

**P7\_TA(2012)0076**

**Common commercial policy \*\*\*I**

**European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures (COM(2011)0082 – C7-0069/2011 – 2011/0039(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0082),
  - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0069/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade (A7-0028/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.



**P7\_TC1-COD(2011)0039**

**Position of the European Parliament adopted at first reading on 14 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure<sup>1</sup>,

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<sup>1</sup> Position of the European Parliament of 14 March 2012.

Whereas:

- (1) A number of basic regulations relating to the common commercial policy provide that acts implementing the common commercial policy are to be adopted by the Council in accordance with procedures set down in the various instruments concerned or by the Commission subject to specific procedures and control by the Council. Such procedures are not subject to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>.
- (2) It is appropriate to amend those basic regulations in order to ensure consistency with the provisions introduced by the Treaty of Lisbon. This should be done, where appropriate, through the granting of delegated powers to the Commission and by applying certain procedures set out in Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup>.

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

<sup>2</sup> OJ L 55, 28.2.2011, p. 13.

(3) The following regulations should therefore be amended accordingly:

- Regulation (EEC) No 2841/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation<sup>1</sup>,
- Regulation (EEC) No 2843/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Iceland<sup>2</sup>,
- Regulation (EEC) No 1692/73 of the Council of 25 June 1973 on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway<sup>3</sup>,
- ***Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products***<sup>4</sup>, [AM 1]

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<sup>1</sup> OJ L 300, 31.12.1972, p. 284.

<sup>2</sup> OJ L 301, 31.12.1972, p. 162.

<sup>3</sup> OJ L 171, 27.6.1973, p. 103.

<sup>4</sup> ***OJ L 318, 20.12.1993, p. 18.***

- Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization<sup>1</sup>,
- Council Regulation (EC) No 385/96 of 29 January 1996 on protection against injurious pricing of vessels<sup>2</sup>,
- Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom<sup>3</sup>,
- Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters<sup>4</sup>,

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<sup>1</sup> OJ L 349, 31.12.1994, p. 71.

<sup>2</sup> OJ L 56, 6.3.1996, p. 21.

<sup>3</sup> OJ L 309, 29.11.1996, p. 1.

<sup>4</sup> OJ L 201, 26.7.2001, p. 10.

- Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia<sup>1</sup>,
- Council Regulation (EC) No 153/2002 of 21 January 2002 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, and for applying the Interim Agreement between the European Community and the Former Yugoslav Republic of Macedonia<sup>2</sup>,
- Council Regulation (EC) No 427/2003 of 3 March 2003 on a transitional product-specific safeguard mechanism for imports originating in the People's Republic of China and amending Regulation (EC) No 519/94 on common rules for imports from certain third countries<sup>3</sup>,

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<sup>1</sup> OJ L 304, 21.11.2001, p. 1.

<sup>2</sup> OJ L 25, 29.1.2002, p. 16.

<sup>3</sup> OJ L 65, 8.3.2003, p. 1.

- Council Regulation (EC) No 452/2003 of 6 March 2003 on measures that the Community may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures<sup>1</sup>,
- Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America<sup>2</sup>,
- ***Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment***<sup>3</sup>, [AM 2]
- Council Regulation (EC) No 1616/2006 of 23 October 2006 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Albania<sup>4</sup>,

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<sup>1</sup> OJ L 69, 13.3.2003, p. 8.

<sup>2</sup> OJ L 110, 30.4.2005, p. 1.

<sup>3</sup> ***OJ L 200, 30.7.2005, p.1.***

<sup>4</sup> OJ L 300, 31.10.2006, p. 1.



- Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements<sup>1</sup>,
- Council Regulation (EC) No 140/2008 of 19 November 2007 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part<sup>2</sup>,
- Council Regulation (EC) No 55/2008 of 21 January 2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC<sup>3</sup>,

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<sup>1</sup> OJ L 348, 31.12.2007, p. 1.

<sup>2</sup> OJ L 43, 19.2.2008, p. 1.

<sup>3</sup> OJ L 20, 24.1.2008, p. 1.

- Council Regulation (EC) No 594/2008 of 16 June 2008 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part<sup>1</sup>,
- Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007<sup>2</sup>,
- Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community<sup>3</sup>,
- Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports<sup>4</sup>,

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<sup>1</sup> OJ L 169, 30.6.2008, p. 1.

<sup>2</sup> OJ L 211, 6.8.2008, p. 1.

<sup>3</sup> OJ L 188, 18.7.2009, p. 93.

<sup>4</sup> OJ L 84, 31.3.2009, p. 1.

- Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries<sup>1</sup>,
- Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports<sup>2</sup>,
- ~~– Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process<sup>3</sup>, [AM 3]~~
- Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community<sup>4</sup>.

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<sup>1</sup> OJ L 185, 17.7.2009, p. 1.

<sup>2</sup> OJ L 291, 7.11.2009, p. 1.

<sup>3</sup> ~~OJ L 328, 15.12.2009, p. 1.~~

<sup>4</sup> OJ L 343, 22.12.2009, p. 51.

- (4) In order to ensure legal certainty, it is necessary that the procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation are not affected by this Regulation,

HAVE ADOPTED THIS REGULATION:

#### Article 1

The Regulations listed in the Annex to this Regulation are hereby adapted, in accordance with the Annex, to Article 290 of the Treaty or to the applicable provisions of Regulation (EU) No 182/2011.

## Article 2

References to provisions of the instruments in the Annex shall be construed as being made to those provisions as adapted by this Regulation.

References made to the former names of committees shall be construed as being made to the new names as provided for by this Regulation.

*Throughout the Regulations listed in the Annex, any reference to ‘European Community’, ‘Community’, ‘European Communities’ or ‘Communities’ shall be understood as a reference to the European Union or Union; any reference to the words ‘common market’ shall be understood as a reference to ‘internal market’; any reference to the words ‘Committee provided for in Article 113’, ‘Committee provided for in Article 133’, ‘Committee referred to in Article 113’ and ‘Committee referred to in Article 133’ shall be understood as a reference to ‘Committee provided for in Article 207’; any reference to the words ‘Article 113 of the Treaty’ or ‘Article 133 of the Treaty’ shall be understood as a reference to ‘Article 207 of the Treaty’. [AM 4]*

### Article 3

This Regulation shall not affect procedures initiated for the adoption of measures provided for in the Regulations listed in the Annex whenever, on or before the entry into force of this Regulation:

- (a) the Commission has adopted an act; or
- (b) consultation is required under one of the Regulations and such consultations have been initiated; or,
- (c) a proposal is required under one of the Regulations and the Commission has adopted such a proposal.

#### Article 4

This Regulation shall enter into force on the 30th day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ,

*For the European Parliament*

*For the Council*

The President The President





## ANNEX

List of Regulations falling under the common commercial policy and adapted to Article 290 of the Treaty or to the applicable provisions of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.

**1. REGULATION (EEC) No 2841/72 OF THE COUNCIL OF 19 DECEMBER 1972 ON THE SAFEGUARD MEASURES PROVIDED FOR IN THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE SWISS CONFEDERATION<sup>2</sup>**

As regards Regulation (EEC) No 2841/72, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EEC) No 2841/72 is amended as follows:

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<sup>1</sup> OJ L 55, 28.2.2011, p. 13.

<sup>2</sup> OJ L 300, 31.12.1972, p. 284.

**-1. The following Recital 3a is inserted:**

*"Whereas, in order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures for the implementation of the safeguard clauses of the bilateral Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*;*

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*\* OJ L 55, 28.2.2011, p. 13."*

[AM 5]

**-1a. The following Recital 3b is inserted:**

*"Whereas the advisory procedure should be used for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

[AM 6]

1. Article 1 is replaced by the following:

"Article 1

The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation hereinafter referred to as the 'Agreement' for the purpose of taking the measures provided for in Articles 22, 24, 24a and 26 of the Agreement. Where necessary, the Commission shall adopt those measures in accordance with the examination procedure referred to in Article 7(2) of this Regulation."

2. In Article 2(1), the second sentence is replaced by the following:

"Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 7(2)".

3. Article 4 is replaced by the following:

"Article 4

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the *advisory* procedure referred to in ~~Article 7(2)~~ **Article 7(1a)** of this Regulation. In cases of urgency, Article 7(3) shall apply. [AM 7]
2. Where the Commission is asked to take action by a Member State, it shall take a decision within a maximum period of five working days of receipt of the request."

**3a. Article 5 is deleted. [AM 8]**

4. The following article is added:

"Article 7

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

- 1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 9]***
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~{xxxx/2011}~~ ***182/2011*** shall apply in conjunction with ~~Article [5]~~ ***Article 4*** thereof. **[AM 10]**
- 3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 11]***

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\* OJ L 84, 31.3.2009, p. 1."

**4a.     *The following article is added:***

***"Article 7a***

- 1.     The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.***
- 2.     The report shall also present a summary of the statistics and the evolution of trade with the Swiss Confederation.***
- 3.     The report shall include information on the implementation of this Regulation.***

4. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.*
5. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 12]

**2. REGULATION (EEC) NO 2843/72 OF THE COUNCIL OF 19 DECEMBER 1972 ON THE SAFEGUARD MEASURES PROVIDED FOR IN THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE REPUBLIC OF ICELAND<sup>1</sup>**

As regards Regulation (EEC) No 2843/72, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EEC) No 2843/72 is amended as follows:

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<sup>1</sup> OJ L 301, 31.12.1972, p. 162.

**-1. The following Recital 3a is inserted:**

*"Whereas, in order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures for the implementation of the safeguard clauses of the bilateral Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*;*

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*\* OJ L 55, 28.2.2011, p. 13."*

**[AM 13]**

**-1a. The following Recital 3b is inserted:**

*"Whereas the advisory procedure should be used for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

**[AM 14]**



1. Article 1 is replaced by the following:

"Article 1

The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Republic of Iceland hereinafter referred to as the 'Agreement' for the purpose of taking the measures provided for in Articles 23, 25, 25a and 27 of the Agreement. Where necessary, the Commission shall adopt those measures in accordance with the examination procedure referred to in Article 7(2) of this Regulation."

2. In Article 2(1), the second sentence is replaced by the following:

"Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 7(2)."

3. Article 4 is replaced by the following:

"Article 4

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 25, 25a and 27 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 28(3)(e) of the Agreement may be adopted by the Commission in accordance with the *advisory* procedure referred to in ~~Article 7(2)~~**Article 7(1a)** of this Regulation. In cases of urgency, Article 7(3) shall apply. [AM 15]
2. Where the Commission is asked to take action by a Member State, it shall take a decision within a maximum period of five working days of receipt of the request."

**3a. Article 5 is deleted. [AM 16]**

4. The following article is added:

"Article 7

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 17]***

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~{xxxx/2011}~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. **[AM 18]**

- 3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 19]*

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\* OJ L 84, 31.3.2009, p. 1."

- 4a. *The following article is added:*

*"Article 7a*

1. *The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.*

2. *The report shall also present a summary of the statistics and the evolution of trade with Republic of Iceland.*
3. *The report shall include information on the implementation of this Regulation.*
4. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.*
5. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 20]

**3. REGULATION (EEC) No 1692/73 OF THE COUNCIL OF 25 JUNE 1973 ON THE SAFEGUARD MEASURES PROVIDED FOR IN THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE KINGDOM OF NORWAY<sup>1</sup>**

As regards Regulation (EEC) No 1692/73, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EEC) No 1692/73 is amended as follows:

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<sup>1</sup> OJ L 171, 26.6.1973, p. 103.

**-1. The following Recital 3a is inserted:**

*"Whereas, in order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures for the implementation of the safeguard clauses of the bilateral Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*;*

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*\* OJ L 55, 28.2.2011, p. 13."*

[AM 21]

**-1a. The following Recital 3b is inserted:**

*"Whereas the advisory procedure should be used for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

[AM 22]

1. Article 1 is replaced by the following:

"Article 1

The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Kingdom of Norway hereinafter referred to as the 'Agreement' for the purpose of taking the measures provided for in Articles 22, 24, 24a and 26 of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the examination procedure referred to in Article 7(2) of this Regulation."

2. In Article 2(1), the second sentence is replaced by the following:

"Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 7(2)."



3. Article 4 is replaced by the following:

"Article 4

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the *advisory* procedure referred to in ~~Article 7(2)~~**Article 7(1a)** of this Regulation. In cases of urgency, Article 7(3) shall apply. [AM 23]
2. Where the Commission is asked to take action by a Member State, it shall take a decision within a maximum period of five working days of receipt of the request."

**3a. Article 5 is deleted. [AM 24]**

4. The following article is added:

"Article 7

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 25]***

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~[xxxx/2011]~~ **182/2011** shall apply in conjunction with ~~Article [5]~~ **Article 4** thereof. [AM 26]

**3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.*** [AM 27]

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\* OJ L 84, 31.3.2009, p. 1."

4a. *The following article is added:*

*"Article 7a*

1. *The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.*
2. *The report shall also present a summary of the statistics and the evolution of trade with the Kingdom of Norway.*
3. *The report shall include information on the implementation of this Regulation.*
4. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.*

5. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 28]

- 3A. *COUNCIL REGULATION (EC) No 3448/93 OF 6 DECEMBER 1993 LAYING DOWN THE TRADE ARRANGEMENTS APPLICABLE TO CERTAIN GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL PRODUCTS<sup>1</sup>* [AM 29]

*As regards Regulation (EC) No 3448/93, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of adopting detailed rules and amending Annex B to that Regulation. Moreover, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.*

*Accordingly, Regulation (EC) No 3448/93 is amended as follows:*

[AM 30]

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<sup>1</sup> *OJ L 318, 20.12.1993, p. 18.*

**1. The following Recital 17a is inserted:**

***"Whereas, in order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of adopting detailed rules for applying paragraphs 1 to 3 of Article 6 pursuant to Article 6(4), detailed rules for determining and managing reduced agricultural components pursuant to Article 7(2), and amending Table 2 of Annex B. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council;"***

**[AM 31]**

2. *Recital 18 is replaced by the following:*

*"Whereas, in order to ensure uniform conditions for the adoption of various measures and adopting detailed rules for communication between the Commission and Member States, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*;*

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*\* OJ L 55, 28.2.2011, p. 13."*

[AM 32]

3. *In Article 2, paragraph 4 is replaced by the following:*

*"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for application of this Regulation."*

[AM 33]

4. *In Article 6(4), the first subparagraph is replaced by the following:*

*"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for applying this Article."*

[AM 34]

5. *In Article 7(2), the introductory wording is replaced by the following:*

*"2. Where a preferential agreement provides for a reduction in the agricultural component, whether or not within the limits of a tariff quota, the Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for determining and managing such reduced agricultural components, provided that the agreement specifies:"*

[AM 35]

6. *In Article 7, paragraph 3 is replaced by the following:*

*"3. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules necessary for initiating and managing reductions in the non-agricultural components of the charge."*

[AM 36]



7. *Article 8 is amended as follows:*

(a) *Paragraph 3 is replaced by the following:*

*"3. The common implementing rules for the refund arrangements referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 16(2)."*

(b) *In paragraph 4, second subparagraph is replaced by the following:*

*"These amounts shall be established in accordance with the examination procedure referred to in Article 16(2). The implementing rules which may be necessary pursuant to this paragraph, and in particular measures to ensure that goods declared for export under a preferential arrangement are not in fact exported under a non-preferential arrangement or vice versa, shall be adopted in accordance with the same procedure."*

(c) *Paragraph 6 is replaced by the following:*

*"6. The amount below which small exporters may be exempted from presentation of certificates under the export refund arrangements shall be set at EUR 50 000 per year. This ceiling may be adjusted, in accordance with the examination procedure referred to in Article 16(2)."*

[AM 37]

