

**2013/0103(COD)**

20.12.2013

# **AMENDMENTS**

## **35 - 339**

**Draft report**  
**Christofer Fjellner**  
(PE522.895v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community and Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European Community

Proposal for a regulation  
(COM(2013)0192 – C7-0097/2013 – 2013/0103(COD))

AM\_Com\_LegReport

**Amendment 35**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Title**

*Text proposed by the Commission*

Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European **Community** and Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European **Community**

*Amendment*

Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European **Union** and Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European **Union**

*(This amendment applies throughout Council Regulation (EC) No 1225/2009 and Council Regulation (EC) No 597/2009.)*

Or. en

**Amendment 36**  
**Helmut Scholz**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) While the Regulations have been amended, there has not been a fundamental review of the functioning of these instruments since 1995. As a result, the Commission launched a review of the Regulations in 2011 in order to, *inter alia*, better reflect the needs of business at the beginning of the 21<sup>st</sup> century.

*Amendment*

(2) While the Regulations have been amended, there has not been a fundamental review of the functioning of these instruments since 1995. As a result, the Commission launched a review of the Regulations in 2011 in order to, *inter alia*, better reflect the needs of **society and** business at the beginning of the 21<sup>st</sup> century. ***Given today's advancement of globalisation, issues of social and environmental dumping have emerged***

*and need to be addressed.*

*While in this regard reference is often made to the limitations in the WTO anti-dumping agreement to address social, environmental and human rights issues, the Charter of the United Nations, Chapter XVI, Article 103, states clearly that in "the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail".*

Or. en

#### *Justification*

*To clarify who may initiate retaliation against the EU.*

### **Amendment 37**

**Robert Sturdy**

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

##### **Recital 3**

###### *Text proposed by the Commission*

(3) Following the review, certain provisions of the Regulations should be amended in order to improve transparency and predictability, provide for effective measures to fight against retaliation, improve effectiveness and enforcement and optimise review practice. In addition, certain practices that in recent years have been applied in the context of anti-dumping and anti-subsidy investigations should be included in the Regulations.

###### *Amendment*

(3) Following the review, certain provisions of the Regulations should be amended in order to improve transparency and predictability, provide for effective measures to fight against retaliation **by third countries**, improve effectiveness and enforcement and optimise review practice. In addition, certain practices that in recent years have been applied in the context of anti-dumping and anti-subsidy investigations should be included in the Regulations.

Or. en

*Justification*

*To clarify who may initiate retaliation against the EU.*

**Amendment 38**

**Tokia Saïfi**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

(3) Following the review, certain provisions of the Regulations should be amended in order to improve transparency and predictability, provide for effective measures to fight against retaliation, improve effectiveness and enforcement and optimise review practice. ***In addition, certain practices that in recent years have been applied in the context of anti-dumping and anti-subsidy investigations should be included in the Regulations.***

*Amendment*

(3) Following the review, certain provisions of the Regulations should be amended in order to improve transparency and predictability, provide for effective measures to fight against retaliation, improve effectiveness and enforcement and optimise review practice.

Or. fr

**Amendment 39**

**Franck Proust, Tokia Saïfi, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Malgorzata Handzlik, Pawel Zalewski, Jarosław Leszek Wałęsa, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

(3) Following the review, certain provisions of the Regulations should be amended in order to improve transparency and predictability, provide for effective measures to fight against retaliation, improve effectiveness and enforcement and optimise review practice. In addition, certain practices that in recent years have

*Amendment*

(3) Following the review, certain provisions of the Regulations should be amended in order to improve transparency and predictability, provide for effective measures to fight against retaliation, improve effectiveness and enforcement and optimise review practice, ***and to facilitate access to the instruments for SMEs. To***

been applied in the context of anti-dumping and anti-subsidy investigations should be included in the Regulations.

*this end, the function of the Export Helpdesk should be adapted.* In addition, certain practices that in recent years have been applied in the context of anti-dumping and anti-subsidy investigations should be included in the Regulations.

Or. en

**Amendment 40**  
**Cristiana Muscardini**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

***(4) In order to improve transparency and predictability of anti-dumping and anti-subsidy investigations, the parties affected by the imposition of provisional anti-dumping and countervailing measures, in particular importers, should be made aware of the impending imposition of such measures. The time given should correspond to the period between the submission of the draft implementing act to the anti-dumping committee established pursuant to Article 15 of Regulation (EC) No 1225/2009 and the anti-subsidy committee established pursuant to Article 25 of Regulation (EC) No 597/2009 and the adoption of that act by the Commission. This period is fixed in Article 3(3) of Regulation (EU) No 182/2011. Also, in investigations where it is not appropriate to impose provisional measures, it is desirable that parties are aware sufficiently in advance of such non-imposition.***

***deleted***

Or. en

**Amendment 41**  
**Matteo Salvini**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

***(4) In order to improve transparency and predictability of anti-dumping and anti-subsidy investigations, the parties affected by the imposition of provisional anti-dumping and countervailing measures, in particular importers, should be made aware of the impending imposition of such measures. The time given should correspond to the period between the submission of the draft implementing act to the anti-dumping committee established pursuant to Article 15 of Regulation (EC) No 1225/2009 and the anti-subsidy committee established pursuant to Article 25 of Regulation (EC) No 597/2009 and the adoption of that act by the Commission. This period is fixed in Article 3(3) of Regulation (EU) No 182/2011. Also, in investigations where it is not appropriate to impose provisional measures, it is desirable that parties are aware sufficiently in advance of such non-imposition.***

***deleted***

Or. en

*Justification*

*To eliminate the risk of stockpiling, no pre-disclosure should be foreseen in the Regulation.*

**Amendment 42**  
**Marielle de Sarnez, Yannick Jadot, Andrea Cozzolino, Metin Kazak, Niccolò Rinaldi**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

***(4) In order to improve transparency and predictability of anti-dumping and anti-subsidy investigations, the parties affected by the imposition of provisional anti-dumping and countervailing measures, in particular importers, should be made aware of the impending imposition of such measures. The time given should correspond to the period between the submission of the draft implementing act to the anti-dumping committee established pursuant to Article 15 of Regulation (EC) No 1225/2009 and the anti-subsidy committee established pursuant to Article 25 of Regulation (EC) No 597/2009 and the adoption of that act by the Commission. This period is fixed in Article 3(3) of Regulation (EU) No 182/2011. Also, in investigations where it is not appropriate to impose provisional measures, it is desirable that parties are aware sufficiently in advance of such non-imposition.***

*deleted*

Or. fr

*Justification*

*The publication of the imposition of provisional duties two weeks before the actual imposition of the provisional measures increases the likelihood of stockpiling and thus the damage to European producers.*

#### **Amendment 43**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

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

#### **Recital 4**

*Text proposed by the Commission*

*Amendment*

**(4) In order to improve transparency and predictability of anti-dumping and anti-subsidy investigations, the parties affected**

**(4) In order to improve transparency and predictability of anti-dumping and anti-subsidy investigations, the parties affected**



by the imposition of provisional anti-dumping and countervailing measures, *in particular importers*, should be made aware of the impending imposition of such measures. The time given should *correspond to the period between the submission of the draft implementing act to the anti-dumping committee established pursuant to Article 15 of Regulation (EC) No 1225/2009 and the anti-subsidy committee established pursuant to Article 25 of Regulation (EC) No 597/2009 and the adoption of that act by the Commission. This period is fixed in Article 3(3) of Regulation (EU) No 182/2011. Also, in investigations where it is not appropriate to impose provisional measures, it is desirable that parties are aware sufficiently in advance of such non-imposition.*

by the imposition of provisional anti-dumping and countervailing measures, should be made aware of the impending imposition *or non-imposition* of such measures. The time given should *be of maximum two weeks.*

Or. en

#### *Justification*

*In order to improve transparency and predictability, the time for early disclosure should be exactly two weeks. There should not be any mention of any particular parties to benefit from such disclosure.*

#### **Amendment 44** **Mario Pirillo**

#### **Proposal for a regulation** **Recital 4**

##### *Text proposed by the Commission*

(4) In order to improve transparency and predictability of anti-dumping and *anti-subsidy* investigations, the parties affected by the imposition of provisional *anti-dumping* and countervailing measures, *in particular importers*, should be made aware of the impending imposition of such measures. The time given should

##### *Amendment*

(4) In order to improve transparency and predictability of anti-dumping and *antisubsidy* investigations, the parties affected by the imposition of provisional *antidumping* and countervailing measures should be made aware of the impending imposition of such measures. The time given should *not exceed two weeks*. Also,

*correspond to the period between the submission of the draft implementing act to the anti-dumping committee established pursuant to Article 15 of Regulation (EC) No 1225/2009 and the anti-subsidy committee established pursuant to Article 25 of Regulation (EC) No 597/2009 and the adoption of that act by the Commission. This period is fixed in Article 3(3) of Regulation (EU) No 182/2011.* Also, in investigations where it is not appropriate to impose provisional measures, it is desirable that parties are aware sufficiently in advance of such non-imposition.

in investigations where it is not appropriate to impose provisional measures, it is desirable that parties are aware sufficiently in advance of such non-imposition.

Or. en

#### **Amendment 45**

**Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

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

##### **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4a) To ensure the effectiveness of the instrument, it should shorten the time for the imposition of anti-dumping and countervailing provisional measures to 7 months and 12 months for the definitive duties. To this end, it is important that the Unit in charge of anti-dumping and anti-subsidy investigations has adequate resources, including human resources.*

Or. en

#### **Amendment 46**

**Marielle de Sarnez, Andrea Cozzolino, Yannick Jadot, Metin Kazak, Niccolò Rinaldi**

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

##### **Recital 5**

*Text proposed by the Commission*

*Amendment*

***(5) A short period of time in advance of the imposition of provisional measures should be allowed for exporters or producers to check the calculation of their individual dumping or subsidy margin. Calculation errors could then be corrected in advance of the imposition of measures.***

***deleted***

Or. fr

*Justification*

*The introduction of a shipping clause increases the likelihood of stockpiling and thus the damage to European producers.*

**Amendment 47**  
**Helmut Scholz**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) In order to ensure effective measures to fight against retaliation, Union producers should be able to rely on the Regulations without fear of retaliation by third parties. Existing provisions, under special circumstances, provide for the initiation of an investigation without having received a complaint, where sufficient evidence of the existence of dumping, countervailable subsidies, injury and causal link exists. ***Such special circumstances should include threat of retaliation.***

(6) In order to ensure effective measures to fight against retaliation, Union producers should be able to rely on the Regulations without fear of retaliation by third countries. Existing provisions of the Regulations, under special circumstances, provide for the initiation of an investigation without having received a complaint, where sufficient evidence of the existence of dumping, countervailable subsidies, injury and causal link exists. Such special circumstances should include threat of retaliation by third countries. ***The launch of ex-officio investigations by the Commission should, however, remain the exception.***

Or. en

*Justification*

*To clarify who may initiate retaliation against the EU.*

**Amendment 48**

**Robert Sturdy**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) In order to ensure effective measures to fight against retaliation, Union producers should be able to rely on the Regulations without fear of retaliation by third **parties**. Existing provisions, under special circumstances, provide for the initiation of an investigation without having received a complaint, where sufficient evidence of the existence of dumping, countervailable subsidies, injury and causal link exists. Such special circumstances should include threat of retaliation.

*Amendment*

(6) In order to ensure effective measures to fight against retaliation, Union producers should be able to rely on the Regulations without fear of retaliation by third **countries**. Existing provisions **of the Regulations**, under special circumstances, provide for the initiation of an investigation without having received a complaint, where sufficient evidence of the existence of dumping, countervailable subsidies, injury and causal link exists. Such special circumstances should include threat of retaliation **by third countries**.

Or. en

*Justification*

*To clarify who may initiate retaliation against the EU.*

**Amendment 49**

**Helmut Scholz**

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

(7) When an investigation is not initiated by a complaint, an obligation should be imposed on Union producers to provide the necessary information in order for the investigation to proceed, in order to ensure

*Amendment*

(7) When an investigation is not initiated by a complaint, an obligation should be imposed on Union producers to provide the necessary information in order for the investigation to proceed, in order to ensure

that sufficient information is available for carrying out the investigation *in case of such threats of retaliation*.

that sufficient information is available for carrying out the investigation. *Small-sized and micro-sized enterprises shall be exempt from this obligation in order to spare them from unreasonable bureaucratic burden and costs.*

Or. en

*Justification*

*This cannot be an "obligation" because there are no sanctions foreseen. Therefore, it is more sensible to refer to a request for cooperation, leaving it up to Union producers to respond positively to it or not.*

**Amendment 50**  
**Robert Sturdy**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) When an investigation is not initiated by a complaint, *an obligation* should be **imposed on** Union producers to provide the necessary information in order for the investigation to proceed, in order to ensure that sufficient information is available for carrying out the investigation in case of such threats of retaliation.

*Amendment*

(7) When an investigation is not initiated by a complaint, *a request for cooperation* should be **made to** Union producers to provide the necessary information in order for the investigation to proceed, in order to ensure that sufficient information is available for carrying out the investigation in case of such threats of retaliation.

Or. en

*Justification*

*This cannot be an "obligation" because there are no sanctions foreseen. Therefore, it is more sensible to refer to a request for cooperation, leaving it up to Union producers to respond positively to it or not.*

**Amendment 51**  
**Robert Sturdy**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

***(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.***

***deleted***

Or. en

*Justification*

*The lesser duty rule shall be maintained in its original form for the sake of both producers and consumers interest to maintain the corrective nature and the balance of the instrument while not limiting it to the Union's access to intermediate goods.*

**Amendment 52**  
**Godelieve Quisthoudt-Rowohl**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

***(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries***

***deleted***

*for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.*

Or. de

**Amendment 53**  
**Elisabeth Köstinger**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

*(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. In order to protect trade adequately, the lesser duty*

*deleted*

*rule shall not apply in such cases of structural raw material distortions.*

Or. en

**Amendment 54**

**Helmut Scholz**

**Proposal for a regulation**

**Recital 8**

*Text proposed by the Commission*

*Amendment*

*(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.*

*deleted*

Or. en

**Amendment 55**

**Daniel Caspary, Bendt Bendtsen**

**Proposal for a regulation**

**Recital 8**



*Text proposed by the Commission*

*Amendment*

***(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.***

***deleted***

Or. en

## **Amendment 56**

**Franck Proust, Peter Št'astný**

### **Proposal for a regulation**

#### **Recital 8**

*Text proposed by the Commission*

*Amendment*

(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only

(8) Third countries increasingly interfere in trade of raw materials ***or energy*** with a view to keeping raw materials ***or energy*** in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials ***or energy*** do not result from the operation of normal market forces reflecting supply and demand for a given raw material ***or energy***. Such interference creates additional distortions of trade. As a

harméd by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.

consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions. ***Criteria to determine a distortion of the market of raw materials or energy should be duly specified***

Or. en

### Amendment 57

**María Auxiliadora Correa Zamora, Pablo Zalba Bidegain, Mário David, Salvatore Iacolino**

#### Proposal for a regulation

##### Recital 8

###### *Text proposed by the Commission*

(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. ***Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade.*** In order to protect trade adequately, the lesser duty rule shall not apply in such cases ***of structural raw material distortions.***

###### *Amendment*

(8) ***Third countries increasingly interfere in trade. Significant State interferences inter alia involving prices, costs and inputs, research and labour, outputs, sales and investments, currency exchange rate manipulations and unfair trade finance conditions, further distort regular course of trade and may have a severe impact on Union's producers . As an example,*** third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes ***on energy.*** As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. In order to protect trade adequately, the lesser duty rule shall not apply in such cases

Or. en

## *Justification*

*Distortive public interventions; such as prices, costs and inputs, research and labour, outputs, sales and investments, currency exchange rate and fair trade finance conditions, have to be equally tackle by this provision*

### **Amendment 58** **Silvana Koch-Mehrin**

#### **Proposal for a regulation** **Recital 8**

##### *Text proposed by the Commission*

(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade. ***In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.***

##### *Amendment*

(8) Third countries increasingly interfere in trade of raw materials with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, additional distortions of trade.

Or. en

## *Justification*

*Removing the lesser duty rule has a negative impact on the imports and exports of the Union. Roughly a third of the value of the Union's exports originates from the transformation of intermediate goods, previously imported into the Union. The term "structural raw material distortions" has not clearly been defined; also to the concern of the Commission's legal service. The instrument should continue to be used as a correcting and legal instrument and not be a penalising and political instrument.*

**Amendment 59**  
**Robert Sturdy**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.** **deleted**

Or. en

*Justification*

*The lesser duty rule shall be maintained in its original form for the sake of both producers and consumers interest to maintain the corrective nature and the balance of the instrument while not limiting it to the Union's access to intermediate goods.*

**Amendment 60**  
**Godelieve Quisthoudt-Rowohl**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the** **deleted**

*anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.*

Or. de

**Amendment 61**  
**Elisabeth Köstinger**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

*(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.*

*deleted*

Or. en

**Amendment 62**  
**Helmut Scholz**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

*(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has*

*deleted*

*steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.*

Or. en

**Amendment 63**  
**Silvana Koch-Mehrin**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

*(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.*

*deleted*

Or. en

*Justification*

*Removing the lesser duty rule has a negative impact on the imports and exports of the Union. Roughly a third of the value of the Union's exports originates from the transformation of intermediate goods, previously imported into the Union. The instrument should continue to be used as a correcting and legal instrument and not be a penalising and political instrument.*

**Amendment 64**  
**Daniel Caspary, Bendt Bendtsen**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

***(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.***

***deleted***

Or. en

#### **Amendment 65**

**Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Mário David, Pablo Zalba Bidegain**

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

##### **Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should ***hence*** no longer be applied to imports from a country/countries engaged in subsidisation.

(9) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should no longer be applied to imports from a country/countries engaged in subsidisation.

Or. en

#### **Amendment 66**

**Matteo Salvini**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

***(10) In order to optimise the review practice, duties collected during the investigation should be reimbursed to importers, where measures are not prolonged after the conclusion of an expiry review investigation. This is appropriate given that the conditions required for the continuation of the measures have not been found to exist during the investigation period.***

***deleted***

Or. en

**Amendment 67**

**Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Jarosław Leszek Wałęsa, Paweł Zalewski, Małgorzata Handzlik, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

***(10) In order to optimise the review practice, duties collected during the investigation should be reimbursed to importers, where measures are not prolonged after the conclusion of an expiry review investigation. This is appropriate given that the conditions required for the continuation of the measures have not been found to exist during the investigation period.***

***deleted***

Or. en

**Amendment 68**  
**Marielle de Sarnez**



**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

***(10) In order to optimise the review practice, duties collected during the investigation should be reimbursed to importers, where measures are not prolonged after the conclusion of an expiry review investigation. This is appropriate given that the conditions required for the continuation of the measures have not been found to exist during the investigation period.***

***deleted***

Or. fr

*Justification*

*The reimbursement of duties after expiry of the provisional measures, where definitive duties are not imposed, is a complex and administratively cumbersome procedure.*

**Amendment 69**  
**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

***(10) In order to optimise the review practice, duties collected during the investigation should be reimbursed to importers, where measures are not prolonged after the conclusion of an expiry review investigation. This is appropriate given that the conditions required for the continuation of the measures have not been found to exist during the investigation period.***

***deleted***

Or. en

**Amendment 70**  
**Robert Sturdy**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) In order to optimise the review practice, duties collected during the investigation should be reimbursed to importers, where measures are not prolonged after the conclusion of an expiry review investigation. This is appropriate given that the conditions required for the continuation of the measures have not been found to exist during the investigation period.

*Amendment*

(10) In order to optimise the review practice, duties collected during the investigation should be reimbursed to importers ***with the accrued interest***, where measures are not prolonged after the conclusion of an expiry review investigation. This is appropriate given that the conditions required for the continuation of the measures have not been found to exist during the investigation period.

Or. en

*Justification*

*If the expiry review reveals that there is no reason to continue the imposition of duties, the latter should be reimbursed to importers with the interest accrued on this previously collected money since the payment of the duties.*

**Amendment 71**  
**Tokia Saïfi**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

***(11) Certain practices which in recent years have been applied in the context of anti-dumping and anti-subsidy investigations should be included into the Regulations.***

*Amendment*

***deleted***

Or. fr

**Amendment 72**  
**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) The EU is not party to ILO Conventions, but the EU Member States are. For the time being, only "Core" ILO Conventions have been ratified by all EU Member States. In order to keep the definition of sufficient level of social standards based on ILO Conventions listed in Annex I up to date, the Commission will, by means of delegated acts, update such Annex, as soon as EU Member States will have ratified other ILO "Priority" Conventions.***

Or. en

*Justification*

*The benchmark for determining a "sufficient level of social standards" is based on ILO Conventions. This is consistent with the approach the EU has been using also in FTAs' Trade and Sustainable Development chapters and for the GSP+ scheme. However, since the Member States, and not the EU, are parties to ILO Conventions, it is important to make sure, for the sake of consistency, that all Member States have ratified those conventions in order to identify a minimum common denominator that can be used for the benchmark. For the time being, such minimum common denominator is represented by the "Core" ILO Conventions; but, as soon as all Member States have ratified other ILO Conventions, notably "Priority" Conventions, the Commission should update the benchmark according to such new minimum common denominator.*

**Amendment 73**  
**Yannick Jadot, Andrea Cozzolino, Marielle de Sarnez, Niccolò Rinaldi**

**Proposal for a regulation**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) Diverse and fragmented industrial sectors largely composed of small-and-medium-sized enterprises (SMEs) have difficulties to accede to trade-defence proceedings because of the complexity of the procedures and the high costs related thereto. The participation of SMEs should be improved by strengthening the role of the SME Help Desk, which should support SMEs in filing complaints and in reaching the necessary thresholds for investigations to be launched. Administrative procedures related to trade-defence proceedings should also be better adapted to SMEs constraints.***

Or. en

**Amendment 74**  
**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) Transparency should be improved in respect of undertaking proceedings. It should be clarified to which extent the price of the undertaking departs from the non-injurious price established during the investigations, whenever it is the case, and stakeholders should be consulted. Non-confidential information related to undertakings and information on monitoring thereof should be shared with the European Parliament and the Council, as well as with the wider public.***

Or. en

**Amendment 75**

**Franck Proust, Tokia Saïfi, Nora Berra, Peter Šťastný, María Auxiliadora Correa Zamora, Małgorzata Handzlik, Jarosław Leszek Wałęsa, Paweł Zalewski, Mário David, Pablo Zalba Bidegain**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

*Amendment*

*(17) Where the number of producers in the Union is so large that resort must be made to sampling, a sample of producers should be chosen from among all producers in the Union and not just from among producers lodging the complaint.* **deleted**

Or. en

**Amendment 76**

**Matteo Salvini**

**Proposal for a regulation**

**Recital 18**

*Text proposed by the Commission*

*Amendment*

*(18) In making the Union interest assessment, the opportunity to provide comments should be given to all producers in the Union and not just those producers lodging the complaint.* **deleted**

Or. en

*Justification*

*The current wording of the Basic Regulation on Union Interest should not be modified.*

**Amendment 77**

**Franck Proust, Tokia Saïfi, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Małgorzata Handzlik, Jarosław Leszek Wałęsa, Paweł Zalewski, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

**(18) In making the Union interest assessment, the opportunity to provide comments should be given to all producers in the Union and not just those producers lodging the complaint.** *deleted*

Or. en

**Amendment 78**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Marielle de Sarnez, Cristiana Muscardini**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

**(18) In making the Union interest assessment, the opportunity to provide comments should be given to all producers in the Union and not just those producers lodging the complaint.** *deleted*

Or. en

*Justification*

*The current practice of the Commission on this aspect of the Union interest test should not be modified.*

**Amendment 79**  
**Robert Sturdy**

**Proposal for a regulation**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) The Commission should ensure greater transparency with regard to proceedings, internal procedures and outcomes of investigations, and all non-confidential files should be made public through an online platform.***

Or. en

*Justification*

*To ensure the Union producers' and consumers' confidence in the instrument and in order to promote transparency towards all stakeholders and citizens, non-confidential files should be made public.*

**Amendment 80**

**Matteo Salvini**

**Proposal for a regulation**

**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) The Commission should inform the European Parliament and the Council of the initiation of any investigations.***

Or. en

*Justification*

*In order to improve transparency, Council and Parliament should be regularly informed on the opening of new proceedings.*

**Amendment 81**

**Niccolò Rinaldi**

**Proposal for a regulation**

**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) The Commission should inform the European Parliament and the Council of the initiation of any investigations.***

