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Plenary sitting

A8-0014/2015

28.1.2015

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on common rules for imports from certain third countries (recast)
(COM(2014)0323 – C8-0014/2014 – 2014/0168(COD))

Committee on International Trade

Rapporteur: Jarosław Wałęsa

(Recast – Rule 104 of the Rules of Procedure)

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 common rules for imports from certain third countries (recast)
(COM(2014)0323 – C8-0014/2014 – 2014/0168(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0323),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0014/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 10 December 2014¹,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts²,
 - having regard to the letter of 13 November 2014 from the Committee on Legal Affairs to the Committee on International Trade in accordance with Rule 104(3) of its Rules of Procedure,
 - having regard to Rules 104 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A8-0014/2015),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading, taking over the Commission proposal and taking account of the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 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;

¹ Not yet published in the Official Journal.

² OJ C 77, 28.3.2002, p. 1.

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

The Commission proposal concerns a codification and recast of Regulation (EC) No 625/2009 on common rules for imports from certain third countries

Following the entry into force of the Treaty of Lisbon, an alignment exercise took place to ensure that the previous comitology and ad hoc decision making procedures in trade policy were aligned to the new regime of delegated and implementing acts. This was done by means of Omnibus I (implementing acts) and Omnibus II (delegated acts) which amended a series of regulations in the trade field, including Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries.

During this exercise, the Commission detected some errors that needed to be corrected. In order to incorporate some substantive amendments, it was deemed necessary to transform the codification into a recast. As regards the substance of these proposals, they are largely technical corrections. Further, as agreed under Omnibus I, certain decisions in this regulation will be taken on the basis of the advisory procedure and others on the basis of the examination procedure, which has been reflected in the text.

In terms of the scope of the proposal, it sets out safeguard and surveillance instruments which can be applied to the imports of products, including coal and steel but excluding textiles which are subject to a separate regulation. The regulation only applies to a limited number of countries, namely Azerbaijan, Belarus, Kazakhstan, North Korea, Turkmenistan and Uzbekistan. The safeguard instrument is rarely used in practice and as regards surveillance, the last surveillance measure was in force on steel products and expired on 31 December 2012.

In terms of what the recast does, the main change concerns updating the annex to remove countries which have now become members of the World Trade Organisation, namely Armenia, Russia, Tajikistan and Vietnam.

Following these considerations, and based on the favourable opinion of the Committee on Legal Affairs, your Rapporteur recommends adopting the present Commission proposal without any modifications.

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Ref. D(2014)54273

Bernd Lange
Chair, Committee on International Trade
ASP 12G205
Brussels

Subject: Proposal for a regulation of the European Parliament and of the Council on common rules for imports from certain third countries (recast) (COM(2014)0323 – C8-0014/2014 – 2014/0168(COD))

Dear Chair,

The Committee on Legal Affairs has examined the proposal referred to above, pursuant to Rule 104 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 169 and 170, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement, the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 58, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsman, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the

existing texts, without any change in their substance.

In conclusion, at its meeting of 11 November 2014, the Committee on Legal Affairs, by 19 votes in favour and 2 abstentions¹, recommends that the Committee on International Trade, as the committee responsible, proceed to examine the above proposal in accordance with Rule 104.

Yours sincerely,

Pavel Svoboda

Encl.: Opinion of the Consultative Working Party.

¹ The following Members were present: Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Daniel Buda, Kostas Chrysogonos, Sergio Gaetano Cofferati, Therese Comodini Cachia, Mady Delvaux, Pascal Durand, Angel Dzhambazki, Rosa Estaràs Ferragut, Lidia Joanna Geringer de Oedenberg, Heidi Hautala, Dietmar Köster, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Evelyn Regner, Virginie Rozière, Helga Stevens, Pavel Svoboda, Axel Voss, and Tadeusz Zwiefka.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 18 September 2014

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

Proposal for a Regulation of the European Parliament and of the Council on common rules for imports from certain third countries

COM(2014) 323 final of 28.5.2014 - 2014/0168 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 10 July 2014 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries resulted in the Consultative Working Party's concluding, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER
Jurisconsult

H. LEGAL
Jurisconsult

L. ROMERO REQUENA
Director General

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

PROCEDURE

Title	Common rules for imports from certain third countries (recast)	
References	COM(2014)0323 – C8-0014/2014 – 2014/0168(COD)	
Date submitted to Parliament	28.5.2014	
Committee responsible Date announced in plenary	INTA 15.9.2014	
Committees asked for opinions Date announced in plenary	JURI 15.9.2014	
Not delivering opinions Date of decision	JURI 3.9.2014	
Rapporteurs Date appointed	Jarosław Wałęsa 3.9.2014	
Discussed in committee	5.11.2014	3.12.2014
Date adopted	22.1.2015	
Result of final vote	+: 32 -: 2 0: 3	
Members present for the final vote	William (The Earl of) Dartmouth, Maria Arena, Tiziana Beghin, David Borrelli, David Campbell Bannerman, Daniel Caspary, Salvatore Cicu, Christofer Fjellner, Yannick Jadot, Ska Keller, Jude Kirton-Darling, Gabrielius Landsbergis, Bernd Lange, Marine Le Pen, David Martin, Emmanuel Maurel, Emma McClarkin, Anne-Marie Mineur, Alessia Maria Mosca, Artis Pabriks, Franck Proust, Godelieve Quisthoudt-Rowohl, Inmaculada Rodríguez-Piñero Fernández, Matteo Salvini, Marietje Schaake, Helmut Scholz, Joachim Schuster, Joachim Starbatty, Adam Szejnfeld, Iuliu Winkler, Jan Zahradil	
Substitutes present for the final vote	Goffredo Maria Bettini, Reimer Böge, Victor Boştinaru, Klaus Buchner, Dita Charanzová, Sajjad Karim, Fernando Ruas, Ramon Tremosa i Balcells, Jarosław Wałęsa	
Date tabled	28.1.2015	