8. *Article 9 is replaced by the following:*

*"Article 9*

*Where, pursuant to a regulation on the common organisation of a particular market, levies, charges or other measures are applied to exports of an agricultural product listed in Annex A, appropriate measures with regard to certain goods the export of which is likely to hinder achievement of the objective in the agricultural sector in question, because of the high content of the agricultural product concerned and the uses to which they may be put, may be decided, in accordance with the examination procedure referred to in Article 16(2), taking due account of the specific interest of the processing industry. In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to Article 16(3)."*

[AM 38]

9. *In Article 10a(4), the first subparagraph is replaced by the following:*

*"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed implementing rules."*

[AM 39]

10. *In Article 11(1), the third subparagraph is replaced by the following:*

*"The detailed rules for the application of the second subparagraph, making it possible to determine the basic products to be admitted under inward processing arrangements and check and plan the quantities thereof, shall guarantee greater clarity for operators through prior publication of indicative import quantities for each individual COM. These shall be published on a regular basis, depending on the use of such quantities. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed application rules."*

[AM 40]

**11. In Article 12, paragraph 2 is replaced by the following:**

**"2. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b to amend Table 2 of Annex B in order to adapt it to the agreements concluded by the Union."**

**[AM 41]**

**12. In Article 13(2), the second subparagraph is replaced by the following:**

**"The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b to amend this Regulation."**

**[AM 42]**

**13. Article 14 is replaced by the following:**

**"Article 14**

**1. The threshold or thresholds below which the amounts established in accordance with Articles 6 and 7 shall be fixed at zero may be laid down in accordance with the examination procedure referred to in Article 16(2). In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to Article 16(3). The non-application of these agricultural components may be made subject to special conditions, in accordance with the same procedure, in order to avoid creating artificial trade flows.**

2. *A threshold below which Member States may refrain from applying amounts to be granted or levied pursuant to this Regulation, in connection with a given economic transaction, may be established in accordance with the examination procedure referred to in Article 16(2) if the balance of these amounts is lower than the threshold. In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to Article 16(3)."*

[AM 43]

14. *The following article is inserted:*

*"Article 14a*

*The Commission shall be empowered to adopt delegated acts in accordance with Article 14b concerning detailed rules for applying Article 4(1) and (2), for applying paragraphs 1 to 3 of Article 6 pursuant to Article 6(4), for determining and managing reduced agricultural components pursuant to Article 7(2), and to amend Table 2 of Annex B."*

[AM 44]

**15.     *The following article is inserted:***

***"Article 14b***

- 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 7 shall be conferred on the Commission for a period of five years from ...<sup>+</sup>. 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.***

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<sup>+</sup>     *Date of entry into force of this Regulation.*

3. *The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on 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 7 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 the Council."*

[AM 319]

**16. Article 16 is replaced by the following:**

***"Article 16***

- 1. The Commission shall be assisted by a committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I (hereinafter referred to as 'the Committee').***
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***
- 3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.***
- 4. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."***

**[AM 320]**

**17. Article 17 is deleted. [AM 46]**



18. *Article 18 is replaced by the following:*

*"Article 18*

*The measures necessary to adapt this Regulation to amendments made to the Regulations on the common organisation of the market in agricultural products in order to maintain the existing arrangements shall be adopted in accordance with the examination procedure referred to in Article 16(2)."*

[AM 47]

19. *Article 20 is replaced by the following:*

*"Article 20*

*The Member States shall communicate to the Commission the information necessary for implementing this Regulation, on the one hand, on imports, exports and, even where appropriate, production of the goods and, on the other, on the administrative implementing measures adopted. The detailed rules for communication of this information shall be laid down in accordance with the examination procedure referred to in Article 16(2)."*

[AM 48]

**4. COUNCIL REGULATION (EC) NO 3286/94 OF 22 DECEMBER 1994 LAYING DOWN COMMUNITY PROCEDURES IN THE FIELD OF THE COMMON COMMERCIAL POLICY IN ORDER TO ENSURE THE EXERCISE OF THE COMMUNITY'S RIGHTS UNDER INTERNATIONAL TRADE RULES, IN PARTICULAR THOSE ESTABLISHED UNDER THE AUSPICES OF THE WORLD TRADE ORGANIZATION<sup>1</sup>**

As regards Regulation (EC) No 3286/94, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 3286/94 is amended as follows:

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<sup>1</sup> OJ L 349, 31.12.1994, p. 71.

**-1. The following Recital 4a is inserted:**

*"Whereas, in order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*;*

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*\* OJ L 55, 28.2.2011, p. 13."*

[AM 49]

**-1a. The following Recital 4b is inserted:**

*"Whereas the advisory procedure should be used for the suspension of ongoing examinations given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

[AM 50]

**-1b. Recital 9 is replaced by the following:**

*"Whereas regard should be paid to the institutional and procedural provisions of Article 207 of the Treaty; whereas, therefore, the European Parliament and the committee established pursuant to that Article should be kept informed of the development of individual cases, in order to enable them to consider their broader policy implications;"*

**[AM 51]**

**-1c. Recital 10 is replaced by the following:**

*"Whereas, moreover, to the extent that an agreement with a third country appears to be the most appropriate means to resolve a dispute arising from an obstacle to trade, negotiations to this end should be conducted in accordance with the procedures established in Article 207 of the Treaty, in particular in consultation with the committee established thereby and with the European Parliament;"*

**[AM 52]**

1. In Article 5, paragraph 3 is replaced by the following:

"3. Where it becomes apparent that the complaint does not provide sufficient evidence to justify initiating an investigation, then the complainant shall be so informed."

2. In Article 6, paragraph 4 is replaced by the following:

"4. Where it becomes apparent that the request does not provide sufficient evidence to justify initiating an investigation, then the Member State shall be so informed."

3. Article 7 is amended as follows:

(a) The heading of the Article is replaced by the heading "Committee procedure"

(b) Paragraph 1 is replaced by the following:

- "1. (a) The Commission shall be assisted by the Trade Barriers Committee, hereinafter referred to as 'the Committee'. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

*(aa) Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 53]*

- (b) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*(ba) Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."*

**[AM 54]**

- (c) In paragraph 2, the first two sentences are deleted.

(d) Paragraphs 3 and 4 are deleted.

4. In Article 8(1), the introductory wording is replaced by the following:

"1. Where it is apparent to the Commission that there is sufficient evidence to justify initiating an examination procedure and that it is necessary in the interest of the Union, the Commission shall act as follows:".

5. In Article 9(2), point (a) is replaced by the following:

"(a) 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 by a party to an examination procedure, without specific permission from the party submitting such information."

6. Article 11 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. When it is found as a result of the examination procedure that the interests of the Union do not require any action to be taken, the procedure shall be terminated by the Commission acting in accordance with the *examination* procedure referred to in Article 7(1)(b). *The chair may obtain the committee's opinion by means of the written procedure referred to in Article 7(1)(ba).*"

[AM 55]

(b) In paragraph 2, point (a) is replaced by the following:

"(a) When, after an examination procedure, the third country or countries concerned take(s) measures which are considered satisfactory, and therefore no action by the Union is required, the procedure may be suspended by the Commission acting in accordance with the *advisory* procedure referred to in ~~Article 7(1)(b)~~ *Article 7(1)(aa).*"

[AM 56]

(c) Paragraph 3 is replaced by the following:



"3. Where, either after an examination procedure, or at any time before, during and after an international dispute settlement procedure, it appears that the most appropriate means to resolve a dispute arising from an obstacle to trade is the conclusion of an agreement with the third country or countries concerned, which may change the substantive rights of the Union and of the third country or countries concerned, the procedure shall be suspended by the Commission acting in accordance with the *advisory* procedure referred to in ~~Article 7(1)(b)~~ **Article 7(1)(aa)**, and negotiations shall be carried out in accordance with the provisions of Article 207 of the Treaty."

[AM 57]

7. Article 13 is replaced by the following:

"Article 13

Decision-making procedures

1. Where the Union, as a result of a complaint pursuant to Articles 3 or 4, or of a referral pursuant to Article 6, follows formal international consultation or dispute settlement procedures, decisions relating to the initiation, conduct or termination of such procedures shall be taken by the Commission.
2. Where the Union, having acted in accordance with Article 12(2), has to take a decision on the measures of commercial policy to be adopted pursuant to Article 11(2)(c) or pursuant to Article 12, it shall act, without delay, in accordance with Article 207 of the Treaty and, as appropriate, any applicable procedures."

**7a.      *The following article is inserted:***

***"Article 13a***

***Report***

***The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission and the Trade Barriers Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."***

**[AM 58]**

**8.      Article 14 is deleted.**

**5.      COUNCIL REGULATION (EC) NO 385/96 OF 29 JANUARY 1996 ON PROTECTION  
AGAINST INJURIOUS PRICING OF VESSELS<sup>1</sup>**

As regards Regulation (EC) No 385/96, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 385/96 is amended as follows:

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<sup>1</sup>      OJ L 56, 6.3.1996, p. 21.

**-1. Recital 25 is replaced by the following:**

***"(25) Whereas, in order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***

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***\* OJ L 55, 28.2.2011, p. 13."***

**[AM 59]**

1. In Article 5, paragraph 11 is replaced by the following:

"11. Without prejudice to Article 15(2), where it is apparent that there is sufficient evidence to justify initiating a proceeding the Commission shall do so within 45 days of the lodging of the complaint, or, in case of initiation pursuant to paragraph 8, no later than six months from the time the sale of the vessel was known or should have been known, and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission."

2. Article 7 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. Where measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the *examination* procedure referred to in Article 10(2). *The chair may obtain the committee's opinion by means of the written procedure referred to in Article 10(2a).*"

**[AM 60]**

(b) Paragraph 4 is replaced by the following:

"4. Where the facts as finally established show that there is injurious pricing and injury caused thereby, an injurious pricing charge shall be imposed on the shipbuilder by the Commission, in accordance with the examination procedure referred to in Article 10(2). The amount of the injurious pricing charge shall be equal to the margin of injurious pricing established. The Commission shall take the necessary measures for the implementation of its decision, in particular the collection of the injurious pricing charge."

3. In Article 8, the first paragraph is replaced by the following:

"The investigation may be terminated without the imposition of an injurious pricing charge if the shipbuilder definitively and unconditionally voids the sale of the injuriously priced vessel or complies with an alternative equivalent remedy accepted by the Commission."

4. In Article 9, paragraph 1 is replaced by the following:

"1. If the shipbuilder concerned does not pay the injurious pricing charge imposed under Article 7, countermeasures under the form of denial of loading and unloading rights shall be imposed by the Commission on the vessels built by the shipbuilder in question."

5. Article 10 is replaced by the following:

"Article 10

Committee procedure

1. The Commission shall be assisted by the Injurious Pricing of Vessels Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

***2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."***

**[AM 61]**

6. In Article 13, paragraph 5 is replaced by the following:

“5. The Commission and Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged except as specifically provided for in this Regulation.”



7. In Article 14, paragraph 3 is replaced by the following:

“3. Disclosure shall be effected in writing. It shall be effected, due regard being had to the need to protect confidential information, as soon as possible and, normally, not less than one month before a definitive decision. Where the Commission is not in a position to disclose certain facts or considerations at that time, these shall be disclosed as soon as possible thereafter. Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but, where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible.”

7a. *The following article is inserted:*

*"Article 14a*

*Report*

*The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission and the Injurious Pricing of Vessels Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 62]

**6. COUNCIL REGULATION (EC) NO 2271/96 OF 22 NOVEMBER 1996 PROTECTING AGAINST THE EFFECTS OF THE EXTRA-TERRITORIAL APPLICATION OF LEGISLATION ADOPTED BY A THIRD COUNTRY, AND ACTIONS BASED THEREON OR RESULTING THEREFROM<sup>1</sup>**

As regards Regulation (EC) No 2271/96, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending the Annex to that Regulation. Moreover, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 2271/96 is amended as follows:

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<sup>1</sup> OJ L 309, 29.11.1996, p. 1.

**-1. Recital 9 is replaced by the following:**

***"(9) Whereas, in order to ensure uniform conditions for establishing criteria for the authorisation of persons to comply fully or partially, to the extent that non-compliance would seriously damage their interests or those of the Union, with any requirement or prohibition, including requests of foreign courts, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*;***

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***\* OJ L 55, 28.2.2011, p. 13."***

**[AM 63]**

**-1a. The following Recital 9a is inserted:**

***"(9a) Whereas, in order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of adding or deleting laws to or from the list in the Annex to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council:"***

**[AM 64]**

1. In Article 1, the second paragraph is replaced by the following:

"Acting in accordance with the relevant provisions of the Treaty and notwithstanding the provisions of Article 7(c), the Commission may adopt delegated acts in accordance with Articles 11a, 11b and 11c to add or delete laws to or from the Annex to this Regulation."

2. Article 8 is replaced by the following:

"Article 8

1. For the purposes of implementing Article 7(b) and (c), the Commission shall be assisted by the Committee on Extra-territorial Legislation. ~~That~~ ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in paragraph 2 of this Article. The*** committee shall be a committee within the meaning of Regulation (EU) No ~~[.../2011]~~**182/2011**.  
**[AM 65]**
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."**

**[AM 66]**

3. The following articles are inserted:

"Article 11a

~~1. The powers~~ ***The Commission shall be empowered*** to adopt the delegated acts ***in accordance with*** referred to in Article 1 ~~shall be conferred on the Commission for an indeterminate period of time~~ ***concerning the addition or deletion of laws to or from the Annex to this Regulation.***

~~2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.~~

~~3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 11b and 11c.~~ **[AM 67]**

Article 11b

1. ***The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. [AM 68]***
2. ~~The institution which has commenced an internal procedure for deciding whether to revoke the power to adopt delegated acts shall endeavour~~ ***referred to inform in Article 1 shall be conferred on the other institution and the Commission within for a reasonable time period of five years from ...<sup>+</sup>. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the final decision is taken, indicating end of the delegated powers which could five-year period. The delegation of power shall be subject to revocation and possible reasons tacitly extended for a revocation 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. [AM 321]***

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<sup>+</sup> ***Date of entry into force of this Regulation..***

3. ~~The decision of revocation shall put an end to the delegation of the powers~~ The delegation of power referred to in Article 1 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 the power*** specified in that decision. It shall take effect ~~immediately~~ ***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 ~~the~~ ***any*** delegated acts already in force. ~~It shall be published in the Official Journal of the European Union.~~
- 3a. ***As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*** [AM 68]
- 3b. ***A delegated act adopted pursuant to Article 1 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.***

[AM 322]

*Article 11e*

~~1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.~~

~~2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the *Official Journal of the European Union* and shall enter into force on the date stated therein. —~~

~~The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.~~

~~3. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act." [AM 69]~~



**7. COUNCIL REGULATION (EC) No 1515/2001 OF 23 JULY 2001 ON THE MEASURES THAT MAY BE TAKEN BY THE COMMUNITY FOLLOWING A REPORT ADOPTED BY THE WTO DISPUTE SETTLEMENT BODY CONCERNING ANTI-DUMPING AND ANTI-SUBSIDY MATTERS<sup>1</sup>**

As regards Regulation (EC) No 1515/2001, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1515/2001 is amended as follows:

**-1. *The following recital is added:***

***“(6a) In order to ensure uniform conditions for adopting or suspending measures to comply with the recommendations and rulings of the WTO Dispute Settlement Body, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers\*.***

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***\* OJ L 55, 28.2.2011, p. 13.”***

**[AM 70]**

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<sup>1</sup> OJ L 201, 26.7.2001, p. 10.

