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Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures
Committee on Safeguards

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**NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 18.5
OF THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VI
OF THE GATT 1994, ARTICLE 32.6 OF THE AGREEMENT
ON SUBSIDIES AND COUNTERVAILING MEASURES,
AND ARTICLE 12.6 OF THE AGREEMENT
ON SAFEGUARDS**

EUROPEAN UNION

Supplement

The following communication, dated 19 March 2014, is being circulated at the request of the delegation of the European Union.

In line with the obligations under Article 18.5 of the WTO Anti-Dumping Agreement, Article 32.6 of the Agreement on Subsidies and Countervailing Measures, and Article 12.6 of the Agreement on Safeguards to notify laws, regulations and administrative procedures to the Committees on Anti-Dumping Practices, Subsidies and Countervailing Measures, and Safeguards, respectively, the European Union (EU) is pleased to inform the Committees as follows:

Regulation (EU) No. 37/2014 of the European Parliament and of the Council of 15 January 2014 (published in the *Official Journal of the European Union* on 21 January 2014 L18/1) amended certain regulations relating to the EU's common commercial policy as regards the procedures for the adoption of certain measures, including in the areas of anti-dumping, anti-subsidy, and safeguards.

You will find attached a copy of Regulation (EU) No. 37/2014 and the relevant extract of the Annex to that Regulation in so far as it amends the EU's Anti-Dumping, Anti-Subsidy, and Safeguards Regulations.¹ For ease of reference, the current notified amendments contained in Regulation (EU) No. 37/2014 should be read in connection with those Regulations. Once the current amendments have been consolidated into the texts of the regulations, the outcome will be sent to the WTO.

¹ Circulated in documents G/ADP/N/1/EU/1/Rev.1, G/SCM/N/1/EU/1, and G/SG/N/1/EU/1.

I

(Legislative acts)

REGULATIONS

**REGULATION (EU) No. 37/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 January 2014**

**amending certain regulations relating to the common commercial policy as regards
the procedures for the adoption of certain measures**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

- (1) A number of basic regulations relating to the common commercial policy provide that acts implementing the common commercial policy are to be adopted by the Council in accordance with the procedures set down in the various instruments concerned or by the Commission subject to specific procedures and control by the Council. Such procedures are not subject to Council Decision 1999/468/EC.²
- (2) It is appropriate to amend those basic regulations in order to ensure consistency with the provisions introduced by the Treaty of Lisbon. This should be done, where appropriate, through the granting of delegated powers to the Commission and by applying certain procedures set out in Regulation (EU) No. 182/2011 of the European Parliament and of the Council.³
- (3) The following regulations should therefore be amended accordingly:
 - Regulation (EEC) No. 2841/72 of the Council⁴,
 - Regulation (EEC) No. 2843/72 of the Council⁵,
 - Regulation (EEC) No. 1692/73 of the Council⁶,

¹ Position of the European Parliament of 14 March 2012 (OJ C 251 E, 31.8.2013, p.126) and position of the Council at first reading of 15 November 2013 (not yet published in the Official Journal). Position of the European Parliament of 12 December 2013 (not yet published in the Official Journal).

² Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p.23).

³ Regulation (EU) No. 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).

⁴ Regulation (EEC) No. 2841/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation (OJ L 300, 31.12.1972, p.284).

⁵ Regulation (EEC) No. 2843/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Iceland (OJ L 301, 31.12.1972, p.162).

⁶ Regulation (EEC) No. 1692/73 of the Council of 25 June 1973 on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway (OJ L 171, 27.6.1973, p.103).

- Council Regulation (EC) No. 3286/94⁷,
- Council Regulation (EC) No. 385/96⁸,

⁷ Council Regulation (EC) No. 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (OJ L 349, 31.12.1994, p.71).

⁸ Council Regulation (EC) No. 385/96 of 29 January 1996 on protection against injurious pricing of vessels (OJ L 56, 6.3.1996, p.21).