Or. en

## **Amendment 82**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) In order to improve the effectiveness of trade-defence instruments, trade unions should be allowed to submit written complaints jointly with the Union industry.***

Or. en

### *Justification*

*Other major EU's trade partners allow the participation of trade union in filing a complaint. In the US and Australia, trade unions are allowed to have autonomous standing in trade-defence proceedings. In South Africa and New Zealand, trade unions are allowed to file a complaint jointly with the industry. The independent evaluation of EU's trade-defence instruments has recommended that the EU allows trade unions to participate in complaint filing.*

## **Amendment 83**

**Marielle de Sarnez, Metin Kazak**

**Proposal for a regulation**

**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) Any draft guidelines should consist of a non-binding and non-legislative text***



*that has the sole purpose of clarifying and supporting the existing practice of the Commission in conducting its anti-dumping and anti-subsidy proceedings. The aim of a guideline should be, in particular, to inform interested parties on the calculation of dumping and injury margins, on how the Union interest is taken into account, how the analogue country is determined, expiry reviews or any other information which may be considered useful to them.*

Or. fr

*Justification*

*Any draft guideline that accompanies this Regulation must be a document that is not legally binding; its content should merely aim to provide information on the Commission's current practices in trade defence procedures.*

**Amendment 84**  
**Robert Sturdy**

**Proposal for a regulation**  
**Recital 18 b (new)**

*Text proposed by the Commission*

*Amendment*

**(18b) Trade Defence Instrument Dialogue**  
***The Commission should inform the European Parliament and the Council of the initiation of any investigations and report on their developments on a regular basis.***

Or. en

*Justification*

*To enhance the scrutiny over the Commission's decisions and to promote inter-institutional cooperation, a regular Trade Defence Instrument Dialogue should be established.*

**Amendment 85**  
**Robert Sturdy**

**Proposal for a regulation**  
**Recital 18 c (new)**

*Text proposed by the Commission*

*Amendment*

***(18c) Whereas the Commission should update the draft guidelines in full compliance with the provisions of this Regulation and make them public to ensure transparency and consistency in the implementation of Union's trade defence instruments;***

Or. en

*Justification*

*To ensure that any revisions made by the European Parliament and Council to the proposed regulation have been taken into account in the guidelines that are finally adopted by the Commission.*

**Amendment 86**  
**Marielle de Sarnez, Andrea Cozzolino, Tokia Saïfi, Niccolò Rinaldi, Metin Kazak**

**Proposal for a regulation**  
**Article -1 (new)**  
Regulation (EC) No 1225/2009  
Article 1 – paragraph 4b

*Text proposed by the Commission*

*Amendment*

***The following Article is added:***

***‘Article -1***

***For the purpose of this Regulation, it shall be understood that a raw material is the input of a given product which has a significant impact on its cost of production.’***

Or. fr

### *Justification*

*Certain definitions need to be given to clarify what is meant by ‘raw materials’ for the purpose of this regulation. These include energy, materials and any other type of element which corresponds to the above criteria.*

#### **Amendment 87**

**Marielle de Sarnez, Nora Berra, Andrea Cozzolino, Tokia Saïfi, Metin Kazak, Niccolò Rinaldi**

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

**Article 1 – paragraph -1 (new)**

Regulation (EC) No 1225/2009

Article 1 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. A raw material shall be considered to be subject to structural distortion when its price is not solely the result of a normal operation of market forces reflecting supply and demand. Such distortions are the outcome of interference from third countries, which includes, inter alia, export taxes, export restrictions and dual pricing schemes.***

Or. fr

### *Justification*

*Certain definitions need to be given in this regulation to clarify the term of ‘structural distortion’, due to the non-application of the lesser duty rule. The second sentence mentions some current types of distortion, whilst leaving the Commission room for manoeuvre to take into account new kinds of distortion, in line with this definition, which could come to light in the future.*

#### **Amendment 88**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Marielle de Sarnez, Yannick Jadot, Nora Berra**

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

**Article 1 – paragraph 1 – point -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. Third countries increasingly interfere in trade with a view to benefitting domestic producers, for instance by imposing export taxes or operating dual pricing schemes. Such interferences create additional distortions of trade. As a consequence, Union producers are not only harmed by dumping, but suffer, compared to producers from third countries engaged in such practices, additional distortions of trade. Differences in the level of labour and environmental standards can also result in additional distortions of trade. Therefore, the lesser duty rule shall not apply in such cases, when the exporting country has an insufficient level of social and environmental standards. A sufficient level is defined by the ratification of core ILO Conventions and of Multilateral Environmental Agreements (MEAs) the EU is party to. Small-and-medium-sized enterprises (SMEs) particularly suffer from unfair competition because their small size prevents them from adapting thereto. Therefore, the lesser duty rule shall not apply when the complaint has been presented on behalf of a sector largely composed of SMEs. The lesser duty rule shall always apply, however, when structural raw material distortions are the result of a deliberate choice made by a least developed country to protect public interest.***

Or. en

*Justification*

*In order to discourage EU's trading partners from engaging in practices that create structural trade distortions, the LDR shall not apply in those cases, when the exporting country has an insufficient level of social and environmental standards or when complainants*

are SMEs. It shall always apply, however, when structural raw material distortions are the result of a deliberate choice made by a least-developed country to protect public interest and legitimate development goals.

## **Amendment 89**

**Matteo Salvini**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 a (new)**

Regulation (EC) No 1225/2009

Article 1 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***1a. In Article 1(1), the following sentence is added:***

***The use of any dumped product in connection with the exploration of the Continental Shelf or the Exclusive Economic Zone of a Member State, or the exploitation of its resources, shall be treated as an import under the present Regulation and will be charged to duty accordingly, when causing injury to the Union industry.***

Or. en

### *Justification*

*In line with the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the international practices, the EU should apply the anti-dumping instrument also to goods meant to be used in the Continental Shelf or the Exclusive Economic Zone of its Member States.*

## **Amendment 90**

**Andrea Cozzolino, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Cristiana Muscardini, Niccolò Rinaldi, Marielle de Sarnez**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 a (new)**

Regulation (EC) No 1225/2009

Article 1 – paragraph 1

*Present text*

1. An anti-dumping duty may be applied to any dumped product whose release for free circulation in the Community causes injury.

*Amendment*

***1a. Article 1(1) shall be replaced by the following:***

1. An anti-dumping duty may be applied to any dumped product whose release for free circulation in the Community causes injury.

***The use of any dumped product in connection with the exploration of the Continental Shelf or the Exclusive Economic Zone of a Member State, or the exploitation of its resources, shall be treated as an import under the present Regulation and will be charged to duty accordingly, when causing injury to the Union industry.***

Or. en

*Justification*

*In line with the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the international practices, the EU should apply the anti-dumping instrument also to goods meant to be used in the Continental Shelf or the Exclusive Economic Zone of its Member States.*

**Amendment 91**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 1 a (new)**  
Regulation (EC) N° 1225/2009  
Article 1 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***1a. In Article 1, paragraph 4, the following sentence is added at the end of the paragraph:***

***'For the purpose of this regulation, raw materials are defined as significant material inputs including energy which***

*are consumed in the production of the product subject to investigation. Distortions cover any policy or measure by the exporting country which favours the domestic consumption of such raw materials (including upstream material inputs into raw materials) over exports such as export taxes, lower VAT refunds for exports sales as compared to domestic sales, or dual pricing. Whether such distortions are significant is to be established on the basis of the difference between the non-distorted cost of the raw material and the total cost of manufacturing of the product subject to investigation. The Commission shall explain the analysis carried out in its conclusions of the investigation.'*

Or. en

**Amendment 92**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 1 b (new)**  
Regulation (EC) No 1225/2009  
Article 1 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***1b. In Article 1, paragraph 4, the following sentence is added at the end of the paragraph:***

***'For the purpose of this regulation, the term structural raw material distortions shall be defined as distortions caused by dual pricing of and/or export taxes on raw materials representing a significant value of the product concerned. In the case of dual pricing, it shall be considered structurally distorting if the difference between the distorted and the non-distorted price amounts to at least 20 per cent of the non-distorted ex works price.'***

*In the case of export taxes, they shall be considered structurally distorting if they amount to at least 20 per cent. Only in cases where raw materials falling under the Combined Nomenclature Chapters 25-26, 28 and 29 represent at least 40 per cent of the non-distorted ex works price of the product concerned shall structural raw material distortions be deemed to exist.'*

Or. en

**Amendment 93**  
**Helmut Scholz**

**Proposal for a regulation**  
**Article 1 – paragraph 1**  
Regulation (EC) No 1225/2009  
Article 2 – paragraph 5

*Text proposed by the Commission*

Costs shall normally be calculated on the basis of records kept by the party under investigation, provided that such records are in accordance with the generally accepted accounting principles of the country concerned and that it is shown that the records reasonably reflect the costs associated with the production and sale of the product under consideration.

If costs associated with the production and sale of the product under investigation are

PE524.779v02-00

*Amendment*

Costs shall normally be calculated on the basis of records kept by the party under investigation, provided that such records are in accordance with the generally accepted accounting principles of the country concerned and that it is shown that the records reasonably reflect the costs associated with the production and sale of the product under consideration.

***Social Dumping is a practise involving the export of a good where the exporter's costs are artificially lower than its competitors in countries with higher standards, hence representing an unfair advantage in international trade.***

***Cost advantages achieved by abuse of weak and ineffectual enforcement of pollution control measures constitute an unfair trading practise and are to be considered as environmental dumping.***

If costs associated with the production and sale of the product under investigation are

40/225

AM\1014166EN.doc



not reasonably reflected in the records of the party concerned, they shall be adjusted or established on the basis of the costs of other producers or exporters in the same country or, where such information is not available or cannot be used, on any other reasonable basis, including information from other representative markets.

not reasonably reflected in the records of the party concerned, they shall be adjusted or established on the basis of the costs of other producers or exporters in the same country or, where such information is not available or cannot be used, on any other reasonable basis, including information from other representative markets.

Or. en

#### **Amendment 94**

**Daniel Caspary**

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

**Article 1 – paragraph 1 – point 1 c (new)**

Regulation (EC) No 1225/2009

Article 2 – paragraph 7 a

*Text proposed by the Commission*

*Amendment*

***1c. In Article 2, paragraph 7a, a sentence is added as following:***

***'The Commission shall adopt a guideline on the selection of an analogue country as a delegated act in accordance with Article 21 a (new) within six months after this regulation entered into force. This guideline shall list the selection criteria that the Commission uses for that purpose.'***

Or. en

#### **Amendment 95**

**Yannick Jadot, Andrea Cozzolino**

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

**Article 1 – paragraph 1 – point 1 c (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 1

*Present text*

*Amendment*

1. Except as provided for in paragraph 6, an investigation to determine the existence, degree and effect of any alleged dumping shall be initiated upon a written complaint by any natural or legal person, or any association not having legal personality, acting on behalf of the **Community** industry.

***1c. Article 5(1) shall be replaced by the following:***

Except as provided for in paragraph 6, an investigation to determine the existence, degree and effect of any alleged dumping shall be initiated upon a written complaint by any natural or legal person, or any association not having legal personality, acting on behalf of the **Union** industry. ***Complaints can also be submitted jointly by the Union industry, or by any natural or legal person or any association not having legal personality acting on behalf thereof, and trade unions.***

Or. en

*Justification*

*For the sake of improving the effectiveness of trade-defence instruments, trade unions should be allowed to participate in trade-defence proceedings by filing complaints jointly with the Union industry.*

## **Amendment 96**

**Yannick Jadot, Andrea Cozzolino, Marielle de Sarnez, Niccolò Rinaldi**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 a (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In Article 5, paragraph 1a is added:***

***The Commission shall facilitate the participation of fragmented industrial sectors, largely composed of small-and-medium-sized enterprises, in anti-dumping proceedings through an SME Help Desk***

***The SME Help Desk shall raise***

*awareness of the instrument, provide information and explanations on how to file a complaint and how to better present evidence of dumping and injury, in particular through: (i) standard forms for statistics to be submitted for standing purposes and questionnaires, (ii) setting the investigation period to coincide, whenever possible, with the financial year; (iii) reducing the burden caused by language barriers.*

*Furthermore, the Commission shall collect and provide SMEs with information on the evolution of the volume and value of imports of the product concerned, in case SMEs provide prima facie evidence of dumping.*

Or. en

**Amendment 97**  
**Cristiana Muscardini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9 c (new)**  
Regulation (EC) No 1225/2009  
Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***9c. The Commission shall facilitate the participation of fragmented industry sectors, largely composed of small- and medium-sized enterprises, in antidumping proceedings, through an SME Help Desk.***

***The SME Help Desk shall raise awareness of the instrument, provide information and explanations on how to file a complaint and how to better present evidence of dumping and injury, in particular through: (i) standard forms for statistics to be submitted for standing purposes and questionnaires; (ii) setting the investigation period to coincide, whenever possible, with the financial***

*year; (iii) reducing the burden caused by language barriers;*

*Furthermore, the Commission shall collect and provide to SMEs information on the evolution of the volume and value of imports of the product concerned in cases where SMEs provide prima facie evidence of dumping.*

Or. en

#### **Amendment 98**

**Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Mário David, Pablo Zalba Bidegain**

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

**Article 1 – paragraph 1 – point 1 a (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*1a. In Article 5, a new paragraph 3a is added :*

*3. The Commission shall facilitate the access to the instrument for diverse and fragmented industry sectors, largely composed of small and medium-sized enterprises through the Export Help Desk.*

*The Export Help Desk shall provide information and explanations on how to fill a compliant in particular through: standardising forms for statistics and diminishing the burden caused by language barriers in a proportionate manner*

Or. en

#### **Amendment 99**

**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 b (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***1b. Article 5 is amended as follows:***

***(a) the following paragraph is added:***

***3a. The Commission shall facilitate access to the instrument for diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, in the context of anti-dumping cases, through an SME Help Desk.***

***The SME Help Desk shall raise awareness of the instrument, provide information and explanations on how to fill a compliant and how to better present evidences, in particular through: (i) standardising forms for statistics; (ii) setting the investigation period to coincide with the financial year; (iii) diminishing the burden caused by language barriers in a proportionate manner.***

***Furthermore, the Commission shall collect and provide to SMEs information on the evolution of the volume and value of imports of the product concerned in cases where SMEs provide prima facie evidence of dumping.***

Or. en

*Justification*

*To facilitate the participation of SMEs to the Trade Defence Instruments, the Commission should support the SMEs through the SME Help Desk. SMEs are in fact experiencing comparatively higher costs in submitting complaints and in providing reliable data to the investigating authority.*

**Amendment 100**

**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 c (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***1c. Article 5 is amended as follows:***

***(b) in paragraph 4 the following sentence is added:***

***The Commission shall facilitate reaching these thresholds for diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, through the support of the SME Help Desk.***

Or. en

*Justification*

*To improve the access to the instrument and to reduce the burden for SMEs, the Commission should facilitate the submission of complaints for fragmented industry sectors, largely composed of small- and medium-sized enterprises.*

**Amendment 101**

**Cristiana Muscardini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 b (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***9b. The Commission shall assist in reaching these thresholds for diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, through the support of the SME Help Desk.***

Or. en

## Amendment 102

Yannick Jadot, Andrea Cozzolino, Marielle de Sarnez, Niccolò Rinaldi

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 1 b (new)

Regulation (EC) No 1225/2009

Article 5 – paragraph 4 – subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***1b. In Article 5(4), a new sub-paragraph is added:***

***In the case of diverse and fragmented industrial sectors, largely composed of small-and-medium-sized enterprises, the Commission shall assist in reaching these thresholds through the support of the SME Help Desk.***

Or. en

## Amendment 103

Robert Sturdy

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 1 a (new)

Regulation (EC) No 1225/2009

Article 5 – paragraph 6

*Present text*

*Amendment*

6. If in *special* circumstances, it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Community** industry for the initiation of such investigation, **this shall be done** on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

***1a. Article 5, paragraph 6 shall be replaced by the following:***

6. If in *duly justified* circumstances, it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Union** industry for the initiation of such investigation, **the Commission shall conduct this investigation** on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

*Justification*

*The ex-officio investigation shall be conducted on the basis of duly justified evidence.*

**Amendment 104**

**Marielle de Sarnez, Andrea Cozzolino, Metin Kazak, Niccolò Rinaldi**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 a (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 6

*Present text*

6. If in special circumstances, it is decided to initiate an investigation without having received a written complaint by or on behalf of the Community industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

*Amendment*

***(1a) In Article 5, paragraph 6 is replaced by the following:***

6. If, in special circumstances, ***in particular in cases in which the industry sectors concerned consist largely of SMEs and are typically extremely diverse and fragmented***, it is decided to initiate an investigation without having received a written complaint by or on behalf of the Community industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. fr

*Justification*

*Ex-officio investigations should take place more systematically where the sector affected by dumping or subsidies consists mainly of SMEs.*

**Amendment 105**

**Franck Proust, Nora Berra, Peter Šťastný, Mário David, Pablo Zalba Bidegain, María Auxiliadora Correa Zamora**



**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 b (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 6

*Present text*

6. If in special circumstances, it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Community** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

*Amendment*

***1b. In Article 5, paragraph 6 shall be replaced by the following :***

6. If, in special circumstances ***or in the case of diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises,*** it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Union** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. en

*Justification*

*To improve the access to the instrument for SMEs, as well as to address threats of retaliation against EU industries wishing to use the instrument but afraid of such retaliation and to help such industry, the Commission should be able to initiate investigations without a formal complaint by the Union industry. It is also important not to limit the Commission's discretion with respect to any other cases.*

**Amendment 106**

**Cristiana Muscardini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 a (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 6

*Present text*

6. If in special circumstances, it is decided

AM\1014166EN.doc

*Amendment*

***9a. Article 5 (6) shall be replaced by the following:***

6. If, in special circumstances, ***such as in***

49/225

PE524.779v02-00

to initiate an investigation without having received a written complaint by or on behalf of the **Community** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

***the case of diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises,*** it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Union** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. en

### Amendment 107

Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski

#### Proposal for a regulation

#### Article 1 – paragraph 1 a (new)

Regulation (EC) No 1225/2009

Article 5 – paragraph 6

#### *Present text*

6. If in special circumstances, it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Community** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

#### *Amendment*

6. If, in special circumstances, ***such as in, but not limited to, case of diverse and fragmented industry sectors, or in the case of threats of retaliation by a third country or its industry against EU industry, or its individual members, wishing to file a complaint under Article 5 of this Regulation,*** it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Union** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. en

#### *Justification*

*To improve the access to the instrument for SMEs, as well as to explicitly acknowledge the*

*fact of threats of retaliation against EU industries wishing to use the instrument but afraid of such retaliation and to help such industry, the Commission should be able to initiate investigations without a formal complaint by the Union industry. It is also important not to limit the Commission's discretion with respect to any other cases that may require self-initiation.*

**Amendment 108**

**Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Tokia Saïfi, Paweł Zalewski, Jarosław Leszek Wałęsa, Małgorzata Handzlik, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 c (new)**

Regulation (EC) No 1225/2009

Article 6 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***1c. In Article 6, a new paragraph 6a is added :***

***6a. The Commission shall adopt implementing acts to ensure the possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new non-confidential information is added to the investigation file.***

Or. en

**Amendment 109**

**Franck Proust, Tokia Saïfi, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Jarosław Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 d (new)**

Regulation (EC) No 1225/2009

Article 6 – paragraph 9

*Text proposed by the Commission*

*Amendment*

***1d. Article 6, paragraph 9 shall be replaced by the following:***

***For proceedings initiated pursuant to Article 5(9), an investigation shall be concluded within one year, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action.***

Or. en

**Amendment 110**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 1 d (new)**  
Regulation (EC) No 1225/2009  
Article 5 – paragraph 6

*Present text*

6. If in special circumstances, it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Community** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

*Amendment*

***1d. Article 5, paragraph 6 shall be replaced by the following:***

6. If, in special circumstances, ***as in the case of diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises,*** it is decided to initiate an investigation without having received a written complaint by or on behalf of the **Union** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of dumping, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. en

*Justification*

*To improve the access to the instrument and to reduce the burden for SMEs, the Commission*

*should be able to initiate investigations without a formal complaint by the Union industry. The same should apply in all cases in which private parties are prevented, against their willingness, to lodge a complaint and if there is sufficient prima facie evidence of injurious dumping.*

## **Amendment 111**

**Yannick Jadot, Andrea Cozzolino**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 1 d (new)**

Regulation (EC) No 1225/2009

Article 2 – paragraph 7 – point a – subparagraph 2

#### *Present text*

An appropriate market economy third country shall be selected in a not unreasonable manner, due account being taken of any reliable information made available at the time of selection. Account shall also be taken of time-limits; where appropriate, a market economy third country which is subject to the same investigation shall be used.

#### *Amendment*

#### ***1d. In Article 2(7)(a), the second subparagraph is amended as follows:***

An appropriate market economy third country shall be selected in a not unreasonable manner, due account being taken of any reliable information made available at the time of selection. ***The selected country shall also have a sufficient level of social and environmental standards, where sufficient levels are determined on the basis of ratification and effective implementation by the third country of the Multilateral Environmental Agreements, and protocols thereunder, the EU is party to at any point in time and of ILO Conventions listed in Annex I.*** Account shall also be taken of time-limits; where appropriate, a market economy third country which is subject to the same investigation shall be used.

Or. en

#### *Justification*

*In the case of non-market economies, an analogue country has to be selected in order to calculate the normal value, as well as injury and dumping margins. That country has to be as similar as possible to the non-market economy in question; however, the analogue country should also have a level of social and environmental standards that is as much as possible close to the EU's.*

**Amendment 112**  
**Tokia Saïfi**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – introductory part**  
Regulation (EC) No 1225/2009  
Article 6

*Text proposed by the Commission*

2. In Article 6, the following paragraph 10 is added:

*Amendment*

2. In Article 6, the following *paragraphs* are added:

*The Commission shall facilitate access to the instrument for all industry sectors concerned through its Export Helpdesk service and by taking account of the specific needs of SMEs. In this regard, it shall, in particular, raise users' awareness of the instrument, provide information and explanations on cases and guidance on additional opportunities for liaising with the Hearing Officer and national customs authorities.*

*The Commission shall safeguard the effective exercise of the procedural rights of the interested parties and shall ensure that proceedings are handled impartially, objectively and within a reasonable time frame. It shall inform the parties that they have the option of appealing to the Hearing Officer of the Directorate-General for Trade of the Commission.*

Or. fr

**Amendment 113**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 a (new)**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 9

*Present text*

*Amendment*

9. For proceedings initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within **one year**. In any event, such investigations shall in all cases be concluded within **15 months** of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action.

**2a. Article 6(9) shall be replaced by the following:**

9. For proceedings initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within **9 months**. In any event, such investigations shall in all cases be concluded within **12 months** of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action.

Or. en

*Justification*

*To improve predictability, investigations ought to be shortened.*

#### **Amendment 114**

**Yannick Jadot**

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

#### **Article 1 – paragraph 1 – point 2**

Regulation (EC) No 1225/2009

Article 6 – paragraph 10

*Text proposed by the Commission*

*Amendment*

**"10. Union producers of the like product are obliged to cooperate in proceedings that have been initiated pursuant to Article 5(6)."**

**deleted**

Or. en

#### **Amendment 115**

**Robert Sturdy**

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

#### **Article 1 – paragraph 1 – point 2**

Regulation (EC) No 1225/2009  
Article 6 – paragraph 10

*Text proposed by the Commission*

"10. Union producers of the like product are **obliged** to cooperate in proceedings that have been initiated pursuant to Article 5(6)."

*Amendment*

"Union producers of the like product are **requested** to cooperate in proceedings that have been initiated pursuant to Article 5(6)."

Or. en

*Justification*

*This cannot be an "obligation" because there are no sanctions foreseen. Therefore, it is more sensible to refer to a request for cooperation, leaving it up to Union producers to respond positively to it or not.*

**Amendment 116**  
**Helmut Scholz**

**Proposal for a regulation**  
**Article 1 – paragraph 2**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 10

*Text proposed by the Commission*

Union producers of the like product are obliged to cooperate in proceedings that have been initiated pursuant to Article 5(6).

