent; ***a determination of the existence of a threat of serious injury shall be based on verifiable information;***

Amendment 11

Proposal for a regulation

Article 2 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) ‘sensitive product’ means a product identified in a specific agreement as being

(f) ‘sensitive product’ means a product identified in a specific agreement as being

relatively more vulnerable to a surge of imports than other products;

relatively more vulnerable to a surge of imports than other products, ***a determination of this vulnerability shall be made with special regard to whether the product is produced in significant quantities in any of the Union's outermost regions as referred to in Article 349 TFEU.***

Amendment 12

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. The Commission shall monitor the evolution of import statistics of sensitive products, if any, mentioned in Annex in respect of each Agreement. For that purpose, the Commission shall cooperate and exchange data on a regular basis with Member States and the Union industry.

Amendment

1. The Commission shall monitor ***weekly*** the evolution of import statistics of sensitive products, if any, mentioned in Annex in respect of each Agreement. For that purpose, the Commission shall cooperate and exchange data on a regular basis with Member States and the Union industry.

Amendment 13

Proposal for a regulation Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where an Agreement contains chapters on trade and sustainable development, the Commission shall monitor the observance by third countries of the social and environmental standards laid down therein. Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by the third countries concerned of their commitments on trade and sustainable development.

Amendment 14

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Upon a duly justified request by the Union industry concerned, the Commission may extend the scope of the monitoring to other sectors, if any, than those mentioned in the Annex.

Amendment

2. Upon a duly justified request by the Union industry concerned, the Commission may extend the scope of the monitoring to other **products or** sectors, if any, than those mentioned in the Annex.

Amendment 15

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by the third countries concerned of their commitments on trade and sustainable development. A request may also be submitted jointly by the Union industry, or by any natural or legal person or any association not having legal personality acting on behalf thereof, and trade unions, or be supported by trade unions.

Amendment 16

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. The Commission shall present an annual monitoring report to the European Parliament and to the Council on statistics on imports of sensitive products, and those

Amendment

3. The Commission shall present an annual monitoring report to the European Parliament and to the Council on statistics on imports of sensitive products, and those

sectors, if any, to which monitoring has been extended.

products or** sectors, if any, to which monitoring has been extended **as well as on the fulfilment of obligations by the countries concerned under the Trade and Sustainable Development chapter, if such a chapter has been included in the Agreement.

Amendment 17

Proposal for a regulation Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A request for initiating an investigation may also be submitted jointly by Union industry, or by any natural or legal person or any association not having legal personality acting on behalf thereof, and trade unions, or be supported by trade unions

Amendment 18

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. An investigation may also be initiated where there is a surge of imports concentrated in one or several Member States, provided that there is sufficient prima facie evidence, as determined on the basis of factors referred to in Article 6(5).

4. An investigation may also be initiated where there is a surge of imports concentrated in one or several Member States ***or outermost regions***, provided that there is sufficient prima facie evidence, as determined on the basis of factors referred to in Article 6(5).

Amendment 19

Proposal for a regulation Article 5 – paragraph 5

Text proposed by the Commission

5. The Commission shall inform all Member States when it receives a request to initiate an investigation or when it considers initiation of an investigation to be appropriate on its own initiative pursuant to paragraph 1.

Amendment

5. The Commission shall inform ***the European Parliament and*** all Member States when it receives a request to initiate an investigation or when it considers initiation of an investigation to be appropriate on its own initiative pursuant to paragraph 1.

Amendment 20

Proposal for a regulation

Article 5 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission shall carefully examine whether the conditions for initiating an investigation are fulfilled and if so, proceed as laid down in this Regulation. If the Commission considers that the conditions are not fulfilled, it shall present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the rejection of such an investigation.