**-1a. The following recital is added:**

***"(6b) The advisory procedure should be used for the suspension of measures for a limited period of time given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

**[AM 71]**

1. Article 1 is amended as follows:

(a) In paragraph 1, the introductory wording is replaced by the following:

"1. Whenever the DSB adopts a Report concerning a Union measure taken pursuant to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community\*, Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community\*\* or to this Regulation ("disputed measure"), the Commission may take one or more of the following measures, whichever it considers appropriate, in accordance with the examination procedure referred to in Article 3a(2):

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\* OJ L 343, 22.12.2009, p. 51.

\*\* OJ L 188, 18.7.2009, p. 93."

*(aa) In paragraph 1, point (b) is replaced by the following:*

*"(b) adopt any other special measures implementing a legislative act which are deemed to be appropriate in the circumstances."*

**[AM 72]**

(b) Paragraph 3 is replaced by the following:

"3. Insofar as it is appropriate to conduct a review before or at the same time as taking any measures under paragraph 1, that review shall be initiated by the Commission."

(c) Paragraph 4 is replaced by the following:

"4. Insofar as it is appropriate to suspend the disputed or amended measure, such suspension shall be granted for a limited period of time by the Commission, acting in accordance with the *advisory* procedure referred to in ~~Article 3a(2)~~ *Article 3a(1a)*."

**[AM 73]**

2. Article 2 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. The Commission may also take any of the measures mentioned in Article 1(1) in order to take into account the legal interpretations made in a report adopted by the DSB with regard to a non-disputed measure, if it considers this appropriate."

(b) Paragraph 3 is replaced by the following:

"3. Insofar as it is appropriate to conduct a review before or at the same time as taking any measures under paragraph 1, that review shall be initiated by the Commission."

(c) Paragraph 4 is replaced by the following:

"4. Insofar as it is appropriate to suspend the non-disputed or amended measure, that suspension shall be granted for a limited period of time by the Commission, acting in accordance with the *advisory* procedure referred to in ~~Article 3a(2)~~ *Article 3a(1a)*."

[AM 74]

3. The following article is inserted:

"Article 3a

1. The Commission shall be assisted by the Anti-Dumping Committee established by Article 15(1) of Regulation (EC) No 1225/2009 or by the Anti-subsidy Committee established by Article 25(1) of Regulation (EC) No 597/2009 as the case may be. These committees shall be committees within the meaning of Regulation (EU) No 182/2011.

- 1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 75]***
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
- 2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."***

**[AM 76]**

**3a.      *The following article is inserted:***

***"Article 3b***

***The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities, proceedings, and decisions of the Commission, of the Anti-Dumping Committee, and of the Anti-Subsidy Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."***

**[AM 77]**

**8.      COUNCIL REGULATION (EC) No 2248/2001 OF 19 NOVEMBER 2001 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF CROATIA, OF THE OTHER PART AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF CROATIA<sup>1</sup>**

As regards Regulation (EC) No 2248/2001, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 2248/2001 is amended as follows:

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<sup>1</sup> OJ L 304, 21.11.2001, p. 1.

**-1. Recital 6 is replaced by the following:**

***"(6) Implementing Acts of the Commission amending the Combined Nomenclature and TARIC codes do not entail any substantive changes."***

**[AM 78]**

**-1a. Recital 10 is replaced by the following:**

***"(10) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*."***

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***\* OJ L 55, 28.2.2011, p. 13."***

**[AM 79]**



**-1b.     *The following recital is added:***

***“(10a) The advisory procedure should be used for the adoption of immediate measures in case of exceptional and critical circumstances given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures.”***

**[AM 80]**

**-1c.     *The following recital is added:***

***“(10b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 25(4)(b) and Article 26(4) of the Interim Agreement, and thereafter Article 38(4)(b) and Article 39(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require.”***

**[AM 81]**

**-1d. Article 2 is replaced by the following:**

**"Article 2**

***Concessions on baby-beef***

***Detailed rules for the implementation of Article 14(2) of the Interim Agreement, and thereafter Article 27(2) of the Stabilisation and Association Agreement, concerning the tariff quota for 'baby-beef' products shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."***

**[AM 82]**

**-1e. Article 3 is deleted. [AM 83]**

**-1f. Article 4 is replaced by the following:**

**"Article 4**

***Concessions on fishery products***

***Detailed rules for the implementation of Article 15(1) of the Interim Agreement, and thereafter Article 28(1) of the Stabilisation and Association Agreement, concerning the tariff quotas for fish and fishery products listed in Annex Va of both Agreements, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."***

**[AM 84]**

**-1g.** *Article 5 is deleted.* [AM 85]

**-1h.** *Article 7 is replaced by the following:*

*"Article 7*

*Technical adaptations*

*Amendments and technical adaptations to the detailed rules on implementation adopted pursuant to this Regulation, which are necessary following changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new agreements, protocols, exchanges of letters or other acts between the Union and Croatia, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 7fa(5)."*

[AM 86]

1. Article 7a is amended as follows:

~~(a) The following paragraphs 3a and 3b are inserted:~~

~~"3a. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply.~~

~~3b. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with Article [5] thereof."~~

(a) ***Paragraphs 2, 3 and 4 are deleted. [AM 87]***

(b) In paragraph 6, the first subparagraph is replaced by the following:

"On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the ***examination*** procedure referred to in ~~Article 7a(3a)~~ ***Article 7fa(5) of this Regulation*** either not to act or to adopt appropriate measures provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement. In cases of urgency, ~~Article 7a(3b)~~ ***Article 7fa(7)*** of this Regulation shall apply."

**[AM 88]**

(c) Paragraphs 7, 8 and 9 are deleted.

2. Article 7b is replaced by the following:

"Article 7b

Exceptional and critical circumstances

Where exceptional and critical circumstances arise within the meaning of Article 25(4)(b) and Article 26(4) of the Interim Agreement, and thereafter Article 38(4)(b) and Article 39(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement, in accordance with the *advisory* procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(4)** of this Regulation. In cases of urgency, ~~Article 7a(3b)~~ **Article 7fa(6)** shall apply. [AM 89]

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request."

3. In Article 7e, the second sentence of paragraph 1 is replaced by the following:

"Where necessary it shall adopt safeguard measures in accordance with the **examination** procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(5)**, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community\* applies, where measures shall be taken in accordance with the procedures laid down in that Regulation. [AM 90]

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\* OJ L 188, 18.7.2009, p. 93."

- 3a. *Article 7f is amended as follows:*

(a) *Paragraph 3 is replaced by the following:*

*"3. Pending a mutually satisfactory solution having been reached in the consultations referred to in paragraph 2 of this Article, the Commission may decide on other appropriate measures it deems necessary in accordance with Article 30 of the Interim Agreement, and thereafter Article 43 of the Stabilisation and Association Agreement, as well as with the examination procedure referred to in Article 7fa(5) of this Regulation."*

*(b) Paragraphs 4, 5, and 6 are deleted. [AM 91]*

*3b. The following article is inserted:*

*"Article 7fa*

*Committee procedure*

- 1. For the purposes of Article 2 the Commission shall be assisted by the Committee provided for in Article 42 of Regulation (EC) No 1254/1999. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

2. *For the purpose of Article 4 the Commission shall be assisted by the Customs Code Committee established by Article 248a of Regulation (EEC) No 2913/92. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
3. *For the purpose of Articles 7a, 7b, 7e and 7f the Commission shall be assisted by the Advisory Committee established by Article 4 of Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
4. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*
5. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*



6. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.*
7. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.*
8. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 92]*

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*\* OJ L 349, 31.12.1994, p. 53."*

**9. COUNCIL REGULATION (EC) NO 153/2002 OF 21 JANUARY 2002 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA<sup>1</sup>,**

As regards Regulation (EC) No 153/2002, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 153/2002 is amended as follows:

**-1. *Recital 6 is replaced by the following:***

***"(6) Implementing Acts of the Commission amending the Combined Nomenclature and TARIC codes do not entail any substantive changes."***

**[AM 93]**

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<sup>1</sup> OJ L 25, 29.1.2002, p. 16.

**-1a. Recital 11 is replaced by the following:**

***"(11) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***

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***\*OJ L 55, 28.2.2011, p. 13."***

**[AM 94]**

**-1b.     *The following recital is added:***

***“(11a) The advisory procedure should be used for the adoption of immediate measures in case of exceptional and critical circumstances given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures.”***

**[AM 95]**

**-1c.     *The following recital is added:***

***“(11b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 24(4)(b) and Article 25(4) of the Interim Agreement, and thereafter Article 37(4)(b) and Article 38(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require.”***

**[AM 96]**

**-1d. Article 2 is replaced by the following:**

**"Article 2**

***Concessions on baby-beef***

***Detailed rules for the implementation of Article 14(2) of the Interim Agreement, and thereafter Article 27(2) of the Stabilisation and Association Agreement, concerning the tariff quota for 'baby-beef' products shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."***

**[AM 97]**

**-1e. Article 3 is deleted. [AM 98]**

**-1f. Article 4 is replaced by the following:**

**"Article 4**

***Further concessions***

***If additional concessions for fishery products are granted within tariff quotas, pursuant to Article 29 of the Stabilisation and Association Agreement and to Article 16 of the Interim Agreement, detailed rules for the implementation of these tariff quotas shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."***

**[AM 99]**

**-1g.** *Article 5 is deleted.* [AM 100]

**-1h.** *Article 7 is replaced by the following:*

*"Article 7*

*Technical adaptations*

*Amendments and technical adaptations to the detailed rules on implementation adopted pursuant to this Regulation, which are necessary following changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new agreements, protocols, exchanges of letters or other acts between the Union and the Former Yugoslav Republic of Macedonia, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."*

[AM 101]

1. Article 7a is amended as follows:

~~(a) The following paragraphs 3a and 3b are inserted:~~

~~"3a. Where reference is made to this paragraph, Article [5] of Regulation (EU)  
No [xxxx/2011] shall apply.~~

~~3b. Where reference is made to this paragraph, Article [8] of Regulation (EU)  
No [xxxx/2011] shall apply in conjunction with Article [5] thereof."~~

(a) ***Paragraphs 2, 3 and 4 are deleted. [AM 102]***

(b) In paragraph 6, the first subparagraph is replaced by the following:

"On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the ***examination*** procedure referred to in ~~Article 7a(3a)~~ ***Article 7fa(5) of this Regulation*** either not to act or to adopt appropriate measures provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association Agreement. In cases of urgency, ~~Article 7a(3b)~~ ***Article 7fa(7)*** of this Regulation shall apply."

**[AM 103]**

(c) Paragraphs 7, 8 and 9 are deleted.

2. Article 7b is replaced by the following:

"Article 7b

Exceptional and critical circumstances

Where exceptional and critical circumstances arise within the meaning of Article 24(4)(b) and Article 25(4) of the Interim Agreement, and thereafter Article 37(4)(b) and Article 38(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association Agreement, in accordance with the *advisory* procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(4)** of this Regulation. In cases of urgency, ~~Article 7a(3b)~~ **Article 7fa(6)** shall apply. [AM 104]



If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request."

3. In Article 7e, the second sentence of paragraph 1 is replaced by the following:

"Where necessary it shall adopt safeguard measures in accordance with the *examination* procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(5)**, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community\* applies, where measures shall be taken in accordance with the procedures laid down in that Regulation. [AM 105]

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\* OJ L 188, 18.7.2009, p. 93."

**3a. Article 7f is amended as follows:**

**(a) Paragraph 3 is replaced by the following:**

**"3. Pending a mutually satisfactory solution having been reached in the consultations referred to in paragraph 2 of this Article, the Commission may decide on other appropriate measures it deems necessary in accordance with Article 30 of the Interim Agreement, and thereafter Article 43 of the Stabilisation and Association Agreement, as well as with the examination procedure referred to in Article 7fa(5) of this Regulation."**

**(b) Paragraphs 4, 5, and 6 are deleted. [AM 106]**

**3b. The following article is inserted:**

***"Article 7fa***

***Committee procedure***

- 1. For the purposes of Article 2 the Commission shall be assisted by the Committee provided for in Article 42 of Regulation (EC) No 1254/1999. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***
- 2. For the purpose of Article 4 the Commission shall be assisted by the Customs Code Committee established by Article 248a of Regulation (EEC) No 2913/92. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***
- 3. For the purpose of Articles 7a, 7b, 7e and 7f the Commission shall be assisted by the Advisory Committee established by Article 4 of Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***

4. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*
5. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*
6. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.*
7. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.*
8. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 107]*

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*\* OJ L 349, 31.12.1994, p. 53."*

**10. COUNCIL REGULATION (EC) No 427/2003 OF 3 MARCH 2003 ON A TRANSITIONAL PRODUCT-SPECIFIC SAFEGUARD MECHANISM FOR IMPORTS ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA AND AMENDING REGULATION (EC) No 519/94 ON COMMON RULES FOR IMPORTS FROM CERTAIN THIRD COUNTRIES<sup>1</sup>**

As regards Regulation (EC) No 427/2003, *the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending Annex I to Regulation (EC) No 625/2009. Moreover*, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of Regulation (EC) No 427/2003 in accordance with Regulation (EU) No ~~xxxx/2011~~ **182/2011**. **[AM 108]**

Accordingly, Regulation (EC) No 427/2003 is amended as follows:

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<sup>1</sup> OJ L 65, 8.3.2003, p. 1.

-1. *The following recital is inserted:*

*"(21a) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amendments of Annex I to Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries\*, in order to remove countries from the list of third countries contained in that Annex when they become members of the WTO. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.*

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*\* OJ L 185, 17.7.2009, p. 1."*

[AM 109]

**-1a. Recital 22 is replaced by the following:**

***"(22) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*."***

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***\*OJ L 55, 28.2.2011, p. 13."***

**[AM 110]**

**-1b. The following recital is inserted:**

***"(22a) The advisory procedure should be used for the adoption of surveillance and provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

**[AM 111]**

**-1c. In Article 5, paragraph 1 is replaced by the following:**

***"1. An investigation shall be initiated upon request by a Member State, by any legal person or any association not having legal personality, acting on behalf of the Union industry, or on the Commission's own initiative if it is apparent to the Commission that there is sufficient evidence to justify the initiation of an investigation."***

**[AM 112]**

**-1d. In Article 5, the following paragraph is inserted:**

***"2a. The request to initiate an investigation shall contain evidence that the conditions for imposing the safeguard measure set out in Article 1(1) are met. The request shall generally contain the following information: the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports, changes in the level of sales, production, productivity, capacity utilisation, profits and losses, and employment."***



*An investigation may also be initiated in the event that there is a surge of imports concentrated in one or several Member States, provided that there is sufficient evidence that the conditions for initiation are met, as determined on the basis of factors referred to in Article 2(2) and Article 3."*

**[AM 113]**

1. In Article 5, paragraph 4 is replaced by the following:
  - "4. Where it is apparent that there is sufficient evidence to justify initiating a proceeding and any consultations under paragraph 3 have not led to a mutually satisfactory solution, the Commission shall publish a notice in the *Official Journal of the European Union*."

***1a. The following article is inserted:***

***"Article 6a***

***Prior surveillance measures***

- 1. Where the trend in imports of a product originating in the People's Republic of China is such that it could lead to one of the situations referred to in Articles 2 and 3, imports of that product may be subject to prior surveillance measures.***
- 2. In the event that there is a surge of imports of products falling into sensitive sectors concentrated in one or several Member States, the Commission may introduce prior surveillance measures.***
- 3. Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 15(1a).***

4. *Prior surveillance measures shall have a limited period of validity. Unless otherwise provided, they shall cease to be valid at the end of the second 6-month period following the first 6 months after the measures were introduced."*

**[AM 114]**

2. Article 7 is amended as follows:

- (a) In paragraph 1, the second and third sentences are replaced by the following:

"The Commission shall take such provisional measures in accordance with the *advisory* procedure referred to in ~~Article 15(2)~~ *Article 15(1a)*. In cases of urgency, Article 15(3) shall apply."