- Council Regulation (EC) No. 2271/96¹,
- Council Regulation (EC) No. 1515/2001²,
- Council Regulation (EC) No. 153/2002³,
- Council Regulation (EC) No. 427/2003⁴,
- Council Regulation (EC) No. 452/2003⁵,
- Council Regulation (EC) No. 673/2005⁶,
- Council Regulation (EC) No. 1236/2005⁷,
- Council Regulation (EC) No. 1616/2006⁸,
- Council Regulation (EC) No. 1528/2007⁹,
- Council Regulation (EC) No. 140/2008¹⁰,
- Council Regulation (EC) No. 55/2008¹¹,
- Council Regulation (EC) No. 594/2008¹²,

¹ Council Regulation (EC) No. 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJ L 309, 29.11.1996, p.1).

² Council Regulation (EC) No. 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters (OJ L 201, 26.7.2001, p.10).

³ Council Regulation (EC) No. 153/2002 of 21 January 2002 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, and for applying the Interim Agreement between the European Community and the Former Yugoslav Republic of Macedonia (OJ L 25, 29.1.2002 p.16).

⁴ Council Regulation (EC) No. 427/2003 of 3 March 2003 on a transitional product-specific safeguard mechanism for imports originating in the People's Republic of China and amending Regulation (EC) No. 519/94 on common rules for imports from certain third countries (OJ L 65, 8.3.2003, p.1).

⁵ Council Regulation (EC) No. 452/2003 of 6 March 2003 on measures that the Community may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures (OJ L 69, 13.3.2003, p.8).

⁶ Council Regulation (EC) No. 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America (OJ L 110, 30.4.2005, p.1).

⁷ Council Regulation (EC) No. 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (OJ L 200, 30.7.2005, p.1).

⁸ Council Regulation (EC) No. 1616/2006 of 23 October 2006 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Albania (OJ L 300, 31.10.2006, p.1).

⁹ Council Regulation (EC) No. 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements (OJ L 348, 31.12.2007, p.1).

¹⁰ Council Regulation (EC) No. 140/2008 of 19 November 2007 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part (OJ L 43, 19.2.2008, p.1).

¹¹ Council Regulation (EC) No. 55/2008 of 21 January 2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No. 980/2005 and Commission Decision 2005/924/EC (OJ L 20, 24.1.2008, p.1).

¹² Council Regulation (EC) No. 594/2008 of 16 June 2008 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the interim Agreement

- Council Regulation (EC) No. 597/2009¹³,
- Council Regulation (EC) No. 260/2009¹⁴,
- Council Regulation (EC) No. 625/2009¹⁵,
- Council Regulation (EC) No. 1061/2009¹⁶,
- Council Regulation (EC) No. 1225/2009.¹⁷

(4) In order to ensure legal certainty, the procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation should not be affected by this Regulation,

HAVE ADOPTED THIS REGULATION:

Article 1

The Regulations listed in the Annex to this Regulation are hereby amended in accordance with the Annex.

Article 2

References to provisions of the Regulations listed in the Annex to this Regulation shall be construed as being made to those provisions as amended by this Regulation.

References made to the former names of committees shall be construed as being made to the new names of committees as provided for by this Regulation.

Throughout the Regulations listed in the Annex:

- (a) any reference to the words 'European Community', 'Community', 'European Communities' or 'Communities' shall be understood as a reference to the 'European Union' or 'Union';
- (b) any reference to the words 'common market' shall be understood as a reference to the 'internal market';
- (c) any reference to the words 'Committee provided for in Article 113', 'Committee provided for in Article 133', 'Committee referred to in Article 113' or 'Committee referred to in Article 133' shall be understood as a reference to 'Committee provided for in Article 207';
- (d) any reference to the words 'Article 113 of the Treaty' or 'Article 133 of the Treaty' shall be understood as a reference to 'Article 207 of the Treaty'.

on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part (OJ L 169, 30.6.2008, p.1).

¹³ Council Regulation (EC) No. 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (OJ L 188, 18.7.2009, p.93).

¹⁴ Council Regulation (EC) No. 260/2009 of 26 February 2009 on the common rules for imports (OJ L 84, 31.3.2009, p.1).

¹⁵ Council Regulation (EC) No. 625/2009 of 7 July 2009 on common rules for imports from certain third countries (OJ L 185, 17.7.2009, p.1).

¹⁶ Council Regulation (EC) No. 1061/2009 of 19 October 2009 establishing common rules for exports (OJ L 291, 7.11.2009, p.1).