Amendment 21

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The investigation shall, where possible, be concluded within ***six*** months of its initiation. That time limit may be extended by a further period of three months in exceptional circumstances such as the involvement of an unusually high

3. The investigation shall, where possible, be concluded within ***five*** months of its initiation. That time limit may be extended by a further period of three months in exceptional circumstances such as the involvement of an unusually high

number of interested parties or complex market situations. The Commission shall notify all interested parties of any such extension and explain the reasons therefor.

number of interested parties or complex market situations. The Commission shall notify all interested parties of any such extension and explain the reasons therefor.

Amendment 22

Proposal for a regulation

Article 6 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. The Commission shall facilitate access to the investigation for diverse and fragmented industry sectors, largely composed of small and medium-sized enterprises (SMEs), through a dedicated SME Helpdesk, for example by awareness raising, by providing general information and explanations on procedures and on how to submit a request, by releasing standard questionnaires in all official languages of the Union and by replying to general, non-case-specific queries. The SME Helpdesk shall make available standard forms for statistics to be submitted for standing purposes and questionnaires.

Amendment 23

Proposal for a regulation

Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. Where information is not supplied within the time limits set by the Commission, or where the investigation is significantly impeded, the Commission may reach a decision on the basis of the available facts. Where the Commission finds that any interested party or any third party has supplied it with false or misleading information, it shall disregard that information **and** may make use of the

10. Where information is not supplied within the time limits set by the Commission, or where the investigation is significantly impeded, the Commission may reach a decision on the basis of the available facts. Where the Commission finds that any interested party or any third party has supplied it with false or misleading information, it shall disregard that information, may make use of the facts

facts available.

available *and assess the potential actions to be taken against that party.*

Amendment 24

Proposal for a regulation

Article 6 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. The Commission shall have in place the office of the Hearing Officer whose powers and responsibilities shall be set out in a mandate adopted by the Commission and who shall safeguard the effective exercise of the procedural rights of the interested parties.

Justification

The provisions for the Hearing Officer in Regulation 2018/825 shall apply for these measures as well.

Amendment 25

Proposal for a regulation

Article 6 – paragraph 11

Text proposed by the Commission

Amendment

11. The Commission shall notify the country concerned in writing of the initiation of an investigation.

11. The Commission shall, ***according to the provisions set out in the Agreement,*** notify the country ***or countries*** concerned in writing of the initiation of an investigation.

Amendment 26

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission shall adopt provisional safeguard measures in critical circumstances where a delay ***could*** cause damage which would be difficult to repair,

The Commission shall adopt provisional safeguard measures in critical circumstances where a delay ***is likely to*** cause damage which would be difficult to

pursuant to a preliminary determination by the Commission on the basis of the factors referred to in Article 6(5) that there is sufficient prima facie evidence that a product originating in the country concerned is imported:

repair, ***making immediate action necessary***, pursuant to a preliminary determination by the Commission on the basis of the factors referred to in Article 6(5) that there is sufficient prima facie evidence that a product originating in the country concerned is imported:

Amendment 27

Proposal for a regulation Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall inform the European Parliament of any decision to impose provisional safeguard measures.

Amendment 28

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Provisional safeguard measures shall not apply for more than 200 calendar days.

3. Provisional safeguard measures shall not apply for more than 200 calendar days, ***without prejudice to any other period agreed upon in the Agreement concerned.***

Amendment 29

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. A safeguard measure shall remain in force only for such period of time as may be necessary to prevent or remedy the serious injury to Union industry and to facilitate adjustment. That period shall not exceed two years, unless it is extended under paragraph 3.

1. A safeguard measure shall remain in force only for such period of time as may be necessary to prevent or remedy the serious injury to Union industry and to facilitate adjustment. That period shall not exceed two years, unless it is extended under paragraph 3, ***without prejudice to***

any other period agreed upon in the Agreement concerned.

Amendment 30

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The initial period of duration of a safeguard measure as referred to in paragraph 1, may be extended by up to two years provided that the safeguard measure continues to be necessary to prevent or remedy serious injury to Union industry and that there is evidence that the Union industry is adjusting.