**[AM 115]**

- (b) Paragraph 3 is deleted.

3. Article 8 is replaced by the following:

"Article 8

Termination without measures

Where bilateral safeguard measures are deemed unnecessary the investigation or proceeding shall be terminated in accordance with the examination procedure referred to in Article 15(2)."

4. Article 9 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. If the consultations referred to in paragraph 1 of this Article do not lead to a mutually satisfactory solution within 60 days of the receipt of a request for consultations, a definitive safeguard or trade diversion measure shall be imposed in accordance with the examination procedure referred to in Article 15(2)."

(b) Paragraphs 3 to 6 are deleted.

**4a. In Article 12, paragraph 3 is replaced by the following:**

**"3. While any safeguard measure is in operation, consultations shall be held within the Committee, either at the request of a Member State or on the initiative of the Commission, in order to examine the effects of the measure and to ascertain whether its application is still necessary."**

**[AM 117]**

**5. In Article 12, paragraph 4 is replaced by the following:**

**"4. Where the Commission considers that any safeguard measure should be revoked or amended, it shall revoke or amend the safeguard measures *in accordance with the examination procedure referred to in Article 15(2).*"**

**[AM 118]**

**6. In Article 14, paragraph 4 is replaced by the following:**

**"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, in accordance with the *advisory* procedure referred to in ~~Article 15(2)~~ **Article 15(1a)**. Measures may only be suspended where market conditions have temporarily changed to an extent that market disruption would be unlikely to resume as a result of the suspension. Measures may, at any time and after consultation, be reinstated if the reason for suspension is no longer applicable."**

**[AM 119]**

**6a.    *The following article is inserted:***

***"Article 14a***

***Conferral of powers***

***The Commission shall be empowered to adopt delegated acts in accordance with Article 14b concerning amendments of Annex I to Regulation (EC) No 625/2009, in order to remove countries from the list of third countries contained in that Annex when they become members of the WTO."***

**[AM 120]**

**6b.    *The following article is inserted:***

***"Article 14b***

***Exercise of the delegation***

- 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 22(3) shall be conferred on the Commission for a period of five years from ...<sup>+</sup>. 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 22(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

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<sup>+</sup> *Date of entry into force of this Regulation.*

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 22(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 the Council."*

[AM 323]



7. Article 15 is replaced by the following:

"Article 15

Committee procedure

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 122]***

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~[xxxx/2011]~~ **182/2011** shall apply in conjunction with ~~Article [5]~~ **Article 4** thereof. **[AM 123]**
4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.

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\* OJ L 84, 31.3.2009, p. 1."

8. In Article 17, paragraph 5 is replaced by the following:

"5. The Commission and the Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any information relating to consultations made pursuant to Article 12, or consultations described in Article 5(3) and Article 9(1), or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged to the public or any party to the proceeding except as specifically provided for in this Regulation."

9. In Article 18(4), the fourth sentence is replaced by the following:

"Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible."

10. In Article 19, paragraphs 5 and 6 are replaced by the following:

"5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Committee."

6. The parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken to be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission."

**10a. The following article is inserted:**

***"Article 19a***

***Report***

- 1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission, the Committee, and all other bodies responsible for implementing this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.***
- 2. The report shall also present a summary of the statistics and the evolution of trade with China.***

3. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the application of this Regulation.*
4. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 124]

10b. *In Article 22, paragraph 3 is deleted.* [AM 125]

**11. COUNCIL REGULATION (EC) NO 452/2003 OF 6 MARCH 2003 ON MEASURES THAT THE COMMUNITY MAY TAKE IN RELATION TO THE COMBINED EFFECT OF ANTI-DUMPING OR ANTI-SUBSIDY MEASURES WITH SAFEGUARD MEASURES<sup>1</sup>**

As regards Regulation (EC) No 452/2003, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 452/2003 is amended as follows:

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<sup>1</sup> OJ L 69, 13.3.2003, p. 8.

**-1. The following recital is inserted:**

***“(10a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***

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***\*OJ L 55, 28.2.2011, p. 13.”***

**[AM 126]**

**1. In Article 1(1), the introductory wording is replaced by the following:**

**“Where the Commission considers that a combination of anti-dumping or anti-subsidy measures with safeguard tariff measures on the same imports could lead to effects greater than is desirable in terms of the Union's trade defence policy, it may adopt such of the following measures *implementing a legislative act* as it deems appropriate in accordance with the *examination* procedure referred to in Article 2a(2):”**

**[AM 127]**

2. The following article is inserted:

"Article 2a

1. The Commission shall be assisted by the Anti-Dumping Committee established by Article 15(1) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
  2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
- 2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 128]***

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\* OJ L 343, 22.12.2009, p. 51."

**12. COUNCIL REGULATION (EC) No 673/2005 OF 25 APRIL 2005 ESTABLISHING  
ADDITIONAL CUSTOMS DUTIES ON IMPORTS OF CERTAIN PRODUCTS ORIGINATING IN  
THE UNITED STATES OF AMERICA<sup>1</sup>**

As regards Regulation (EC) No 673/2005, the power to repeal that Regulation is given to the Council. This power should be removed, and Article 207 of the Treaty should apply to the repeal of this Regulation.

Accordingly, Regulation (EC) No 673/2005 is amended as follows:

Article 7 is deleted.

**12A. COUNCIL REGULATION (EC) No 1236/2005 OF 27 JUNE 2005 CONCERNING TRADE IN  
CERTAIN GOODS WHICH COULD BE USED FOR CAPITAL PUNISHMENT, TORTURE OR  
OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT<sup>2</sup> [AM 129]**

*As regards Regulation (EC) No 1236/2005, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending the Annexes to that Regulation.*

*Accordingly, Regulation (EC) No 1236/2005 is amended as follows:*

[AM 130]

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<sup>1</sup> OJ L 110, 30.4.2005, p. 1.

<sup>2</sup> OJ L 200, 30.7.2005, p. 1.



**1. Recital 25 is replaced by the following:**

***"(25) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending Annexes II, III, IV and V to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council."***

**[AM 131]**

**2. In Article 12, paragraph 2 is replaced by the following:**

***"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 15a to amend Annexes II, III, IV and V."***

**[AM 132]**

3. *Article 15 is deleted.* [AM 133]

4. *The following article is inserted:*

*"Article 15a*

*Exercise of the delegation*

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 15 shall be conferred on the Commission for a period of five years from ...<sup>+</sup>. 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.*

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<sup>+</sup> *Date of entry into force of this Regulation.*

3. *The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on 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 15 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 the Council."*

[AM 324]

5. *Article 16 is deleted.* [AM 135]

**13. COUNCIL REGULATION (EC) NO 1616/2006 OF 23 OCTOBER 2006 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF ALBANIA, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF ALBANIA<sup>1</sup>**

As regards Regulation (EC) No 1616/2006, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1616/2006 is amended as follows:

**-1. *Recital 7 is deleted.* [AM 136]**

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<sup>1</sup> OJ L 300, 31.10.2006, p. 1.

**-1a. Recital 8 is replaced by the following:**

***"(8) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the SAA, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*."***

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***\*OJ L 55, 28.2.2011, p. 13."***

**[AM 137]**

**-1b.     *The following recital is added:***

***“(8a) The advisory procedure should be used for the adoption of immediate measures in case of exceptional and critical circumstances and for the temporary suspension of certain preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures.”***

**[AM 138]**

**-1c.     *The following recital is added:***

***“(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 26(4) of the Interim Agreement, and thereafter Article 39(4) of the SAA, imperative grounds of urgency so require.”***

**[AM 139]**

**-1d. Article 2 is replaced by the following :**

**"Article 2**

***Concessions for fish and fishery products***

***Detailed rules for the implementation of Article 15(1) of the Interim Agreement, and thereafter Article 28(1) of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 140]**

**-1e. Article 4 is replaced by the following :**

**"Article 4**

***Technical adaptations***

***Amendments and technical adaptations to the provisions adopted pursuant to this Regulation rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the Union and the Republic of Albania, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 141]**

***-If. Article 5 is replaced by the following:***

***"Article 5***

***General safeguard clause***

***Where the Union needs to take a measure as provided for in Article 25 of the Interim Agreement, and thereafter Article 38 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation, unless otherwise specified in Article 25 of the Interim Agreement, and thereafter Article 38 of the SAA."***

**[AM 142]**

***-Ig. Article 6 is replaced by the following:***

***"Article 6***

***Shortage clause***

***Where the Union needs to take a measure as provided for in Article 26 of the Interim Agreement, and thereafter Article 39 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 143]**



1. In Article 7, the third, fourth and fifth paragraphs are replaced by the following:

"The Commission shall take such measures in accordance with the **advisory** procedure referred to in ~~Article 8a(2)~~ **Article 8a(1b)**. In cases of urgency, ~~Article 8a(3)~~ **Article 8a(2a)** shall apply."

[AM 144]

2. In Article 8, paragraph 2 is replaced by the following:

"2. The Commission shall take such measures in accordance with the examination procedure referred to in Article 8a(2). In cases of urgency, Article 8a(3) shall apply."

3. The following article is inserted:

"Article 8a

Committee procedure

***-1. For the purposes of Articles 2, 4, and 11 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 145]***

1. For the purposes of ~~Articles 7 and 8~~ **Articles 5, 7 and 8** of this Regulation the Commission shall be assisted by the Committee ~~on Safeguards established~~ **set up** by ~~Article 4(1) of~~ Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports \*\*. That committee shall be a committee within the meaning of Regulation (EU) No ~~[..../2011]~~ **182/2011**. [AM 146]

*1a. For the purposes of Article 6 of this Regulation, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports \*\*\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*  
[AM 147]

*1b. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.* [AM 148]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
- 2a. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof. [AM 149]*
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.
- 3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 150]*

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*\*OJ L 302, 19.10.1992, p. 1.*

*\*\*OJ L 84, 31.3.2009, p. 1.*

*\*\*\*OJ L 291, 7.11.2009, p. 1."*

3a. *In Article 11, the third paragraph is replaced by the following:*

*"The Commission may decide, in accordance with the advisory procedure referred to in Article 8a(1b) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 30(4) of the Interim Agreement, and thereafter Article 43(4) of the SAA."*

[AM 151]

3b. *Article 12 is deleted.* [AM 152]

**14. COUNCIL REGULATION (EC) No 1528/2007 OF 20 DECEMBER 2007 APPLYING THE ARRANGEMENTS FOR PRODUCTS ORIGINATING IN CERTAIN STATES WHICH ARE PART OF THE AFRICAN, CARIBBEAN AND PACIFIC (ACP) GROUP OF STATES PROVIDED FOR IN AGREEMENTS ESTABLISHING, OR LEADING TO THE ESTABLISHMENT OF, ECONOMIC PARTNERSHIP AGREEMENTS<sup>1</sup>**

As regards Regulation (EC) No 1528/2007, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1528/2007 is amended as follows:

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<sup>1</sup> OJ L 348, 31.12.2007, p. 1.

-1. *Recital 17 is replaced by the following:*

*"(17) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers".*

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*\*OJ L 55, 28.2.2011, p. 13."*

[AM 153]

~~1. Article 2 is amended as follows:~~

~~(a) Paragraph 2 is replaced by the following:~~

~~"2. The Commission shall amend Annex I by means of delegated acts in accordance with Articles 24a, 24b and 24c to add regions or states from the ACP Group of States which have concluded negotiations on an agreement between the Union and that region or state which at least meets the requirements of Article XXIV GATT 1994."~~

~~(b) In paragraph 3, the introductory phrase is replaced by the following:~~

~~"3. Such region or state will remain on the list in Annex I unless the Commission adopts a delegated act in accordance with Articles 24a, 24b and 24c amending Annex I to remove a region or state from that Annex, in particular where:"~~

[AM 155]

*1a. In Article 5(3), the introductory wording is replaced by the following:*

*"3. Where the Commission, on the basis of information provided by a Member State or on its own initiative, finds that the conditions laid down in paragraphs 1 and 2 of this Article are fulfilled, the relevant treatment may be suspended in accordance with the advisory procedure referred to in Article 21(1d), provided the Commission has first:"*

[AM 156]

*1b. In Article 5, paragraph 4 is replaced by the following:*

*"4. The period of suspension under this Article shall be limited to that necessary to protect the Union's financial interests. It shall not exceed six months, which may be renewed. At the end of that period, the Commission shall decide either to terminate the suspension or to extend the period of suspension in accordance with the advisory procedure referred to in Article 21(1d)."*

[AM 325]

***1c. In Article 5(6), the second subparagraph is replaced by the following:***

***"The decision suspending the relevant treatment shall be adopted in accordance with the advisory procedure referred to in Article 21(1d)."***

**[AM 158]**

***1d. In Article 6, paragraph 3 is replaced by the following:***

***"3. The detailed rules for implementing the tariff quotas referred to in paragraph 2 of this Article shall be determined in accordance with the examination procedure referred to in Article 21(2)."***

**[AM 159]**

***1e. In Article 7, paragraph 4 is replaced by the following:***

***"4. The detailed rules for dividing by region and implementing the tariff quotas referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 21(2)."***

**[AM 160]**



*1f. In Article 9, paragraph 5 is replaced by the following:*

*"5. The Commission shall adopt detailed rules on the subdivision of quantities provided for in paragraph 1 and for the management of the system referred to in paragraphs 1, 3 and 4 of this Article, and suspension decisions in accordance with the examination procedure referred to in Article 21(2)."*

**[AM 161]**

*1g. In Article 10, paragraph 4 is replaced by the following:*

*"4. The Commission shall adopt detailed rules for the management of this system and suspension decisions in accordance with the examination procedure referred to in Article 21(2)."*

**[AM 162]**

2. Article 14 is amended as follows:

(a) Paragraph 3 is replaced by the following:

"3. Where it is apparent that there is sufficient evidence to justify the initiation of a proceeding, the Commission shall publish a notice in the *Official Journal of the European Union*. Initiation shall take place within one month of the receipt of information from a Member State."

(b) In paragraph 4, the first sentence is replaced by the following:

"4. If the Commission takes the view that the circumstances set out in Article 12 exist, it shall immediately notify the region or states listed in Annex I concerned of its intention to initiate an investigation."

3. Article 16 is amended as follows:

(a) In paragraph 1, the second and third sentences are replaced by the following:

"Provisional measures shall be adopted in accordance with the *advisory* procedure referred to in ~~Article 21(2)~~ *Article 21(1d)*. In cases of urgency, Article 21(3) shall apply."

**[AM 163]**

(b) In paragraph 2, the second sentence is deleted.

(c) Paragraph 4 is deleted.

4. Article 17 is replaced by the following:

"Article 17

Termination of investigation and proceeding without measures

Where bilateral safeguard measures are deemed unnecessary the investigation and proceeding shall be terminated in accordance with the examination procedure referred to in Article 21(2)."

5. Article 18 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. If the consultations referred to in paragraph 1 of this Article do not lead to a mutually satisfactory solution within 30 days of the matter's being referred to the region or state concerned, a decision to impose definitive bilateral safeguard measures shall be taken by the Commission in accordance with the examination procedure referred to in Article 21(2) within 20 working days of the end of the consultation period."

(b) Paragraphs 3 and 4 are deleted.

6. In Article 20, paragraph 2 is replaced by the following:

"2. The decision to impose surveillance shall be taken by the Commission in accordance with the *advisory* procedure referred to in ~~Article 21(2)~~ *Article 21(1d)*."