*Amendment*

Union producers of the like product are obliged to cooperate in proceedings that have been initiated pursuant to Article 5 (6). ***Small sized and micro sized Union producers are exempt from this obligation.'***

Or. en

**Amendment 117**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 10 a (new)



**2. In Article 6, the following paragraph is added:**

**"10a. The Commission shall facilitate access to the instrument for diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, in the context of anti-dumping cases, through an SME Help Desk.**

**The SME Help Desk shall raise awareness of the instrument, provide information and explanations on cases, and guidance on additional possibilities to liaise with the Hearing Officer and national customs authorities to SMEs and their respective umbrella associations.**

**After the initiation of an investigation, the SME Help Desk shall identify and inform SMEs likely to be affected by the initiation of proceedings and the relevant deadlines for registering as an interested party.**

**It shall assist in the completion of questionnaires, where special attention shall be given to queries of SMEs as regards investigations initiated under Article 5(6).**

**The SME Help Desk shall also inform SMEs on the possibilities and conditions under which they could request a review of the measures and refund of the anti-dumping duties paid and the accrued interest."**

Or. en

*Justification*

*The SME Help Desk should be the one stop shop for information on this regulation and provide assistance to SMEs and their umbrella associations with the use of TDIs.*

**Amendment 118**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 10 b (new)

*Text proposed by the Commission*

*Amendment*

**2. In Article 6, the following paragraph is added:**

***"10b. The Commission shall ensure the best possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new non-confidential information is added to the investigation files. Non-confidential information shall also be made accessible through a web-based platform."***

Or. en

*Justification*

*For the sake of transparency, non-confidential information shall be made accessible to interested parties. There is the need for an information system that would ensure that additions to the investigation files are communicated in an efficient and timely manner.*

**Amendment 119**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 10 c (new)

*Text proposed by the Commission*

*Amendment*

**2. In Article 6, the following paragraph is added:**

***"10c. The Commission shall safeguard the effective exercise of the procedural rights of the interested parties and shall ensure that proceedings are handled***

*impartially, objectively and within a reasonable time period, through a Hearing Officer where appropriate."*

Or. en

*Justification*

*In order to improve effectiveness, recourse to the Hearing Officer should be ensured where appropriate.*

**Amendment 120**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 10 b (new)

*Text proposed by the Commission*

*Amendment*

**2. In Article 6, the following paragraph is added:**

***"10b. The Commission shall adopt implementing acts to ensure the best possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new confidential or non-confidential information is added to the investigation files. Non-confidential information shall also be made public through an online platform. Those implementing acts shall be adopted in accordance with the ... procedure referred to in ..."***

Or. en

*Justification*

*To ensure the Union producers' and consumers' confidence in the instrument and in order to promote transparency towards all stakeholders and citizens, non-confidential files should be made public.*

**Amendment 121**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EC) No 1225/2009  
Article 6 – point 10 c (new)

*Text proposed by the Commission*

*Amendment*

**2. In Article 6, the following paragraph is added:**

**10c. The Commission shall provide information and shall issue standardised questionnaires to be used in investigations in all official languages of the Union. The standardised questionnaires shall be provided to the interested parties upon request.**

Or. en

*Justification*

*The questionnaires to be used in investigations shall be standardised to ensure uniformity of the data collected throughout the Union.*

**Amendment 122**  
**Marielle de Sarnez, Tokia Saïfi, Niccolò Rinaldi, Metin Kazak**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point 1 (new)**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 10

*Text proposed by the Commission*

*Amendment*

**Upon request, SMEs may obtain questionnaires translated into their own language. In this regard, the Commission shall duly inform them of this option when initiating its investigation.**

*Justification*

*SMEs do not always have the necessary human resources to translate questionnaires. The Commission should therefore provide the SME in question with the questionnaire translated into its own language, but should also inform SMEs of this option in advance.*

**Amendment 123**

**Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Małgorzata Handzlik, Jarosław Leszek Wałęsa, Paweł Zalewski, Mário David, Pablo Zalba Bidegain**

**Proposal for a regulation**

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

Regulation (EC) No 1225/2009

Article 6 – paragraph 10 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. In Article 6, the following new paragraph 10a is added:***

***"10a. Throughout the investigation, the Export Helpdesk should provide to SMEs information and explanations on the case and how to better present evidences, and guidance on additional possibilities to liaise with the Hearing Officer and national customs authorities."***

Or. en

**Amendment 124**

**Marielle de Sarnez, Yannick Jadot, Andrea Cozzolino, Metin Kazak, Niccolò Rinaldi**

**Proposal for a regulation**

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

Regulation (EC) No 1225/2009

Article 6 – paragraph 9

*Present text*

*Amendment*

***2a. In Article 6, paragraph 9 is replaced***

9. For proceedings initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within **one year**. In any event, such investigations shall in all cases be concluded within **15** months of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action.

*by the following:*

9. For proceedings initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within **nine months**. In any event, such investigations shall in all cases be concluded within **12** months of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action.

Or. fr

#### *Justification*

*Since the time frame for imposing provisional duties has been reduced to six months, for reasons of consistency, the definitive duties should be imposed within 12 months.*

#### **Amendment 125** **Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 b (new)**  
Regulation (EC) No 1225/2009  
Article 6 – paragraph 10 b (new)

*Text proposed by the Commission*

*Amendment*

***2b. In Article 6 the following paragraph is added:***

***"10b. The Commission shall ensure the best possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new non-confidential information is added to the investigation files. Non-confidential information shall also be made accessible through a web-based platform."***

Or. en

**Amendment 126**  
**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 c (new)**

Regulation (EC) No 1225/2009

Article 6 – paragraph 10 c (new)

*Text proposed by the Commission*

*Amendment*

***2c. In Article 6 the following paragraph is added:***

***"10c. The Commission shall safeguard the effective exercise of the procedural rights of the interested parties and shall ensure that proceedings are handled impartially, objectively and within a reasonable time period, through a Hearing Officer where appropriate."***

Or. en

*Justification*

*In order to improve effectiveness, recourse to a Hearing Officer should be ensured where appropriate*

**Amendment 127**  
**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(a) in paragraph 1, the following sentence is added:*** ***deleted***

***'Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by***





*‘Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.’*

Or. en

*Justification*

*In order to avoid stockpiling no shipping clause should be foreseen*

**Amendment 130**

**Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Tokia Saïfi, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(a) in paragraph 1, the following sentence is added:** **deleted**

*"Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission."*

Or. en

**Amendment 131**

**Tokia Saïfi**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a – introductory part**

*Present text*

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Community** industry, and if the **Community** interest calls for intervention to prevent such injury. The provisional duties shall be imposed **no earlier than 60 days from the initiation of the proceedings but** no later than nine months **from the initiation of the proceedings**.

*Amendment*

***(a) Article 7(1) is replaced by the following:***

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Union** industry, and if the **Union** interest calls for intervention to prevent such injury. The provisional duties shall be imposed **within seven months of the initiation of the proceedings, or** no later than nine months **in exceptional circumstances for which evidence is provided and of which the interested parties shall be informed**.

Or. fr

**Amendment 132**  
**Cristiana Muscardini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point a**  
Regulation (EC) No 1225/2009  
Article 7 – paragraph 1

*Text proposed by the Commission*

***(a) in paragraph 1, the following sentence is added:***

***"Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any***

*Amendment*

***deleted***

*subsequent decision that may be taken by the Commission."*

Or. en

### **Amendment 133**

**Tokia Saïfi**

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

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**a) in paragraph 1, the following sentence is added:** *deleted*

*'Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.'*

Or. fr

### **Amendment 134**

**Marielle de Sarnez, Yannick Jadot, Andrea Cozzolino, Metin Kazak, Niccolò Rinaldi**

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

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**a) in paragraph 1, the following sentence is added:** *deleted*

*'Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such*

***information shall not prejudice any subsequent decision that may be taken by the Commission.'***

Or. fr

*Justification*

*The introduction of a shipping clause increases the likelihood of stockpiling and thus the damage to European producers.*

**Amendment 135**

**Robert Sturdy**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

*Amendment*

Provisional duties shall not be applied within a period of two weeks ***that can be extended in exceptional cases, as defined in the guidelines, to four weeks maximum*** after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

Or. en

*Justification*

*The risk of stockpiling which according to the impact assessment occurs after four weeks shall be avoided. Therefore, a proper shipping clause of minimum two weeks and maximum four weeks is introduced, which allows products in the process of shipment to enter the Union without being affected by duties. The exceptional cases where a four week period is necessary should be defined in the guidelines.*

**Amendment 136**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

Provisional duties shall not be ***applied*** within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

*Amendment*

Provisional duties shall not be ***imposed*** within a period of two weeks after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

Or. en

*Justification*

*The wording needs to be clarified.*

**Amendment 137**

**Daniel Caspary**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

Provisional duties shall not be applied ***within a period of two weeks after the information is sent to interested parties*** under Article 19a. ***The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.***

*Amendment*

Provisional duties shall not be applied ***to products in the process of transit to the Union. Products shall be deemed to be in the process of transit to the Union if they:***

***(a) left the country of origin before the date on which the draft implementing act is submitted to the Advisory Committee, pursuant to Article 15, informing of the regulation imposing provisional measures;***

*(b) are transported from the place of loading in the country of origin to the place of unloading in the Union under cover of a valid transport document issued before the date on which the draft implementing act is submitted to the Advisory Committee, pursuant to Article 15, informing of the regulation imposing provisional measures;*

*(c) the goods have been shipped to be directly imported and put to consumption without transiting through a custom warehouse;*

*(d) the transport documents clearly establish that from the outset these merchandise were solely and exclusively destined to the EU; and*

*(e) arrive to the place of unloading within four weeks of the draft implementing act is submitted to the Advisory Committee, pursuant to Article 15.*

Or. en

**Amendment 138**  
**Adam Bielan**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point a**  
Regulation (EC) No 1225/2009  
Article 7, paragraph 1

*Text proposed by the Commission*

Provisional duties shall not be applied within a period of *two weeks* after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

*Amendment*

Provisional duties shall not be applied within a period of *10 working days* after the information is sent to interested parties under Article 19a. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

Or. pl

*Justification*

*It is clearer if the period in question is defined in terms of working days rather than weeks.*

**Amendment 139**

**Robert Sturdy**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a a (new)**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1 – sentences 1 and 2

*Present text*

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Community** industry, and if the **Community** interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine months** from the initiation of the proceedings.

*Amendment*

***(aa) In Article 7 (1) sentences 1 and 2 are replaced by the following:***

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Union** industry, and if the **Union** interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **seven months** from the initiation of the proceedings.

Or. en

*Justification*

*To improve predictability, investigations leading up to provisional measures ought to be shortened from nine to seven months.*

**Amendment 140**

**Franck Proust, Peter Šťastný, Pablo Zalba Bidegain, María Auxiliadora Correa**

## Zamora

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3 – point a a (new)

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

#### *Present text*

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Community** industry, and if the **Community** interest calls for intervention to prevent such injury. The provisional duties shall be imposed *no earlier than 60 days* from the initiation of the proceedings *but no later than nine months from the initiation of the proceedings*.

#### *Amendment*

***(aa) Article 7(1) shall be replaced by the following:***

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Union** industry, and if the **Union** interest calls for intervention to prevent such injury. The provisional duties shall be imposed within **7 months** from the initiation of the proceedings.

Or. en

## Amendment 141

Marielle de Sarnez, Yannick Jadot, Andrea Cozzolino, Metin Kazak, Niccolò Rinaldi

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3 – point a a (new)

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

#### *Present text*

1. Provisional duties **may** be imposed if proceedings have been initiated in

#### *Amendment*

***(aa) Article 7(1) shall be replaced by the following:***

1. Provisional duties **shall** be imposed if proceedings have been initiated in



accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the Community industry, and if the Community interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than *nine* months from the initiation of the proceedings.

accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the Community industry, and if the Community interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than *six* months from the initiation of the proceedings.

Or. fr

#### *Justification*

*Provisional duties should be able to be imposed more swiftly after the initiation of the investigation by the Commission. Six months seems to be a reasonable time frame within which the Commission can conclude its investigation before imposing provisional duties.*

#### **Amendment 142**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

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

#### **Article 1 – paragraph 1 b (new)**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

#### *Present text*

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Community** industry, and if the **Community** interest

#### *Amendment*

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Union** industry, and if the **Union** interest calls for

calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine months** from the initiation of the proceedings.

intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **six months** from the initiation of the proceedings.

Or. en

### *Justification*

*To improve predictability for importers and users and provide quick relief for EU producers, investigations leading up to provisional AD measures should be shortened from 9 to 6 months.*

### **Amendment 143** **Godelieve Quisthoudt-Rowohl**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 1225/2009  
Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***b) paragraph 2 is replaced by the following:***

***deleted***

***'The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.'***

Or. de

### **Amendment 144** **Elisabeth Köstinger**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(b) paragraph 2 is replaced by the following:***

***deleted***

***‘The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.’***

Or. en

**Amendment 145**

**Silvana Koch-Mehrin**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(b) paragraph 2 is replaced by the following:***

***deleted***

***‘The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.’***

*Justification*

*Removing the lesser duty rule has a negative impact on the imports and exports of the Union. Roughly a third of the value of the Union's exports originates from the transformation of intermediate goods, previously imported into the Union. The term "structural raw material distortions" has not clearly been defined; also to the concern of the Commission's legal service. The instrument should continue to be used as a correcting and legal instrument and not be a penalising and political instrument.*

**Amendment 146****Daniel Caspary, Bendt Bendtsen****Proposal for a regulation****Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

*Text proposed by the Commission**Amendment****(b) paragraph 2 is replaced by the following:******deleted***

***‘The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.’***

**Amendment 147****Nils Torvalds****Proposal for a regulation****Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009  
Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(b) paragraph 2 is replaced by the following:***

***deleted***

***‘The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.’***

Or. en

#### **Amendment 148**

**Robert Sturdy**

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

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(b) paragraph 2 is replaced by the following:***

***deleted***

***The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

Or. en

## *Justification*

*The lesser duty rule shall be maintained in its original form for the sake of both producers and consumers interest to maintain the corrective nature and the balance of the instrument while not limiting it to the Union's access to intermediate goods.*

### **Amendment 149** **Cristiana Muscardini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 1225/2009  
Article 7 – paragraph 2

#### *Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established.  
*Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

#### *Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established.

Or. en

### **Amendment 150** **Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 1225/2009  
Article 7 – paragraph 2

#### *Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established.  
*Unless structural raw material distortions were found to exist with regard to the*

#### *Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established.

***product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

Or. en

*Justification*

*The EU TDIs system is widely considered one of the most liberal, transparent and fair at global level. The Lesser Duty Rule is a WTO+ feature, not applied by any other major country. Its abolition would therefore restore the level-playing field and improve the effectiveness of the anti-dumping instrument.*

**Amendment 151**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 1 b (new)**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***For the purpose of this Regulation, "raw materials" are materials that represent an important input used in production of the product concerned such as a material from which the product concerned is made, a component included in the product concerned, or energy used to make the product concerned.***

Or. en

*Justification*

*To improve legal certainty, a more precise definition of raw materials is needed.*

**Amendment 152**

**Daniel Caspary**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point a a (new)**

Regulation (EC) 1225/2009

Article 7 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) In Article 7, a new paragraph 7 a is added:***

***"The Commission shall adopt a guideline on the injury margin as a delegated act in accordance with Article 21 a (new) within six months after this regulation entered into force. This guideline shall contain more precise information about the Commission's investigative methods and the analytical framework used for the assessments made in the investigations."***

Or. en

**Amendment 153**

**Béla Glattfelder**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. ***The lesser duty shall not be applied if the price of the principle costs of production, such as primary or secondary raw materials or energy, of the product concerned are found to be structurally distorted and do not materially reflect market prices of such inputs.***

Or. en



**Amendment 154**  
**Franck Proust, Peter Šťastný**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 1225/2009  
Article 7 – paragraph 2

*Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. *Unless* structural raw material distortions were found to exist with regard to the product concerned in the exporting country, *it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

*Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established, *it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

*Such a lesser duty shall not apply in the following circumstances:*

- Structural raw material *or energy* distortions were found to exist with regard to the product concerned in the exporting country. *Criteria to determine the distortion should be duly specified.*
- *The investigation or a separate anti-subvention investigation has established at least provisionally that the exporting country provides one or more subsidies to exporting producers of the product concerned.*

Or. en

**Amendment 155**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 1225/2009  
Article 7 – paragraph 2

*Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

*Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established.

Or. en

*Justification*

*The EU TDIs system is widely considered one of the most liberal, transparent and fair at global level. The Lesser Duty Rule is a WTO+ feature, not applied by any other major country. Its abolition would therefore restore the level-playing field and improve the effectiveness of the anti-dumping instrument.*

**Amendment 156**

**María Auxiliadora Correa Zamora, Pablo Zalba Bidegain, Mário David, Salvatore Iacolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

*Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless ***structural raw material distortions*** were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury ***to*** the Union industry.

*Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless ***significant State interferences regarding, inter alia, prices, costs and inputs, including for instance raw materials and energy, research and labour, outputs, sales and investments, currency exchange rate and fair trade finance conditions***, were found to exist with regard to the product concerned in the

exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury *in* the Union industry.

Or. en

*Justification*

*To increase knowledge and certainty among stakeholders in relation to these procedures, some examples explaining how the lesser duty rule would be applied are required*

**Amendment 157**

**Laima Liucija Andrikienė**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

*Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established.  
*Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

*Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established.  
*The lesser duty shall not be applied if the price of the principle costs of production, such as primary or secondary raw materials or energy, of the product concerned are found to be structurally distorted and do not materially reflect market prices of such inputs.*

Or. en

**Amendment 158**

**Yannick Jadot**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

*Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.

*Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.

***In case of structural distortions pertaining to raw materials and energy, the lesser duty rule shall always apply in case of least-developed countries, as listed in Annex IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council, or in case of developing countries considered to be vulnerable due to lack of diversification and insufficient integration within the international trading system and in the world economy as defined in Annex VII of the Regulation (EU) No 978/2012.***

Or. en

**Amendment 159**

**Jarosław Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2 – point b

*Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it should be less than the margin***

*Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. ***The lesser duty shall not be applied if the price of the principle costs of production, such as primary or secondary raw materials or energy, of the product***

*of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

*concerned are found to be structurally distorted and do not materially reflect market prices of such inputs.*

Or. en

#### *Justification*

*Certain countries distort trade in raw materials to keep them for their domestic downstream users. Such distortions include, for example, export taxes or dual pricing regimes. The costs of raw materials in those countries do not result from supply and demand, but from central or regional government policies. They not only artificially decrease the costs for those exporters, but also artificially increase the same costs for competing Union producers that want to secure the same raw materials. Yet when these raw material distortions are addressed through adjustments to cost of production reflected later in dumping margins, the lesser duty rule is often invoked to keep the actual level of duties unaffected. In order to remedy trade distortions adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.*

#### **Amendment 160**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Marielle de Sarnez, Yannick Jadot, Nora Berra**

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

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EC) No 1225/2009

Article 7 – paragraph 2

#### *Text proposed by the Commission*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established. ***Unless structural raw material distortions*** were found to exist with regard to the product concerned in the exporting country, ***it should be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

#### *Amendment*

The amount of the provisional anti-dumping duty shall not exceed the margin of dumping as provisionally established, ***but it should be less than the margin if such lesser duty would be adequate to remove the injury to the Community industry.***

***2b) Such a lesser duty shall not apply in any of the following circumstances:***

***- structural distortions or significant State interferences regarding, inter alia, prices,***

*costs and inputs, including for instance raw materials and energy, research and labour, outputs, sales and investments, currency exchange rate and fair trade finance conditions, were found to exist with regard to the product concerned in the exporting country;*

*- the exporting country does not have a sufficient level of social and environmental standards, where sufficient levels are determined on the basis of the ratification and effective implementation by the third country of Multilateral Environmental Agreements, and protocols thereunder, the EU is party to at any point in time and of ILO Conventions listed in Annex I;*

*- the complainant represents a diverse and fragmented industry, largely composed of small-and-medium-sized enterprises;*

*- the investigation or a separate anti-subsidy investigation has established at least provisionally that the exporting country provides one or more subsidies to exporting producers of the product concerned.*

*2 c) However, such a lesser duty shall always be granted when structural raw materials distortions are found to exist with regard to the product concerned in the exporting country and such country is a least-developed country listed in Annex IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council.*

Or. en

#### *Justification*

*The lesser duty rule shall not apply in anti-dumping cases when it is established that the exporting country engages in practices that significantly distort the regular course of trade, when the exporting country has an insufficient level of social and environmental standards or when complainants are SMEs. It shall always apply, however, when structural raw material distortions are the result of a deliberate choice made by a least developed country to protect its public interest and legitimate development goals.*

**Amendment 161**  
**Daniel Caspary**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b a (new)**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1 – sentence 2

*Present text*

'The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine** months from the initiation of the proceedings.'

*Amendment*

***(ba) in Article 7, paragraph 1, the second sentence shall be replaced by the following:***

'The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **seven** months from the initiation of the proceedings.'

Or. en

**Amendment 162**  
**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Community**

*Amendment*

***3a. Article 7(1) shall be replaced by the following:***

1. Provisional duties shall be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the **Union**

industry, and if the **Community** interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine months** from the initiation of the proceedings.

industry, and if the **Union** interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **six months** from the initiation of the proceedings.

Or. en

### *Justification*

*To improve predictability, investigations leading up to provisional measures ought to be shortened from nine to six and provisional measures shall always be imposed when conditions are met.*

### **Amendment 163**

**Yannick Jadot, Andrea Cozzolino**

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

#### **Article 1 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 1225/2009

Article 8 – paragraph 1

#### *Present text*

1. Upon condition that a provisional affirmative determination of dumping and injury has been made, the Commission may accept satisfactory voluntary undertaking offers submitted by any exporter to revise its prices or to cease exports at dumped prices, if, after specific consultation of the Advisory Committee, **it is satisfied that** the injurious effect of the dumping **is thereby eliminated**. In such a case and as long as such undertakings are in force, provisional duties imposed by the Commission in accordance with Article 7(1) or definitive duties imposed by the Council in accordance with Article 9(4) as the case may be shall not apply to the relevant imports of the product concerned

#### *Amendment*

#### **3a. Article 8 (1) shall be replaced by the following:**

1. Upon condition that a provisional affirmative determination of dumping and injury has been made, the Commission may accept voluntary undertaking offers submitted by any exporter to revise its prices or to cease exports at dumped prices, after specific consultation of the Advisory Committee, **provided that such offers effectively eliminate** the injurious effect of the dumping. In such a case and as long as such undertakings are in force, provisional duties imposed by the Commission in accordance with Article 7(1) or definitive duties imposed by the Council in accordance with Article 9(4) as the case may be shall not apply to the relevant imports of the product concerned



manufactured by the companies referred to in the Commission decision accepting undertakings, as subsequently amended. Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping and they should be less than the margin of dumping if such increases would be adequate to remove the injury to the *Community* industry.

manufactured by the companies referred to in the Commission decision accepting undertakings, as subsequently amended. Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping and they should be less than the margin of dumping if such increases would be adequate to remove the injury to the *Union* industry, except when:

*- structural distortions or significant State interferences regarding, inter alia, prices, costs and inputs, including for instance raw materials and energy, research and labour, outputs, sales and investments, currency exchange rate and fair trade finance conditions, were found to exist with regard to the product concerned in the exporting country;*

*- the exporting country does not have a sufficient level of social and environmental standards, where sufficient levels are determined on the basis of the ratification and effective implementation by the third country of the Multilateral Environmental Agreements, and protocols thereunder, the EU is party to at any point in time and of ILO Conventions listed in Annex I;*

*- the complainant represents a diverse and fragmented industry, largely composed of small-and-medium-sized enterprises;*

*- the investigation or a separate anti-subsidy investigation has established that the exporting country provides one or more subsidies to exporting producers of the product concerned.*

*However, the lesser duty shall always be granted when structural raw materials distortions are found to exist with regard to the product concerned in the exporting country and such country is a least-developed country listed in Annex IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council.*

*Justification*

*Undertakings can only be accepted if they effectively eliminate the injurious effect of the dumping. Moreover, consistently with the other provisions on the lesser duty rule, the lesser duty rule shall have a limited application also in the case of price undertakings.*

**Amendment 164**

**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 b (new)**

Regulation (EC) No 1225/2009

Article 8 – paragraph 4

*Present text*

4. Parties which offer an undertaking shall be required to provide a non-confidential version of such undertaking, so that it may be made available to interested parties to the investigation.