¹⁷ Council Regulation (EC) No. 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p.51).

Article 3

This Regulation shall not affect procedures initiated for the adoption of measures provided for in the Regulations listed in the Annex to this Regulation where, on or before the entry into force of this Regulation:

- (a) the Commission has adopted an act;
- (b) consultation is required under one of the Regulations listed in the Annex and such consultation has been initiated; or
- (c) a proposal is required under one of the Regulations listed in the Annex and the Commission has adopted such a proposal.

Article 4

This Regulation shall enter into force on the thirtieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 15 January 2014.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
D. KOURKOULAS

ANNEX

LIST OF REGULATIONS FALLING UNDER THE COMMON COMMERCIAL POLICY AND AMENDED IN ADAPTATION TO ARTICLE 290 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION OR TO THE APPLICABLE PROVISIONS OF REGULATION (EU) NO. 182/2011

18. Regulation (EC) No. 597/2009

As regards Regulation (EC) No. 597/2009, its implementation requires uniform conditions for adopting provisional and definitive duties, and for the termination of an investigation without measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No. 182/2011.

The advisory procedure should be used for the adoption of provisional measures given the effects of such measures and their sequential logic in relation to the adoption of definitive measures. It should also be used for the acceptance of undertakings, initiation and non-initiation of expiry reviews, suspension of measures, extension of the suspension of measures and the reinstatement of measures given the effect of such measures as compared to definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair, it is necessary to allow the Commission to adopt immediately applicable provisional measures.

Accordingly, Regulation (EC) No. 597/2009 is amended as follows:

(1) Article 10(8) is replaced by the following:

"8. If, in special circumstances, 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 an 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. The Commission shall provide information to the Member States once it has determined the need to initiate such an investigation."

(2) Article 10(11) is replaced by the following:

"11. Where it is apparent that there is sufficient evidence to justify initiating proceedings, the Commission shall do so within 45 days of the date of lodging of the complaint and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission. The Commission shall provide information to the Member States concerning its analysis of the complaint normally within 21 days of the date on which the complaint is lodged with the Commission."

(3) Article 12 is amended as follows:

(a) in paragraph 1, point (b) is replaced by the following:

"(b) a notice has been given to that effect and interested parties have been given an adequate opportunity to submit information and make comments in accordance with the second subparagraph of Article 10(12).";

(b) paragraph 3 is replaced by the following:

"3. The Commission shall adopt provisional measures in accordance with the procedure referred to in Article 25(4).";

(c) paragraph 5 is deleted.

(4) Article 13 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. On the condition that a provisional affirmative determination of subsidisation and injury has been made, the Commission may in accordance with the advisory procedure referred to in Article 25(2) 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 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 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 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 Union industry.";

(b) paragraph 5 is replaced by the following:

"5. Where undertakings are accepted the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the examination procedure referred to in Article 25(3).";

(c) in paragraph 9, the first subparagraph is replaced by the following:

"9. In the case of breach or withdrawal of undertakings by any party to the undertaking, or in the case of withdrawal of acceptance of the undertaking by the Commission, the acceptance of the undertaking shall be withdrawn by the Commission, as appropriate, and the provisional duty which has been imposed by the Commission in accordance with Article 12, or the definitive duty which has been imposed in accordance with Article 15(1), shall apply, provided that the exporter concerned, or the country of origin and/or export has, except in the case of withdrawal of the undertaking by the exporter or such country, been given an opportunity to comment. The Commission shall provide information to the Member States when it decides to withdraw an undertaking.";

(d) paragraph 10 is replaced by the following:

"10. A provisional duty may be imposed in accordance with Article 12 on the basis of the best information available, where there is reason to believe that an undertaking is being breached, or in the case of breach or withdrawal of an undertaking, where the investigation which led to the undertaking has not been concluded."

(5) Article 14(2) is replaced by the following:

"2. Where protective measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the examination procedure referred to in Article 25(3)."

(6) Article 15(1) is amended as follows:

(a) the first subparagraph is replaced by the following:

"1. Where the facts as finally established show the existence of countervailable subsidies and injury caused thereby, and the Union interest calls for intervention in accordance with Article 31, a definitive countervailing duty shall be imposed by the Commission acting in accordance with the examination procedure referred to in Article 25(3). Where provisional duties are in force, the Commission shall initiate this procedure no later than one month before the expiry of such duties.";

(b) the second and third subparagraphs are deleted.