[AM 164]

7. Article 21 is replaced by the following:

"Article 21

Committee procedure

1. For the purposes of ~~this Chapter~~ **Articles 5, 16, 17, 18 and 20** of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No ~~[..../2011]~~ **182/2011**. **[AM 165]**

- 1a. For the purposes of Article 4, the Commission shall be assisted by the Customs Code Committee established by Regulation (EEC) No 2913/92. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***  
**[AM 166]**

- 1b. For the purposes of Article 6, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice<sup>\*\*</sup>. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 167]***
- 1c. For the purposes of Articles 7 and 9, the Commission shall be assisted by the Committee established by Regulation (EC) No 318/2006. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 168]***
- 1d. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 169]***

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~{xxxx/2011}~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. **[AM 170]**
4. In the case of products falling under CN code 1701, the Committee referred to in paragraph 1 of this Article shall be assisted by the Committee established by Article 195 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>\*\*\*</sup>.

**4a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 171]**

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\* OJ L 84, 31.3.2009, p. 1.

\*\* *OJ L 270, 21.10.2003, p. 96.*

\*\*\* OJ L 299, 16.11.2007, p. 1."

**7a. Article 24 is deleted. [AM 172]**

~~8. The following Articles 24a, 24b and 24c are inserted:~~

~~"Article 24a~~

**~~Exercise of the delegation~~**

~~1. The powers to adopt the delegated acts referred to in Article 2(2) and (3) shall be conferred on the Commission for an indeterminate period of time.~~

~~2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.~~

~~3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 24b and 24c.~~



## *Article 24b*

### **Revocation of the delegation**

1. — ~~The delegation of power referred to in Article 2(2) and (3) may be revoked at any time by the European Parliament or by the Council.~~
2. — ~~The institution which has commenced internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.~~
3. — ~~The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.~~

**Objections to delegated acts**

1. — ~~The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.~~

2. — ~~If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the *Official Journal of the European Union* and shall enter into force on the date stated therein. —~~

~~The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.~~

3. — ~~If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act."~~

[AM 173]

8a. *The following article is inserted:*

*"Article 24d*

*Confidentiality*

1. *Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.*
2. *No information of a confidential nature nor any information provided on a confidential basis received pursuant to this Regulation shall be disclosed without specific permission from the supplier of such information.*
3. *Each request for confidentiality shall state the reasons why the information is confidential. However, if the supplier of the information wishes neither to make it public nor to authorise its disclosure in general terms or in the form of a summary and if it appears that the request for confidentiality is unjustified, the information concerned may be disregarded.*

4. *Information shall in any case be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information.*
5. *Paragraphs 1 to 4 shall not preclude reference by the Union authorities to general information and in particular to reasons on which decisions taken pursuant to this Regulation are based. Those authorities shall, however, take into account the legitimate interest of natural and legal persons concerned that their business secrets should not be divulged."*

[AM 174]

- 8b. *The following article is inserted:*

*"Article 24e*

*Report*

1. *The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission, the Committees referred to in this Regulation, and all other bodies responsible for implementing this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.*

2. *The report shall also present a summary of the statistics and the evolution of trade with the ACP countries.*
3. *The report shall include information on the implementation of this Regulation.*
4. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the application of this Regulation.*
5. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 175]

**15. COUNCIL REGULATION (EC) NO 140/2008 OF 19 NOVEMBER 2007 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF MONTENEGRO, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND THE REPUBLIC OF MONTENEGRO, OF THE OTHER PART<sup>1</sup>**

As regards Regulation (EC) No 140/2008, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 140/2008 is amended as follows:

**-1. *Recital 7 is deleted.* [AM 176]**

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<sup>1</sup> OJ L 43, 19.2.2008, p. 1.

**-1a. Recital 8 is replaced by the following:**

***"(8) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the SAA, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***

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***\* OJ L 55, 28.2.2011, p. 13."***

**[AM 177]**

**-1b.     *The following recital is added:***

***“(8a) The advisory procedure should be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures.”***

**[AM 178]**

**-1c.     *The following recital is added:***

***“(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Articles 26(5)(b) and 27(4) of the Interim Agreement, and thereafter Article 41(5)(b) and 42(4) of the SAA, imperative grounds of urgency so require.”***

**[AM 179]**



**-1d.** *Article 2 is replaced by the following:*

**"Article 2**

***Concessions for fish and fishery products***

***Detailed rules on the implementation of Article 14 of the Interim Agreement, and thereafter Article 29 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 180]**

**-1e.** *Article 4 is replaced by the following:*

**"Article 4**

***Technical adaptations***

***Amendments and technical adaptations to the provisions adopted pursuant to this Regulation, rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the Union and the Republic of Montenegro, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 181]**

**-If. Article 5 is replaced by the following:**

**"Article 5**

***General safeguard clause***

***Where the Union needs to take a measure as provided for in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation, unless otherwise specified in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA."***

**[AM 182]**

**-Ig. Article 6 is replaced by the following:**

**"Article 6**

***Shortage clause***

***Where the Union needs to take a measure as provided for in Article 27 of the Interim Agreement, and thereafter Article 42 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 183]**

1. In Article 7, the third, fourth and fifth paragraphs are replaced by the following:

"The Commission shall take such measures in accordance with the **advisory** procedure referred to in ~~Article 8a(2)~~ **Article 8a(1a)**. In cases of urgency, ~~Article 8a(3)~~ **Article 8a(2a)** shall apply."

[AM 184]

2. In Article 8, paragraph 2 is replaced by the following:

"2. The Commission shall take such measures in accordance with the examination procedure referred to in Article 8a(2). In cases of urgency, Article 8a(3) shall apply."

3. The following article is inserted:

"Article 8a

Committee procedure

***-1. For the purposes of Articles 2, 4 and 11 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 185]***

***-1a. For the purposes of Article 6, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports<sup>\*\*</sup>. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 186]***

1. For the purposes of ~~Articles 7 and 8~~ ***Articles 5, 7 and 8*** the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports<sup>\*\*\*</sup>. That committee shall be a committee within the meaning of Regulation (EU) No ~~[.../2011]~~ ***182/2011***. [AM 187]

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 188]***

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

***2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof. [AM 189]***

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.

**3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

[AM 190]

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*\*OJ L 302, 19.10.1992, p. 1.*

*\*\*OJ L 291, 7.11.2009, p. 1*

*\*\*\*OJ L 84, 31.3.2009, p. 1."*

**3a. *In Article 11, the third paragraph is replaced by the following:***

***"The Commission may decide, in accordance with the advisory procedure referred to in Article 8a(1a) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 31(4) of the Interim Agreement, and thereafter Article 46(4) of the SAA."***

[AM 191]

**3b.      *Article 12 is deleted.* [AM 192]**

**16.      COUNCIL REGULATION (EC) NO 55/2008 OF 21 JANUARY 2008 INTRODUCING  
AUTONOMOUS TRADE PREFERENCES FOR THE REPUBLIC OF MOLDOVA AND  
AMENDING REGULATION (EC) NO 980/2005 AND COMMISSION DECISION  
2005/924/EC<sup>1</sup>**

As regards Regulation (EC) No 55/2008, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 55/2008 is amended as follows:

**-1.      *Recital 11 is deleted.* [AM 193]**

**-1a.     *Recital 12 is deleted.* [AM 194]**

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<sup>1</sup> OJ L 20, 24.1.2008, p. 1.

**-1b.** *Recital 13 is replaced by the following:*

*"(13) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.*

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*\* OJ L 55, 28.2.2011, p. 13."*

**[AM 195]**

**-1c.** *The following recital is inserted:*

*"(13a) The advisory procedure should be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

**[AM 196]**

**-1d. In Article 3, paragraph 3 is replaced by the following:**

***"3. Notwithstanding other provisions of this Regulation, in particular Article 10, if imports of agricultural products cause serious disturbance to the Union markets and their regulatory mechanisms, the Commission may take appropriate measures by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2)."***

**[AM 197]**

**-1e. Article 4 is replaced by the following:**

***"Article 4***

***Implementation of tariff quotas for dairy products***

***The detailed rules for implementing the tariff quotas for headings 0401 to 0406 shall be determined by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2)."***

**[AM 198]**



**-If.** *In Article 7, the introductory wording is replaced by the following:*

*"The Commission shall, in accordance with the examination procedure referred to in Article 11a(2), adopt the provisions necessary for the application of this Regulation, other than those referred to in Article 4, notably:"*

**[AM 199]**

**-Ig.** *Article 8 is deleted.* **[AM 200]**

1. Article 10 is amended as follows:

(a) The introductory wording of paragraph 1 is replaced by the following:

"1. Where the Commission finds that there is sufficient evidence of fraud, irregularities or systematic failure by Moldova to comply, or to ensure compliance, with the rules of origin of products and the procedures related thereto and to provide administrative cooperation as referred to in Article 2(1), or a failure to comply with any of the other conditions defined in Article 2(1), it may take measures in accordance with the *advisory* procedure referred to in ~~Article 11a(2)~~ **Article 11a(1b)** to suspend in whole or in part the preferential arrangements provided for in this Regulation for a period of not more than six months, provided that it has first:"

**[AM 201]**

(b) Paragraph 2 is deleted.

*(ba) Paragraph 3 is replaced by the following:*

***"3. On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure or to extend the suspension measure in accordance with the advisory procedure referred to in Article 11a(1b)."***

**[AM 326]**

2. In Article 11, paragraph 1 is replaced by the following

**"1. Where a product originating in Moldova is imported on terms which cause, or threaten to cause, serious difficulties to a Union producer of like or directly competing products, Common Customs Tariff duties on that product may be reintroduced at any time by the Commission in accordance with the examination procedure referred to in Article 11a(2)."**

**2a. In Article 11, paragraph 5 is replaced by the following:**

***"5. The investigation shall be completed within six months after the publication of the notice referred to in paragraph 2 of this Article. The Commission may, in the case of exceptional circumstances, extend this period in accordance with the advisory procedure referred to in Article 11a(1b)."***

**[AM 327]**

**2b. In Article 11, paragraph 6 is replaced by the following:**

***"6. The Commission shall take a decision within three months, in accordance with the examination procedure referred to in Article 11a(2). Such a decision shall enter into force within one month as from its publication."***

**[AM 204]**

**2c. In Article 11, paragraph 7 is replaced by the following:**

***"7. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may take any preventive measure which is strictly necessary, in accordance with the procedure referred to in Article 11a(2a)."***

**[AM 205]**

3. The following article is inserted:

"Article 11a

Committee procedure

1. For the purposes of ~~Article 11~~ **Article 3(3) and Articles 11 and 12** of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No ~~{.../2011}~~ **182/2011**.

[AM 206]

- 1a. For the purpose of Article 4 of this Regulation the Commission shall be assisted by the committee established by Article 195 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)\*\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 207]*

- 1b. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 208]***
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**
- 2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof. [AM 209]***
- 2b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 210]***

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\*OJ L 84, 31.3.2009, p. 1.

\*\*OJ L 299, 16.11.2007, p. 1."

3a. *In Article 12, paragraph 2 is replaced by the following:*

*"2. If Moldova does not comply with the rules of origin or does not provide administrative cooperation, as required in Article 2, for the before mentioned Chapters 17, 18, 19 and 21, or if imports of products under these Chapters subject to the preferential arrangements granted under this Regulation significantly exceed the usual levels of exports by Moldova, appropriate measures shall be taken in accordance with the examination procedure referred to in Article 11a(2)."*

[AM 211]

**17. COUNCIL REGULATION (EC) No 594/2008 OF 16 JUNE 2008 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND BOSNIA AND HERZEGOVINA, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT ON TRADE AND TRADE-RELATED MATTERS BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND BOSNIA AND HERZEGOVINA, OF THE OTHER PART<sup>1</sup>**

As regards Regulation (EC) No 594/2008, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 594/2008 is amended as follows:

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<sup>1</sup> OJ L 169, 30.6.2008, p. 1.

**-1. Recital 7 is deleted. [AM 212]**

**-1a. Recital 8 is replaced by the following:**

***"(8) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the SAA, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***

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***\* OJ L 55, 28.2.2011, p. 13."***

**[AM 213]**

**-1b. The following recital is added:**

***"(8a) The advisory procedure should be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

**[AM 214]**

**-1c.**     *The following recital is added:*

*"(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Articles 24(5)(b) and 25(4) of the Interim Agreement, and thereafter Article 39(5)(b) and 40(4) of the SAA, imperative grounds of urgency so require."*

**[AM 215]**

**-1d.**     *Article 2 is replaced by the following:*

*"Article 2  
Concessions for fish and fishery products*

*Detailed rules on the implementation of Article 13 of the Interim Agreement, and thereafter Article 28 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 8a(2) of this Regulation".*

**[AM 216]**



**-1e. Article 4 is replaced by the following:**

**"Article 4**

***Technical adaptations***

***Amendments and technical adaptations to the provisions adopted pursuant to this Regulation rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the Union and Bosnia and Herzegovina, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 217]**

**-1f. Article 5 is replaced by the following:**

**"Article 5**

***General safeguard clause***

***Where the Union needs to take a measure as provided for in Article 24 of the Interim Agreement, and thereafter Article 39 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation, unless otherwise specified in Article 24 of the Interim Agreement, and thereafter Article 39 of the SAA."***

**[AM 218]**

**-1g. Article 6 is replaced by the following:**

**"Article 6**

***Shortage clause***

***Where the Union needs to take a measure as provided for in Article 25 of the Interim Agreement, and thereafter Article 40 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."***

**[AM 219]**

**1. In Article 7, the third, fourth and fifth paragraphs are replaced by the following:**

**"The Commission shall adopt such measures in accordance with the *advisory* procedure referred to in ~~Article 8a(2)~~**Article 8a(1a)**. In cases of urgency, ~~Article 8a(3)~~**Article 8a(2a)** shall apply."**

**[AM 220]**

2. In Article 8, paragraph 2 is replaced by the following:

"2. The Commission shall adopt such measures in accordance with the examination procedure referred to in Article 8a(2). In cases of urgency, Article 8a(3) shall apply."

3. The following article is inserted:

"Article 8a

Committee procedure

***-1. For the purposes of Articles 2, 4 and 11 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 221]***

***-1a. For the purposes of Article 6, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports\*\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 222]***

1. For the purposes of ~~Articles 7 and 8~~ **Articles 5, 7 and 8** of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports<sup>\*\*\*</sup>. That committee shall be a committee within the meaning of Regulation (EU) No ~~[..../2011]~~ **182/2011**. [AM 223]
  - 1a. ***Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*** [AM 224]
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
  - 2a. ***Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.*** [AM 225]
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.

**3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 226]***

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***\*OJ L 302, 19.10.1992, p. 1.***

***\*\*OJ L 291, 7.11.2009, p. 1.***

***\*\*\* OJ L 84, 31.3.2009, p. 1."***

**3a. *In Article 11, the third paragraph is replaced by the following:***

***"The Commission may decide, in accordance with the advisory procedure referred to in Article 8a(1a) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 29(4) of the Interim Agreement, and thereafter Article 44(4) of the SAA."***

**[AM 227]**

**3b. *Article 12 is deleted. [AM 228]***

**18. COUNCIL REGULATION (EC) NO 732/2008 OF 22 JULY 2008 APPLYING A SCHEME OF GENERALISED TARIFF PREFERENCES FOR THE PERIOD FROM 1 JANUARY 2009 AND AMENDING REGULATIONS (EC) NO 552/97, (EC) NO 1933/2006 AND COMMISSION REGULATIONS (EC) NO 1100/2006 AND (EC) NO 964/2007<sup>1</sup>**

*As regards Regulation (EC) No 732/2008, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending Annex I to that Regulation. Moreover*, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No ~~[xxxx/2011]~~ **182/2011**. **[AM 229]**

Accordingly, Regulation (EC) No 732/2008 is amended as follows:

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<sup>1</sup> OJ L 211, 6.8.2008, p. 1.

