



EUROPEAN PARLIAMENT

2009 - 2014

Committee on International Trade

2011/0263(COD)

16.4.2012

AMENDMENTS

30 - 46

Draft report

Jörg Leichtfried

(PE483.540v01-00)

on the proposal for a regulation of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other

Proposal for a regulation

(COM(2011)0599 – C7-0306/2011 – 2011/0263(COD))

AM_Com_LegReport

Amendment 30
Marielle de Sarnez

Draft legislative resolution
Citation 3 a (new)

Draft legislative resolution

Amendment

Having regard to Article 349 of the Treaty on the Functioning of the European Union,

Or. fr

Amendment 31
Tokia Saïfi, Damien Abad, Franck Proust

Proposal for a regulation
Citation 1

Text proposed by the Commission

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) ***and Article 349*** thereof,

Or. fr

Amendment 32
Marielle de Sarnez

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) The tasks of carrying out investigations and, if necessary, imposing safeguard measures should be carried out in the most transparent manner possible.

(7) The tasks of carrying out investigations and, if necessary, imposing safeguard measures should be carried out in the most transparent manner ***and as flexibly and quickly as possible, so that any safeguard***

*measures can be imposed before
producers have suffered serious damage.*

Or. fr

Amendment 33

Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Mário David

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The Commission should submit a report once a year on the implementation of the Agreement and the application of the safeguard measures and the banana stabilisation mechanism, which should include up-to-date and reliable statistics on imports from Central America and an assessment of their impact on market prices, employment, and the evolution of the Union's production sector, paying special attention to small-size producers and cooperatives.

Or. en

Amendment 34

Tokia Saïfi, Damien Abad, Franck Proust

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The Commission undertakes to make diligent and effective use of the Stabilisation Mechanism for Bananas in order to avoid any damage to producers in the Union and, after January 2020, to maintain – if necessary – a system which, in the event of serious market disruption, will make it possible to preserve

production sectors in the Union and particularly in the outermost regions.

Or. fr

Amendment 35
Marielle de Sarnez

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) As an extension of the Stabilisation Mechanism for Bananas, consideration should be given to the development of fresh systems which will make it possible to take action in the event of serious market disruption after 1 January 2020.

Or. fr

Amendment 36
Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Mário David

Proposal for a regulation
Article 1 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) "serious deterioration" means disturbances in a sector of the economy, particularly where these disturbances produce major social problems, or difficulties which brings or could bring about serious injury in the economic situation of the importing party;

Or. en

Amendment 37
Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Mário David

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Monitoring

- 1. The Commission shall monitor the evolution of import and export statistics of Central American products, in particular in sensitive sectors including bananas. For this purpose, it shall cooperate and exchange data on a regular basis with Member States and the Union industry.**
- 2. Upon a duly justified request by the industries concerned, the Commission may consider extending the scope of the monitoring to other sectors.**
- 3. The Commission shall present an annual monitoring report to the European Parliament and the Council on updated statistics on imports from Central America of products in the sensitive sectors and those sectors to which monitoring has been extended.**

Or. en

Amendment 38

Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Emma McClarkin, Mário David

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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

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, **by the European Parliament**, or on the Commission's own initiative if it is

Commission that there is sufficient prima facie evidence, as determined on the basis of factors referred to in Article 4(5), to justify such initiation.

apparent to the Commission that there is sufficient prima facie evidence, as determined on the basis of factors referred to in Article 4(5), to justify such initiation.

Or. en

Amendment 39

Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Emma McClarkin, Mário David

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. Any extension pursuant to paragraph 3 shall be preceded by an investigation upon a 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 there is sufficient prima facie evidence that the conditions laid down in paragraph 3 are met, on the basis of factors referred to in Article 4(5).

Amendment

4. Any extension pursuant to paragraph 3 shall be preceded by an investigation upon a request by a Member State, by any legal person or any association not having legal personality, acting on behalf of the Union industry, **by the European Parliament** or on the Commission's own initiative if there is sufficient prima facie evidence that the conditions laid down in paragraph 3 are met, on the basis of factors referred to in Article 4(5).