(7) In Article 16(2), the first subparagraph is replaced by the following:

"2. Where a provisional duty has been applied and the facts as finally established show the existence of countervailable subsidies and injury, the Commission shall decide, irrespective of whether a definitive countervailing duty is to be imposed, what proportion of the provisional duty is to be definitively collected."

(8) In Article 20, the second paragraph is replaced by the following:

"Such a review shall be initiated after Union producers have been given an opportunity to comment."

(9) In Article 21(4), the first subparagraph is replaced by the following:

"4. The Commission shall decide whether and to what extent the application should be granted, or it may decide at any time to initiate an interim review, whereupon the information and findings from such review, carried out in accordance with the provisions applicable for such reviews, shall be used to determine whether and to what extent a refund is justified."

(10) Article 22 is amended as follows:

(a) in paragraph 1, the fifth subparagraph is deleted;

(b) paragraphs 2 and 3 are replaced by the following:

"2. Reviews pursuant to Articles 18, 19 and 20 shall be initiated by the Commission. The Commission shall decide whether or not to initiate reviews pursuant to Article 18 in accordance with the advisory procedure referred to in Article 25(2). The Commission shall also provide information to the Member States once an operator or a Member State has submitted a request justifying the initiation of a review pursuant to Articles 19 and 20 and the Commission has completed its analysis thereof, or once the Commission has itself determined that the need for the continued imposition of measures should be reviewed.

3. Where warranted by reviews, measures shall, in accordance with the examination procedure referred to in Article 25(3), be repealed or maintained pursuant to Article 18, or repealed, maintained or amended pursuant to Articles 19 and 20."

(11) Article 23 is amended as follows:

(a) in paragraph 4, the first, second and third subparagraphs are replaced by the following:

"4. Investigations shall be initiated pursuant to this Article on the initiative of the Commission or at the request of a Member State or of any interested party on the basis of sufficient evidence regarding the factors set out in paragraphs 1, 2 and 3. Initiations shall be made by Commission Regulation which may also instruct the customs authorities to make imports subject to registration in accordance with Article 24(5) or to request guarantees. The Commission shall provide information to the Member States once an interested party or a Member State has submitted

a request justifying the initiation of an investigation and the Commission has completed its analysis thereof, or where the Commission has itself determined that there is a need to initiate an investigation.

Investigations shall be carried out by the Commission. The Commission may be assisted by customs authorities and the investigations shall be concluded within nine months.

If the facts as finally ascertained justify the extension of measures, this shall be done by the Commission acting in accordance with the examination procedure referred to in Article 25(3).";

(b) in paragraph 6, the fourth subparagraph is replaced by the following:

"These exemptions are granted by decision of the Commission and shall remain valid for the period and under the conditions set down therein. The Commission shall provide information to the Member States once it has concluded its analysis."

(12) Article 24 is amended as follows:

(a) paragraph 4 is replaced by the following:

"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission in accordance with the advisory procedure referred to in Article 25(2) for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the advisory procedure referred to in Article 25(2).

Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and those comments have been taken into account. Measures may at any time be reinstated in accordance with the advisory procedure referred to in Article 25(2) if the reason for suspension is no longer applicable.";

(b) the first subparagraph of paragraph 5 is replaced by the following:

"5. The Commission may, after having informed the Member States in due time, 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."

(13) Article 25 is replaced by the following:

"Article 25

Committee procedure

1. The Commission shall be assisted by the Committee established by Council Regulation (EC) No. 1225/2009.* That Committee shall be a committee within the meaning of Regulation (EU) No. 182/2011 of the European Parliament and of the Council.**
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No. 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No. 182/2011 shall apply.
4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No. 182/2011, in conjunction with Article 4 thereof, shall apply.