-1. *The following recital is inserted:*

*"(24a) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of granting the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I to this Regulation accordingly, adopting detailed rules for implementing the provisions regarding the reduction of Common Customs Tariff duties on the products under tariff heading 1701, suspending Common Customs Tariff duties on the products under tariff headings 1006 and 1701, requiring import licences for imports of products under tariff heading 1701, removing a country from the arrangement by amending Annex I and to establish a transitional period, suspending the preferential arrangements provided for in this Regulation, temporarily withdrawing the preferential arrangements in respect of all or of certain products originating in a beneficiary country, and amending Annex I to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council."*

[AM 230]

**-1a. Recital 25 is replaced by the following:**

*"(25) In order to ensure uniform conditions for the adoption of provisional and definitive measures, for the imposition of prior surveillance measures, and for the termination of an investigation without measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\* .*

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*\* OJ L 55, 28.2.2011, p. 13."*

[AM 231]

**-1b. The following recital is added:**

*"(25a) The advisory procedure in conjunction with immediately applicable implementing acts should be used for the initiation and the extension of an investigation, for adopting a decision to monitor and evaluate the situation in the beneficiary country for a period of six months if it considers that the temporary withdrawal of preferences is justified, and for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

[AM 232]



**-1c. Article 10 is amended as follows:**

**(a) Paragraph 2 is replaced by the following:**

**"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide, after having examined the request, whether to grant the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I accordingly.**

**Where a delay in action would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph."**

**(b) Paragraph 5 is replaced by the following:**

**"5. The Commission shall conduct all relations with a requesting country concerning the request acting in accordance with the advisory procedure referred to in Article 27(5)."**

**[AM 233]**

**-1d. Article 11 is amended as follows:**

**(a) Paragraph 7 is replaced by the following:**

***"7. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt detailed rules for implementing the provisions referred to in paragraphs 4, 5 and 6 of this Article.***

***Where a delay in action would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph."***

**(b) Paragraph 8 is replaced by the following:**

***"8. When a country is excluded by the UN from the list of the least-developed countries, it shall be withdrawn from the list of the beneficiaries of the arrangement. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to remove a country from the arrangement by amending Annex I and to establish a transitional period of at least three years."***

**[AM 234]**

1. Article 16 is amended as follows:

(a) In paragraph 3, the introductory wording is replaced by the following:

"3. The Commission ~~may~~ ***shall be empowered to adopt delegated acts in accordance with Article 27a in order to*** suspend the preferential arrangements provided for in this Regulation, in respect of all or of certain products originating in a beneficiary country, ~~in accordance with the procedure referred to in Article 27(6)~~, where it considers that there is sufficient evidence that temporary withdrawal would be justified for the reasons referred to in paragraphs 1 and 2 of this Article, provided that it has first:"

**[AM 235]**

(b) Paragraph 4 is deleted.

2. Article 17 is replaced by the following:

"Article 17

1. Where the Commission or a Member State receives information that may justify temporary withdrawal and where the Commission or a Member State considers that there are sufficient grounds for an investigation, it shall inform the Committee referred to in Article 27.
2. The Commission may decide, within one month and in accordance with the advisory procedure referred to in Article 27(5), to initiate an investigation."

- 2a. *In Article 18, paragraph 6 is replaced by the following:*

*"6. The investigation shall be completed within one year. The Commission may extend this period in accordance with the advisory procedure referred to in Article 27(5)."*

[AM 236]

3. Article 19 is amended as follows:

*(-a) Paragraph 1 is replaced by the following:*

*"1. The Commission shall submit a report on its findings to the Committee referred to in Article 27(1) as well as to the European Parliament."*

[AM 237]

*(-aa) Paragraph 2 is replaced by the following:*

*"2. Where the Commission considers that the findings do not justify temporary withdrawal, it shall decide, in accordance with the advisory procedure referred to in Article 27(5), to terminate the investigation. In that case, the Commission shall publish a notice in the Official Journal of the European Union, announcing the termination of the investigation and setting out its main conclusions."*

[AM 238]

(a) ~~In Paragraph 3, the second sentence~~ is replaced by the following:

"3. *Where the Commission considers that the findings justify temporary withdrawal for the reason referred to in Article 15(1)(a), it shall decide, in accordance with the advisory procedure referred to in Article 27(5), to monitor and evaluate the situation in the beneficiary country concerned for a period of six months.* The Commission shall notify the beneficiary country concerned of this decision and shall publish a notice in the *Official Journal of the European Union*, announcing that it intends to temporarily withdraw the preferential arrangements in respect of all or of certain products originating in a beneficiary country, unless, before the end of the period, the beneficiary country concerned makes a commitment to take the measures necessary to conform, in a reasonable period of time, with the conventions referred to in Part A of Annex III."

[AM 239]

(b) Paragraph 4 is replaced by the following:

"4. ~~Where The Commission considers~~ *shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide on* temporary withdrawal ~~to be necessary, it shall decide in accordance with the procedure referred to in Article 27(6).~~ In the case referred to in paragraph 3 of this Article, the Commission shall act at the end of the period referred to in that paragraph."

[AM 240]

(c) Paragraph 5 is replaced by the following:

"5. Where the Commission ~~decides~~ *adopts a delegated act* on temporary withdrawal, such a decision shall enter into force six months after it is taken, unless *the delegated act has been revoked, or* the Commission decides *to withdraw the delegated act* before ~~then that~~ *because* the reasons justifying it no longer prevail."

**[AM 241]**

4. Article 20 is amended as follows:

(a) Paragraph 5 is replaced by the following:

"5. The investigation shall be completed within six months from the date of publication of the notice referred to in paragraph 2 of this Article. The Commission may, in the case of exceptional circumstances, extend this period in accordance with the *advisory* procedure referred to in Article 27(5)."

**[AM 328]**

(b) Paragraph 6 is replaced by the following:

"6. The Commission shall take a decision within one month, in accordance with the examination procedure referred to in Article 27(6). Such a decision shall enter into force within one month from the date of its publication in the *Official Journal of the European Union*."

(c) Paragraph 7 is replaced by the following:

"7. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may, in accordance with the procedure referred to in Article 27(7), take any ~~preventive~~ **provisional** measure which is strictly necessary.

***Where a Member State requests immediate intervention by the Commission and where the conditions set out in paragraph 1 are met, the Commission shall take a decision within five working days of receiving the request.***



*Provisional measures shall not apply for more than 200 days.*

*Should the provisional safeguard measures be repealed because the investigation shows that the conditions set out in this Article are not met, any customs duty collected as a result of those provisional measures shall be refunded automatically."*

[AM 243]

5. Article 21 is replaced by the following:

"Article 21

Where imports of products included in Annex I to the Treaty cause, or threaten to cause, serious disturbance to Union markets, in particular to one or more of the outermost regions, or these markets' regulatory mechanisms, the Commission, on its own initiative or at the request of a Member State, may suspend the preferential arrangements in respect of the products concerned in accordance with the ***advisory*** procedure referred to in ~~Article 27(6) after consulting the management committee for the relevant common market organisation~~ ***Article 27(5).***"

[AM 329]

6. In Article 22, paragraph 2 is ~~deleted~~ ***replaced by the following:***

***"2. Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 27(5)."***

[AM 244]

**6a. The following article is inserted:**

***"Article 22a***

- 1. Where the facts as finally established show that the conditions set out in Article 20 are not met, the Commission shall adopt a decision terminating the investigation and proceeding in accordance with the examination procedure referred to in Article 27(6).***
- 2. The Commission shall present, with due regard to the protection of confidential information within the meaning of Article 27c, a report setting forth its findings and reasoned conclusions reached on all pertinent issues of fact and law to the European Parliament. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."***

**[AM 245]**

6b. *In Article 25, the introductory wording is replaced by the following:*

*"The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt amendments to the Annexes made necessary:"*

[AM 246]

7. ~~In Article 27, the~~ *is replaced* by the following paragraphs ~~6 and 7 are added:~~

*"Article 27*

*1. The Commission shall be assisted by a Generalised Preferences Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

*5. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

6. Where reference is made to this paragraph, Article 5 of Regulation (EU) No ~~{xxxx/2011}~~ **182/2011** shall apply.

7. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~{xxxx/2011}~~ **182/2011** shall apply in conjunction with ~~Article [5]~~ **Article 4** thereof.

***7a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."***

[AM 247]

***7a. The following article is inserted:***

***"Article 27a***

***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 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 shall be conferred on the Commission for a period of five years from ...<sup>+</sup>. 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 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

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<sup>+</sup> *Date of entry into force of this Regulation.*

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 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 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 the Council."*

[AM 330]

7b. *The following article is inserted:*

*"Article 27b*

1. *Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*

2. *Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27a(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 the Council."*

[AM 249]

7c. *The following article is inserted:*

*"Article 27c*

1. *Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.*
2. *No information of a confidential nature nor any information provided on a confidential basis received pursuant to this Regulation shall be disclosed without specific permission from the supplier of such information.*

3. *Each request for confidentiality shall state the reasons why the information is confidential. However, if the supplier of the information wishes neither to make it public nor to authorise its disclosure in general terms or in the form of a summary and if it appears that the request for confidentiality is unjustified, the information concerned may be disregarded.*
4. *Information shall in any case be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information.*
5. *Paragraphs 1 to 4 shall not preclude reference by the Union authorities to general information and in particular to reasons on which decisions taken pursuant to this Regulation are based. Those authorities shall, however, take into account the legitimate interest of natural and legal persons concerned that their business secrets should not be divulged."*

[AM 250]



7d. *The following article is inserted:*

*"Article 27d*

1. *The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall cover all of the preferential arrangements referred to in Article 1(2), include information about the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade, and present a summary of the statistics and the evolution of trade with the beneficiary countries and territories.*
2. *The Generalised Preferences Committee and the European Parliament shall examine the effects of the scheme on the basis of the report. The European Parliament may invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.*
3. *No later than six months after presenting the report to the Generalised Preferences Committee and the European Parliament, the Commission shall make the report public."*

[AM 251]

**19. COUNCIL REGULATION (EC) No 597/2009 OF 11 JUNE 2009 ON PROTECTION  
AGAINST SUBSIDISED IMPORTS FROM COUNTRIES NOT MEMBERS OF THE EUROPEAN  
COMMUNITY<sup>1</sup>**

As regards Regulation (EC) No 597/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 597/2009 is amended as follows:

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<sup>1</sup> OJ L 188, 18.7.2009, p. 93.

**-1. Recital 16 is replaced by the following:**

***"(16) It is necessary to provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 11 months and in no case later than 12 months, from the initiation of the investigation. Only if Member States indicate to the Commission that they expect an intense controversy in the decision making process with the need to submit a draft implementing act to the appeal committee pursuant to Article 6 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*, then the Commission should be able to decide, to extend the time limit, for a period up to, but in no case longer than, 13 months. [AM 252]***

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***\* OJ L 55, 28.2.2011, p. 13."***

**-1a. Recital 26 is deleted. [AM 253]**

**-1b.     *The following recital is inserted:***

***"(26a) In order to ensure uniform conditions for the adoption of provisional and definitive measures, and for the termination of an investigation without measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011."***

**[AM 254]**

**-1c.     *The following recital is inserted:***

***"(26b) The advisory procedure should be used for the adoption of provisional measures and for terminating an investigation given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

**[AM 255]**

**-1d. In Article 10(1), the second subparagraph is replaced by the following:**

***"The complaint may be submitted to the Commission, or to a Member State, which shall forward it to the Commission. The Commission shall send Member States a copy of any complaint it receives. The complaint shall be deemed to have been lodged on the first working day following its delivery to the Commission by registered mail or the issuing of an acknowledgement of receipt by the Commission. Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views."***

**[AM 256]**

**1. In Article 10, paragraph 11 is replaced by the following:**

**"11. Where it is apparent that there is sufficient evidence to justify initiating proceedings, the Commission shall do so within 45 days of the lodging of the complaint and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission."**

2. In Article 11, paragraph 9 is replaced by the following:

"9. For proceedings pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within ~~one year~~ **11 months**. In any event, such investigations shall be concluded within ~~13 months~~ **12 months** of initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action. ~~In exceptional cases, having regard to the complexity of the investigation, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, for a period up to, but in no case longer than, 18 months.~~"

[AM 257]

2a. *In Article 11, the following paragraph is inserted:*

*"9a. No later than 32 weeks after the initiation of the investigation the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so the Commission may decide, no later than eight months after the initiation of the investigation, to extend the time limit of paragraph 9 of this Article, for a period up to, but in no case longer than, 13 months. The Commission shall make this decision public."*

[AM 258]

3. Article 12 is amended as follows:

(a) In paragraph 1, the second subparagraph is replaced by the following:

"The provisional duties shall be imposed no earlier than 60 days, and no later than ~~9 months~~ **8 months**, from the initiation of the proceedings. ~~In exceptional cases, having regard to the complexity of the investigation,~~ ***In the event that the Member States indicate to the Commission pursuant to Article 11(9a) that they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011,*** the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer than, ~~12 months~~ **9 months**."

[AM 259]

(b) Paragraph 3 is replaced by the following:

"3. The Commission shall adopt provisional measures in accordance with the procedure referred to in Article 25(3)."

(c) Paragraph 5 is deleted.

4. Article 13 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. Upon condition that a provisional affirmative determination of subsidisation and injury has been made, the Commission may accept satisfactory voluntary undertakings offers under which:

(a) the country of origin and/or export agrees to eliminate or limit the subsidy or take other measures concerning its effects; or

(b) any exporter undertakes to revise its prices or to cease exports to the area in question as long as such exports benefit from countervailable subsidies, so that the Commission is satisfied that the injurious effect of the subsidies is thereby eliminated.



In such a case and as long as such undertakings are in force, the provisional duties imposed by the Commission in accordance with Article 12(3) and the definitive duties imposed in accordance with Article 15(1) shall not apply to the relevant imports of the product concerned manufactured by the companies referred to in the Commission decision accepting undertakings and in any subsequent amendment of that decision.

Price increases under such undertakings shall not be higher than is necessary to offset the amount of countervailable subsidies, and should be less than the amount of countervailable subsidies if such increases would be adequate to remove the injury to the Union industry."

(b) Paragraph 5 is replaced by the following:

"5. Where undertakings are accepted the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the *examination* procedure referred to in Article 25(2). *The chair may obtain the committee's opinion by the written procedure referred to in Article 15(5).*"

[AM 260]

(c) In paragraph 9, the first subparagraph is replaced by the following:

"9. In case of breach or withdrawal of undertakings by any party to the undertaking, or in case of withdrawal of acceptance of the undertaking by the Commission, the acceptance of the undertaking shall be withdrawn by Commission Decision or Commission Regulation, as appropriate, and the provisional duty which has been imposed by the Commission in accordance with Article 12 or the definitive duty which has been imposed in accordance with Article 15(1), shall apply, provided that the exporter concerned, or the country of origin and/or export has, except in the case of withdrawal of the undertaking by the exporter or such country, been given an opportunity to comment."

(d) Paragraph 10 is replaced by the following:

"10. A provisional duty may be imposed in accordance with Article 12 on the basis of the best information available, where there is reason to believe that an undertaking is being breached, or in case of breach or withdrawal of an undertaking where the investigation which led to the undertaking has not been concluded."

5. In Article 14, paragraph 2 is replaced by the following:

"2. Where protective measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the *advisory* procedure referred to in ~~Article 25(2)~~ *Article 25(1a)*. *The chair may obtain the committee's opinion by the written procedure referred to in Article 25(4b).*"

[AM 261]

6. In Article 15, paragraph 1 is amended as follows:

(a) The first subparagraph is replaced by the following:

"1. Where the facts as finally established show the existence of countervailable subsidies and injury caused thereby, and the Union interest calls for intervention in accordance with Article 31, a definitive countervailing duty shall be imposed by the Commission acting in accordance with the examination procedure referred to in Article 25(2). Where provisional duties are in force, the Commission shall initiate this procedure no later than one month before the expiry of such duties."

