



EUROPEAN PARLIAMENT

2009 - 2014

Committee on International Trade

2013/0063(COD)

18.6.2013

OPINION

of the Committee on International Trade

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council
laying down the trade arrangements applicable to certain goods resulting from
the processing of agricultural products
(COM(2013)0106 – C7-0048/2013 – 2013/0063(COD))

Rapporteur: Albert Deß

PA_Legam

SHORT JUSTIFICATION

The proposed Regulation aims to align current trade arrangements applicable to certain goods derived from the processing of agricultural products¹ to the regime of implementing and delegated acts, introduced by the Lisbon Treaty. In addition, it is vital to ensure that the trade regime for processed agricultural products is in line with the Union's obligations on reduction or phasing out of import duties and export subsidies as well as opening and adaptation of tariff quotas, arising from the WTO and bilateral agreements.

Among other objectives, the proposal seeks to create a solid legal framework for the management of the export refunds, reduced import duties, import quotas and adoption of safeguard measures as provided for by free trade agreements (FTAs) and adapt the existing legislation to the current practices in FTAs.

Through the proposed Regulation the co-legislators would confer powers on the Commission to open and manage tariff quotas and adapt annexes to the Regulation to reflect commitments undertaken in international agreements concluded or provisionally applied in accordance with Article 218 TFEU. The co-legislators would delegate the power to adopt rules necessary to ensure the implementation of the Union's preferential trade arrangements and international commitments and to avoid distortion of trade.

The rapporteur proposes amendments seeking to ensure consistency of the Regulation with the currently negotiated Trade Omnibuses² by guaranteeing proper involvement of the Parliament during the preparation of delegated acts, limiting the periods of the conferral of powers to tacitly extendable periods and introducing reporting requirements, extending the period of scrutiny for draft delegated acts and modifying the rules on the application of the written procedure.

The rapporteur reminds of the need to ensure the proposal is in line with the outcome of negotiations on CAP reform³ as well as the changes that will be brought by alignments of the regulations on Common Customs Code⁴ as well as on the Tariff and statistical nomenclature and the Common Customs Tariff⁵.

AMENDMENTS

The Committee on International Trade calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following amendments in its report:

¹ Council Regulation (EC) No 1216/2009 of 30 November 2009, OJ L 328, 15.12.2009, p. 10.

² Trade Omnibus I (COD 2011/0039) and Trade Omnibus II (COD 2011/0153).

³ COM(2010) 799 final) and (COM(2011) 626 final.

⁴ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Common Customs Code.

⁵ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff.

Amendment 1

Proposal for a regulation Recital 43

Text proposed by the Commission

(43) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work prior to adopting delegated acts, 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 to the Council.

Amendment

(43) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work prior to adopting delegated acts, 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 to the Council. ***The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.***

Justification

European Parliament should be duly involved in preparation and implementation of delegated acts. Enhanced scrutiny over delegated acts would reduce the chance of objections from the European Parliament.

Amendment 2

Proposal for a regulation Recital 46 a (new)

Text proposed by the Commission

Amendment

(46a) This Regulation takes account of access to food as a human right. It bears in mind the negative impacts of past trade

agreements on farming and food production and therefore local regional and national food security, especially in developing third countries as well as in LDCs,

Amendment 3

Proposal for a regulation

Article 2 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) "qualified external protection" means an external protection that would exclude the import products that do not meet Union food safety laws and that raise tariffs on products not meeting Union environmental, animal welfare or social standards.

Amendment 4

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission may, by means of implementing acts, determine the processed agricultural products listed in Annex IV to which, when imported subject to the rate of duty laid down in the Common Customs Tariff, an additional import duty shall apply in order to prevent or counteract adverse effects on the Union market which may result from those imports, if:

The Commission may, by means of implementing acts, determine the processed agricultural products listed in Annex IV to which, when imported subject to the rate of duty laid down in the Common Customs Tariff, an additional import duty *or an import restriction based on Union environmental or health standards* shall apply in order to prevent or counteract adverse effects on the Union market *or the market of a member State* which may result from those imports, if:

Amendment 5

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the products do not meet the environmental or health standards imposed on Union producers.

Amendment 6

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Additional import duties shall not be imposed in accordance with paragraph 1 where the imports are unlikely to disturb the Union market, or where the effects would be disproportionate to the intended objective.