5. Pursuant to Article 3(5) of Regulation (EU) No. 182/2011, where recourse is made to the written procedure for adopting definitive measures pursuant to paragraph 3 of this Article, or for deciding on the initiation or non-initiation of expiry reviews pursuant to Article 18 of this Regulation, such procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No. 182/2011 so request. Where recourse is made to the written procedure in other instances where there has been a discussion of the draft measure in the committee, that procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or a simple majority of committee members so request. Where recourse is made to the written procedure in other instances where there has not been a discussion of the draft measure in the committee, that procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or at least a quarter of committee members so request.
6. The committee may consider any matter relating to the application of this Regulation, raised by the Commission or at the request of a Member State. Member States may request information and may exchange views in the committee or directly with the Commission.

* Council Regulation (EC) No. 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p.51)

** Regulation (EU) No. 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13)."

- (14) Article 29(5) is replaced by the following:

"5. The Commission and the Member States, including the officials of either, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from that supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or the Member States, shall not be divulged except as specifically provided for in this Regulation."

- (15) In Article 30, paragraphs 4 and 5 are replaced by the following:

"4. Final disclosure shall be given in writing. It shall be made, due regard being had to the protection of confidential information, as soon as possible and, normally, no later than one month prior to the initiation of the procedures set out in Article 14 or Article 15. Where the Commission is not in a position to disclose certain facts or considerations at that time, they shall be disclosed as soon as possible thereafter.

Disclosure shall not prejudice any subsequent decision which may be taken by the Commission, but where such a decision is based on any different facts and considerations, they shall be disclosed as soon as possible.

5. Representations made after final disclosure is given shall be taken into consideration only if received within a period to be set by the Commission in each case, which shall be at least 10 days, due consideration being given to the urgency of the matter. A shorter period may be set whenever an additional final disclosure has to be made."

- (16) Article 31 is amended as follows:

- (a) paragraphs 4 and 5 are replaced by the following:

"4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties. Such comments shall be received within 25 days of the date of 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 committee as part of the draft measure submitted pursuant to Articles 14 and 15. The views expressed in the committee should be taken into account by the Commission under the conditions provided for in Regulation (EU) No. 182/2011.";

(b) in paragraph 6, the second sentence is replaced by the following:

"Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission."

(17) The following article is inserted:

"Article 33a

Report

The Commission shall include information on the implementation of this Regulation in its annual report on the application and implementation of trade defence measures presented to the European Parliament and to the Council pursuant to Article 22a of Regulation (EC) No. 1225/2009."

19. Regulation (EC) No. 260/2009

As regards Regulation (EC) No. 260/2009, its implementation requires uniform conditions for adopting provisional and definitive safeguard measures, and for the imposition of prior surveillance measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No. 182/2011.

The advisory procedure should be used for the adoption of surveillance and provisional measures given the effects of such measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair, it is necessary to allow the Commission to adopt immediately applicable provisional measures.

Accordingly, Regulation (EC) No. 260/2009 is amended as follows:

(1) Article 3 is deleted.

(2) Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by a Committee on Safeguards. That Committee shall be a committee within the meaning of Regulation (EU) No. 182/2011 of the European Parliament and of the Council.*
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No. 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No. 182/2011 shall apply.

4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No. 182/2011, in conjunction with Article 5 thereof, shall apply.
5. Pursuant to Article 3(5) of Regulation (EU) No. 182/2011, where recourse is made to the written procedure for adopting definitive measures pursuant to Article 17 of this Regulation, such procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No. 182/2011 so request. Where recourse is made to the written procedure in other instances where there has been a discussion of the draft measure in the committee, that procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or a simple majority of committee members so request. Where recourse is made to the written procedure in other instances where there has not been a discussion of the draft measure in the committee, that procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or at least a quarter of committee members so request.

¹Regulation (EU) No. 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13)."

(3) Article 6 is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

"1. Where it is apparent to the Commission that there is sufficient evidence to justify the initiation of an investigation, the Commission shall initiate an investigation within one month of the date of receipt of information from a Member State and publish a notice in the *Official Journal of the European Union*. That notice shall:";

(b) at the end of paragraph 1, the following subparagraph is added:

"The Commission shall provide information to the Member States concerning its analysis of the information normally within 21 days of the date on which the information is provided to the Commission.";

(c) in paragraph 2, the first subparagraph is replaced by the following:

"2. The Commission shall seek all information it deems necessary and, where it considers it appropriate, after having informed the Member States, endeavour to check that information with importers, traders, agents, producers, trade associations and organisations.";

(d) paragraph 7 is replaced by the following:

"7. Where it appears to the Commission that there is insufficient evidence to justify an investigation, it shall inform the Member States of its decision within one month of the date of receipt of the information from the Member States."