*Amendment*

***3b. Article 8(4) shall be replaced by the following:***

4. Parties which offer an undertaking shall be required to provide ***a meaningful*** non-confidential version of such undertaking ***including disclosure of its content and nature***, so that it may be made available to interested parties to the investigation. ***Furthermore, the Commission shall consult the Union industry with regard to the appropriateness, the construction and operation of such undertaking.***

*Justification*

*In order to improve transparency on price undertakings, information ought to be shared with interested parties within the Union and with companies subject to measures.*

**Amendment 165**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 b (new)**

Regulation (EC) No 1225/2009  
Article 8 – paragraph 1 – subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***3b. In Article 8(1), a new subparagraph is added:***

***No Union interest considerations pursuant to Article 21 shall be taken into account when deciding over the acceptance of undertakings.***

Or. en

*Justification*

*There are no provisions in the Regulation providing for the application of Article 21 to undertaking proceedings.*

**Amendment 166**  
**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 c (new)**  
Regulation (EC) No 1225/2009  
Article 8 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***3c. In Article 8, a new paragraph 1a is added:***

***A departure from the non-injurious price found during the investigation period is allowed only on the basis of verified information showing a lasting change in circumstances that has occurred since that period. The new non-injurious price shall be adopted only after disclosure to all interested parties and after they have had a reasonable chance to comment.***

Or. en

### *Justification*

*In order to improve transparency and predictability in undertaking proceedings, the Commission has to demonstrate the reasons for departing from the non-injurious price set during investigations. Such information can be disclosed to interested parties, while protecting confidentiality; however, the Union industry shall be consulted on the new price levels.*

#### **Amendment 167**

**Yannick Jadot, Andrea Cozzolino**

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

**Article 1 – paragraph 1 – point 3 d (new)**

Regulation (EC) No 1225/2009

Article 8 – paragraph 4

*Text proposed by the Commission*

4. Parties which offer an undertaking shall be required to provide a non-confidential version of such undertaking, so that it may be made available to interested parties to the investigation.

*Amendment*

***3d. Article 8(4) shall be replaced by the following:***

4. Parties which offer an undertaking shall be required to provide a ***meaningful*** non-confidential version of such undertaking, ***including disclosure of its content and nature***, so that it may be made available to interested parties to the investigation. ***The Commission shall also share such non-confidential version of the undertaking with the European Parliament and the Council.***

Or. en

#### **Amendment 168**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

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

**Article 1 – paragraph 1 d (new)**

Regulation (EC) No 1225/2009

Article 8 – paragraph 4

*Present text*

*Amendment*

4. Parties which offer an undertaking shall be required to provide *a* non-confidential version of such undertaking, so that it may be made available to interested parties to the investigation.

***1d. Article 8 (4) shall be replaced by the following:***

4. Parties which offer an undertaking shall be required to timely provide ***meaningful*** non-confidential version of such undertaking ***including as detailed as possible disclosure of its content and nature***, so that it may be made available to interested parties to the investigation ***for their comments. Furthermore, the Commission shall consult the Union industry with regard to the main features and operation of the undertaking before accepting any such offer.***

Or. en

*Justification*

*To increase transparency of undertakings, their details should be shared with interested parties within the Union. To increase the quality of undertakings accepted by the Commission, the Commission must consult the undertaking offers with Union industry before accepting them.*

#### **Amendment 169**

**Yannick Jadot, Andrea Cozzolino**

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

**Article 1 – paragraph 1 – point 3 e (new)**

Regulation (EC) No 1225/2009

Article 8 – paragraph 7 – subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***3e. In Article 8(7), a new subparagraph is added:***

***The Commission shall, every six months, inform the European Parliament and the Council of its assessment of the functioning of the undertaking, based on the data submitted by the exporters that***

*have accepted the undertaking. A report on such assessment shall also be made available to the public.*

Or. en

**Amendment 170**  
**Godelieve Quisthoudt-Rowohl**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

*b) in paragraph 4, the last sentence is replaced by the following:* *deleted*

*'The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.'*

Or. de

**Amendment 171**  
**Elisabeth Köstinger**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

*(b) in paragraph 4, the last sentence is replaced by the following:* *deleted*

*'The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.'*

Or. en

**Amendment 172**  
**Silvana Koch-Mehrin**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

*(b) in paragraph 4, the last sentence is replaced by the following:*

*deleted*

*'The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.'*

Or. en

*Justification*

*Removing the lesser duty rule has a negative impact on the imports and exports of the Union. Roughly a third of the value of the Union's exports originates from the transformation of intermediate goods, previously imported into the Union. The term "structural raw material distortions" has not clearly been defined; also to the concern of the Commission's legal service. The instrument should continue to be used as a correcting and legal instrument and not be a penalising and political instrument.*

**Amendment 173**  
**Daniel Caspary, Bendt Bendtsen**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***(b) in paragraph 4, the last sentence is replaced by the following:*** ***deleted***

***‘The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.’***

Or. en

**Amendment 174**  
**Nils Torvalds**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***(b) in paragraph 4, the last sentence is replaced by the following:*** ***deleted***

***‘The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty***



*would be adequate to remove the injury to the Union industry.'*

Or. en

**Amendment 175**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

*(b) in paragraph 4, the last sentence is replaced by the following:* *deleted*

*"The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry."*

Or. en

*Justification*

*The lesser duty rule shall be maintained in its original form for the sake of both producers and consumers interest to maintain the corrective nature and the balance of the instrument while not limiting it to the Union's access to intermediate goods.*

**Amendment 176**  
**Cristiana Muscardini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

The amount of the anti-dumping duty shall not exceed the margin of dumping established.

Or. en

**Amendment 177**  
**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point b**

Regulation (EC) No 1225/2009

Article 9 – paragraph 4 – last sentence

*Text proposed by the Commission*

*Amendment*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

The amount of the anti-dumping duty shall not exceed the margin of dumping established.

Or. en

*Justification*

*The EU TDIs system is widely considered one of the most liberal, transparent and fair at global level. The Lesser Duty Rule is a WTO+ feature, not applied by any other major country. Its abolition would therefore restore the level-playing field and improve the effectiveness of the anti-dumping instrument.*

**Amendment 178**  
**Béla Glattfelder**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point b**

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

*Text proposed by the Commission*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. *Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

*Amendment*

The amount of the *provisional* anti-dumping duty shall not exceed the margin of dumping *as provisionally* established. *The lesser duty shall not be applied if the price of the principle costs of production, such as primary or secondary raw materials or energy, of the product concerned are found to be structurally distorted and do not materially reflect market prices of such inputs.*

Or. en

**Amendment 179**  
**Franck Proust, Peter Šťastný**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point b**

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

*Text proposed by the Commission*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. *Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

*Amendment*

The amount of the anti-dumping duty shall not exceed the margin of dumping established, *it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

*Such a lesser duty shall not apply in the following circumstances :*

- Structural raw material *or energy*

distortions were found to exist with regard to the product concerned in the exporting country. ***Criteria to determine the distortion should be duly specified.***

***- The investigation or a separate anti-subsidy investigation has established at least provisionally that the exporting country provides one or more subsidies to exporting producers of the product concerned.***

Or. en

**Amendment 180**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4

*Text proposed by the Commission*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

*Amendment*

The amount of the anti-dumping duty shall not exceed the margin of dumping established.

Or. en

*Justification*

*The EU TDIs system is widely considered one of the most liberal, transparent and fair at global level. The Lesser Duty Rule is a WTO+ feature, not applied by any other major country. Its abolition would therefore restore the level-playing field and improve the effectiveness of the anti-dumping instrument.*

## Amendment 181

María Auxiliadora Correa Zamora, Pablo Zalba Bidegain, Mário David, Salvatore Iacolino

### Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

#### *Text proposed by the Commission*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless ***structural raw material distortions*** were found to exist with regard to the product concerned in the exporting country, it ***shall*** be less than the margin of dumping if such lesser duty would be adequate to remove the injury ***to*** the Union industry.

#### *Amendment*

The amount of the ***definitive*** anti-dumping duty shall not exceed the margin of dumping established. Unless ***significant State interferences regarding, inter alia, prices, costs and inputs, including for instance raw materials and energy, research and labour, outputs, sales and investments, currency exchange rate and fair trade finance conditions***, were found to exist with regard to the product concerned in the exporting country, it ***should*** be less than the margin of dumping if such lesser duty would be adequate to remove the injury ***in*** the Union industry."

Or. en

## Amendment 182

Laima Liucija Andrikiienė

### Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

#### *Text proposed by the Commission*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to***

#### *Amendment*

The amount of the ***provisional*** anti-dumping duty shall not exceed the margin of dumping ***as provisionally*** established. ***The lesser duty shall not be applied if the price of the principle costs of production, such as primary or secondary raw materials or energy, of the product concerned are found to be structurally***

*the Union industry.*

*distorted and do not materially reflect market prices of such inputs.*

Or. en

### **Amendment 183**

**Yannick Jadot**

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

**Article 1 – paragraph 1 – point 4 – point b**

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

#### *Text proposed by the Commission*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.

#### *Amendment*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.

*In case of structural distortions pertaining to raw materials and energy, the lesser duty rule shall always apply in case of least-developed countries, as listed in Annex IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council, or in case of developing countries considered to be vulnerable due to lack of diversification and insufficient integration within the international trading system and in the world economy as defined in Annex VII of the Regulation (EU) No 978/2012.*

Or. en

### **Amendment 184**

**Jarosław Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point b**

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

*Text proposed by the Commission*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. ***Unless structural raw material distortions were found to exist with regard to the product concerned in the exporting country, it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.***

*Amendment*

The amount of the anti-dumping duty shall not exceed the margin of dumping established. ***The lesser duty shall not be applied if the price of the principle costs of production, such as primary or secondary raw materials or energy, of the product concerned are found to be structurally distorted and do not materially reflect market prices of such inputs.***

Or. en

*Justification*

*Certain countries distort trade in raw materials to keep them for their domestic downstream users. Such distortions include, for example, export taxes or dual pricing regimes. The costs of raw materials in those countries do not result from supply and demand, but from central or regional government policies. They not only artificially decrease the costs for those exporters, but also artificially increase the same costs for competing Union producers that want to secure the same raw materials. Yet when these raw material distortions are addressed through adjustments to cost of production reflected later in dumping margins, the lesser duty rule is often invoked to keep the actual level of duties unaffected. In order to remedy trade distortions adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions.*

**Amendment 185**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Marielle de Sarnez, Yannick Jadot, Nora Berra**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4 – point b**

Regulation (EC) No 1225/2009

Article 9 – paragraph 4

*Text proposed by the Commission*

The amount of the anti-dumping duty shall

*Amendment*

The amount of the anti-dumping duty shall

not exceed the margin of dumping established. *Unless structural raw material distortions* were found to exist with regard to the product concerned in the exporting country, *it shall be less than the margin of dumping if such lesser duty would be adequate to remove the injury to the Union industry.*

not exceed the margin of dumping established *but it should be less than the margin if such lesser duty would be adequate to remove the injury to the Community industry.*

*2 b) Such a lesser duty shall not apply in any of the following circumstances:*

*- structural distortions or significant State interferences regarding, inter alia, prices, costs and inputs, including for instance raw materials and energy, research and labour, outputs, sales and investments, currency exchange rate and fair trade finance conditions, were found to exist with regard to the product concerned in the exporting country;*

*-the exporting country does not have a sufficient level of social and environmental standards, where sufficient levels are determined on the basis of the ratification and effective implementation by the third country of Multilateral Environmental Agreements, and protocols thereunder, the EU is party to at any point in time and of ILO Conventions listed in Annex I;*

*- the complainant represents a diverse and fragmented industry, largely composed of small-and-medium-sized enterprises;*

*- the investigation or a separate anti-subsidy investigation has established that the exporting country provides one or more subsidies to exporting producers of the product concerned.*

*2 c) However, such a lesser duty shall always be granted when structural raw materials distortions are found to exist with regard to the product concerned in the exporting country and such country is a least-developed country listed in Annex IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council.*



*Justification*

*The lesser duty rule shall not apply in anti-dumping cases when it is established that the exporting country engages in practices that significantly distort the regular course of trade, when the exporting country has an insufficient level of social and environmental standards or when complainants are SMEs. It shall always apply, however, when structural raw material distortions are the result of a deliberate choice made by a least developed country to protect its public interest and legitimate development goals.*

**Amendment 186**  
**Helmut Scholz**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 4a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) In article 9 new paragraph is added***  
***'As expressed in the Madrid Declaration, the Union explicitly recognises the principle of the sovereign right of States to manage and regulate their natural resources, while stressing that due attention should be paid to sustainability criteria.'***

**Amendment 187**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point a a (new)**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) In Article 9, a new paragraph 7 a is added:***

***'The Commission shall adopt a guideline on the injury margin as a delegated act in accordance with Article 21 a (new) within six months after this regulation entered into force. This guideline shall contain more precise information about the Commission's investigative methods and the analytical framework used for the assessments made in the investigations.'***

Or. en

**Amendment 188**  
**Mario Pirillo**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4 – point b a (new)**  
Regulation (EC) No 1225/2009  
Article 10 – paragraph 4

*Present text*

4. A definitive anti-dumping duty may be levied on products which were entered for consumption no more than 90 days prior to the date of application of provisional measures but not prior to the initiation of the investigation, provided that imports have been registered in accordance with Article 14(5), the Commission has allowed the importers concerned an opportunity to comment, and:

(a) there is, for the product in question, a history of dumping over an extended period, or the importer was aware of, or should have been aware of, the dumping as regards the extent of the dumping and the injury alleged or found; and

(b) in addition to the level of imports which caused injury during the investigation period, there is a further substantial rise in imports which, in the

*Amendment*

***(ba) Article 10(4) shall be replaced by the following:***

***4. Without prejudice to paragraph (c) of the present Article,*** a definitive anti-dumping duty may be levied on products which were entered for consumption no more than 90 days prior to the date of application of provisional measures but not prior to the initiation of the investigation, provided that imports have been registered in accordance with Article 14(5), the Commission has allowed the importers concerned an opportunity to comment, and:

(a) there is, for the product in question, a history of dumping over an extended period, or the importer was aware of, or should have been aware of, the dumping as regards the extent of the dumping and the injury alleged or found; and

(b) in addition to the level of imports which caused injury during the investigation period, there is a further substantial rise in imports which, in the

light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.

light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied;  
**and**

***(c) to the purpose of not applying provisional duties to goods in the process of shipment to the Union. Products shall be deemed to be in the process of shipment to the European Union if they:***

***- have left the country of origin before the date on which the draft implementing act proposing to impose provisional duties is submitted to the antidumping committee;***

***- are shipped from the place of loading in the country of origin to the place of unloading in the European Union under cover of a valid transport document issued before the date on which the draft implementing act proposing to impose provisional duties is submitted to the antidumping committee;***

***- the goods have been shipped to be directly imported and put to consumption without transiting through a custom warehouse;***

***- the transport documents clearly establish that from the outset these merchandise were solely and exclusively destined to the EU; and***

***- an irrevocable letter of credit has been issued by the banker of the buyer to pay the seller if the latter present him with documents specified in the credit and showing the good execution by the seller of his obligations.***

***The present clause only applies when registration of imports have been decided by the European Union following the initiation of an investigation.***

Or. en

## Amendment 189

Marielle de Sarnez, Niccolò Rinaldi, Metin Kazak, Tokia Saïfi

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5 a (new)

Regulation (EC) No 1225/2009

Article 11 – paragraph 2

#### *Present text*

2. A definitive anti-dumping measure shall expire five years from its imposition or five years from the date of the conclusion of the most recent review which has covered both dumping and injury, unless it is determined in a review that the expiry would be likely to lead to a continuation or recurrence of dumping and injury. Such an expiry review shall be initiated on the initiative of the Commission, or upon request made by or on behalf of Community producers, and the measure shall remain in force pending the outcome of such review.

An expiry review shall be initiated where the request contains sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury. Such likelihood may, for example, be indicated by evidence of continued dumping and injury or evidence that the removal of injury is partly or solely due to the existence of measures or evidence that the circumstances of the exporters, or market conditions, are such that they would indicate the likelihood of further injurious dumping.

In carrying out investigations under this paragraph, the exporters, importers, the representatives of the exporting country and the Community producers shall be provided with the opportunity to amplify,

#### *Amendment*

#### ***5a. In Article 11, paragraph 2 is replaced by the following:***

‘2. A definitive anti-dumping measure shall expire five years from its imposition or five years from the date of the conclusion of the most recent review which has covered both dumping and injury, unless it is determined in a review that the expiry would be likely to lead to a continuation or recurrence of dumping and injury. Such an expiry review shall be initiated on the initiative of the Commission, or upon request made by or on behalf of Community producers, and the measure shall remain in force pending the outcome of such review.

An expiry review shall be initiated where the request contains sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury. Such likelihood may, for example, be indicated by evidence of continued dumping and injury or evidence that the removal of injury is partly or solely due to the existence of measures or evidence that the circumstances of the exporters, or market conditions, are such that they would indicate the likelihood of further injurious dumping. ***Such likelihood may also be indicated by continuing interference by other countries.***

In carrying out investigations under this paragraph, the exporters, importers, the representatives of the exporting country and the Community producers shall be provided with the opportunity to amplify,

rebut or comment on the matters set out in the review request, and conclusions shall be reached with due account taken of all relevant and duly documented evidence presented in relation to the question as to whether the expiry of measures would be likely, or unlikely, to lead to the continuation or recurrence of dumping and injury.

***A notice of impending expiry shall be published in the Official Journal of the European Union at an appropriate time in the final year of the period of application of the measures as defined in this paragraph. Thereafter, the Community producers shall, no later than three months before the end of the five-year period, be entitled to lodge a review request in accordance with the second subparagraph. A notice announcing the actual expiry of measures pursuant to this paragraph shall also be published.***

rebut or comment on the matters set out in the review request, and conclusions shall be reached with due account taken of all relevant and duly documented evidence presented in relation to the question as to whether the expiry of measures would be likely, or unlikely, to lead to the continuation or recurrence of dumping and injury.’

Or. fr

*Justification*

*The persistence of structural distortions should be an additional piece of evidence to show that the measures should be prolonged.*

**Amendment 190**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 – point a**  
Regulation (EC) No 1225/2009  
Article 11 – paragraph 5

*Text proposed by the Commission*

*Amendment*

***(a) in paragraph 5, the following subparagraph is added:***

***deleted***

***‘If following an investigation pursuant to paragraph 2, the measure expires, any***

*duties collected from the date of the initiation of such investigation shall be repaid provided that this is requested from national customs authorities and granted by those authorities in accordance with the applicable Union customs legislation concerning repayment and remission of duty. Such repayment does not give rise to the payment of interest by the national customs authorities concerned.'*

Or. en

**Amendment 191**  
**Marielle de Sarnez**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 – point a**  
Regulation (EC) No 1225/2009  
Article 11 – paragraph 5

*Text proposed by the Commission*

*Amendment*

***a) in paragraph 5 the following subparagraph is added:***

***deleted***

***'If following an investigation pursuant to paragraph 2, the measure expires, any duties collected from the date of the initiation of such investigation shall be repaid provided that this is requested from national customs authorities and granted by those authorities in accordance with the applicable Union customs legislation concerning repayment and remission of duty. Such repayment does not give rise to the payment of interest by the national customs authorities concerned.'***

Or. fr

*Justification*

*The reimbursement of duties after expiry of the provisional measures, where definitive duties are not imposed, is a complex and administratively cumbersome procedure.*

## Amendment 192

Yannick Jadot, Andrea Cozzolino

### Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 1225/2009

Article 11 – paragraph 5

*Text proposed by the Commission*

*Amendment*

***(a) in paragraph 5, the following subparagraph is added:***

***deleted***

***‘If following an investigation pursuant to paragraph 2, the measure expires, any duties collected from the date of the initiation of such investigation shall be repaid provided that this is requested from national customs authorities and granted by those authorities in accordance with the applicable Union customs legislation concerning repayment and remission of duty. Such repayment does not give rise to the payment of interest by the national customs authorities concerned.’***

Or. en

## Amendment 193

Franck Proust, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Małgorzata Handzlik, Jarosław Leszek Wałęsa, Paweł Zalewski, Mário David, Pablo Zalba Bidegain

### Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 1225/2009

Article 11 – paragraph 5

*Text proposed by the Commission*

*Amendment*

***(a) in paragraph 5, the following subparagraph is added:***

***deleted***

***‘If following an investigation pursuant to***

*paragraph 2, the measure expires, any duties collected from the date of the initiation of such investigation shall be repaid provided that this is requested from national customs authorities and granted by those authorities in accordance with the applicable Union customs legislation concerning repayment and remission of duty. Such repayment does not give rise to the payment of interest by the national customs authorities concerned.'*

Or. en

**Amendment 194**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 – point a**  
Regulation (EC) No 1225/2009  
Article 11 – paragraph 5

*Text proposed by the Commission*

If following an investigation pursuant to paragraph 2, the measure expires, any duties collected from the date of the initiation of such investigation shall be repaid provided that this is requested from national customs authorities and granted by those authorities in accordance with the applicable Union customs legislation concerning repayment and remission of duty. Such repayment does not give rise to the payment of interest by the national customs authorities concerned.

*Amendment*

If following an investigation pursuant to paragraph 2, the measure expires, any duties collected from the date of the initiation of such investigation shall be repaid ***with the accrued interest***, provided that this is requested from national customs authorities and granted by those authorities in accordance with the applicable Union customs legislation concerning repayment and remission of duty. Such repayment does not give rise to the payment of interest by the national customs authorities concerned.

Or. en

*Justification*

*If the expiry review reveals that there is no reason to continue the imposition of duties, the latter should be reimbursed to importers with the interest accrued on this previously collected money since the payment of the duties.*



**Amendment 195**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5 – point a a (new)**  
Regulation (EC) 1225/2009  
Article 11 – paragraph 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) In Article 11, a new paragraph 10 a is added as following:***

***'The Commission shall adopt a guideline on the expiry reviews and the duration of measures as a delegated act in accordance with Article 21 a (new) within six months after this regulation entered into force.'***

Or. en

**Amendment 196**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6 a (new)**  
Regulation (EC) No 1225/2009  
Article 14 – paragraph 3

*Present text*

*Amendment*

3. Special provisions, in particular with regard to the common definition of the concept of origin, as contained in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ( 1 ), may be adopted pursuant to this Regulation.

***6a. Article 14(3) shall be replaced by the following:***

3. Special provisions, in particular with regard to the common definition of the concept of origin, as contained in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (1) ***or in accordance with art. 2 thereof***, may be adopted pursuant to this Regulation.

Or. en

## *Justification*

*In order to avoid circumvention of anti-dumping measures, the scope of trade defence legislation should be fully aligned with the relevant provisions of the Customs Code.*

### **Amendment 197**

**Andrea Cozzolino, Bernd Lange, Jörg Leichtfried, Cristiana Muscardini, Nicolò Rinaldi, Yannick Jadot**

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

##### **Article 1 – paragraph 1 – point 6 – point b a (new)**

Regulation (EC) No 1225/2009

Article 14 – paragraph 5

#### *Text proposed by the Commission*

5. The Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration. Imports *may* be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action. ***Registration shall be introduced by regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability.*** Imports *shall not* be made subject to registration ***for a period longer than nine months.***

#### *Amendment*

***(ba) Article 14 (5) shall be replaced by the following:***

5. The Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration.

Imports *shall* be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action. Imports *may also* be made subject to registration ***on the Commission's own initiative.***

***Imports shall be made subject to registration from the date of initiation of the investigation where the complaint of***

*the Community industry contains a request for registration and sufficient evidence to justify such action.*

*Registration shall be introduced by regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine months.*

Or. en

#### *Justification*

*To mitigate the risk of stockpiling, registration of imports ought to take place following the submission of any justified request, and from the date of initiation when justified by the complaint. The Commission should also have the possibility of ordering registration on its own initiative.*

#### **Amendment 198**

**Mario Pirillo**

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

**Article 1 – paragraph 1 – point 6 – point b a (new)**

Regulation (EC) No 1225/2009

Article 14 – paragraph 5 – subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

*(ba) In Article 14 (5) the following new subparagraph 2 shall be inserted:*

*Imports shall also be subject to registration starting from when information about provisional measures has been disclosed pursuant to Article 19a.*

Or. en

#### **Amendment 199**

**Matteo Salvini**

## Proposal for a regulation

### Article 1 – paragraph 1 – point 6 a (new)

Regulation (EC) No 1225/2009

Article 14 – paragraph 5

#### *Present text*

5. The Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration. Imports may be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action. Registration shall be introduced by regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine months.

#### *Amendment*

#### ***6a. Article 14(5) shall be replaced by the following:***

5. The Commission shall, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that, ***for instance***, measures may subsequently be applied against those imports from the date of such registration.