(b) The second and third subparagraphs are deleted.

7. In Article 16(2), the first subparagraph is replaced by the following:

"2. Where a provisional duty has been applied and the facts as finally established show the existence of countervailable subsidies and injury, the Commission shall decide, irrespective of whether a definitive countervailing duty is to be imposed, what proportion of the provisional duty is to be definitively collected."

8. In Article 20, the second paragraph is replaced by the following:

"Such a review shall be initiated after Union producers have been given an opportunity to comment."

9. In Article 21(4), the first subparagraph is replaced by the following:

"4. The Commission shall decide whether and to what extent the application should be granted, or it may decide at any time to initiate an interim review, whereupon the information and findings from such review, carried out in accordance with the provisions applicable for such reviews, shall be used to determine whether and to what extent a refund is justified."

10. Article 22 is amended as follows:

(a) In paragraph 1, the second subparagraph is replaced by the following:

"Reviews carried out pursuant to Articles 18 and 19 shall be carried out expeditiously and shall normally be concluded within ~~12 months~~ **11 months** of the date of initiation of the review. In any event, reviews pursuant to Articles 18 and 19 shall be concluded within ~~15 months~~ **14 months** of initiation. ~~In exceptional cases, having regard to the complexity of the investigation,~~ ***No later than 32 weeks after the initiation of the investigation pursuant to Article 11 the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so*** the Commission may decide, no later than ~~9 months~~ ***eight months*** after the initiation of the investigation, to extend ~~this~~ ***the*** time limit, for a period up to, but in no case longer than, ~~18 months~~ ***15 months***. ***The Commission shall make this decision public.***"

[AM 262]

(b) In paragraph 1, the fifth subparagraph is deleted.

(c) Paragraph 2 is replaced by the following:

"2. Reviews pursuant to Articles 18, 19 and 20 shall be initiated by the Commission. *Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views.*"

**[AM 263]**

11. Article 23 is amended as follows:

(a) In paragraph 4, the first subparagraph is replaced by the following:

"Investigations shall be initiated pursuant to this Article on the initiative of the Commission or at the request of a Member State or of any interested party on the basis of sufficient evidence regarding the factors set out in paragraphs 1, 2 and 3. Initiations shall be made by Commission Regulation which may also instruct the customs authorities to make imports subject to registration in accordance with Article 24(5) or to request guarantees."

- (b) In paragraph 4, the third subparagraph is replaced by the following:

"If the facts as finally ascertained justify the extension of measures, this shall be done by the Commission acting in accordance with the examination procedure referred to in Article 25(2)."

- (c) In paragraph 6, the fourth subparagraph is replaced by the following:

"These exemptions are granted by decision of the Commission and shall remain valid for the period and under the conditions set down therein."

12. Article 24 is amended as follows:

- (a) Paragraph 4 is replaced by the following:

"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the *advisory* procedure referred to in ~~Article 25(2)~~ **Article 25(1a)**. [AM 264]

Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and these comments have been taken into account. Measures may, at any time, be reinstated if the reason for suspension is no longer applicable."

- (b) In paragraph 5, the first subparagraph is replaced by the following:

"The Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration."



13. Article 25 is replaced by the following:

"Article 25

Committee procedure

1. The Commission shall be assisted by the Anti-subsidy Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

*1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 265]*

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No ~~[xxxx/2011]~~ 182/2011 shall apply. *The examination committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 266]*

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~{xxxxx/2011}~~ **182/2011** shall apply in conjunction with ~~Article [5]~~ **Article 4** thereof. [AM 267]
4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.
  - 4a. *In the event that a draft implementing act is submitted to the appeal committee pursuant to Article 6 of Regulation (EU) No 182/2011, it shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee.* [AM 268]

*4b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."*

**[AM 269]**

14. In Article 29, paragraph 5 is replaced by the following:

"5. The Commission and the Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged except as specifically provided for in this Regulation."

15. Article 30 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. Final disclosure shall be given in writing. It shall be made, due regard being had to the protection of confidential information, as soon as possible and, normally, no later than one month prior to the initiation of the procedures set out in Articles 14 or 15. Where the Commission is not in a position to disclose certain facts or considerations at that time, these shall be disclosed as soon as possible thereafter.

Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible."

(b) Paragraph 5 is replaced by the following:

"5. Representations made after final disclosure is given shall be taken into consideration only if received within a period to be set by the Commission in each case, which shall be at least 10 days, due consideration being given to the urgency of the matter. A shorter period can be set whenever a final disclosure has already been made."

16. Article 31 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties. Such comments shall be received within 15 days of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments".

(b) Paragraph 5 is replaced by the following:

"5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Committee."

(c) In paragraph 6, the second sentence is replaced by the following:

"Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission."

**16a. The following article is inserted:**

**"Article 33a**

**Report**

- 1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, the imposition of prior surveillance measures, the termination of investigations without measures, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.**
- 2. The European Parliament may, within one month from the Commission presenting the 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.**

3. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 270]

**20. COUNCIL REGULATION (EC) NO 260/2009 OF 26 FEBRUARY 2009 ON THE COMMON RULES FOR IMPORTS<sup>1</sup>**

As regards Regulation (EC) No 260/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 260/2009 is amended as follows:

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<sup>1</sup> OJ L 84, 31.3.2009, p. 1.



**-1. Recital 11 is replaced by the following:**

***"(11) In order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures, and for the imposition of prior surveillance measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*."***

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***\*OJ L 55, 28.2.2011, p. 13."***

**[AM 271]**

**-1a. The following recital is inserted:**

***"(11a) The advisory procedure should be used for the adoption of surveillance and provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

**[AM 272]**

1. Article 3 is deleted.
2. Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by a Committee on Safeguards. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 273]***

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~[xxxx/2011]~~ **182/2011** shall apply in conjunction with ~~Article 5]~~ **Article 4** thereof. **[AM 274]**

**3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.*** **[AM 275]**

4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request."

3. Article 6 is amended as follows:

- (a) In paragraph 1, the first sentence is replaced by the following:

"Where it is apparent to the Commission that there is sufficient evidence to justify the initiation of an investigation, the Commission shall initiate an investigation within one month of receipt of information from a Member State and publish a notice in the *Official Journal of the European Union*."

- (b) In paragraph 2, the first subparagraph is replaced by the following:

"The Commission shall seek all information it deems necessary and, where it considers it appropriate endeavour to check this information with importers, traders, agents, producers, trade associations and organisations."

(c) Paragraph 7 is replaced by the following:

"7. Where it appears to the Commission that there is insufficient evidence to justify an investigation, it shall inform the Member States of its decision within one month of receipt of the information from the Member States."

4. In Article 7, paragraph 2 is replaced by the following:

"2. Where the Commission considers, within nine months of the initiation of the investigation, that no Union surveillance or safeguard measures are necessary, the investigation shall be terminated within one month."

5. In Article 9, paragraph 2 is replaced by the following:

"2. Neither the Commission, nor the 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."

6. In Article 11, paragraph 2 is replaced by the following:

"2. The decision to impose surveillance shall be taken by the Commission ***by means of implementing acts*** in accordance with the ***advisory*** procedure ~~laid down referred to in Article 16(6)~~ ***Article 4(1a)***."

[AM 276]

7. Article 13 is replaced by the following:

"Article 13

Where import of a product has not been made subject to prior Union surveillance the Commission, in accordance with Article 18, may introduce surveillance confined to imports into one or more regions of the Union."

8. In Article 16, paragraphs 6 and 7 are replaced by the following:

"6. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in ~~Article 4(2)~~ ***Article 4(3)*** shall take a decision within a maximum of five working days of receipt of such a request. ~~In cases of urgency, Article 4(3) shall apply.~~"

[AM 277]

9. Article 17 is replaced by the following:

"Article 17

Where the interests of the Union so require, the Commission, acting in accordance with the examination procedure referred to in Article 4(2) and the terms of Chapter III, may adopt appropriate measures to prevent a product being imported into the Union in such greatly increased quantities and/or on such terms or conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competing products.

Article 16(2) to (5) shall apply."

10. In Article 21, paragraph 2 is replaced by the following:

"2. Where the Commission considers that any surveillance or safeguard measure referred to in Articles 11, 13, 16, 17 and 18 should be revoked or amended, it shall, acting in accordance with the examination procedure referred to in Article 4(2), revoke or amend the measure."

11. Article 23 is replaced by the following:

"Article 23

Where the interests of the Union so require, the Commission, acting in accordance with the *examination* procedure referred to in Article 4(2), may adopt appropriate measures *implementing legislative acts, which shall not entail any substantive changes*, to allow the rights and obligations of the Union or of all its Member States, in particular those relating to trade in commodities, to be exercised and fulfilled at international level."

[AM 278]

- 11a. *The following article is inserted:*

"Article 23a

1. *The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures, the termination of investigations without measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.*



2. *The European Parliament may, within one month from the Commission presenting the 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.*
3. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 279]

**21. COUNCIL REGULATION (EC) NO 625/2009 OF 7 JULY 2009 ON COMMON RULES FOR IMPORTS FROM CERTAIN THIRD COUNTRIES<sup>1</sup>**

As regards Regulation (EC) No. 625/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 625/2009 is amended as follows:

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1 OJ L 185, 17.7.2009, p. 1.

**-1. Recital 10 is replaced by the following:**

***"(10) In order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures, and for the imposition of prior surveillance measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***

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***\*OJ L 55, 28.2.2011, p. 13."***

**[AM 280]**

**-1a. The following recital is inserted:**

***"(10a) The advisory procedure should be used for the adoption of surveillance and provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

**[AM 281]**

1. Article 3 is deleted.
2. Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports\*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 282]***

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~{xxxx/2011}~~ **182/2011** shall apply in conjunction with ~~Article [5]~~ **Article 4** thereof. **[AM 283]**

**3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 284]***

4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.

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\*OJ L 84, 31.3.2009, p. 1."

3. Article 5 is amended as follows:

- (a) In paragraph 1 the first sentence is replaced by the following:

"Where it is apparent to the Commission that there is sufficient evidence to justify an investigation, the Commission shall initiate an investigation within one month of receipt of information from a Member State and publish a notice in the *Official Journal of the European Union*."

- (b) In paragraph 2, the first subparagraph is replaced by the following:

"The Commission shall seek all information it deems necessary and, where it considers it appropriate endeavour to check this information with importers, traders, agents, producers, trade associations and organisations."

- (c) Paragraph 6 is replaced by the following:

"6. Where it appears to the Commission that there is insufficient evidence to justify an investigation, it shall inform the Member States of its decision within one month of receipt of the information from the Member States."

4. In Article 6(2), the first sentence is replaced by the following:

"Where, within nine months of the initiation of the investigation, the Commission considers that no Union surveillance or safeguard measures are necessary, the investigation shall be terminated."

5. In Article 7, paragraph 2 is replaced by the following:

"2. The Commission, the Member States and the officials of any of these, shall not 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."

**5a. In Article 9, the following paragraph is inserted:**

***"1a. The decisions of paragraph 1 shall be taken by the Commission by means of implementing acts in accordance with the advisory procedure referred to in Article 4(1a)."***

**[AM 285]**

**5b. In Article 11, the second indent is replaced by the following:**

***"– make issue of that document subject to certain conditions and, as an exceptional measure, subject to insertion of a revocation clause."***

**[AM 286]**

**6. Article 12 is replaced by the following:**

"Article 12

Where import of a product has not been made subject to prior Union surveillance, the Commission may introduce, *by means of implementing acts in accordance with the advisory procedure referred to in Article 4(1a) and* in accordance with Article 17, surveillance confined to imports into one or more regions of the Union."

[AM 287]

7. Article 15 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"The measures adopted shall be communicated forthwith to the Member States and shall take effect immediately.";

(b) Paragraphs 4, 5 and 6 are replaced by the following:

"4. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in ~~Article 4(2)~~ **Article 4(3)**, shall take a decision within a maximum of five working days of receipt of such a request. ~~In cases of urgency, Article 4(3) shall apply.~~"

[AM 288]



8. In Article 16, paragraph 1 is replaced by the following:

"1. The Commission may, in particular in the situation referred to in Article 15(1), adopt appropriate *safeguard* measures acting in accordance with the *examination* procedure referred to in Article 4(2)."

[AM 289]

8a. *In Article 18(1), the introductory wording, is replaced by the following:*

*"1. While any surveillance or safeguard measure applied in accordance with Chapters IV and V is in operation, the consultations within the Committee provided for in Article 4(1) shall be held, either at the request of a Member State or on the initiative of the Commission. The purpose of such consultations shall be:"*

[AM 290]

9. In Article 18, paragraph 2 is replaced by the following:

"2. Where the Commission considers that any surveillance or safeguard measure referred to in Chapters IV and V should be revoked or amended, it shall revoke or amend the measures."

9a. *The following article is inserted:*

*"Article 19a*

*1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.*

2. *The European Parliament may, within one month from the Commission presenting the 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.*
3. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 291]

**22. COUNCIL REGULATION (EC) NO 1061/2009 OF 19 OCTOBER 2009 ESTABLISHING COMMON RULES FOR EXPORTS<sup>1</sup>**

As regards Regulation (EC) No 1061/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1061/2009 is amended as follows:

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<sup>1</sup> OJ L 291, 7.11.2009, p. 1.

-1. *The following recital is inserted:*

*“(11a) In order to ensure uniform conditions for the adoption of protective measures to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and to make the export of a product subject to the production of an export authorisation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers\*.*

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*\*OJ L 55, 28.2.2011, p. 13.”*

**[AM 292]**

1. Article 3 is deleted.

2. Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by the Committee on common rules for exports. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
  2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
  3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.
- 3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."***

[AM 293]

3. Article 6 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. In order to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and where Union interests call for immediate intervention, the Commission, acting at the request of a Member State or on its own initiative, and taking account of the nature of the products and of the other particular features of the transactions in question, may make the export of a product subject to the production of an export authorisation, the granting of which shall be governed by such provisions and subject to such limits as the Commission shall lay down in accordance with the examination procedure referred to in Article 4(2). In cases of urgency, Article 4(3) shall apply.";

(aa) *Paragraph 2 is replaced by the following:*

***"2. The European Parliament, the Council and the Member States shall be notified of the measures taken. Such measures shall take effect immediately."***

[AM 294]

(b) In paragraph 4, the second sentence is deleted.

(c) Paragraphs 5 and 6 are replaced by the following:

"5. Where the Commission has acted pursuant to paragraph 1 of this Article, it shall, not later than 12 working days following the entry into force of the measure which it has taken decide whether to adopt appropriate measures as provided for in Article 7. If, at the end of six weeks following the entry into force of the measure, no measures have been adopted, the measure in question shall be deemed revoked."

4. In Article 7(1), the introductory wording is replaced by the following:

"Where the interests of the Union so require, the Commission may, acting in accordance with the examination procedure referred to in Article 4(2), adopt appropriate measures:"

5. In Article 8, paragraph 2 is replaced by the following:

"2. Where the Commission considers that any measure provided for in Article 6 or 7 should be revoked or amended, it shall act in accordance with the examination procedure referred to in Article 4(2)."