Or. en

Amendment 40

Emma McClarkin

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Where any product originating in a Central American country is being imported in such increased quantities and under such conditions as to cause or threaten to cause serious **deterioration in the economic situation of** one or several of

Amendment

1. Where any product originating in a Central American country is being imported in such increased quantities and under such conditions as to cause or threaten to cause serious **injury to** one or several of the Union's outermost region(s)

the Union's outermost region(s) referred to in Article 349 of the Treaty on the Functioning of the European Union, a safeguard measure may be imposed, in accordance with the provisions set out in this chapter.

referred to in Article 349 of the Treaty on the Functioning of the European Union, a safeguard measure may be imposed, in accordance with the provisions set out in this chapter.

Or. en

Amendment 41

Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Mário David

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Report

- 1. The Commission shall present an annual report on the application and implementation of the Agreement and of this Regulation to the European Parliament.***
- 2. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, and the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including information received from interested parties.***
- 3. The report shall also present a summary of the statistics and the evolution of trade with Central America.***
- 4. The report shall include up-to-date and reliable statistics on banana imports from Central America and their direct and indirect impact on the development of employment and working conditions in the European production sector.***

5. 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 and this Regulation.

6. No later than three months after presenting the report to the European Parliament, the Commission shall make the report public.

Or. en

Amendment 42

Josefa Andrés Barea, Juan Fernando López Aguilar, Maria Badia i Cutchet

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of ‘originating products’ and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. Once the trigger volume is met during the corresponding calendar year, the Commission ***may***, in accordance with the ***examination*** procedure referred to in ***Article 12(3)***, temporarily suspend the preferential customs duty during that same

Amendment

2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of ‘originating products’ and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. Once the trigger volume is met during the corresponding calendar year, the Commission ***shall***, in accordance with the procedure referred to in ***Article 12(4)***, temporarily suspend the preferential customs duty during that same year for a

year for a period of time not exceeding three months, and not going beyond the end of the calendar year.

period of time not exceeding three months, and not going beyond the end of the calendar year.

Or. en

Amendment 43
Daniel Caspary

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of "originating products" and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. Once the trigger volume is met during the corresponding calendar year, the Commission may, in accordance with the examination procedure referred to in Article 12(3), temporarily suspend the preferential customs duty during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year.

Amendment

2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of "originating products" and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. ***This requirement to present an export certificate should not, however, result in additional red tape, higher costs or other de facto trade restrictions affecting the exporter.*** Once the trigger volume is met during the corresponding calendar year, the Commission may, in accordance with the examination procedure referred to in Article 12(3), temporarily suspend the preferential customs duty during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year.

Or. de

Amendment 44

Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Mário David

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of ‘originating products’ and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. Once the trigger volume is met during the corresponding calendar year, the Commission *may*, in accordance with the *examination* procedure referred to in *Article 12(3)*, temporarily suspend the preferential customs duty during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year.

Amendment

2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of ‘originating products’ and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. Once the trigger volume is met during the corresponding calendar year, the Commission *shall*, in accordance with the *advisory* procedure referred to in *Article 12(2)*, temporarily suspend the preferential customs duty during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year. *Only reasons of force majeure shall justify the suspension not being imposed.*

Or. en

Amendment 45

Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Mário David

Proposal for a regulation

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall closely monitor the evolution of statistics for banana imports from Central America. For this purpose, the Commission shall cooperate and exchange information on a regular basis with the Member States and interested parties.

Or. en

Amendment 46

Tokia Saïfi, Damien Abad, Franck Proust

Proposal for a regulation

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Two years before the end of the application period referred to in paragraph 1, the Commission shall assess the impact of the application of the Stabilisation Mechanism, forward its assessment to the European Parliament and the Council, and consider the possibility of extending the application of the provisions of this article.

Or. fr