Imports shall be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action. ***Imports may also be made subject to registration on the Commission's own initiative.***

***Imports shall be made subject to registration from the date of initiation of the investigation where the complaint of the Community industry contains a request for registration and sufficient evidence to justify such action.***

Registration shall be introduced by regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine

months.

Or. en

*Justification*

*To mitigate the risk of stockpiling, registration of imports ought to take place following the submission of any justified request, and from the date of initiation when justified by the complaint. The Commission should also have the possibility of ordering registration on its own initiative.*

**Amendment 200**

**Marielle de Sarnez, Tokia Saïfi, Metin Kazak, Niccolò Rinaldi**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6 a (new)**

Regulation (EC) No 1225/2009

Article 14 – paragraph 6

*Present text*

6. Member States shall report to the Commission every month, on the import trade in products subject to investigation and to measures, and on the amount of duties collected pursuant to this Regulation.

*Amendment*

***6a. In Article 14, paragraph 6 is replaced by the following:***

***‘6. Member States shall report to the Commission every month, on the import trade in products subject to investigation and to measures, and on the amount of duties collected pursuant to this Regulation. **The Commission may, upon receiving a specific reasoned request from an interested party, and after receiving the opinion of the Advisory Committee, decide to provide them with information concerning the volume and import values of these products.**’***

Or. fr

*Justification*

*With a view to improving transparency, the Commission should, upon receiving a specific reasoned request from an interested party, provide that party with the necessary information concerning the volume and import values of the products in question. The decision on whether or not to provide this information is up to the Commission, after receiving the opinion of the*

*Council's Advisory Committee.*

**Amendment 201**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6 b (new)**  
Regulation (EC) No 1225/2009  
Article 14 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***6b. In Article 14(6), the following sentence is added:***

***The Commission shall in a timely manner place on the file available for inspection by interested parties information regarding the volume and value of imports of those products.***

Or. en

*Justification*

*In order to improve transparency, the Commission ought to share information on imports.*

**Amendment 202**  
**Yannick Jadot**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6 a (new)**  
Regulation (EC) No 1225/2009  
Article 14 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. In Article 14, a new paragraph 7a is added:***

***Whenever the Commission intends to adopt or publish any document aimed at clarifying the established practice of the Commission with regard to the application of this Regulation in any of its***

*elements, the Commission shall consult the European Parliament and the Council prior to adoption or publication and duly take their views into account. Any subsequent modification of such documents shall be subject to such procedural requirements. In any event, any of these documents shall be fully in conformity with the provisions of this Regulation.*

Or. en

**Amendment 203**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7**  
Regulation (EC) No 1225/2009  
Article 17 – paragraph 1

*Text proposed by the Commission*

In cases where the number of Union producers, exporters or importers, types of product or transactions is large, the investigation may be limited to a reasonable number of parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or to the largest representative volume of production, sales or exports which can reasonably be investigated within the time available.

*Amendment*

In cases where the number of Union producers, exporters or importers, types of product or transactions is large, the investigation may be limited to a reasonable number of parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or to the largest representative volume of production, sales or exports which can reasonably be investigated within the time available. ***Sampling shall include all complainant Union producers and it may also include non-complainant Union producers.***

Or. en

*Justification*

*For sampling to be reliable it shall include all complainant Union producers and to refine the collected data it may also include the non-complainant ones.*

## Amendment 204

**Franck Proust, María Auxiliadora Correa Zamora, Peter Šťastný, Nora Berra, Małgorzata Handzlik, Jarosław Leszek Wałęsa, Paweł Zalewski, Mário David, Pablo Zalba Bidegain**

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 7

Regulation (EC) No 1225/2009

Article 17 – paragraph 1

#### *Text proposed by the Commission*

In cases where the number of Union producers, exporters or importers, types of product or transactions is large, the investigation may be limited to a reasonable number of parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or to the largest representative volume of production, sales or exports which can reasonably be investigated within the time available.

#### *Amendment*

In cases where the number of Union producers, exporters or importers ***that cooperate in the investigation, or*** types of product or transactions is large, the investigation may be limited to a reasonable number of parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection, or to the largest representative volume of production, sales or exports which can reasonably be investigated within the time available.

Or. en

## Amendment 205

**Matteo Salvini**

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 7 a (new)

Regulation (EC) No 1225/2009

Article 17 – paragraph 2

#### *Text proposed by the Commission*

#### *Amendment*

***7a. In Article 17(2) the following sentence is added:***

***"In the case of diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, the final selection of parties should, where***



***possible, take into account their proportion in the sector concerned."***

Or. en

*Justification*

*To fully take into account the real proportion of Medium and Small Enterprises when sampling.*

**Amendment 206**

**Daniel Caspary**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 a (new)**

Regulation (EC) No 1225/2009

Article 17 – paragraph 2

*Present text*

"2. The final selection of parties, types of products or transactions made under these sampling provisions shall rest with the Commission, though preference shall be given to choosing a sample in consultation with, and with the consent of, the parties concerned, provided such parties make themselves known and make sufficient information available, within **three weeks** of initiation of the investigation, to enable a representative sample to be chosen."

*Amendment*

***7a. Article 17 (2) shall be replaced by the following:***

"2. The final selection of parties, types of products or transactions made under these sampling provisions shall rest with the Commission, though preference shall be given to choosing a sample in consultation with, and with the consent of, the parties concerned, provided such parties make themselves known and should be made sufficient information available, within **one week** of initiation of the investigation, to enable a representative sample to be chosen."

Or. en

**Amendment 207**

**Franck Proust, Nora Berra, Peter Šťastný, Mário David, Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Salvatore Iacolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**8. After Article 19, the following Article is inserted:** **deleted**

**‘Article 19a**

***Information about provisional measures***

***1. The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:***

***(a) a summary of the proposed duties for information purposes only, and***

***(b) details of the calculation of the dumping margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 19. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.***

***2. In cases where it is intended not to impose provisional duties but to continue the investigation, interested parties shall be informed of the non-imposition of duties two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties.’***

Or. en

**Amendment 208**  
**Mario Pirillo**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

Regulation (EC) No 1225/2009

Article 19 a – paragraph 1 – introductory part

*Text proposed by the Commission*

The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, **at least** two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:

*Amendment*

The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, **not earlier than** two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. ***The Commission shall publish a notice on the Official Journal of the European Union saying that such information has been disclosed for the purpose of registration of imports pursuant to Article 14 and possible retroactive application of duties pursuant to Article 10.*** Such information shall include:

Or. en

**Amendment 209**

**Marielle de Sarnez, Tokia Saïfi, Metin Kazak, Niccolò Rinaldi, Andrea Cozzolino, Yannick Jadot**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

Regulation (EC) No 1225/2009

Article 19 a

*Text proposed by the Commission*

*Amendment*

**8. After Article 19, the following Article is deleted**

*inserted:*

*'Article 19 a*

*Information about provisional measures*

*1. The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:*

- a) a summary of the proposed duties for information purposes only, and*
- b) details of the calculation of the dumping margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 19. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.*

*2. In cases where it is intended not to impose provisional duties but to continue the investigation, interested parties shall be informed of the non-imposition of duties two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties.'*

Or. fr

*Justification*

*The publication of the imposition of provisional duties two weeks before the actual imposition of the provisional measures increases the likelihood of stockpiling and thus the damage to European producers.*

**Amendment 210**  
**Cristiana Muscardini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EC) No 1225/2009  
Article 19 a – paragraph 1

*Text proposed by the Commission*

*Amendment*

**1. The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:**

**(a) a summary of the proposed duties for information purposes only, and**

**(b) details of the calculation of the dumping margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 19. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.'**

*deleted*

Or. en

**Amendment 211**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**1. The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:**

**(a) a summary of the proposed duties for information purposes only, and**

**(b) details of the calculation of the dumping margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 19. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.**

*deleted*

Or. en

*Justification*

*The pre-disclosure of information on the planned imposition of provisional duties increase the risk of a further politicization of the proceeding. Trade defence investigations should be conducted on a technical basis and the opportunities for lobbying should be reduced.*

**Amendment 212**

**Jaroslaw Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

*Text proposed by the Commission*

1. The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, **at least** two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:

*Amendment*

1. The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, two weeks before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:

Or. en

*Justification*

*To improve transparency and predictability, the disclosure of provisional anti-dumping measures should be exactly two weeks before planned imposition of measures.*

**Amendment 213**  
**Adam Bielan**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8**  
Regulation (EC) No 1225/2009  
Article 19a

*Text proposed by the Commission*

The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those

*Amendment*

The Union producers, importers and exporters and their representative associations, and representatives of the exporting country, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those

parties, at least **two weeks** before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:

parties, at least **10 working days** before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties. Such information shall include:

Or. pl

*Justification*

*It is clearer if the period in question is defined in terms of working days rather than weeks.*

**Amendment 214**

**Adam Bielan**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8**

Regulation (EC) No 1225/2009

Article 19a

*Text proposed by the Commission*

In cases where it is intended not to impose provisional duties but to continue the investigation, interested parties shall be informed of the non-imposition of duties **two weeks** before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties.

*Amendment*

In cases where it is intended not to impose provisional duties but to continue the investigation, interested parties shall be informed of the non-imposition of duties **10 working days** before the expiry of the deadline mentioned in Article 7(1) for the imposition of provisional duties.'

Or. pl

*Justification*

*It is clearer if the period in question is defined in terms of working days rather than weeks.*

**Amendment 215**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Marielle de Sarnez, Yannick Jadot, Nicolò Rinaldi, Cristiana Muscardini, Nora Berra**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8 – point 1 (new)**

Regulation (EC) No 1225/2009

Article 21



1. A determination as to whether *the Community* interest calls for intervention shall be based on an appreciation of all the various interests taken as a whole, including the interests of the domestic industry and users and consumers, and a determination pursuant to this Article shall only be made where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade distorting effects of injurious dumping and to restore effective competition shall be given special consideration. Measures, as determined on the basis of the dumping and injury found, may not be applied where the authorities, on the basis of all the information submitted, can clearly conclude that it is not in the *Community* interest to apply such measures.

2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the *Community* interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the anti-dumping investigation, make themselves known and provide information to the Commission. Such information, or

**1. Article 21 shall be replaced by the following:**

1. ***Without prejudice to the priority given to the interests of the domestic industry affected by the unfair trade practice, a determination as to whether the Union interest calls for intervention shall be based on an appreciation of all the various interests presented as a whole, including the interests of users and consumers, and a determination pursuant to this Article shall only be made where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade distorting effects of injurious dumping and to restore effective competition shall be given special consideration. Measures, as determined on the basis of the dumping and injury found, may not be applied where the authorities, on the basis of all the information submitted, can clearly conclude that it is not in the Union interest to apply such measures. A determination that measures are not in the Union interest should not be made if an industry has been seriously injured by dumped imports to an extent that its survival may be in question or if an industry is small and involve mainly Small and Medium sized Enterprises.***

2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the *Union* interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the anti-dumping investigation, make themselves known and provide information to the Commission. Such information, or

appropriate summaries thereof, shall be made available to the other parties specified in this Article, and they shall be entitled to respond to such information.

3. The parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted when they are submitted within the time-limits set in paragraph 2, and when they set out the reasons, in terms of the **Community** interest, why the parties should be heard.

4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Article 9.

6. The parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken to be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the

appropriate summaries thereof, shall be made available to the other parties specified in this Article, and they shall be entitled to respond to such information.

***Only information which is submitted by interested parties in full conformity with this sub-paragraph shall be taken into account for the final determination on Union Interest.***

3. ***Only*** the parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted when they are submitted within the time-limits set in paragraph 2, and when they set out the reasons, in terms of the **Union** interest, why the parties should be heard.

4. ***Only*** the parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee ***insofar as they are based on the evidence submitted*** shall be taken into account by the Commission in any proposal made pursuant to Article 9.

6. ***Only*** the parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken to be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the

Council.

7. Information shall only be taken into account where it is supported by actual evidence which substantiates its validity.

Council.

7. Information shall only be taken into account ***for a determination of Union Interest under this paragraph when it is presented and*** where it is supported by actual evidence which substantiates its validity ***and is subsequently verified.***

Or. en

#### *Justification*

*The rationale for these changes is to ensure that Union Interest determinations are treated in the same way as all other aspects of an investigation, i.e. dumping and injury, where all findings are strictly based on factual verified data submitted by parties during the investigation. This avoids any politisation of the process and contributes to findings which are fact based in line with WTO rules. Furthermore, the first and foremost rationale for antidumping and anti-subsidy measures should be the protection of the EU industry affected by injurious dumping. All other interests should come second.*

#### **Amendment 216**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Marielle de Sarnez, Yannick Jadot, Nicolò Rinaldi, Cristiana Muscardini**

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

#### **Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1225/2009

Article 21 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***9. Article 21(2) is replaced by the following:***

***deleted***

***‘2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the Union interest, the Union producers, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the anti-dumping investigation, make***

*themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this Article, and they shall be entitled to respond to such information.'*

Or. en

*Justification*

*The current practice of the Commission on this aspect of the Union interest test should not be modified*

**Amendment 217**

**Matteo Salvini**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 – introductory part**

Regulation (EC) No 1225/2009

Article 21

*Present text*

1. A determination as to whether the **Community** interest calls for intervention shall be based on an appreciation of all the various interests taken as a whole, including the interests of the domestic industry and users and consumers, and a determination pursuant to this Article shall only be made where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade distorting effects of injurious dumping and to restore effective competition shall be given special consideration. Measures, as determined on the basis of the dumping and injury found, may not be applied where the authorities, on the basis of all the information

*Amendment*

***9. Article 21 shall be replaced by the following:***

1. A determination as to whether the **Union** interest calls for intervention shall be based on an appreciation of all the various interests presented as a whole, including the interests of the domestic industry and users and consumers, and a determination pursuant to this Article shall only be made where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade distorting effects of injurious dumping and to restore effective competition shall be given special consideration. Measures, as determined on the basis of the dumping and injury found, may not be applied where the authorities, on the basis of all the information

submitted, can clearly conclude that it is not in the Community interest to apply such measures

2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the **Community** interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the anti-dumping investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this Article, and they shall be entitled to respond to such information.

3. The parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted when they are submitted within the time-limits set in paragraph 2, and when they set out the reasons, in terms of the **Community** interest, why the parties should be heard.

4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties

submitted, can clearly conclude that it is not in the Union interest to apply such measures. ***A determination that measures are not in the Union interest should not be made if an industry has been seriously injured by dumped imports to an extent that its survival may be in question or if an industry is small and involve mainly Small and Medium sized Enterprises.***

2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the **Union** interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the anti-dumping investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this Article, and they shall be entitled to respond to such information. ***Only information which is submitted by interested parties in full conformity with this sub-paragraph shall be taken into account for the final determination on Union Interest.***

3. ***Only*** the parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted when they are submitted within the time-limits set in paragraph 2, and when they set out the reasons, in terms of the **Union** interest, why the parties should be heard.

4. ***Only*** the parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties

who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Article 9.

6. The parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken to be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the Council.

7. Information shall only be taken into account where it is supported by actual evidence which substantiates its validity.

who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee ***insofar as they are based on the evidence submitted*** shall be taken into account by the Commission in any proposal made pursuant to Article 9.

6. ***Only*** the parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken to be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the Council.

7. Information shall only be taken into account ***for a determination of Union Interest under this paragraph when it is presented and*** where it is supported by actual evidence which substantiates its validity ***and is subsequently verified.***

Or. en

#### *Justification*

*The rationale for these changes is to ensure that Union Interest determinations are treated in the same way as all other aspects of an investigation, i.e. dumping and injury, where all findings are strictly based on factual verified data submitted by parties during the investigation. This avoids any politisation of the process and contributes to findings which are fact based in line with WTO rules.*

#### **Amendment 218**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

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

**Article 1 – paragraph 1 – point 9**

*Text proposed by the Commission*

*Amendment*

**"2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the Union interest, the Union producers, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the anti-dumping investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this Article, and they shall be entitled to respond to such information."**

**deleted**

Or. en

*Justification*

*The current wording of the Basic Anti-dumping Regulation on Union interest should not be modified.*

#### **Amendment 219**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Cristiana Muscardini, Niccolò Rinaldi, Marielle de Sarnez**

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

**Article 1 – paragraph 1 – point 9 a**

Regulation (EC) No 1225/2009

Article 22 – paragraph 2 (new)

*Text proposed by the Commission*

*Amendment*

**9a. In Article 22, the following new paragraph shall be added:**

**Any documents aimed at clarifying the**

*established practice of the Commission with regard to one or more elements of an investigation or review under the present Regulation shall be formally presented to the European Parliament and Member States which have to give their approval before publication or adoption. Any subsequent modifications of those documents shall be subject to the same procedural requirement. In any event, any of these documents must be fully in conformity with the provisions of this Regulation and no such document can broaden the discretion of the Commission, as interpreted by the Court of Justice, if applicable, in adopting measures.*

Or. en

#### *Justification*

*The European Parliament and Member States should be fully involved in the process leading to adoption of guidelines. Those guidelines must respect the existing law and they cannot enlarge the Commission's discretion to take decisions.*

#### **Amendment 220** **Robert Sturdy**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9 a (new)**  
Regulation (EC) No 1225/2009  
Article 21 – paragraph 5

#### *Present text*

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by

#### *Amendment*

***9a. Article 21(5) shall be replaced by the following:***

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by



the Commission in any proposal made pursuant to Article 9.

the Commission in any proposal made pursuant to Article 9. ***The criteria underpinning the Commission's analysis shall be regularly updated to reflect changing trends in trade flows and the impact on the Union. The Commission shall inform the European Parliament and the Council of changes made in its analytical methodology.***

Or. en

#### *Justification*

*The definition of the Union interest needs to reflect changing trends in trade flows, including but not limited to global value chains, and the impact on the Union. Therefore, the co-legislators shall be informed about any changes made by the Commission in its analytical methodology of the Union interest test.*

#### **Amendment 221**

**Franck Proust, Peter Šťastný, Nora Berra, Mário David, Pablo Zalba Bidegain, María Auxiliadora Correa Zamora**

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

**Article 1 – paragraph 1 – point 9 a (new)**

Regulation (EC) No 1225/2009

Article 21 – paragraph 5

#### *Present text*

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Article 9.

#### *Amendment*

***9a. Article 21(5) shall be replaced by following:***

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Article 9. ***The Commission shall propose termination of investigation or review under this article only if it is absolutely clear that under no possible***

*scenarios would measures help the Union industry to any degree. Criteria to determine Union interest should be specified in a delegated act.*

Or. en

**Amendment 222**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9 a (new)**  
Regulation (EC) No 1225/2009  
Article 21 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. A new Article 21 a is added:**

**"Article 21a**

**1. The power to adopt delegated acts pursuant to this regulation is conferred on the Commission subject to the conditions laid down in this article.**

**2. The power to adopt delegated acts pursuant to this regulation shall be conferred to the Commission for a period of 5 years after this regulation entered into force.**

**3. The delegation of powers pursuant to this regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**

**4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the**

*Council.*

*5. A delegated act adopted pursuant to this regulation shall enter into force only if no objection has been expressed by either the European Parliament or 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 the Council."*

Or. en

**Amendment 223**

**Tokia Saïfi, Franck Proust**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 a (new)**

Regulation (EC) No 1225/2009

Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. The following article is inserted:**

**'Article 22a**

**Report**

**1. The Commission shall, with due regard to the protection of confidential information within the meaning of Article 19, present an annual report on the application and implementation of this Regulation to the European Parliament and to the Council. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and**

*fulfilment of the obligations arising therefrom. The report shall also cover the use of trade defence instruments by third countries targeting the Union, information on the recovery of the Union industry concerned by the measures imposed and appeals against various measures imposed. It shall include the activities of the Hearing Officer of DG Trade and those of the Export Helpdesk in relation to the application of this Regulation.*

*2. The European Parliament may, within one month of the Commission's presentation of 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 this Regulation.'*

Or. fr

**Amendment 224**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9 a (new)**  
Regulation (EC) No 1225/2009  
Article 22 – paragraph 2 (new)

*Text proposed by the Commission*

*Amendment*

*9a. In Article 22, the following paragraph is added:*

*2. Any documents aimed at clarifying the practice of the Commission with regard to one or more elements of an investigation or review under the present Regulation shall be formally presented to the European Parliament and Member States which have to give their approval before publication or adoption. Any subsequent modifications of those documents shall be subject to the same procedural requirement. In any event, any of these*

*documents must be fully in conformity with the provisions of this Regulation.*

Or. en

*Justification*

*The European Parliament and Member States should be fully involved in the process leading to adoption of guidelines and those guidelines must respect the existing law.*

**Amendment 225**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 a (new)**

Regulation (EC) No 1225/2009

Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. A new Article 22a is added:**

**"Article 22 a**

***In order to facilitate the monitoring of the implementation of the Regulation by the legislator, the Commission shall, once a year, present a report on the application and implementation of this Regulation to the European Parliament and to the Council. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, undertakings, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom. The report shall also cover the use of trade defence instruments by third countries targeting the Union, information on the recovery of the Union industry concerned by the measures imposed and appeals against***

*various measures imposed."*

Or. en

**Amendment 226**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9 b (new)**

Regulation (EC) No 1225/2009

Annex II a (new)

*Text proposed by the Commission*

*Amendment*

***9b. The new Annex II(a) is added:***

***Conventions referred to Articles 7, 8, 9***

***1. Convention concerning Forced or Compulsory Labour, No 29 (1930)***

***2. Convention concerning Freedom of Association and Protection of the Right to Organise, No 87 (1948)***

***3. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No 98 (1949)***

***4. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No 100 (1951)***

***5. Convention concerning the Abolition of Forced Labour, No 105 (1957)***

***6. Convention concerning Discrimination in Respect of Employment and Occupation, No 111 (1958)***

***7. Convention concerning Minimum Age for Admission to Employment, No 138 (1973)***

***8. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No 182 (1999)***

**Amendment 227**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9 b (new)**  
Regulation (EC) No 1225/2009  
Article 21 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***9b. In Article 21, a new paragraph 7 a (new) is added:***

***'The Commission shall adopt a guideline on the Union interest as a delegated act in accordance with Article 21 a (new) within six months after this regulation entered into force. This guideline shall contain more precise information about the Commission's investigative methods and the analytical framework used for the assessments made in the investigations, in particular the methodology for determining the effects of measures on different parties and the circumstances that may be taken into account to determine that measures would not be in the Union's interest.'***

Or. en

**Amendment 228**  
**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 9 c (new)**  
Regulation (EC) No 1225/2009  
Article 22 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**9c. In Article 22 the following new paragraph 1a shall be added:**

**"1a. As soon as all EU Member States have ratified new ILO Conventions, The Commission shall update Annex Ia accordingly, in conformity with the procedure set out in Article 290 TFEU."**

Or. en

## **Amendment 229**

**Jaroslaw Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

### **Proposal for a regulation**

**Article 1 – paragraph 1 c (new)**

Regulation (EC) No 1225/2009

Article 21 – paragraph 5

*Present text*

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Article 9.

*Amendment*

**1c. Article 21 (5) shall be replaced by the following:**

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Article 9. ***The Commission shall propose termination of investigation or review under this Article only if it is clear that under no possible scenarios would proposed measures help the Union industry to any degree.***

Or. en



*Justification*

*The Union interest test shall not be used to prevent imposition of measures where such measures are warranted and may help the Union industry.*

**Amendment 230**

**Jaroslav Leszek Wałęsa, Paweł Zalewski, Małgorzata Handzlik**

**Proposal for a regulation**

**Article 1 a (new)**

Regulation (EC) No 1225/2009

Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

***Third countries increasingly interfere in trade of raw materials or energy with a view to keeping raw materials in those countries for the benefit of domestic downstream users, for instance by imposing export taxes or operating dual pricing schemes. As a result, the costs of raw materials or energy do not result from the operation of normal market forces reflecting supply and demand for a given raw material. Such interference creates additional distortions of trade. As a consequence, Union producers are not only affected by dumping, but suffer, compared to downstream producers from third countries engaged in such practices, from additional distortions of trade. In order to protect trade adequately, the lesser duty rule shall not apply in such cases of structural raw material distortions or energy distortions.***

Or. en

*Justification*

*To dissuade EU's trading partners from structural raw material distortions, as well as to provide meaningful relief to EU industry injured by such government practices, the lesser duty rule shall not apply in such cases. Recital 8 of the Commission's legislative proposal is inserted into the Basic Anti-dumping Regulation.*

**Amendment 231**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Marielle de Sarnez, Yannick Jadot**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point -1 (new)**

Regulation (EC) No 597/2009

Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***-1. The following Recital 9a shall be inserted:***

***“(9a) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.”***

Or. en

*Justification*

*In order to discourage EU’s trading partners from engaging in subsidisation practices, the LDR shall not apply in those cases. Recital 9 of the Commission’s legislative proposal has to be transferred into the Basic anti-subsidy Regulation.*

**Amendment 232**

**Andrea Cozzolino, Bernd Lange, Jörg Leichtfried, Niccolò Rinaldi, Cristiana Muscardini, Marielle de Sarnez**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 1 – point 1 (new)**

Regulation (EC) No 597/2009

Article 1 – paragraph 1

*Present text*

1. A countervailing duty may be imposed for the purpose of offsetting any subsidy granted, directly or indirectly, for the manufacture, production, export or transport of any product whose release for free circulation in the Community causes injury.