5a. *In Article 9, the first paragraph is replaced by the following:*

*"In respect of products listed in Annex I, until such time as the European Parliament and the Council adopt appropriate measures pursuant to international commitments entered into by the Union or all its Member States, Member States shall be authorised to implement, without prejudice to rules adopted by the Union in this field, the emergency sharing system introducing an allocation obligation vis-à-vis third countries provided for in international commitments entered into before the entry into force of this Regulation."*

[AM 295]



**5b.      *The following article is inserted:***

***"Article 9a***

- 1.      The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of protective measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.***
- 2.      The European Parliament may, within one month from the Commission presenting the 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.***
- 3.      No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."***

**[AM 296]**

**~~23. COUNCIL REGULATION (EC) NO 1215/2009 OF 30 NOVEMBER 2009 INTRODUCING  
EXCEPTIONAL TRADE MEASURES FOR COUNTRIES AND TERRITORIES PARTICIPATING  
IN OR LINKED TO THE EUROPEAN UNION'S STABILISATION AND ASSOCIATION  
PROCESS<sup>1</sup>~~**

~~As regards Regulation (EC) No 1215/2009, the Commission should be empowered to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No [xxxx/2011] of [xx/yy/2011] of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup>.~~

~~Accordingly, Regulation (EC) No 1215/2009 is amended as follows:~~

~~1. Article 2 is amended as follows:~~

~~—— (a) In paragraph 2, the second subparagraph is deleted;~~

~~—— (b) The following paragraph 3 is added:~~

~~"3. In the event of non-compliance in respect of paragraphs 1 or 2, the benefits of this Regulation for the country may be suspended, in whole or in part, in accordance with the procedure referred to in Article 8a(2)."~~

~~2. The following Article 8a is inserted:~~

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<sup>1</sup> ~~OJ L 328, 15.12.2009, p. 1.~~

<sup>2</sup> ~~OJ L...~~

*"Article 8a*

**Committee**

1. ~~For the purposes of Articles 2 and 10, the Commission shall be assisted by the Western Balkans Implementation Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No [.../2011].~~
2. ~~Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply."~~
3. ~~Article 10 is amended as follows:~~
  - (a) ~~Paragraph 1 is amended as follows:~~
    - ~~(1) Point (a) is replaced by the following:~~  
  
~~"(a) informed the Western Balkans Implementation Committee;"~~
    - ~~(2) The following second subparagraph is added:~~

~~"The measures referred to in the first subparagraph shall be adopted in accordance with the procedure referred to in Article 8a(2).";~~

~~(b) Paragraph 2 is deleted;~~

~~(c) Paragraph 3 is replaced by the following:~~

~~—— "On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure or to extend the suspension measure in accordance with paragraph 1."~~

[AM 297]

**24. COUNCIL REGULATION (EC) NO 1225/2009 OF 30 NOVEMBER 2009 ON PROTECTION AGAINST DUMPED IMPORTS FROM COUNTRIES NOT MEMBERS OF THE EUROPEAN COMMUNITY<sup>1</sup>**

As regards Regulation (EC) No 1225/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1225/2009 is amended as follows:

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<sup>1</sup> OJ L 343, 22.12.2009, p. 51.

**-1. Recital 15 is replaced by the following:**

***"(15) It is necessary to provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 12 months, and in no case later than 14 months, from the initiation of the investigation. Only if Member States indicate to the Commission that they expect an intense controversy in the decision making process with the need to submit a draft implementing act to the appeal committee pursuant to Article 6 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\* then the Commission should be able to decide, to extend the time limit, for a period up to, but in no case longer than, 15 months. Investigations or proceedings should be terminated where the dumping is de minimis or the injury is negligible, and it is appropriate to define those terms. Where measures are to be imposed, it is necessary to provide for the termination of investigations and to lay down that measures should be less than the margin of dumping if such lesser amount would remove the injury, as well as to specify the method of calculating the level of measures in cases of sampling.***

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***\*OJ L 55, 28.2.2011, p. 13."***

**[AM 298]**

**-1a. Recital 27 is deleted. [AM 299]**

**-1b. Recital 28 is replaced by the following:**

***"(28) In order to ensure uniform conditions for the adoption of provisional and definitive duties, and for the termination of an investigation without measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011."***

**[AM 300]**

**-1c. The following recital is inserted:**

***"(28a) The advisory procedure should be used for extending the suspension of measures, the termination of investigations, and for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

**[AM 301]**

1. In Article 2(7), the final subparagraph is replaced by the following:

"A determination by the Commission whether the producer meets the abovementioned criteria shall be made within ~~six~~ ***a standard period of three*** months of the initiation of the investigation after the Union industry has been given an opportunity to comment ~~This determination shall remain in force throughout the investigation.~~ ***for at least one month.***"

[AM 302]

- 1a. In Article 5(1), the second subparagraph is replaced by the following:*

***"The complaint may be submitted to the Commission, or to a Member State, which shall forward it to the Commission. The Commission shall send Member States a copy of any complaint it receives. The complaint shall be deemed to have been lodged on the first working day following its delivery to the Commission by registered mail or the issuing of an acknowledgement of receipt by the Commission. Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views."***

[AM 303]

2. In Article 5, paragraph 9 is replaced by the following:

"9. Where it is apparent that there is sufficient evidence to justify initiating a proceeding, the Commission shall do so within 45 days of the lodging of the complaint and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission."

3. In Article 6, paragraph 9 is replaced by the following:

"9. For a proceeding initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within one year. In any event, such investigations shall be concluded within ~~15 months~~ **14 months** of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action. ~~In exceptional cases, having regard to the complexity of the investigation, the Commission may decide, no later than 9 months after the initiation of the investigation, to extend this time limit, for a period up to, but in no case longer than, 18 months.~~"

[AM 304]



3a. *In Article 6, the following paragraph is added:*

*"9a. No later than 32 weeks after the initiation of the investigation the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Article 9 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so the Commission may decide, no later than eight months after the initiation of the investigation, to extend the time limit of Article 6(9) of this Regulation, for a period up to, but in no case longer than, 15 months. The Commission shall make this decision public."*

[AM 305]

4. Article 7 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given an adequate opportunity to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the Union industry, and if the Union interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days and no later than ~~9 months~~ **eight months** from the initiation of the proceedings. ~~In exceptional cases, having regard to the complexity of the investigation,~~ ***In the event that the Member States indicate to the Commission pursuant to Article 6(10) that they expect an intense controversy in the decision making process pursuant to Article 9 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011*** the Commission may decide, no later than eight months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer than, ~~12 months~~ ***nine months***."

[AM 306]

(b) Paragraph 4 is replaced by the following:

"4. The Commission shall take provisional measures in accordance with the procedure referred to in Article 15(3)."

(c) Paragraph 6 is deleted.

5. Article 8 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. Upon condition that a provisional affirmative determination of dumping and injury has been made, the Commission may accept satisfactory voluntary undertaking offers submitted by any exporter to revise its prices or to cease exports at dumped prices, if it is satisfied that the injurious effect of the dumping is thereby eliminated. In such a case and as long as such undertakings are in force, provisional duties imposed by the Commission in accordance with Article 7(1) or definitive duties imposed in accordance with Article 9(4) as the case may be shall not apply to the relevant imports of the product concerned manufactured by the companies referred to in the Commission decision accepting undertakings, as subsequently amended. Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping and they should be less than the margin of dumping if such increases would be adequate to remove the injury to the Union industry."

(b) Paragraph 5 is replaced by the following:

"5. Where undertakings are accepted, the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the *examination* procedure referred to in Article 15(2). *The chair may obtain the committee's opinion by the written procedure referred to in Article 15(4).*"  
[AM 307]

(c) In paragraph 9, the first subparagraph is replaced by the following:

"9. In case of breach or withdrawal of undertakings by any party to the undertaking, or in case of withdrawal of acceptance of the undertaking by the Commission, the acceptance of the undertaking shall be withdrawn by Commission Decision or Commission Regulation, as appropriate, and the provisional duty which has been imposed by the Commission in accordance with Article 7 or the definitive duty which has been imposed in accordance with Article 9(4) shall automatically apply, provided that the exporter concerned has, except where he himself has withdrawn the undertaking, been given an opportunity to comment."

(d) Paragraph 10 is replaced by the following:

"10. A provisional duty may be imposed in accordance with Article 7 on the basis of the best information available, where there is reason to believe that an undertaking is being breached, or in case of breach or withdrawal of an undertaking where the investigation which led to the undertaking has not been concluded."

6. Article 9 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. Where protective measures are unnecessary the investigation or proceeding shall be terminated. The Commission shall terminate the investigation in accordance with the ***advisory*** procedure referred to in ~~Article 15(2)~~ ***Article 15(1a). The chair may obtain the committee's opinion by the written procedure referred to in Article 15(4).***"

[AM 308]

(b) Paragraph 4 is replaced by the following:

"4. Where the facts as finally established show that there is dumping and injury caused thereby, and the Union interest calls for intervention in accordance with Article 21, a definitive anti-dumping duty shall be imposed by the Commission acting in accordance with the examination procedure referred to in Article 15(2). Where provisional duties are in force, the Commission shall initiate this procedure no later than one month before the expiry of such duties. The amount of the anti-dumping duty shall not exceed the margin of dumping established but it should be less than the margin if such lesser duty would be adequate to remove the injury to the Union industry."

7. In Article 10(2), the first sentence is replaced by the following:

"2. Where a provisional duty has been applied and the facts as finally established show that there is dumping and injury, the Commission shall decide, irrespective of whether a definitive anti-dumping duty is to be imposed, what proportion of the provisional duty is to be definitively collected."

8. Article 11 is amended as follows:

- (a) In paragraph 4, the first sentence of the third subparagraph is replaced by the following:

"A review for a new exporter shall be initiated and carried out on an accelerated basis after Union producers have been given an opportunity to comment."

- (b) In paragraph 5, the first and second subparagraphs are replaced by the following:

"The relevant provisions of this Regulation with regard to procedures and the conduct of investigations, excluding those relating to time limits, shall apply to any review carried out pursuant to paragraphs 2, 3 and 4. Reviews carried out pursuant to paragraphs 2 and 3 shall be carried out expeditiously and shall normally be concluded within 12 months of the date of initiation of the review. In any event, reviews pursuant to paragraphs 2 and 3 shall be concluded within ~~15 months~~ **14 months** of initiation. ~~In exceptional cases, having regard to the complexity of the investigation,~~ **No later than 32 weeks after the initiation of the investigation pursuant to Article 6 the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Article 9 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so** the Commission may decide, no later than ~~9 months~~ **eight months** after the initiation of the investigation, to extend ~~this~~ **the** time limit, for a period up to, but in no case longer than, ~~18 months~~ **15 months**. **The Commission shall make this decision public.** Reviews pursuant to paragraph 4 shall in all cases be concluded within nine months of the date of initiation. If a review carried out pursuant to paragraph 2 is initiated while a review under paragraph 3 is ongoing in the same proceeding, the review pursuant to paragraph 3 shall be concluded at the same time as the review pursuant to paragraph 2."

[AM 309]



(c) Paragraph 6 is replaced by the following:

"6. Reviews pursuant to this Article shall be initiated by the Commission.  
*Before the initiation of proceedings the Commission shall inform the Member States thereof and give them the opportunity to express their views.* Where warranted by reviews, measures shall be repealed or maintained pursuant to paragraph 2, or repealed, maintained or amended pursuant to paragraphs 3 and 4. Where measures are repealed for individual exporters, but not for the country as a whole, such exporters shall remain subject to the proceeding and may, automatically, be reinvestigated in any subsequent review carried out for that country pursuant to this Article."

**[AM 310]**

(d) In paragraph 8, the first sentence of the fourth subparagraph is replaced by the following:

"The Commission shall decide whether and to what extent the application should be granted, or it may decide at any time to initiate an interim review, whereupon the information and findings from such review carried out in accordance with the provisions applicable for such reviews, shall be used to determine whether and to what extent a refund is justified."

9. Article 12 is amended as follows:

(a) In paragraph 1, the first subparagraph is replaced by the following:

"Where the Union industry or any other interested party submit, normally within two years from the entry into force of the measures, sufficient information showing that, after the original investigation period and prior to or following the imposition of measures, export prices have decreased or that there has been no movement, or insufficient movement in the resale prices or subsequent selling prices of the imported product in the Union, the investigation may be reopened to examine whether the measure has had effects on the abovementioned prices."

(b) Paragraph 3 is replaced by the following:

"3. Where a reinvestigation pursuant to this Article shows increased dumping, the measures in force may be amended by the Commission acting in accordance with the examination procedure referred to in Article 15(2), in accordance with the new findings on export prices. The amount of the anti-dumping duty imposed pursuant to this Article shall not exceed twice the amount of the duty imposed initially."

(c) In paragraph 4, the first and second subparagraphs are replaced by the following:

"The relevant provisions of Articles 5 and 6 shall apply to any reinvestigation carried out pursuant to this Article, except that such reinvestigation shall be carried out expeditiously and shall normally be concluded within ~~nine~~ **six months** of the date of initiation of the reinvestigation. In any event, such reinvestigations shall in all cases be concluded within ~~one year~~ **10 months** of initiation of the reinvestigation."

**[AM 311]**

10. Article 13 is amended as follows:

(a) Paragraph 3 is replaced by the following:

"3. Investigations shall be initiated pursuant to this Article on the initiative of the Commission or at the request of a Member State or any interested party on the basis of sufficient evidence regarding the factors set out in paragraph 1. Initiations shall be made by Commission Regulation which may also instruct the customs authorities to make imports subject to registration in accordance with Article 14(5) or to request guarantees. Investigations shall be carried out by the Commission, which may be assisted by customs authorities and shall be concluded within nine months. When the facts as finally ascertained justify the extension of measures, this shall be done by the Commission acting in accordance with the examination procedure referred to in Article 15(2). The extension shall take effect from the date on which registration was imposed pursuant to Article 14(5) or on which guarantees were requested. The relevant procedural provisions of this Regulation with regard to the initiation and the conduct of investigations shall apply pursuant to this Article."

(b) In paragraph 4, the second subparagraph is replaced by the following:

"These exemptions shall be granted by decision of the Commission and shall remain valid for the period and under the conditions set down therein."

11. Article 14 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the *advisory* procedure referred to in ~~Article 15(2)~~ **Article 15(1a)**. Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and these comments have been taken into account. Measures may, at any time be reinstated if the reason for suspension is no longer applicable."

**[AM 312]**

(b) In paragraph 5, the first sentence is replaced by the following

"5. The Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration."

12. Article 15 is replaced by the following:

"Article 15

Committee procedure

1. The Commission shall be assisted by the Anti-Dumping Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.  
  
*1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 313]*
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No ~~{xxxx/2011}~~ 182/2011 shall apply. *The examination committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 314]*

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~{xxxx/2011}~~**182/2011** shall apply in conjunction with ~~Article {5}~~ **Article 4** thereof.<BR>**[AM 315]**
4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.
- 4a. *In the event that a draft implementing act is submitted to the appeal committee pursuant to Article 6 of Regulation (EU) No 182/2011, it shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 316]***

***4b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."***

**[AM 317]**

13. In Article 19, paragraph 5 is replaced by the following:

"5. The Commission and Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged except as specifically provided for in this Regulation."

14. Article 20 is amended as follows:

(a) Paragraph 4 is replaced by the following:



"4. Final disclosure shall be given in writing. It shall be made, due regard being had to the protection of confidential information, as soon as possible and, normally, no later than one month prior to the initiation of the procedures set out in Article 9. Where the Commission is not in a position to disclose certain facts or considerations at that time, these shall be disclosed as soon as possible thereafter. Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible."

(b) Paragraph 5 is replaced by the following:

"5. Representations made after final disclosure is given shall be taken into consideration only if received within a period to be set by the Commission in each case, which shall be at least 10 days, due consideration being given to the urgency of the matter. A shorter period can be set whenever a final disclosure has already been made."

15. Article 21 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties. Such comments shall be received within 15 days of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments".

(b) Paragraph 5 is replaced by the following:

"5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Committee."

(c) In paragraph 6, the second sentence is replaced by the following:

"Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission."

**15a. The following article is inserted:**

**"Article 22a**

**Report**

- 1. The Commission shall, with due regard to the protection of confidential information within the meaning of Article 19, present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.**

2. *The European Parliament may, within one month from the Commission presenting the 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.*
3. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 318]