2. Additional import duties shall not be imposed in accordance with paragraph 1 where the imports are unlikely to disturb the Union market ***or the market of a Member State***, or where the effects would be disproportionate to the intended objective.

Amendment 7

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. The Commission shall, subject to paragraph 3 of this Article, by means of implementing acts, take safeguard measures against imports of processed agricultural products into the Union in accordance with Regulations (EC) No 260/2009 and (EC) No 625/2009.

1. The Commission shall, subject to paragraph 3 of this Article, by means of implementing acts, take safeguard measures against imports of processed agricultural products into the Union in accordance with Regulations (EC) No 260/2009 and (EC) No 625/2009, ***as amended by Regulation (EU) No .../...¹.***

¹ COM(2011)0082

Justification

Both directives will be aligned under Omnibus I.

Amendment 8

Proposal for a regulation

Article 38 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) transmitting or making information and documents available to the Member States, the competent authorities in third countries, or the public.

Amendment

(c) transmitting or making information and documents available to the Member States, the competent authorities in third countries, ***the European Parliament***, or the public.

Amendment 9

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

2. The power to adopt the delegated acts referred to in Articles 8, 12, 15, 19, 27, 32, Article 34(1), Article 37, Article 38(3) and Article 39 shall be conferred on the Commission for ***an indeterminate period of time*** from ***the date of entry into force of this Regulation***.

Amendment

2. The power to adopt the delegated acts referred to in Articles 8, 12, 15, 19, 27, 32, Article 34(1), Article 37, Article 38(3) and Article 39 shall be conferred on the Commission for ***a period of seven years from ...****. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-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.***

**** OJ: Please insert the date of entry into force of the Single CMO Regulation (EC) No .../... [COM(2011) 626 final].***

Justification

Parliamentary control should be enhanced by limiting the period of the conferral of powers and introducing reporting requirements. The date of entry into force should be synchronised with that of the sCMO.

Amendment 10

Proposal for a regulation Article 40 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 8, 12, 15, 19, 27, 32, Article 34(1), Article 37, Article 38(3) and Article 39 shall enter into force only if no objection has been expressed either by the European Parliament or by 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 ***two months*** at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Articles 8, 12, 15, 19, 27, 32, Article 34(1), Article 37, Article 38(3) and Article 39 shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

The co-legislators must be given sufficient time to properly scrutinize delegated acts.

Amendment 11

Proposal for a regulation Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

The following paragraph is inserted:

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.*

Justification

In line with the Trade Omnibuses, the use of written procedure should be encouraged for the reasons of procedural and cost efficiency. The written procedure should be terminated without result if a qualified majority rather than a single Member State calls for this.

Amendment 12

**Proposal for a regulation
Article 44 – paragraph 2**

Text proposed by the Commission

Amendment

It shall apply from **1 January 2014**.

It shall apply from **1 January 2015**.

Justification

The date of application should be brought in line with the new sCMO.

PROCEDURE

Title	Trade arrangements applicable to certain goods resulting from the processing of agricultural products
References	COM(2013)0106 – C7-0048/2013 – 2013/0063(COD)
Committee responsible Date announced in plenary	AGRI 12.3.2013
Opinion by Date announced in plenary	INTA 12.3.2013
Rapporteur Date appointed	Albert Deß 20.3.2013
Discussed in committee	28.5.2013
Date adopted	18.6.2013
Result of final vote	+: 25 –: 0 0: 2
Members present for the final vote	Maria Badia i Cutchet, David Campbell Bannerman, María Auxiliadora Correa Zamora, Christofer Fjellner, Yannick Jadot, Metin Kazak, Franziska Keller, Bernd Lange, David Martin, Vital Moreira, Paul Murphy, Cristiana Muscardini, Helmut Scholz, Peter Šťastný, Robert Sturdy, Henri Weber, Iuliu Winkler, Paweł Zalewski
Substitute(s) present for the final vote	Josefa Andrés Barea, Catherine Bearder, Albert Deß, Elisabeth Köstinger, Emma McClarkin, Mario Pirillo, Miloslav Ransdorf, Peter Skinner, Jarosław Leszek Wałęsa
Substitute(s) under Rule 187(2) present for the final vote	Paul Rübig