



Plenary sitting

B8-0611/2016

10.5.2016

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on China's market economy status
(2016/2667(RSP))

Emma McClarkin, Roberts Zile
on behalf of the ECR Group

**European Parliament resolution on China's market economy status
(2016/2667(RSP))**

The European Parliament,

- having regard to the EU's anti-dumping legislation (Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community¹),
 - having regard to China's Protocol of Accession to the World Trade Organisation (WTO), in particular Section 15 thereof,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the European Union and China are two of the biggest traders in the world, China being the EU's second biggest trading partner and the EU being China's biggest, with a daily trade exchange in excess of EUR 1 billion;
- B. whereas any decision on how to take account of the expiry of Section 15(a)(ii) of China's Protocol of Accession to the WTO and on the treatment of illegally dumped and subsidised imports from China after December 2016 must, as a key principle, ensure the continued compliance of EU law with WTO law;
- C. whereas the exact legal effects arising from the expiration of Section 15(a)(ii) of the Accession Protocol in terms of the method used to determine the normal value for the purposes of anti-dumping measures concerning China must be examined and analysed, including the legal effect of the remaining parts of Section 15;
1. Reiterates the importance of the EU strategic partnership with China, in which trade and investment play a central role;
 2. Notes that Section 15(a)(ii) of the Accession Protocol will expire on 11 December 2016; invites the Commission, where appropriate, to consider what changes may need to be reflected in EU law to take account of this expiration;
 3. Insists that any proposal envisaged by the Commission to take account of the expiry of certain parts of the Accession Protocol should be firmly founded on the following four key principles:
 - the need to ensure the full compatibility of EU law with the EU's obligations arising from its WTO obligations and commitments and the legal consequences of changes to certain parts of Section 15 of the Accession Protocol;
 - the need not only to take account of the specific legal effects of the expiry of Section 15(a)(ii) but also to ensure that full legal meaning is given to those sections of the Accession Protocol which remain after 11 December 2016;

¹ OJ L 343, 22.12.2009, p. 51.

- the need to ensure that the EU, as a matter of critical and crucial importance, retains the full and continued ability to take timely, necessary and effective measures to tackle anti-competitive market practices by EU trading partners which result in injury to EU industry, and to guarantee that EU companies continue to operate on a global level playing field in the EU;
 - the need for any legislative proposal to be based on a careful and considered assessment not only of the legal aspects of any change but also of the medium- and long-term economic, social, industrial, environmental and strategic impacts that may arise as a consequence;
4. Requests that such a reflection be without prejudice to the process concerning the more general reform of the EU's trade defence instruments and that no proposal be made by the Commission while Parliament is in recess;
 5. Asks that the Commission consider establishing a clear and effective strategy for the granting of market economy status to third countries, not only in order to preserve a level playing field for European businesses but also to continue the struggle against all forms of anti-competitive market behaviour and market distortion;
 6. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.