(4) Article 7(2) is replaced by the following:

"2. Where the Commission considers, within nine months of the initiation of the investigation, that no Union surveillance or safeguard measures are necessary, the investigation shall be terminated within a month. The Commission shall terminate the investigation in accordance with the advisory procedure referred to in Article 4(2)."

(5) Article 9(2) is replaced by the following:

"2. The Commission and the Member States, including the officials of either, shall not reveal any information of a confidential nature received pursuant to this Regulation, or any information provided on a confidential basis, without specific permission from the supplier of such information."

- (6) Article 11(2) is replaced by the following:

"2. The decision to impose surveillance shall be taken by the Commission by means of implementing acts in accordance with the advisory procedure referred to in Article 4(2)."

- (7) Article 13 is replaced by the following:

"Article 13

Where the import of a product has not been made subject to prior Union surveillance, the Commission, in accordance with Article 18, may introduce surveillance confined to imports into one or more regions of the Union. The Commission shall provide information to the Member States once it decides to introduce surveillance."

- (8) In Article 16, paragraphs 6 and 7 are replaced by the following:

"6. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the examination procedure referred to in Article 4(3), or, in cases of urgency, in accordance with Article 4(4), shall take a decision within a maximum of five working days of the date of receipt of such a request."

- (9) Article 17 is replaced by the following:

"Article 17

Where the interests of the Union so require, the Commission, acting in accordance with the examination procedure referred to in Article 4(3) and the terms of Chapter III, may adopt appropriate measures to prevent a product being imported into the Union in such greatly increased quantities and/or on such terms or conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competing products.

Article 16(2) to (5) shall apply."

- (10) Article 21 is replaced by the following:

"Article 21

1. While any surveillance or safeguard measure applied in accordance with Chapters IV and V is in operation the Commission may, either at the request of a Member State or on its own initiative, and no later than the mid-point of the period of application of measures of a duration exceeding three years:

- (a) examine the effects of the measure;
- (b) determine whether and in what manner it is appropriate to accelerate the pace of liberalisation;
- (c) ascertain whether application of the measure is still necessary.

Where the Commission considers that the application of the measure is still necessary, it shall inform the Member States accordingly.

2. Where the Commission considers that any surveillance or safeguard measure referred to in Articles 11, 13, 16, 17 and 18 should be revoked or amended, it shall, acting in accordance with the examination procedure referred to in Article 4(3), revoke or amend the measure.

Where the decision relates to regional surveillance measures, it shall apply from the sixth day following that of its publication in the *Official Journal of the European Union*."

(11) Article 23 is replaced by the following:

"*Article 23*

Where the interests of the Union so require, the Commission, acting in accordance with the examination procedure referred to in Article 4(3), may adopt appropriate measures implementing legislative acts to allow the rights and obligations of the Union or of all the Member States, in particular those relating to trade in commodities, to be exercised and fulfilled at international level."

(12) The following article is inserted:

"*Article 23a*

Report

The Commission shall include information on the implementation of this Regulation in its annual report on the application and implementation of trade defence measures presented to the European Parliament and to the Council pursuant to Article 22a of Council Regulation (EC) No. 1225/2009.*

* Council Regulation (EC) No. 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343,22.12.2009, p.51)."

22. Regulation (EC) No. 1225/2009

As regards Regulation (EC) No. 1225/2009, its implementation requires uniform conditions for the adoption of provisional and definitive duties, and for the termination of an investigation without measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No. 182/2011.

The advisory procedure should be used for the adoption of provisional measures given the effects of such measures and their sequential logic in relation to the adoption of definitive measures. It should also be used for the acceptance of undertakings, initiation and non-initiation of expiry reviews, suspension of measures, extension of the suspension of measures and the reinstatement of measures given the effect of such measures as compared to definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair, it is necessary to allow the Commission to adopt immediately applicable provisional measures.

