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Committee on International Trade

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AMENDMENTS

1 - 16

Draft report

Jarosław Wałęsa

(PE541.634v01-00)

on the proposal for a regulation of the European Parliament and of the Council
on common rules for imports of textile products from certain third countries
not covered by bilateral agreements, protocols or other arrangements, or by
other specific Union import rules (recast)

Proposal for a regulation

(COM(2014)0345 – C8-0023/2014 – 2014/0177(COD))

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Amendment 1
Jarosław Wałęsa

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) If Union surveillance is applied, release for free circulation of the products concerned should be made subject to presentation of ***an import document*** meeting uniform criteria. That document should, on simple application by the importer, be endorsed by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import. The document should therefore be valid only during such period as the import rules remain unchanged.

Amendment

(8) If Union surveillance is applied, release for free circulation of the products concerned should be made subject to presentation of ***a surveillance document*** meeting uniform criteria. That document should, on simple application by the importer, be endorsed by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import. The document should therefore be valid only during such period as the import rules remain unchanged.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

Keep document name for the sake of consistency and so as to avoid need to make costly and time consuming changes in Member States' documents and IT systems.

Amendment 2
Marine Le Pen

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to simplify procedures for importers, it is necessary to provide for the possibility to extend the validity of

Amendment

deleted

wholly or partly unused import authorisations, instead of returning them to the competent authorities of the issuing Member States.

Or. fr

Amendment 3
Jaroslav Wałęsa

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. In the urgent cases referred to in Article 13, the Member State or States concerned shall ***immediately*** send the necessary import statistics and economic data to the Commission and the other Member States.

Amendment

4. In the urgent cases referred to in Article 13, the Member State or States concerned shall send the necessary import statistics and economic data to the Commission and the other Member States ***without delay***.

Or. en

Justification

Change wording to avoid possible issues with interpretation.

Amendment 4
Jaroslav Wałęsa

Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Neither ***the Council, nor*** the Commission, nor Member States, nor the officials of any of these shall reveal any information of a confidential nature received pursuant to this Regulation, or any information provided on a confidential basis, without

Amendment

Neither the Commission, nor Member States, nor the officials of any of these shall reveal any information of a confidential nature received pursuant to this Regulation, or any information provided on a confidential basis, without

specific permission from the supplier of such information.

specific permission from the supplier of such information.

Or. en

Justification

Since the entry into force of the Lisbon Treaty, implementing acts are no longer adopted by the Council, but by the Commission following the new comitology procedure.

Amendment 5
Marine Le Pen

Proposal for a regulation
Article 23

Text proposed by the Commission

The validity of import authorisations which are wholly or partly unused *may be extended, if enough quantities are available*, in accordance with the *examination* procedure *referred to* in Article 25(3).

Amendment

Import authorisations which are wholly or partly unused *shall be returned to the competent authorities of the Member State of issue within 15 days of their expiry date at the latest, except in cases of force majeure. This time limit may be modified, where necessary*, in accordance with the *appropriate* procedure *provided for* in Article 25.

Or. fr

Amendment 6
Marine Le Pen

Proposal for a regulation
Article 23 – paragraph 2 (new)

Text proposed by the Commission

Amendment

Where the issue of import authorisations was conditional upon the lodging of a security, the security shall be forfeited

where the time limit referred to above is not complied with, except in cases of force majeure.

Or. fr

Amendment 7
Jarosław Wałęsa

Proposal for a regulation
Chapter IV a (new)

Text proposed by the Commission

Amendment

CHAPTER IVa
OUTWARD PROCESSING TRAFFIC

Or. en

Justification

Revised Annex VII on Outward Processing Traffic (OPT) from Council Regulation (EEC) 3030/93, which is in the process of being repealed, should be kept in force and transferred to the recast version as OPT is still in use.

Amendment 8
Jarosław Wałęsa

Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Re-imports into the Union of textile products listed in the table set out in Annex V, effected in accordance with the rules on economic outward processing in force in the Union, shall not be subject to the quantitative limits referred to in

Articles 2, 3 and 4 of this Regulation where they are subject to the specific quantitative limits given in the table set out in Annex V and have been re-imported after processing in the listed corresponding third country for each of the quantitative limits specified.

Or. en

Justification

See amendment relating to Chapter IVa.