*Amendment*

1. A countervailing duty may be imposed for the purpose of offsetting any subsidy granted, directly or indirectly, for the manufacture, production, export or transport of any product whose release for free circulation in the Community causes injury.

***The use of any subsidized products in connection with the exploration of the Continental Shelf or the Exclusive Economic Zone of a Member State, or the exploitation of its resources, shall be treated as an import under the present Regulation and will be charged to duty accordingly, when causing injury to the Union industry.***

Or. en

*Justification*

*In line with the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the international practices, the EU should apply the anti-subsidy instrument also to goods meant to be used in the Continental Shelf or the Exclusive Economic Zone of its Member States.*

**Amendment 233**

**Matteo Salvini**

**Proposal for a regulation**

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

Regulation (EC) No 597/2009

Article 1 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***1a. In Article 1(1), the following sentence is added:***

***"The use of any subsidized products in connection with the exploration of the Continental Shelf or the Exclusive Economic Zone of a Member State, or the***

*exploitation of its resources, shall be treated as an import under the present Regulation and will be charged to duty accordingly, when causing injury to the Union industry."*

Or. en

*Justification*

*In line with the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the international practices, the EU should apply the anti-subsidy instrument also to goods meant to be used in the Continental Shelf or the Exclusive Economic Zone of its Member States.*

**Amendment 234**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 1 c (new)**

Regulation (EC) No 597/2009

Article 10 – paragraph 1

*Present text*

1. Except as provided for in paragraph 8, an investigation to determine the existence, degree and effect of any alleged subsidy shall be initiated upon a written complaint by any natural or legal person, or any association not having legal personality, acting on behalf of the **Community** industry.

*Amendment*

***1c. Article 10(1) shall be replaced by the following:***

1. Except as provided for in paragraph 8, an investigation to determine the existence, degree and effect of any alleged dumping shall be initiated upon a written complaint by any natural or legal person, or any association not having legal personality, acting on behalf of the **Union** industry. ***Complaints can also be submitted jointly by the Union industry, or by any natural or legal person or any association not having legal personality acting on behalf thereof, and trade unions.***

Or. en

*Justification*

*For the sake of improving the effectiveness of trade-defence instruments, trade unions should be allowed to participate in trade-defence proceedings by filing complaints jointly with the Union industry.*

**Amendment 235**

**Yannick Jadot, Andrea Cozzolino, Marielle de Sarnez, Niccolò Rinaldi**

**Proposal for a regulation**

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

Regulation (EC) No 597/2009

Article 10 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In Article 10, a new paragraph 1a is added:***

***The Commission shall facilitate the participation of fragmented industrial sectors, largely composed of small-and-medium-sized enterprises, in anti-subsidy proceedings through an SME Help Desk***

***The SME Help Desk shall raise awareness of the instrument, provide information and explanations on how to file a complaint and how to better present evidence of countervailable subsidies and injury, in particular through: (i) standard forms for statistics to be submitted for standing purposes and questionnaires, (ii) setting the investigation period to coincide, whenever possible, with the financial year; (iii) reducing the burden caused by language barriers.***

***Furthermore, the Commission shall collect and provide SMEs with information on the evolution of the volume and value of imports of the product concerned, in case SMEs provide prima facie evidence of countervailable subsidies.***

Or. en

**Amendment 236**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 1 b (new)**  
Regulation (EC) No 597/2009  
Article 10 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***1b. Article 10, is amended as follows:***

***(a) the following paragraph is added:***

***3a. The Commission shall facilitate access to the instrument for diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, in the context of anti-dumping cases, through an SME Help Desk.***

***The SME Help Desk shall raise awareness of the instrument, provide information and explanations on how to fill a compliant and how to better present evidences, in particular through: (i) standardising forms for statistics; (ii) setting the investigation period to coincide with the financial year; (iii) diminishing the burden caused by language barriers in a proportionate manner.***

***Furthermore, the Commission shall collect and provide to SMEs information on the evolution of the volume and value of imports of the product concerned in cases where SMEs provide prima facie evidence of countervailable subsidies.***

Or. en

*Justification*

*To facilitate the participation of SMEs to the Trade Defence Instruments, the Commission should support the SMEs through the SME Help Desk. SMEs are in fact experiencing comparatively higher costs in submitting complaints and in providing reliable data to the*

*investigating authority.*

**Amendment 237**

**Franck Proust, María Auxiliadora Correa Zamora, Peter Šťastný, Nora Berra, Mário David, Pablo Zalba Bidegain**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 1 b (new)**

Regulation (EC) No 597/2009

Article 10 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***1b. In Article 10, a new paragraph 3a is added:***

***"The Commission shall facilitate the access to the instrument for diverse and fragmented industry sectors, largely composed of small and medium-sized enterprises through the Export Help Desk.***

***The Export Help Desk shall provide information and explanations on how to fill a compliant in particular through: standardising forms for statistics and diminishing the burden caused by language barriers in a proportionate manner"***

Or. en

**Amendment 238**

**Matteo Salvini**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 1 c (new)**

Regulation (EC) No 597/2009

Article 10 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***1c. Article 10, is amended as follows:***

***(b) in paragraph 6 the following sentence***

*is added:*

*The Commission shall facilitate reaching these thresholds for diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, through the support of the SME Help Desk.*

Or. en

*Justification*

*To improve the access to the instrument and to reduce the burden for SMEs, the Commission should facilitate the submission of complaints for fragmented industry sectors, largely composed of small- and medium-sized enterprises.*

**Amendment 239**

**Yannick Jadot, Andrea Cozzolino, Marielle de Sarnez, Niccolò Rinaldi**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 1 b (new)**

Regulation (EC) No 597/2009

Article 10 – paragraph 6 – subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

*1b. In Article 10(6), a new subparagraph is added:*

*"In the case of diverse and fragmented industrial sectors, largely composed of small-and-medium-sized enterprises, the Commission shall assist in reaching these thresholds through the support of the SME Help Desk."*

Or. en

**Amendment 240**

**Robert Sturdy**



**Proposal for a regulation**

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

Regulation (EC) No 597/2009

Article 10 – paragraph 8

*Present text*

8. If, in *special* circumstances, *the Commission decides* to initiate an investigation without having received a written complaint by or on behalf of the *Community* industry for the initiation of such investigation, *this shall be done* on the basis of sufficient evidence of *the existence of countervailable subsidies*, injury and causal link, as described in paragraph 2, to justify such initiation.

*Amendment*

***1a. Article 10 (8) shall be replaced by the following:***

8. If in *duly justified* circumstances, *it is decided* to initiate an investigation without having received a written complaint by or on behalf of the *Union* industry for the initiation of such investigation, *the Commission shall conduct this investigation* on the basis of sufficient evidence of *dumping*, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. en

*Justification*

*The ex-officio investigation should be conducted on the basis of duly justified evidence.*

**Amendment 241**

**Franck Proust, María Auxiliadora Correa Zamora, Peter Šťastný, Nora Berra, Mário David, Pablo Zalba Bidegain**

**Proposal for a regulation**

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

Regulation (EC) No 597/2009

Article 10 – paragraph 8

*Text proposed by the Commission*

8. If, in special circumstances, *the Commission decides* to initiate an investigation without having received a written complaint by or on behalf of the *Community* industry for the initiation of such investigation, this shall be done on the

*Amendment*

***1a. Article 10 (8) shall be replaced by the following :***

8. If, in special circumstances *or in the case of diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises*, *it is decided* to initiate an investigation without having received a written complaint by or on

basis of sufficient evidence *of the existence of countervailable subsidies*, injury and causal link, as described in paragraph 2, to justify such initiation.

behalf of the *Union* industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of *dumping*, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. en

## Amendment 242

Marielle de Sarnez, Metin Kazak, Niccolò Rinaldi, Andrea Cozzolino

### Proposal for a regulation

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

Regulation (EC) No 597/2009

Article 10 – paragraph 8

#### *Present text*

8. If, in special circumstances, *the Commission decides* to initiate an investigation without having received a written complaint by or on behalf of the Community industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of the existence of *countervailable subsidies*, injury and causal link, as described in paragraph 2, to justify such initiation.

#### *Amendment*

***1a. In Article 10, paragraph 8 is replaced by the following:***

‘8. If, in special circumstances, *in particular in cases in which the industry sectors concerned are typically extremely diverse and fragmented and consist largely of SMEs, the authorities decide* to initiate an investigation without having received a written complaint by or on behalf of the Community industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of the existence of *dumping*, injury and causal link, as described in paragraph 2, to justify such initiation’.

Or. fr

#### *Justification*

*Ex-officio investigations should take place more systematically where the sector affected by dumping or subsidies consists mainly of SMEs.*

**Amendment 243**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 1 d (new)**  
Regulation (EC) No 597/2009  
Article 10 – paragraph 8

*Present text*

"8. If, in special circumstances, the Commission decides to initiate an investigation without having received a written complaint by or on behalf of the **Community** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of the existence of countervailable subsidies, injury and causal link, as described in paragraph 2, to justify such initiation."

*Amendment*

***1d. Article 10 (8) shall be replaced by the following:***

"8. If, in special circumstances, ***as in the case of diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises,*** the Commission decides to initiate an investigation without having received a written complaint by or on behalf of the **Union** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of the existence of countervailable subsidies, injury and causal link, as described in paragraph 2, to justify such initiation."

Or. en

*Justification*

*To improve the access to the instrument and to reduce the burden for SMEs, the Commission should be able to initiate investigations without a formal complaint by the Union industry. The same should apply in all cases in which private parties are prevented, against their willingness, to lodge a complaint and if there is sufficient prima facie evidence of injurious subsidizations.*

**Amendment 244**  
**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 b (new)**  
Regulation (EC) No 597/2009  
Article 10 – paragraph 8

*Present text*

8. If, in special circumstances, the Commission **decides** to initiate an investigation without having received a written complaint by or on behalf of the **Community** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence **of the existence of countervailable subsidies**, injury and causal link, as described in paragraph 2, to justify such initiation.

*Amendment*

8. If, in special circumstances, **such as in, but not limited to, case of diverse and fragmented industry sectors, or in the case of threats of retaliation by a third country or its industry against EU industry, or its individual members, wishing to file a complaint under Article 5 of this Regulation**, it is **decided** to initiate an investigation without having received a written complaint by or on behalf of the **Union** industry for the initiation of such investigation, this shall be done on the basis of sufficient evidence of **dumping**, injury and a causal link, as described in paragraph 2, to justify such initiation.

Or. en

*Justification*

*To improve the access to the instrument for SMEs, as well as to explicitly acknowledge the fact of threats of retaliation against EU industries wishing to use the instrument but afraid of such retaliation, the Commission should be able to initiate investigations without a formal complaint by the Union industry. It is also important not to limit the Commission's discretion in this regard.*

**Amendment 245**

**Tokia Saïfi**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 2 – introductory part**

Regulation (EC) No 597/2009

Article 11 – new paragraphs

*Text proposed by the Commission*

*Amendment*

2. In Article 11, **the following paragraphs are added:**

**'The Commission shall facilitate access to the instrument for all industry sectors concerned, with regard to anti-dumping affairs, through its Export Helpdesk**

*service in particular. This service shall raise users' awareness of the instrument, provide information and explanations on cases, and guidance on additional opportunities for liaising with the Hearing Officer and national customs authorities. After the initiation of an investigation, it shall identify and inform those sectors that are likely to be affected by the initiation of proceedings and shall provide them with the relevant deadlines for registering as an interested party. It shall inform the sectors concerned about the possibilities and conditions under which they may request a review of the measures and a refund of the anti-dumping duties paid.*

*The Commission shall safeguard the effective exercise of the procedural rights of the interested parties and shall ensure that proceedings are handled impartially, objectively and within a reasonable time period. It shall inform the parties that they have the option of appealing to the Hearing Officer of the Commission Directorate-General for Trade.'*

Or. fr

## **Amendment 246**

**Yannick Jadot**

### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 2**

Regulation (EC) No 597/2009

Article 11 – paragraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***"11. Union producers of the like product are obliged to cooperate in proceedings that have been initiated pursuant to Article 10(8)."***

***deleted***

Or. en

**Amendment 247**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 2**  
Regulation (EC) No 597/2009  
Article 11 – paragraph 11 b (new)

*Text proposed by the Commission*

*Amendment*

***11b. The Commission shall ensure the best possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new non-confidential information is added to the investigation files. Non-confidential information shall also be made accessible through a web-based platform.***

Or. en

*Justification*

*For the sake of transparency, non-confidential information shall be made accessible to interested parties. There is the need for an information system that would ensure that additions to the investigation files are communicated in an efficient and timely manner.*

**Amendment 248**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 2**  
Regulation (EC) No 597/2009  
Article 11 – paragraph 11 c (new)

*Text proposed by the Commission*

*Amendment*

***11c. The Commission shall safeguard the effective exercise of the procedural rights of the interested parties and shall ensure that proceedings are handled impartially, objectively and within a reasonable time period, through a Hearing Officer where***

*appropriate.*

Or. en

*Justification*

*In order to improve effectiveness, recourse to the Hearing Officer should be ensured where appropriate.*

**Amendment 249**

**Robert Sturdy**

**Proposal for a regulation**

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

Regulation (EC) No 597/2009

Article 11 – paragraph 11 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. In Article 11, the following paragraph is added:***

***11a. The Commission shall facilitate access to the instrument for diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, in the context of anti-dumping cases, through an SME Help Desk.***

***The SME Help Desk shall raise awareness of the instrument, provide information and explanations on cases, and guidance on additional possibilities to liaise with the Hearing Officer and national customs authorities to SMEs and their respective umbrella associations.***

***After the initiation of an investigation, the SME Help Desk shall identify and inform SMEs likely to be affected by the initiation of proceedings and the relevant deadlines for registering as an interested party.***

***It shall assist in the completion of questionnaires, where special attention shall be given to queries of SMEs as regards investigations initiated under***

*Article 10(8).*

*The SME Help Desk shall also inform SMEs on the possibilities and conditions under which they could request a review of the measures and refund of the anti-dumping duties paid and the accrued interest.*

Or. en

*Justification*

*The SME Help Desk should be the one stop shop for information on this regulation and provide assistance to SMEs and their umbrella associations with the use of TDIs.*

**Amendment 250**

**Matteo Salvini**

**Proposal for a regulation**

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

Regulation (EC) No 597/2009

Article 11 – paragraph 9

*Present text*

9. For proceedings initiated pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within **one year**. In any event, such investigations shall in all cases be concluded within **13 months** of their initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action.

*Amendment*

**2a. Article 11(9) is replaced by the following:**

9. For proceedings initiated pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within **9 months**. In any event, such investigations shall in all cases be concluded within **10 months** of their initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action.

Or. en

*Justification*

*To improve predictability, investigations ought to be shortened.*



## Amendment 251

Franck Proust, María Auxiliadora Correa Zamora, Nora Berra, Peter Šťastný, Pawel Zalewski, Jarosław Leszek Wałęsa, Małgorzata Handzlik, Mário David, Pablo Zalba Bidegain

### Proposal for a regulation

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

Regulation (EC) No 597/2009

Article 11 – paragraph 11 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. In Article 11, a new paragraph 11a is added:***

***Throughout the investigation, the Export Helpdesk should provide to SMEs informations and explanations on the case and how to better present evidences, and guidance on additional possibilities to liaise with the Hearing Officer and national customs authorities.***

Or. en

## Amendment 252

Marielle de Sarnez, Andrea Cozzolino, Yannick Jadot, Metin Kazak, Niccolò Rinaldi

### Proposal for a regulation

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

Regulation (EC) No 597/2009

Article 11 – paragraph 9

*Present text*

*Amendment*

9. For proceedings initiated pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within **one year**. In any event, such investigations shall in all cases be concluded within **13** months of their initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action.

***2a. In Article 11, paragraph 9 is replaced by the following:***

‘9. For proceedings initiated pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within **nine months**. In any event, such investigations shall in all cases be concluded within **10** months of their initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant

to Article 15 for definitive action.’

Or. fr

*Justification*

*Since the time frame for imposing provisional duties has been reduced to six months, for reasons of consistency, the definitive duties should be imposed within ten months.*

**Amendment 253**

**Robert Sturdy**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 2 b (new)**

Regulation (EC) No 597/2009

Article 11 – paragraph 11 b (new)

*Text proposed by the Commission*

*Amendment*

***2 b. In Article 11, the following paragraph is added:***

***11b. The Commission shall adopt implementing acts to ensure the best possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new confidential or non-confidential information is added to the investigation files. Non-confidential information shall also be made public through an online platform. Those implementing acts shall be adopted in accordance with the ... procedure referred to in ...***

Or. en

*Justification*

*To ensure the Union producers' and consumers' confidence in the instrument and in order to promote transparency towards all stakeholders and citizens, non-confidential files should be made public.*

**Amendment 254**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 2 b (new)**  
Regulation (EC) No 597/2009  
Article 11 – paragraph 11b (new)

*Text proposed by the Commission*

*Amendment*

**2b. In Article 11 a new paragraph is added:**

**11b. The Commission shall ensure the best possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new non-confidential information is added to the investigation files. Non-confidential information shall also be made accessible through a web-based platform.**

Or. en

*Justification*

*For the sake of transparency, non-confidential information shall be made accessible to interested parties. There is the need for an information system that would ensure that additions to the investigation files are communicated in an efficient and timely manner.*

**Amendment 255**  
**Franck Proust, Peter Št'astný, María Auxiliadora Correa Zamora, Nora Berra, Mário David, Paweł Zalewski, Jarosław Leszek Wałęsa, Małgorzata Handzlik, Pablo Zalba Bidegain**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 2 b (new)**  
Regulation (EC) No 597/2009  
Article 11 – paragraph 11b (new)

*Text proposed by the Commission*

*Amendment*

**2b. In Article 11, a new paragraph 11b is added:**

*The Commission shall adopt implementing acts to ensure the possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new non-confidential information is added to the investigation file.*

Or. en

**Amendment 256**

**Marielle de Sarnez, Tokia Saïfi, Metin Kazak, Niccolò Rinaldi**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 2 b (new)**

Regulation (EC) No 597/2009

Article 11 – paragraph 11 (new)

*Text proposed by the Commission*

*Amendment*

*2b. Upon request, SMEs may obtain questionnaires translated into their own language. In this regard, the Commission shall duly inform them of this option when initiating its investigation.*

Or. fr

*Justification*

*SMEs do not always have the necessary human resources to translate questionnaires. The Commission alone should therefore provide the SME in question with the questionnaire translated into its own language, but should also inform SMEs of this option in advance.*

**Amendment 257**

**Robert Sturdy**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 2 c (new)**

Regulation (EC) No 597/2009

Article 11 – paragraph 11 c (new)

*Text proposed by the Commission*

*Amendment*

***2c. In Article 11, the following paragraph is added:***

***"11c. The Commission shall provide information and shall issue standardised questionnaires to be used in investigations in all official languages of the Union. The standardised questionnaires shall be provided to the interested parties upon request."***

Or. en

*Justification*

*The questionnaires to be used in investigations shall be standardised to ensure uniformity of the data collected throughout the Union.*

**Amendment 258**

**Matteo Salvini**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 2 c (new)**

Regulation (EC) No 597/2009

Article 11 – paragraph 11 c (new)

*Text proposed by the Commission*

*Amendment*

***2c. In Article 11 a new paragraph is added:***

***"11c. The Commission shall safeguard the effective exercise of the procedural rights of the interested parties and shall ensure that proceedings are handled impartially, objectively and within a reasonable time period, through a Hearing Officer where appropriate."***

Or. en

## *Justification*

*In order to improve effectiveness, recourse to a Hearing Officer should be ensured where appropriate*

### **Amendment 259**

**Franck Proust, Tokia Saïfi, Nora Berra, María Auxiliadora Correa Zamora, Peter Šťastný, Mário David, Jarosław Leszek Wałęsa, Malgorzata Handzlik, Paweł Zalewski, Pablo Zalba Bidegain**

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

**Article 2 – paragraph 1 – point 2 c (new)**

Regulation (EC) No 597/2009

Article 11 – paragraph 9

#### *Present text*

9. For proceedings initiated pursuant to Article 10(11), an investigation shall, *whenever possible*, be concluded within one year. *In any event, such investigations shall in all cases be concluded within 13 months of their initiation*, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action.

#### *Amendment*

***2c. In Article 11 (9) shall be replaced by the following:***

9. For proceedings initiated pursuant to Article 10(11), an investigation shall be concluded within one year, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action.

Or. en

### **Amendment 260**

**Yannick Jadot, Andrea Cozzolino**

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

**Article 2 – paragraph 1 – point 2 c (new)**

Regulation (EC) No 597/2009

Article 13 – paragraph 1a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***2c. In Article 13, a new paragraph 1a is added:***

*A departure from the non-injurious price found during the investigation period is allowed only on the basis of verified information showing a lasting change in circumstances that has occurred since that period. The new non-injurious price shall be adopted only after disclosure to all interested parties and after they have had a reasonable chance to comment.*

Or. en

#### *Justification*

*In order to improve transparency and predictability in undertaking proceedings, the Commission has to demonstrate the reasons for departing from the non-injurious price set during investigations. Such information can be disclosed to interested parties, while protecting confidentiality; however, the Union industry shall be consulted on the new price levels.*

#### **Amendment 261**

**Yannick Jadot, Andrea Cozzolino**

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

**Article 2 – paragraph 1 – point 2 d (new)**

Regulation (EC) No 597/2009

Article 13 – paragraph 4

#### *Present text*

4. Parties which offer an undertaking shall be required to provide a non-confidential version of such undertaking, so that it may be made available to interested parties to the investigation.

#### *Amendment*

***2d. Article 13 (4) shall be replaced by the following:***

4. Parties which offer an undertaking shall be required to provide a meaningful non-confidential version of such undertaking, ***including disclosure of its content and nature***, so that it may be made available to interested parties to the investigation. ***The Commission shall also share such non-confidential version of the undertaking with the European Parliament and the Council.***

Or. en

**Amendment 262**

**Franck Proust, Nora Berra, Peter Šťastný, María Auxiliadora Correa Zamora, Tokia Saïfi, Pablo Zalba Bidegain, Mário David**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point -a (new)**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 2

*Present text*

*Amendment*

"The provisional duties shall be imposed *no earlier than 60 days* from the initiation of the proceedings *but no later than nine months from the initiation of the proceedings.*"

*(-a) In Article 12(1), the second subparagraph shall be replaced by the following:*

"The provisional duties shall be imposed in *the seven-month period starting* from the initiation of the proceedings."

Or. en

**Amendment 263**

**Godelieve Quisthoudt-Rowohl**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point a**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

*a) subparagraph 3 is replaced by the following:*

*deleted*

*'The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies as provisionally established.'*

Or. de



**Amendment 264**  
**Elisabeth Köstinger**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point a**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

**(a) subparagraph 3 is replaced by the following:** **deleted**

***‘The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies as provisionally established.’***

Or. en

**Amendment 265**  
**Silvana Koch-Mehrin**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point a**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

**(a) subparagraph 3 is replaced by the following:** **deleted**

***‘The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies as provisionally established.’***

Or. en

*Justification*

*Removing the lesser duty rule has a negative impact on the imports and exports of the Union. Roughly a third of the value of the Union's exports originates from the transformation of intermediate goods, previously imported into the Union. The instrument should continue to be used as a correcting and legal instrument and not be a penalising and political instrument.*

**Amendment 266**  
**Daniel Caspary, Bendt Bendtsen**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point a**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

***(a) subparagraph 3 is replaced by the following:*** ***deleted***

***‘The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies as provisionally established.’***

Or. en

**Amendment 267**  
**Nils Torvalds**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point a**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

***(a) subparagraph 3 is replaced by the following:*** ***deleted***

***‘The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies as provisionally established.’***

Or. en

**Amendment 268**  
**Robert Sturdy**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point a**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

**(a) subparagraph 3 is replaced by the following:**

**deleted**

***The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies as provisionally established.***

Or. en

*Justification*

*The lesser duty rule shall be maintained in its original form for the sake of both producers and consumers interest to maintain the corrective nature and the balance of the instrument while not limiting it to the Union's access to intermediate goods.*

**Amendment 269**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point a**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies **as** provisionally established.