Amendment

3. The initial period of duration of a safeguard measure as referred to in paragraph 1, may be extended by up to two years, ***without prejudice to any other period agreed upon in the Agreement concerned***, provided that the safeguard measure continues to be necessary to prevent or remedy serious injury to Union industry and that there is evidence that the Union industry is adjusting.

Amendment 31

Proposal for a regulation Article 11 – paragraph 7

Text proposed by the Commission

7. The total duration of a safeguard measure shall not exceed four years, including the period of application of any provisional safeguard measure, the initial period of application and prorogation thereof.

Amendment

7. The total duration of a safeguard measure shall not exceed four years, ***without prejudice to any other period agreed upon in the Agreement concerned***, including the period of application of any provisional safeguard measure, the initial period of application and prorogation thereof.

Amendment 32

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Outermost regions of the Union

Where any product is being imported in such increased quantities and under such conditions as to cause or threaten to cause serious deterioration in the economic situation of one or several of the Union's outermost regions, as referred to in Article 349 TFEU, a safeguard measure may be imposed, in accordance with the procedure laid down in this Regulation, if such a provision has been provided for in the Agreement concerned.

Amendment 33

**Proposal for a regulation
Article 13 – paragraph 2**

Text proposed by the Commission

2. The report shall, inter alia, include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures and the termination of investigations and proceedings without measures.

Amendment

2. The report shall, inter alia, include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures and the termination of investigations and proceedings without measures ***and shall justify the relevance of the information on which conclusions have been made.***

Amendment 34

**Proposal for a regulation
Article 13 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. The report shall include information on the activities of the various bodies responsible for monitoring the implementation of the Agreement, as well as information regarding the fulfilment of obligations under the Trade and Sustainable Development chapter, if such

a chapter has been included in the Agreement and on the activities with civil society advisory groups.

Amendment 35

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. The *European Parliament* may, ***within one month of*** submission of the Commission's report, *invite* the Commission ***to an ad hoc meeting of its responsible committee*** to present and explain any issues related to the implementation of this Regulation.

Amendment

4. *After* the submission of the Commission's report ***and upon the request of the European Parliament***, the Commission *shall* present and explain any issues related to the implementation of this Regulation ***to an ad hoc meeting of its responsible committee***.

Amendment 36

Proposal for a regulation Article 14 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Where an Agreement provides for other mechanisms and criteria permitting temporary withdrawal of preferences in respect of certain products, the Commission shall, where the conditions laid down in the relevant Agreement are met, adopt implementing acts:

Amendment

Where an Agreement provides for other mechanisms and criteria permitting temporary withdrawal of preferences in respect of certain products, ***such as a stabilisation mechanism***, the Commission shall, where the conditions laid down in the relevant Agreement are met, adopt implementing acts:

Amendment 37

Proposal for a regulation Article 14 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) suspending the preferences for the

Amendment

(a) suspending ***or confirming the non-suspension of*** the preferences for the

product concerned;

product concerned;

Amendment 38

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. On duly justified imperative grounds of urgency, where a delay in ***the imposition of provisional safeguard measures*** would cause damage which would be difficult to repair or to prevent a negative impact on the situation of the Union market, in particular as a result of an increase in imports, or as otherwise provided in the Agreement, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 17(4).

Amendment

2. On duly justified imperative grounds of urgency, where a delay in ***taking the action referred to in paragraph 1*** would cause damage which would be difficult to repair or to prevent a negative impact on the situation of the Union market, in particular as a result of an increase in imports, or as otherwise provided in the Agreement, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 17(4).

Amendment 39

Proposal for a regulation

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The Commission shall be empowered to adopt delegated acts in accordance with Article 16 laying down provisions regarding monitoring, deadlines for investigations, reporting and criteria for examination of procedures for mechanisms under article 14. The other provisions of this Regulation shall apply mutatis mutandis to the implementation of such mechanisms.