Amendment 9
Jaroslav Wałęsa

Proposal for a regulation
Article 24 b (new)

Text proposed by the Commission

Amendment

Article 24b

The Commission shall be empowered to adopt delegated acts in accordance with Article 26 of this Regulation to subject re-imports not covered by this Chapter and Annex V to specific quantitative limits, provided that the products concerned are subject to the quantitative limits laid down in Articles 2, 3 and 4 of this Regulation.

Where a delay in the imposition of specific quantitative limits to re-imports of outward processing trade would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 27 of this Regulation shall apply to delegated acts adopted pursuant to the first subparagraph.

Or. en

Justification

See amendment relating to Chapter IVa.

Amendment 10 **Jarosław Wałęsa**

Proposal for a regulation **Article 24 c (new)**

Text proposed by the Commission

Amendment

Article 24c

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 of this Regulation to effect transfers between categories of products set out in section A of Annex I and advance use or carry-over of portions of specific quantitative limits referred to in Article 24b from one year to another.

Where a delay in the imposition of measures referred to in the first subparagraph would cause damage by impeding outward processing trade given the legal requirement to operate such transfers from one year to the next, and such damage would be difficult to repair, and therefore imperative grounds of urgency so require, the procedure provided for in Article 27 of this Regulation shall apply to delegated acts adopted pursuant to the first subparagraph.

2. However, automatic transfers in accordance with paragraph 1 may be carried out within the following limits:

- transfer between categories of products set out in section A of Annex I for up to 20 % of the quantitative limit established for the category to which the transfer is made,***
- carry-over of a specific quantitative***

limit from one year to another for up to 10,5 % of the quantitative limit established for the actual year of utilization,

– advance use of a specific quantitative limit for up to 7,5 % of the quantitative limit established for the actual year of utilization.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 26 of this Regulation to adjust the specific quantitative limits where there is a need for additional imports.

Where a delay in the adjustment of the specific quantitative limits, where there is a need for additional imports, would cause damage by impeding access to such required additional imports which would be difficult to repair, and therefore imperative grounds of urgency so require, the procedure provided for in Article 27 of this Regulation shall apply to delegated acts adopted pursuant to the first subparagraph.

4. The Commission shall inform the third country or countries concerned of any measures taken pursuant to the preceding paragraphs.

Or. en

Justification

See amendment relating to Chapter IVa.

Amendment 11
Jarosław Wałęsa

Proposal for a regulation
Article 24 d (new)

Article 24d

- 1. For the purpose of applying Article 24a, the competent authorities of the Member States, before issuing prior authorisations in accordance with the relevant Union rules on economic outward processing, shall notify the Commission of the amounts of the requests for authorisations which they have received. The Commission shall notify its confirmation that the requested amount(s) are available for re-importation within the respective Union limits in accordance with the relevant Union rules on economic outward processing.**
- 2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case:**
 - (a) the third country in which the goods are to be processed;**
 - (b) the category of textile products concerned;**
 - (c) the amount to be re-imported;**
 - (d) the Member State in which the re-imported products are to be put into free circulation;**
 - (e) an indication as to whether the requests relate to**
 - (i) a past beneficiary applying for the quantities set aside under Article 3(4) or in accordance with the fifth subparagraph of Article 3(5) of Council Regulation (EC) No 3036/94^{1a}, or to**
 - (ii) an applicant under the third subparagraph of Article 3(4) or under Article 3(5) of that Regulation.**
- 3. The notifications referred to in the previous paragraphs of this Article shall be communicated electronically within the integrated network set up for this purpose,**

unless for imperative technical reasons it is necessary to use other means of communication temporarily.

4. As far as possible, the Commission shall confirm to the competent authorities of the Member States the full amount indicated in the requests notified for each category of products and each third country concerned. Notifications presented by Member States for which no confirmation can be given because the amounts requested are no longer available within the Union quantitative limits, will be stored by the Commission in the chronological order in which they have been received and confirmed in the same order as soon as further amounts become available through the application of flexibilities foreseen provided for in Article 24c.

5. The competent authorities shall notify the Commission without delay after being informed of any quantity that is not used during the duration of validity of the import authorisation. Such unused quantities shall automatically be recredited to the quantities within the Union quantitative limits not set aside pursuant to the first subparagraph of Article 3(4) or to the fifth subparagraph of Article 3(5) of Council Regulation (EC) No 3036/94.