The amount of the provisional countervailing duty shall not exceed the total amount of countervailable subsidies provisionally established.

Or. en

*Justification*

*To dissuade EU's trading partners from subsidisation practices, as well as to provide meaningful relief to EU industry injured by such government practices, the lesser duty rule shall not apply in anti-subsidy cases.*

**Amendment 270**  
**Matteo Salvini**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point a a (new)**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 2

*Present text*

*Amendment*

***(aa) In Article 12(1), the first and second subparagraph shall be replaced by the following:***

1. Provisional duties may be imposed if:

(a) proceedings have been initiated in accordance with Article 10;

(b) a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with the second subparagraph of Article 10(12);

(c) a provisional affirmative determination has been made that the imported product benefits from countervailable subsidies and of consequent injury to the Community industry; and

(d) the Community interest calls for intervention to prevent such injury.

The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine months** from the initiation of the proceedings.

1. Provisional duties shall be imposed if:

(a) proceedings have been initiated in accordance with Article 10;

(b) a notice has been given to that effect and interested parties have been given adequate opportunities to submit information and make comments in accordance with the second subparagraph of Article 10(12);

(c) a provisional affirmative determination has been made that the imported product benefits from countervailable subsidies and of consequent injury to the Community industry; and

(d) the Community interest calls for intervention to prevent such injury.

The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **six months** from the initiation of the proceedings.

Or. en

*Justification*

*To improve predictability, investigations leading up to provisional measures ought to be shortened from nine to six and provisional measures shall always be imposed when conditions are met.*

**Amendment 271**

**Tokia Saïfi**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point b**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

***b) the following subparagraph is added at the end:*** ***deleted***

***'Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.'***

Or. fr

**Amendment 272**

**Franck Proust, Nora Berra, Peter Šťastný, María Auxiliadora Correa Zamora, Mário David, Pablo Zalba Bidegain, Salvatore Iacolino**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point b**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

***(b) the following subparagraph is added at the end:*** ***deleted***

***'Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.'***

**Amendment 273**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

***(b) the following subparagraph is added at the end:*** ***deleted***

***‘Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.’***

*Justification*

*To eliminate the risk of stockpiling, no shipping clause should be foreseen in the Regulation.*

**Amendment 274**  
**Marielle de Sarnez, Yannick Jadot, Andrea Cozzolino, Metin Kazak, Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

***b) the following subparagraph is added at the end:*** ***deleted***

***‘Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties***

*under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.'*

Or. fr

*Justification*

*The introduction of a shipping clause increases the likelihood of stockpiling and thus the damage to European producers.*

**Amendment 275**  
**Mario Pirillo**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – point b**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

*(b) the following subparagraph is added at the end:* *deleted*

*'Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.'*

Or. en

*Justification*

*In order to avoid stockpiling no shipping clause should be foreseen*

**Amendment 276**  
**Robert Sturdy**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point b**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

Provisional duties shall not be applied within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

*Amendment*

Provisional duties shall not be applied within a period of two weeks ***that can be extended in exceptional cases, as defined in the guidelines, to four weeks maximum***, after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

Or. en

*Justification*

*The risk of stockpiling which according to the impact assessment occurs after four weeks shall be avoided. Therefore, a proper shipping clause of minimum two weeks and maximum four weeks is introduced, which allows products in the process of shipment to enter the Union without being affected by duties. The exceptional cases where a four week period is necessary should be defined in the guidelines.*

**Amendment 277**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point b**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

Provisional duties shall not be ***applied*** within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

*Amendment*

Provisional duties shall not be ***imposed*** within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.



*Justification*

*The wording needs to be clarified.*

**Amendment 278**

**Daniel Caspary**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point b**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

Provisional duties shall not be applied *within a period of two weeks after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.*

*Amendment*

Provisional duties shall not be applied *to products in the process of transit to the Union. Products shall be deemed to be in the process of transit to the Union if they:*

*(a) left the country of origin before the date on which the draft implementing act is submitted to the Advisory Committee, pursuant to Article 25, informing of the regulation imposing provisional measures;*

*(b) are transported from the place of loading in the country of origin to the place of unloading in the Union under cover of a valid transport document issued before the date on which the draft implementing act is submitted to the Advisory Committee, pursuant to Article 25, informing of the regulation imposing provisional measures;*

*(c) the goods have been shipped to be directly imported and put to consumption without transiting through a custom warehouse;*

*(d) the transport documents clearly establish that from the outset these*

*merchandise were solely and exclusively destined to the EU; and*

*(e) arrive to the place of unloading within four weeks of the draft implementing act is submitted to the Advisory Committee, pursuant to Article 25.*

Or. en

## **Amendment 279**

**Adam Bielan**

### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point b**

Regulation (EC) No 597/2009

Article 12, paragraph 1

*Text proposed by the Commission*

Provisional duties shall not be applied within a period of *two weeks* after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

*Amendment*

Provisional duties shall not be applied within a period of *10 working days* after the information is sent to interested parties under Article 29b. The provision of such information shall not prejudice any subsequent decision that may be taken by the Commission.

Or. pl

*Justification*

*It is clearer if the period in question is defined in terms of working days rather than weeks.*

## **Amendment 280**

**Tokia Saïfi**

### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 – point b a (new)**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 2

*Present text*

*Amendment*

The provisional duties shall be imposed ***no earlier than 60 days from*** the initiation of the proceedings ***but*** no later than nine months ***from the initiation of the proceedings***.

***(ba) In Article 12(1), the second subparagraph is replaced by the following:***

‘The provisional duties shall be imposed ***within seven months of*** the initiation of the proceedings, ***or*** no later than nine months ***in exceptional circumstances for which evidence is provided and of which the interested parties shall be informed.***’

Or. fr

### **Amendment 281**

**Robert Sturdy**

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

**Article 2 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 2

*Present text*

*Amendment*

The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than ***nine months*** from the initiation of the proceedings.

***3a. In Article 12 (1), the second subparagraph shall be replaced by the following:***

The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than ***seven months*** from the initiation of the proceedings.

Or. en

#### *Justification*

*To improve predictability, investigations leading up to provisional measures ought to be shortened from nine to seven months.*

### **Amendment 282**

**Daniel Caspary**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 2

*Present text*

"The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine months** from the initiation of the proceedings. "

*Amendment*

**3a. In Article 12(1) subparagraph 2 shall be replaced by the following:**

"The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **seven months** from the initiation of the proceedings."

Or. en

**Amendment 283**

**Marielle de Sarnez, Yannick Jadot, Andrea Cozzolino, Metin Kazak, Niccolò Rinaldi**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 2

*Present text*

”The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine months** from the initiation of the proceedings.

*Amendment*

**3a. In Article 12(1), the second subparagraph is replaced by the following:**

‘The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **six months** from the initiation of the proceedings.’

Or. fr

*Justification*

*Provisional duties should be able to be imposed more swiftly after the initiation of the investigation by the Commission. Six months seems to be a reasonable time frame within which the Commission can conclude its investigation before imposing provisional duties.*

## Amendment 284

Jaroslaw Leszek Walęsa, Małgorzata Handzlik, Pawel Zalewski

### Proposal for a regulation

#### Article 2 – paragraph 1 c (new)

Regulation (EC) No 597/2009

Article 12 – paragraph 1 – subparagraph 2

#### *Present text*

"The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **nine months** from the initiation of the proceedings."

#### *Amendment*

***1c. Article 12(1), subparagraph 2 shall be replaced by the following:***

"The provisional duties shall be imposed no earlier than 60 days from the initiation of the proceedings but no later than **six months** from the initiation of the proceedings."

Or. en

#### *Justification*

*To improve predictability for importers and users and provide quick relief for EU producers, investigations leading up to provisional AS measures should be shortened from 9 to 6 months.*

## Amendment 285

Daniel Caspary

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 3 b (new)

Regulation (EC) No 597/2009

Article 12 – paragraph 6 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***3b. In Article 12, a new paragraph 6 a is added:***

***"The Commission shall adopt a guideline on the injury margin as a delegated act in accordance with Article 32 a within six months after this regulation entered into force. This guideline shall contain more precise information about the Commission's investigative methods and the analytical framework used for the***

**Amendment 286**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

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

Regulation (EC) No 597/2009

Article 13 – paragraph 1

*Present text*

1. Upon condition that a provisional affirmative determination of subsidisation and injury has been made, the Commission may accept *satisfactory* voluntary undertakings offers under which:

(a) the country of origin and/or export agrees to eliminate or limit the subsidy or take other measures concerning its effects; or

(b) any exporter undertakes to revise its prices or to cease exports to the area in question as long as such exports benefit from countervailable subsidies, so that the Commission, after specific consultation of the Advisory Committee, *is satisfied* that the injurious effect of the subsidies is thereby eliminated.

In such a case and as long as such undertakings are in force, the provisional duties imposed by the Commission in accordance with Article 12(3) and the definitive duties imposed by the Council in accordance with Article 15(1) shall not apply to the relevant imports of the product concerned manufactured by the companies referred to in the Commission decision accepting undertakings and in any subsequent amendment of such decision.

*Amendment*

***2a. Article 13(1) is amended as follows:***

1. Upon condition that a provisional affirmative determination of subsidisation and injury has been made, the Commission may accept voluntary undertakings offers under which:

(a) the country of origin and/or export agrees to eliminate or limit the subsidy or take other measures concerning its effects; or

(b) any exporter undertakes to revise its prices or to cease exports to the area in question as long as such exports benefit from countervailable subsidies, provided that the Commission, after specific consultation of the Advisory Committee, ***has determined*** that the injurious effect of the subsidies is thereby effectively eliminated.

In such a case and as long as such undertakings are in force, the provisional duties imposed by the Commission in accordance with Article 12(3) and the definitive duties imposed by the Council in accordance with Article 15(1) shall not apply to the relevant imports of the product concerned manufactured by the companies referred to in the Commission decision accepting undertakings and in any subsequent amendment of such decision.

*Price increases under such undertakings shall not be higher than is necessary to offset the amount of countervailable subsidies, and should be less than the amount of countervailable subsidies if such increases would be adequate to remove the injury to the Community industry*

*The lesser duty rule shall not apply to prices agreed under such undertakings in the framework of anti-subsidy proceedings.*

Or. en

*Justification*

*Undertakings can only be accepted if they effectively eliminate the injurious effect of the subsidy. Moreover, consistently with the other provisions on the lesser duty rule, the lesser duty rule shall not apply in anti-subsidy proceedings.*

**Amendment 287**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 2 b (new)**

Regulation (EC) No 597/2009

Article 13 – paragraph 1– subparagraph 4 (new)

*Text proposed by the Commission*

*Amendment*

***2b. In Article 13(1), a new subparagraph 4 is added:***

***No Union interest considerations pursuant to Article 31 shall be taken into account when deciding over the acceptance of undertakings.***

Or. en

*Justification*

*There are no provisions in the Regulation providing for the application of Article 31 to undertaking proceedings.*

## Amendment 288

Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski

### Proposal for a regulation

#### Article 2 – paragraph 1 e (new)

Regulation (EC) No 597/2009

Article 13 – paragraph 4

#### *Present text*

"4. Parties which offer an undertaking shall be required to provide a non-confidential version of such undertaking, so that it may be made available to interested parties to the investigation. "

#### *Amendment*

#### ***1e. Article 13 (4) shall be replaced by the following:***

"4. Parties which offer an undertaking shall be required to timely provide ***meaningful*** non-confidential version of such undertaking ***including as detailed as possible disclosure of its content and nature***, so that it may be made available to interested parties to the investigation ***for their comments. Furthermore, the Commission shall consult the Union industry with regard to the main features and operation of the undertaking before accepting any such offer.***"

Or. en

#### *Justification*

*In order to improve transparency on price undertakings, their details should to be shared with interested parties within the Union and with companies subject to measures. To increase the quality of undertakings accepted by the Commission, the Commission must consult the undertaking offers with Union industry before accepting them.*

## Amendment 289

Yannick Jadot, Andrea Cozzolino

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 2 e (new)

Regulation (EC) No 597/2009

Article 13 – paragraph 7 – subparagraph 2 (new)

#### *Text proposed by the Commission*

#### *Amendment*

#### ***2e. In Article 13(7), a new subparagraph***



*is added:*

***"The Commission shall, every six months, inform the European Parliament and the Council of its assessment of the functioning of the undertaking, based on the data submitted by the exporters that have accepted the undertaking. A report on such assessment shall also be made available to the public."***

Or. en

**Amendment 290**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 a (new)**  
Regulation (EC) No 597/2009  
Article 13 – paragraph 4

*Present text*

*Amendment*

4. Parties which offer an undertaking shall be required to provide a non-confidential version of such undertaking, so that it may be made available to interested parties to the investigation.

***3a. Article 13(4) shall be replaced by the following:***

4. Parties which offer an undertaking shall be required to provide a meaningful non-confidential version of such undertaking ***including disclosure of its content and nature***, so that it may be made available to interested parties to the investigation. ***Furthermore, the Commission shall consult the Union industry with regard to the appropriateness, the construction and operation of such undertaking.***

Or. en

*Justification*

*In order to improve transparency on price undertakings, information ought to be shared with interested parties within the Union and with companies subject to measures.*

**Amendment 291**  
**Godelieve Quisthoudt-Rowohl**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**  
Regulation (EC) No 597/2009  
Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**5. In Article 15(1), the last subparagraph is replaced by the following: '** *deleted*

***The amount of the countervailing duty shall not exceed the amount of countervailable subsidies established.'***

Or. de

**Amendment 292**  
**Elisabeth Köstinger**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**  
Regulation (EC) No 597/2009  
Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**5. In Article 15(1), the last subparagraph is replaced by the following: 'deleted**

***"The amount of the countervailing duty shall not exceed the amount of countervailable subsidies established."***

Or. en

**Amendment 293**  
**Silvana Koch-Mehrin**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**  
Regulation (EC) No 597/2009  
Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**5. In Article 15(1), the last subparagraph is replaced by the following:** *deleted*

***"The amount of the countervailing duty shall not exceed the amount of countervailable subsidies established."***

Or. en

*Justification*

*Removing the lesser duty rule has a negative impact on the imports and exports of the Union. Roughly a third of the value of the Union's exports originates from the transformation of intermediate goods, previously imported into the Union. The instrument should continue to be used as a correcting and legal instrument and not be a penalising and political instrument.*

#### **Amendment 294**

**Daniel Caspary, Bendt Bendtsen**

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

**Article 2 – paragraph 1 – point 5**

Regulation (EC) No 597/2009

Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**5. In Article 15(1), the last subparagraph is replaced by the following:** *deleted*

***"The amount of the countervailing duty shall not exceed the amount of countervailable subsidies established."***

Or. en

#### **Amendment 295**

**Nils Torvalds**

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

**Article 2 – paragraph 1 – point 5**

Regulation (EC) No 597/2009

Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**5. In Article 15(1), the last subparagraph is replaced by the following:** *deleted*

***"The amount of the countervailing duty shall not exceed the amount of countervailable subsidies established."***

Or. en

**Amendment 296**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**  
Regulation (EC) No 597/2009  
Article 15 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

*Amendment*

**5. In Article 15(1), the last subparagraph is replaced by the following:** *deleted*

***"The amount of the countervailing duty shall not exceed the amount of countervailable subsidies established."***

Or. en

*Justification*

*The lesser duty rule shall be maintained in its original form for the sake of both producers and consumers interest to maintain the corrective nature and the balance of the instrument while not limiting it to the Union's access to intermediate goods.*

**Amendment 297**  
**Jarosław Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**  
Regulation (EC) No 597/2009  
Article 15 – paragraph 1 – subparagraph 5

*Text proposed by the Commission*

The amount of the countervailing duty shall not exceed the amount of countervailable subsidies established.

*Amendment*

The amount of the countervailing duty ***imposed*** shall not exceed the amount of countervailable subsidies established.

Or. en

*Justification*

*To dissuade EU's trading partners from subsidisation practices, as well as to provide meaningful relief to EU industry injured by such government practices, the lesser duty rule shall not apply in anti-subsidy cases.*

**Amendment 298**

**Mario Pirillo**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 5 – point i (new)**

Regulation (EC) No 597/2009

Article 16 – paragraph 4

*Text proposed by the Commission*

4. A definitive countervailing duty may be levied on products which were entered for consumption no more than 90 days prior to the date of application of provisional measures but not prior to the initiation of the investigation.

The first subparagraph shall apply, provided that:

- a) the imports have been registered in accordance with Article 24(5);
- (b) the importers concerned have been given an opportunity to comment by the Commission;
- (c) there are critical circumstances where

*Amendment*

***i) Article 16, paragraph 4 shall be replaced by the following***

***4. Without prejudice to paragraph (e) of the present Article***, a definitive countervailing duty may be levied on products which were entered for consumption no more than 90 days prior to the date of application of provisional measures but not prior to the initiation of the investigation.

The first subparagraph shall apply, provided that:

- (a) the imports have been registered in accordance with Article 24(5);
- (b) the importers concerned have been given an opportunity to comment by the Commission;
- (c) there are critical circumstances where

for the subsidised product in question injury which is difficult to repair is caused by massive imports in a relatively short period of a product benefiting from countervailable subsidies under the terms of this Regulation; and

(d) it is deemed necessary, in order to preclude the recurrence of such injury, to assess countervailing duties retroactively on those imports.

for the subsidised product in question injury which is difficult to repair is caused by massive imports in a relatively short period of a product benefiting from countervailable subsidies under the terms of this Regulation; and

(d) it is deemed necessary, in order to preclude the recurrence of such injury, to assess countervailing duties retroactively on those imports.

*(e) to the purpose of not applying provisional duties to goods in the process of shipment to the Union. Products shall be deemed to be in the process of shipment to the European Union if they:*

- have left the country of origin before the date on which the draft implementing act proposing to impose provisional duties is submitted to the anti subsidy committee;*
- are shipped from the place of loading in the country of origin to the place of unloading in the European Union under cover of a valid transport document issued before the date on which the draft implementing act proposing to impose provisional duties is submitted to the anti subsidy committee;*
- the goods have been shipped to be directly imported and put to consumption without transiting through a custom warehouse;*

Or. en

**Amendment 299**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5 a (new)**  
Regulation (EC) No 597/2009  
Article 15 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. In Article 15, a new paragraph 4 a is added:***

***The Commission shall adopt a guideline on the injury margin as a delegated act in accordance with Article 32 a (new) within six months after this regulation entered into force. This guideline shall contain more precise information about the Commission's investigative methods and the analytical framework used for the assessments made in the investigations.***

Or. en

**Amendment 300**

**Daniel Caspary**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 5 b (new)**

Regulation (EC) No 597/2009

Article 18 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***5b. In Article 18, a new paragraph 7 a is added as following:***

***"The Commission shall adopt a guideline on the expiry reviews and the duration of measures as a delegated act in accordance with Article 32 a within six months after this regulation entered into force."***

Or. en

**Amendment 301**

**Marielle de Sarnez**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 6**

Regulation (EC) No 597/2009  
Article 22 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**6. Article 22 is amended as follows:** *deleted*

**a) in paragraph 1 the following subparagraph is added:**

***'If following an investigation pursuant to Article 18, the measure expires, any duties collected after the date of the initiation of such investigation shall be reimbursed. The reimbursement should be requested from national customs authorities in accordance with the applicable Union customs legislation.'***

**b) paragraph 6 is deleted.**

Or. fr

*Justification*

*The reimbursement of duties after expiry of the provisional measures, where definitive duties are not imposed, is a complex and administratively cumbersome procedure.*

**Amendment 302**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 6 – point a**  
Regulation (EC) No 597/2009  
Article 22 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**(a) in paragraph 1 the following subparagraph is added:** *deleted*

***"If following an investigation pursuant to Article 18, the measure expires, any duties collected after the date of the initiation of such investigation shall be reimbursed. The reimbursement should be requested from national customs authorities in accordance with the applicable Union***



*customs legislation."*

Or. en

**Amendment 303**

**Franck Proust, Nora Berra, Peter Šťastný, María Auxiliadora Correa Zamora, Mário David, Paweł Zalewski, Jarosław Leszek Wałęsa, Małgorzata Handzlik, Pablo Zalba Bidegain**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 6 – point a**

Regulation (EC) No 597/2009

Article 22 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(a) in paragraph 1 the following  
subparagraph is added:***

***deleted***

***"If following an investigation pursuant to  
Article 18, the measure expires, any duties  
collected after the date of the initiation of  
such investigation shall be reimbursed.  
The reimbursement should be requested  
from national customs authorities in  
accordance with the applicable Union  
customs legislation."***

Or. en

**Amendment 304**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 6 – point a**

Regulation (EC) No 597/2009

Article 22 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(a) in paragraph 1 the following  
subparagraph is added:***

***deleted***

***"If following an investigation pursuant to***

*Article 18, the measure expires, any duties collected after the date of the initiation of such investigation shall be reimbursed. The reimbursement should be requested from national customs authorities in accordance with the applicable Union customs legislation."*

Or. en

**Amendment 305**  
**Robert Sturdy**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 6 – point a**  
Regulation (EC) No 597/2009  
Article 22 – paragraph 1 – subparagraph 7

*Text proposed by the Commission*

If following an investigation pursuant to Article 18, the measure expires, any duties collected after the date of the initiation of such investigation shall be reimbursed. The reimbursement should be requested from national customs authorities in accordance with the applicable Union customs legislation.

*Amendment*

If following an investigation pursuant to Article 18, the measure expires, any duties collected after the date of the initiation of such investigation shall be reimbursed **with accrued interest**. The reimbursement should be requested from national customs authorities in accordance with the applicable Union customs legislation.

Or. en

*Justification*

*If the expiry review reveals that there is no reason to continue the imposition of duties, the latter should be reimbursed to importers with the interest accrued on this previously collected money since the payment of the duties.*

**Amendment 306**

**Andrea Cozzolino, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Yannick Jadot, Niccolò Rinaldi**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 – point c a (new)**

*Present text*

5. The Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration.

Imports *may* be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action.

Registration shall be introduced by Regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine months.

*Amendment*

***(ca) Article 24 (5) shall be replaced by the following:***

5. The Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration.

Imports *shall* be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action.

***Imports may also be made subject to registration on the Commission's own initiative.***

***Imports shall be made subject to registration from the date of initiation of the investigation where the complaint of the Community industry contains a request for registration and sufficient evidence to justify such action.***

Registration shall be introduced by Regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine months.

Or. en

*Justification*

*To mitigate the risk of stockpiling, registration of imports ought to take place following the submission of any justified request, and from the date of initiation when justified by the complaint. The Commission should also have the possibility of ordering registration on its own initiative.*

**Amendment 307**  
**Mario Pirillo**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 – point c a (new)**

Regulation (EC) No 597/2009

Article 24 – paragraph 5 – subparagraph 4 (new)

*Text proposed by the Commission*

*Amendment*

***(ca) In Article 24, paragraph 5, new subparagraph 4 shall be inserted:***

***"Imports shall also be subject to registration starting from when information about provisional measures has been disclosed pursuant to Article 29b."***

Or. en

**Amendment 308**  
**Yannick Jadot**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 a (new)**

Regulation (EC) No 597/2009

Article 24 – paragraph 7a (new)

*Text proposed by the Commission*

*Amendment*

***7a. In Article 24, a new paragraph 7a is added:***

***"Whenever the Commission intends to adopt or publish any document aimed at clarifying the established practice of the Commission with regard to the application of this Regulation in any of its elements, the Commission shall consult the European Parliament and the Council prior to adoption or publication and take their views into account. Any subsequent modification of such documents shall be subject to such procedural requirements. In any event, any of these documents shall be fully in conformity with the***

*provisions of this Regulation."*

Or. en

## **Amendment 309**

**Matteo Salvini**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 a (new)**

Regulation (EC) No 597/2009

Article 24 – paragraph 5

#### *Present text*

5. The Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration.

Imports may be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action.

Registration shall be introduced by Regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine months.

