



**2016/0218(COD)**

10.10.2016

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo\* of the other part  
(COM(2016)0460 – C8-0327/2016 – 2016/0218(COD))

Committee on International Trade

Rapporteur: Adam Szejnfeld

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo\* of the other part  
(COM(2016)0460 – C8-0327/2016 – 2016/0218(COD))**

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

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0460),
  - 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 (C8-0327/2016),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade and the opinion of the Committee on Foreign Affairs (A8-0000/2016),
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.

### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 3**

*Text proposed by the Commission*

(3) In order to ensure uniform conditions for the implementation of the Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the

*Amendment*

(3) In order to ensure uniform conditions for the implementation of the Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the

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\* This designation is without prejudice to positions on status, and in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

European Parliament and of the Council<sup>2</sup>. Given that the implementing acts form part of the common commercial policy, the examination procedure should be used for their adoption. Where the Agreement provides for the possibility, in exceptional and critical circumstances, to apply *urgent* measures necessary to deal with the situation, the Commission should adopt such implementing acts immediately. For measures concerning agricultural and fishery products, the Commission, in cases of duly justified imperative grounds of urgency, should adopt such implementing acts immediately.

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<sup>2</sup> 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 (OJ L55, 28.2.2011, p. 13).

European Parliament and of the Council<sup>2</sup>. Given that the implementing acts form part of the common commercial policy, the examination procedure should *in principle* be used for their adoption. Where the Agreement provides for the possibility, in exceptional and critical circumstances, to apply *forthwith* measures necessary to deal with the situation, the Commission should adopt such implementing acts immediately. For measures concerning agricultural and fishery products, the Commission, in cases of duly justified imperative grounds of urgency, should adopt such implementing acts immediately.

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<sup>2</sup> 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 (OJ L55, 28.2.2011, p. 13).

Or. en

## Amendment 2

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

**(8) In order to ensure the effective application and management of the tariff quotas granted under the Agreement, as well as to ensure legal certainty and equal treatment with regard to the levying of duties, certain provisions of this Regulation should apply from the date of entry into force of the Agreement,**

*Amendment*

**deleted**

Or. en

### **Amendment 3**

#### **Proposal for a regulation Article 9**

*Text proposed by the Commission*

*Amendment*

#### **Article 9**

*deleted*

#### **Surveillance**

*For the purposes of implementing Article 34 of the Agreement, a Union surveillance of imports of goods listed in Annex V of Protocol 3 to the Agreement shall be established. The procedure laid down in Article 308(d) of Commission Regulation (EEC) No 2454/93 <sup>7</sup> shall apply.*

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<sup>7</sup> *Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).*

Or. en