The quantities for which a renunciation has been made pursuant to the third subparagraph of Article 3(4) of Council Regulation (EC) No 3036/94, shall automatically be added to the quantities within the Union quota that are not set aside pursuant to the first sub-paragraph of Article 3(4) or to the fifth subparagraph of Article 3(5) of the said Regulation.

All such quantities as outlined in the preceding subparagraphs shall be notified to the Commission in accordance with paragraph 3 above.

^{1a} Council Regulation (EC) No 3036/94 of 8 December 1994 establishing economic outward processing arrangements applicable to certain textiles and clothing products reimported into the Community after working or processing in certain third countries (OJ L 322, 15.12.1994., p.1.)

Or. en

Justification

See amendment relating to Chapter IVa.

Amendment 12
Jarosław Wałęsa

Proposal for a regulation
Article 24 e (new)

Text proposed by the Commission

Amendment

Article 24e

The competent authorities of the Member States shall provide the Commission with the names and addresses of the authorities competent to issue the prior authorisations referred to in Article 24d together with specimens of the stamp impressions used by them.

Or. en

Justification

See amendment relating to Chapter IVa.

Amendment 13
Jarosław Wałęsa

Proposal for a regulation

Article 26

Text proposed by the Commission

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(3), Article 5(2), Article 12(3) and Articles 13 and 30 shall be conferred on the Commission for a period of five years from 20 February 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 3(3), Article 5(2), Article 12(3) and Articles 13 and 30 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5(2) and Articles 13 and 30 shall enter into force only if no objection has

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(3), Article 5(2), Article 12(3) and Articles 13 and 30 **as well as in Article 24b and Article 24c(1) and (3)** shall be conferred on the Commission for a period of five years from 20 February 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 3(3), Article 5(2), Article 12(3) and Articles 13 and 30 **as well as in Article 24b and Article 24c(1) and (3)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5(2) and Articles 13 and 30 shall enter into force only if no objection has

been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

6. A delegated act adopted pursuant to Article 3(3) and Article 12(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or of the Council.

been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

6. A delegated act adopted pursuant to Article 3(3) and Article 12(3) ***as well as pursuant to Article 24b and Article 24c(1) and (3)*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or of the Council.

Or. en

Justification

Annex VII to Regulation 3030/93 provided for the adoption of delegated acts. Due to the transfer of the contents of Annex VII into Annex V of the current recast proposal, Article 26 also has to be amended in order to confer power to adopt delegated acts.

Amendment 14 **Jarosław Wałęsa**

Proposal for a regulation **Article 27 – paragraph 2**

Text proposed by the Commission

2. Either the European Parliament or the Council may object to a delegated act in

Amendment

2. Either the European Parliament or the Council may object to a delegated act in

accordance with the procedure referred to in Article 26(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

accordance with the procedure referred to in Article 26(5) **or (6)**. In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

Or. en

Justification

Annex VII to Regulation 3030/93 provided for the adoption of delegated acts. Due to the transfer of the contents of Annex VII into Annex V of the current recast proposal, Article 27 also has to be amended in order to confer power to adopt delegated acts.

Amendment 15 **Jarosław Wałęsa**

Proposal for a regulation

Annex I – A. TEXTILE PRODUCTS REFERRED TO IN ARTICLE 1 – table – Group V – last row (new)

Text proposed by the Commission

Amendment

163 Gauze and articles of gauze put up in forms or packings for retail sale
3005 90 31

Or. en

Justification

Transfer CN code 3005 90 31 Gauze and articles of gauze from Council Regulation (EEC) 3030/93, which is in the process of being repealed, to Annex I.A under category 163 of the recast version. This specific product was used in the past with China and might be used again in future.

Amendment 16 **Jarosław Wałęsa**

Proposal for a regulation

Annex VII – Repealed Regulation with list of its successive amendments – row 7

Text proposed by the Commission

Amendment

Commission Regulation (EC) No 3168/94 ***deleted***
(OJ L 335, 23.12.1994, p. 23)

Or. en

Justification

Commission Regulation (EC) 3168/94 will remain in force as autonomous act and will not be repealed.