#### *Amendment*

#### ***7a. Article 24(5) shall be replaced by the following:***

5. The Commission shall, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that, ***for instance***, measures may subsequently be applied against those imports from the date of such registration.

Imports shall be made subject to registration following a request from the Community industry which contains sufficient evidence to justify such action. Imports may also be made subject to registration on the Commission's own initiative.

***Imports shall be made subject to registration from the date of initiation of the investigation where the complaint of the Community industry contains a request for registration and sufficient evidence to justify such action.***

Registration shall be introduced by Regulation which shall specify the purpose of the action and, if appropriate, the estimated amount of possible future liability. Imports shall not be made subject to registration for a period longer than nine months.

*Justification*

*To mitigate the risk of stockpiling, registration of imports ought to take place following the submission of any justified request, and from the date of initiation when justified by the complaint. The Commission should also have the possibility of ordering registration on its own initiative.*

**Amendment 310**

**Marielle de Sarnez, Niccolò Rinaldi, Metin Kazak, Tokia Saïfi**

**Proposal for a regulation****Article 2 – paragraph 1 – point 7 a (new)**

Regulation (EC) No 597/2009

Article 24 – paragraph 6

*Present text*

6. Member States shall report to the Commission every month, on the import trade in products subject to investigation and to measures, and on the amount of duties collected pursuant to this Regulation.

*Amendment****7a. Article 24(6) shall be replaced by the following:***

***‘6. Member States shall report to the Commission every month, on the import trade in products subject to investigation and to measures, and on the amount of duties collected pursuant to this Regulation. **The Commission may, upon receiving a specific reasoned request from an interested party, and after consulting the Advisory Committee, take decide to inform the interested parties about the volume and import values of these products.**’***

Or. fr

*Justification*

*With a view to improving transparency, the Commission should, upon receiving a specific reasoned request from an interested party, provide that party with the necessary information concerning the volume and import values of the products in question. That said, the decision on whether or not to provide this information is up to the Commission, after receiving the opinion of the Council’s Advisory Committee.*

**Amendment 311**  
**Niccolò Rinaldi**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 7 a (new)**  
Regulation (EC) No 597/2009  
Article 24 – paragraph 3

*Present text*

3. Special provisions, in particular with regard to the common definition of the concept of origin, as contained in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ( 1 ), may be adopted pursuant to this Regulation.

*Amendment*

***7a. Article 24 (3) shall be replaced by the following:***

3. Special provisions, in particular with regard to the common definition of the concept of origin, as contained in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (1) ***or in accordance with art. 2 thereof***, may be adopted pursuant to this Regulation.

Or. en

*Justification*

*In order to avoid circumvention of anti-subsidy measures, the scope of trade defence legislation should be fully aligned with the relevant provisions of the Customs Code.*

**Amendment 312**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 7 b (new)**  
Regulation (EC) No 597/2009  
Article 24 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***7b. In Article 24(6), the following sentence is added:***

***"The Commission shall in a timely manner place on the file available for inspection by interested parties***

*information regarding the volume and value of imports of those products."*

Or. en

*Justification*

*In order to improve transparency, the Commission ought to share information on imports.*

**Amendment 313**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8**

Regulation (EC) No 597/2009

Article 27 – paragraph 1

*Text proposed by the Commission*

*Amendment*

"1. In cases where the number of Union producers, exporters or importers, types of product or transactions is large, the investigation may be limited to:"

"In cases where the number of Union producers, exporters or importers, **who cooperate in the investigation, or** types of product or transactions is large, the investigation may be limited to:"

Or. en

*Justification*

*The Commission's practice is to select the sample from cooperating Union producers, not only from the complainants. This amendment makes that clear. There should be no specific mention of any one type of party that should mandatorily be sampled.*

**Amendment 314**

**Robert Sturdy**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8 a (new)**

Regulation (EC) No 597/2009

Article 27 – paragraph 1 – subparagraph 2 (new)



*Text proposed by the Commission*

*Amendment*

**8a. In Article 27(1), the following subparagraph is added:**

**"2. Sampling shall include all complainant Union producers and it may also include non-complainant Union producers."**

Or. en

*Justification*

*For sampling to be reliable it shall include all complainant Union producers and to refine the collected data it may also include the non-complainant ones.*

**Amendment 315**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8 a (new)**  
Regulation (EC) No 597/2009  
Article 27 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**8a. In Article 27(2) the following sentence is added:**

**"In the case of diverse and fragmented industry sectors, largely composed of small- and medium-sized enterprises, the final selection of parties should, where possible, take into account their proportion in the sector concerned."**

Or. en

*Justification*

*To fully take into account the real proportion of Medium and Small Enterprises when sampling.*

**Amendment 316**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 8 a (new)**  
Regulation (EC) No 597/2009  
Article 27 – paragraph 2

*Present text*

"2. The selection of parties, types of products or transactions made under this Article shall rest with the Commission, though preference shall be given to choosing a sample in consultation with, and with the consent of, the parties concerned, provided that such parties make themselves known and make sufficient information available, within **three weeks** of initiation of the investigation, to enable a representative sample to be chosen. "

*Amendment*

***8a. Article 27(2) shall be replaced by the following:***

"2. The selection of parties, types of products or transactions made under this Article shall rest with the Commission, though preference shall be given to choosing a sample in consultation with, and with the consent of, the parties concerned, provided that such parties make themselves known and should be made sufficient information available, within **one week** of initiation of the investigation, to enable a representative sample to be chosen."

Or. en

**Amendment 317**  
**Franck Proust, Nora Berra, Peter Šťastný, Mário David, Pablo Zalba Bidegain, María Auxiliadora Correa Zamora, Salvatore Iacolino**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9**  
Regulation (EC) No 597/2009  
Article 29b

*Text proposed by the Commission*

***9. After Article 29, the following Article is inserted:***

***"Article 29b***

***Information about provisional measures***

***1. The Union producers, importers and***

*Amendment*

***deleted***

*exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.*

*Such information shall include:*

- (a) a summary of the proposed duties for information purposes only, and*
  - (b) details of the calculation of the subsidy margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 29. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.*
- 2. In cases where it is intended not to impose provisional duties but to continue the investigation, interested parties shall be informed of the non-imposition of duties two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties."*

Or. en

**Amendment 318**

**Marielle de Sarnez, Tokia Saïfi, Niccolò Rinaldi, Metin Kazak, Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 9**

Regulation (EC) No 597/2009

Article 29b

**9. After Article 29, the following Article is inserted:** **deleted**

**Article 29 b**

**Information about provisional measures**

**1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.**

**Such information shall include:**

- a) a summary of the proposed duties for information purposes only, and**
- b) details of the calculation of the subsidy margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 29. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.**

**2. In cases where it is intended not to impose provisional duties but to continue the investigation, interested parties shall be informed of the non-imposition of duties two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.'**

Or. fr

## *Justification*

*The publication of the imposition of provisional duties two weeks before the actual imposition of the provisional measures increases the likelihood of stockpiling and thus the damage to European producers.*

### **Amendment 319** **Cristiana Muscardini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9**  
Regulation (EC) No 597/2009  
Article 29b

*Text proposed by the Commission*

*Amendment*

***1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.***

***deleted***

***Such information shall include:***

- (a) a summary of the proposed duties for information purposes only, and***
- (b) details of the calculation of the subsidy margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 29. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.***

Or. en

**Amendment 320**  
**Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9**  
Regulation (EC) No 597/2009  
Article 29 b

*Text proposed by the Commission*

*Amendment*

***1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.***

***deleted***

***Such information shall include:***

***(a) a summary of the proposed duties for information purposes only, and***

***(b) details of the calculation of the subsidy margin and the margin adequate to remove the injury to the Union industry, due account being taken of the need to respect the confidentiality obligations contained in Article 29. Parties shall have a period of three working days to provide comments on the accuracy of the calculations.***

Or. en

*Justification*

*The pre-disclosure of information on the planned imposition of provisional duties increase the risk of a further politicization of the proceeding. Trade defence investigations should be conducted on a technical basis and the opportunities for lobbying should be reduced.*

## **Amendment 321**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 9**

Regulation (EC) No 597/2009

Article 29 – introductory part

#### *Text proposed by the Commission*

1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, **at least** two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.

#### *Amendment*

1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.

Or. en

#### *Justification*

*In order to improve transparency and predictability, the disclosure of provisional countervailing measures should be exactly two weeks before planned imposition of measures.*

## **Amendment 322**

**Adam Bielan**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 9**

Council Regulation (EC) No 597/2009

Article 29b – introductory part

#### *Text proposed by the Commission*

1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on

#### *Amendment*

1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on

the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least *two weeks* before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.

the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least *10 working days* before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.

Or. pl

#### *Justification*

*It is clearer if the period in question is defined in terms of working days rather than weeks.*

#### **Amendment 323** **Mario Pirillo**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9**  
Regulation (EC) No 597/2009  
Article 29b – introductory part

#### *Text proposed by the Commission*

1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, at least two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional duties.

#### *Amendment*

1. The Union producers, importers and exporters and their representative associations, and the country of origin and/or export, may request information on the planned imposition of provisional duties. Requests for such information shall be made in writing within the time limit prescribed in the notice of initiation. Such information shall be provided to those parties, *not earlier than*, at least two weeks before the expiry of the deadline mentioned in Article 12(1) for the imposition of provisional *duties*. *The Commission shall published a notice on the Official Journal of the European Union saying that such information has been disclosed for the purpose of registration of imports pursuant to Article 24 and of possible retroactive application*



**Amendment 324**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Niccolò Rinaldi, Yannick Jadot**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 9**

Regulation (EC) No 597/2009

Article 31

*Present text*

1. A determination as to whether the **Community** interest calls for intervention should be based on **an appraisal** of all the various interests **taken** as a whole, including the interests of the domestic industry and users and consumers. A determination pursuant to this Article shall be made only where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade-distorting effects of injurious subsidisation and to restore effective competition shall be given special consideration. Measures, as determined on the basis of subsidisation and injury found, may not be applied where the authorities, on the basis of all the information submitted, can clearly conclude that it is not in the **Community** interest to apply such measures.

2. In order to provide a sound basis on

*Amendment*

**1. Without prejudice to the priority given to the interests of the domestic industry affected by the unfair trade practice**, a determination as to whether the **Union** interest calls for intervention shall be based on **an appreciation** of all the various interests **presented** as a whole, including the interests of users and consumers, **and** a determination pursuant to this Article shall be made only where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade distorting effects of injurious subsidisation and to restore effective competition shall be given special consideration. Measures, as determined on the basis of subsidisation and injury found, may not be applied where the authorities, on the basis of all the information submitted, **can clearly conclude that it is not in the Union** interest to apply such measures. **A determination that measures are not in the Union interest should not be made if an industry has been seriously injured by subsidised imports to an extent that its survival may be in question or if an industry is small and involve mainly Small and Medium sized Enterprises.**

2. In order to provide a sound basis on

which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the **Community** interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time limits specified in the notice of initiation of the countervailing duty investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this paragraph, and they shall be entitled to respond to such information.

3. The parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted when they are submitted within the time limits set in paragraph 2, and when they set out the reasons, in terms of the **Community** interest, why the parties should be heard.

4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by

which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the **Union** interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the countervailing duty, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this paragraph, and they shall be entitled to respond to such information. **Only information which is submitted by interested parties in full conformity with this sub-paragraph shall be taken into account for the final determination on Union Interest.**

3. **Only** the parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted when they are submitted within the time-limits set in paragraph 2, and when they set out the reasons, in terms of the **Union** interest, why the parties should be heard.

4. **Only** the parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee **insofar as they are based on**

the Commission in any proposal made pursuant to Articles 14 and 15.

6. The parties which have acted in conformity with paragraph 2 may request that the facts and considerations on which final decisions are likely to be taken be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the Council.

7. Information shall be taken into account only where it is supported by actual evidence which substantiates its validity.

*the evidence submitted* shall be taken into account by the Commission in any proposal made pursuant to Article 14 and 15.

6. **Only** the parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the Council.

7. Information shall be taken into account **for a determination of Union Interest under this paragraph when it is presented and** only where it is supported by actual evidence which substantiates its validity **and is subsequently verified.**

Or. en

#### *Justification*

*The rationale for these changes is to ensure that Union Interest determinations are treated in the same way as all other aspects of an investigation, i.e. countervailable subsidies and injury, where all findings are strictly based on factual verified data submitted by parties during the investigation. This avoids any politisation of the process and contributes to findings which are fact based in line with WTO rules. Furthermore, the first and foremost rationale for antidumping and anti-subsidy measures should be the protection of the EU industry affected by countervailable subsidies. All other interests should come second.*

#### **Amendment 325**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Nicolò Rinaldi, Cristiana Muscardini, Yannick Jadot**

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

#### **Article 2 – paragraph 1 – point 10**

Regulation (EC) No 597/2009

Article 31 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**10. Article 31(2) is replaced by the**

**deleted**

*following:*

**"2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the Union interest, the Union producers, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the countervailing investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this paragraph, and they shall be entitled to respond to such information."**

Or. en

*Justification*

*The current practice of the Commission on this aspect of the Union interest test should not be modified.*

**Amendment 326**

**Matteo Salvini**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 – introductory part**

Regulation (EC) No 597/2009

Article 31

*Present text*

1. A determination as to whether the **Community** interest calls for intervention should be based on **an appraisal** of all the various interests **taken** as a whole, including the interests of the domestic

*Amendment*

**10. Article 31 shall be replaced by the following:**

1. A determination as to whether the **Union** interest calls for intervention shall be based on **an appreciation** of all the various interests **presented** as a whole, including the interests of the domestic industry and

industry and users and consumers. A determination pursuant to this Article shall be made only where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade-distorting effects of injurious subsidisation and to restore effective competition shall be given special consideration. Measures, as determined on the basis of subsidisation and injury found, may not be applied where the authorities, on the basis of all the information submitted, can clearly conclude that it is not in the **Community** interest to apply such measures.

2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the **Community** interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time limits specified in the notice of initiation of the countervailing duty investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this paragraph, and they shall be entitled to respond to such information.

3. The parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted

users and consumers, **and** a determination pursuant to this Article shall be made only where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to eliminate the trade distorting effects of injurious subsidisation and to restore effective competition shall be given special consideration. Measures, as determined on the basis of subsidisation and injury found, may not be applied where the authorities, on the basis of all the information submitted, can clearly conclude that it is not in the **Union** interest to apply such measures. ***A determination that measures are not in the Union interest should not be made if an industry has been seriously injured by subsidised imports to an extent that its survival may be in question or if an industry is small and involve mainly Small and Medium sized Enterprises.***

2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the **Union** interest, the complainants, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the countervailing duty, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this paragraph, and they shall be entitled to respond to such information. ***Only information which is submitted by interested parties in full conformity with this sub-paragraph shall be taken into account for the final determination on Union Interest.***

3. ***Only*** the parties which have acted in conformity with paragraph 2 may request a hearing. Such requests shall be granted

when they are submitted within the time limits set in paragraph 2, and when they set out the reasons, in terms of the **Community** interest, why the parties should be heard.

4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Articles 14 and 15.

6. The parties which have acted in conformity with paragraph 2 may request that the facts and considerations on which final decisions are likely to be taken be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the Council.

7. Information shall be taken into account only where it is supported by actual evidence which substantiates its validity.

when they are submitted within the time-limits set in paragraph 2, and when they set out the reasons, in terms of the **Union** interest, why the parties should be heard.

4. **Only** the parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties imposed. Such comments shall be received within one month of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments.

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee **insofar as they are based on the evidence submitted** shall be taken into account by the Commission in any proposal made pursuant to Article 14 and 15.

6. **Only** the parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission or the Council.

7. Information shall be taken into account **for a determination of Union Interest under this paragraph when it is presented and** only where it is supported by actual evidence which substantiates its validity **and is subsequently verified.**

Or. en

### *Justification*

*The rationale for these changes is to ensure that Union Interest determinations are treated in the same way as all other aspects of an investigation, i.e. countervailable subsidies and injury, where all findings are strictly based on factual verified data submitted by parties during the investigation. This avoids any politisation of the process and contributes to findings which are fact based in line with WTO rules.*

#### **Amendment 327**

**Jaroslav Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

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

#### **Article 2 – paragraph 1 – point 10**

Regulation (EC) No 597/2009

Article 31 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***"2. In order to provide a sound basis on which the authorities can take account of all views and information in the decision as to whether or not the imposition of measures is in the Union interest, the Union producers, importers and their representative associations, representative users and representative consumer organisations may, within the time-limits specified in the notice of initiation of the countervailing investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this paragraph, and they shall be entitled to respond to such information."***

***deleted***

Or. en

### *Justification*

*The current wording of the Basic Anti-subsidy Regulation on Union interest should not be modified.*

## **Amendment 328**

**Andrea Cozzolino, Vital Moreira, Bernd Lange, Jörg Leichtfried, Mario Pirillo, Niccolò Rinaldi, Cristiana Muscardini, Marielle de Sarnez**

### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 – point 1 (new)**

Regulation (EC) No 597/2009

Article 33 – paragraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***1a. In Article 33, the following new paragraph 2 shall be added:***

***"Any documents aimed at clarifying the established practice of the Commission with regard to one or more elements of an investigation or review under the present Regulation shall be formally presented to the European Parliament and Member States which have to give their approval before publication or adoption. Any subsequent modifications of those documents shall be subject to the same procedural requirement. In any event, any of these documents must be fully in conformity with the provisions of this Regulation and no such document can broaden the discretion of the Commission, as interpreted by the Court of Justice, if applicable, in adopting measures."***

Or. en

*Justification*

*The European Parliament and Member States should be fully involved in the process leading to adoption of guidelines and those guidelines must respect the existing law and they cannot enlarge the Commission's discretion to take decisions.*

## **Amendment 329**

**Jarosław Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

### **Proposal for a regulation**

**Article 2 – paragraph 1 d (new)**



*Present text*

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to **Articles 14 and 15**.

*Amendment*

***1d. Article 31 (5) shall be replaced by the following:***

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to **Article 9**. ***The Commission shall propose termination of investigation or review under this Article only if it is clear that under no possible scenarios would proposed measures help the Union industry to any degree.***

Or. en

*Justification*

*The Union interest test shall not be used to prevent imposition of measures where such measures are warranted and may help the Union industry.*

**Amendment 330**  
**Robert Sturdy**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10 a (new)**  
Regulation (EC) No 597/2009  
Article 31 – paragraph 5

*Present text*

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative,

*Amendment*

***10a. Article 31(5) is replaced by the following:***

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative

and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Articles 14 and 15.

and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to Articles 14 and 15. ***The criteria underpinning the Commission's analysis shall be regularly updated to reflect changing trends in trade flows and the impact on the Union. The Commission shall inform the European Parliament and the Council of changes made in its analytical methodology.***

Or. en

### *Justification*

*The definition of the Union interest needs to reflect changing trends in trade flows, including but not limited to global value chains, and the impact on the Union. Therefore, the co-legislators shall be informed about any changes made by the Commission in its analytical methodology of the Union interest test.*

### **Amendment 331** **Matteo Salvini**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10 a (new)**  
Regulation (EC) No 597/2009  
Article 33 – paragraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***10a. In article 33, the following paragraph is added:***

***2. Any documents aimed at clarifying the practice of the Commission with regard to one or more elements of an investigation or review under the present Regulation shall be formally presented to the European Parliament and Member States which have to give their approval before publication or adoption. Any subsequent modifications of those documents shall be***

*subject to the same procedural requirement. In any event, any of these documents must be fully in conformity with the provisions of this Regulation.*

Or. en

**Amendment 332**  
**Tokia Saïfi, Franck Proust**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10 a (new)**  
Regulation (EC) No 597/2009  
Article 33 a (new)

*Text proposed by the Commission*

*Amendment*

**10a. The following article is inserted:**

***‘Article 33a***

***Report***

***1. The Commission shall, with due regard to the protection of confidential information within the meaning of Article 19, present an annual report on the application and implementation of this Regulation to the European Parliament and to the Council. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom. The report shall also cover the use of trade defence instruments by third countries targeting the Union, information on the recovery of the Union industry concerned by the measures imposed and appeals against various measures imposed. It shall include the activities of the Hearing Officer of DG Trade and those of the Export Helpdesk in relation to the application of this***

**Regulation.**

**2. The European Parliament may, within one month of the Commission's presentation of 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 this Regulation.**

Or. fr

**Amendment 333**

**Yannick Jadot, Andrea Cozzolino**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 a (new)**

Regulation (EC) No 597/2009

Article 33 a (new)

*Text proposed by the Commission*

*Amendment*

**10a. A new Article 33a is added:**

***In order to facilitate the monitoring of the implementation of the Regulation by the legislator, the Commission shall, once a year, present a report on the application and implementation of this Regulation to the European Parliament and to the Council. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, undertakings, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom. The report shall also cover the use of trade defence instruments by third countries targeting the Union, information on the recovery of the Union industry concerned by the measures imposed and appeals against various measures imposed.***

**Amendment 334**

**Franck Proust, Peter Šťastný, María Auxiliadora Correa Zamora, Nora Berra, Mário David, Pablo Zalba Bidegain**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 a (new)**

Regulation (EC) No 597/2009

Article 31 – paragraph 5

*Present text*

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to *Articles 14 and 15*.

*Amendment*

***10a. In Article 31 (5) shall be replaced by the following:***

5. The Commission shall examine the information which is properly submitted and the extent to which it is representative and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Advisory Committee. The balance of views expressed in the Committee shall be taken into account by the Commission in any proposal made pursuant to *Article 9*. ***The Commission shall propose termination of investigation or review under this article only if it is absolutely clear that under no possible scenarios would measures help the Union industry to any degree. Criteria to determine Union interest should be specified in a delegated act.***

**Amendment 335**

**Daniel Caspary**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 a (new)**

Regulation (EC) 597/2009

Article 32 a (new)

**10a. A new Article 32a is added:**

**"Article 32a (new)**

- 1. The power to adopt delegated acts pursuant to this regulation is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts pursuant to this regulation shall be conferred to the Commission for a period of 5 years after this regulation entered into force.**
- 3. The delegation of powers pursuant to this regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.**
- 5. A delegated act adopted pursuant to this regulation shall enter into force only if no objection has been expressed by either the European Parliament or 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 the Council."**

Or. en

**Amendment 336**  
**Daniel Caspary**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10 b (new)**  
Regulation (EC) No 597/2009  
Article 31 – paragraph 7a (new)

*Text proposed by the Commission*

*Amendment*

**10b. In Article 31, a new paragraph 7 a (new) is added:**

***"The Commission shall adopt a guideline on the Union interest as a delegated act in accordance with Article 32 a (new) within six months after this regulation entered into force. This guideline shall contain more precise information about the Commission's investigative methods and the analytical framework used for the assessments made in the investigations, in particular the methodology for determining the effects of measures on different parties and the circumstances that may be taken into account to determine that measures would not be in the Union's interest."***

Or. en

**Amendment 337**  
**Jarosław Leszek Wałęsa, Małgorzata Handzlik, Paweł Zalewski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 a (new)**  
Regulation (EC) No 597/2009  
Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) Within the Union, countervailable subsidies are in principle prohibited pursuant to Article 107 (1) TFEU. Therefore, countervailable subsidies***

*granted by third countries are particularly distortive of trade. The amount of State aid authorized by the Commission has steadily been reduced over time. For the anti-subsidy instrument, the lesser duty rule should hence no longer be applied to imports from a country/countries engaged in subsidisation.*

Or. en

*Justification*

*To dissuade EU's trading partners from subsidisation practices, as well as to provide meaningful relief to EU industry injured by such government practices, the lesser duty rule shall not apply in anti-subsidy cases. Recital 9 of the Commission's legislative proposal is inserted into the Basic Anti-subsidy Regulation.*

**Amendment 338**  
**Cristiana Muscardini**

**Proposal for a regulation**

**Article 2 a (new)**

Regulation (EC) No 597/2009

Article 33 – paragraph 2 (new)

*Text proposed by the Commission*

*Amendment*

**Article 2 a**

*Any document aimed at clarifying the established practice of the Commission with regard to one or more elements of an investigation or review under the present Regulation shall be formally presented to the European Parliament and Member States before publication/adoption. Any subsequent modifications of those documents shall be subject to the same procedural requirement. In any event, any of these documents must be fully in conformity with the provisions of this Regulation.*

Or. en



**Amendment 339**  
**Jean-Pierre Audy**

**Proposal for a regulation**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

*Amendment*

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.  
***It shall be available in consolidated form with the regulation it amends within three months of its entry into force.***

Or. fr