Accordingly, Regulation (EC) No. 1225/2009 is amended as follows:

(1) In Article 2(7), subparagraph (c) is amended as follows:

(a) the words "after specific consultation of the Advisory Committee and after the Community industry" are replaced by "after the Union industry";

(b) a final sentence is added as follows:

"The Commission shall provide information to the Member States concerning its analysis of claims made pursuant to subparagraph (b) normally within 28 weeks of the initiation of the investigation."

(2) Article 5 is amended as follows:

(a) paragraph 6 is replaced by the following:

"6. If in special 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 an 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 Commission shall provide information to the Member States once it has determined the need to initiate such investigation.";

(b) paragraph 9 is replaced by the following:

"9. Where it is apparent that there is sufficient evidence to justify initiating a proceeding, the Commission shall do so within 45 days of the date of the lodging of the complaint and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission. The Commission shall provide information to the Member States concerning its analysis of the complaint normally within 21 days of the date on which the complaint is lodged with the Commission."

(3) Article 7 is amended as follows:

(a) in paragraph 1, the words "adequate opportunities" are replaced by "an adequate opportunity";

(b) paragraph 4 is replaced by the following:

"4. The Commission shall take provisional measures in accordance with the procedure referred to in Article 15(4).";

(c) paragraph 6 is deleted.

(4) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. On the condition that a provisional affirmative determination of dumping and injury has been made, the Commission may, in accordance with the advisory procedure referred to in Article 15(2), accept satisfactory voluntary undertaking offers submitted by any exporter to revise its prices or to cease exports at dumped prices, if 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 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 Union industry.";

(b) paragraph 5 is replaced by the following:

"5. Where undertakings are accepted, the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the examination procedure referred to in Article 15(3).";

(c) in paragraph 9, the first subparagraph is replaced by the following:

"9. In the case of breach or withdrawal of undertakings by any party to the undertaking, or in the case of withdrawal of acceptance of the undertaking by the Commission, the acceptance of the undertaking shall be withdrawn by Commission Decision or Commission Regulation, as appropriate, and the provisional duty which has been imposed by the Commission in accordance with Article 7 or the definitive duty which has been imposed in accordance with Article 9(4) shall automatically apply, provided that the exporter concerned has, except where he himself has withdrawn the undertaking, been given an opportunity to comment. The Commission shall provide information to the Member States when it decides to withdraw an undertaking.";

(d) paragraph 10 is replaced by the following:

"10. A provisional duty may be imposed in accordance with Article 7 on the basis of the best information available where there is reason to believe that an undertaking is being breached, or in the case of breach or withdrawal of an undertaking, where the investigation which led to the undertaking has not been concluded."

(5) Article 9 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. Where protective measures are unnecessary, the investigation or proceeding shall be terminated. The Commission shall terminate the investigation in accordance with the examination procedure referred to in Article 15(3).";

(b) paragraph 4 is replaced by the following:

"4. Where the facts as finally established show that there is dumping and injury caused thereby, and the Union interest calls for intervention in accordance with Article 21, a definitive anti-dumping duty shall be imposed by the Commission acting in accordance with the examination procedure referred to in Article 15(3). Where provisional duties are in force, the Commission shall initiate that procedure no later than one month before the expiry of such duties. The amount of the anti-dumping duty shall 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 Union industry."

(6) In Article 10(2), the first sentence is replaced by the following:

"2. Where a provisional duty has been applied and the facts as finally established show that there is dumping and injury, the Commission shall decide, irrespective of whether a definitive anti-dumping duty is to be imposed, what proportion of the provisional duty is to be definitively collected."

(7) Article 11 is amended as follows:

(a) in paragraph 4, the first sentence of the third subparagraph is replaced by the following:

"A review for a new exporter shall be initiated and carried out on an accelerated basis after Union producers have been given an opportunity to comment.";

(b) in paragraph 5, the second subparagraph is deleted;

(c) paragraph 6 is replaced by the following:

"6. Reviews pursuant to this Article shall be initiated by the Commission. The Commission shall decide whether or not to initiate reviews pursuant to paragraph 2 of this Article in accordance with the advisory procedure referred to in Article 15(2). The Commission shall also provide information to the Member States once an operator or a Member State has submitted a request justifying the

initiation of a review pursuant to paragraphs 3 and 4 of this Article and the Commission has completed its analysis thereof, or once the Commission has itself determined that the need for the continued imposition of measures should be reviewed. Where warranted by reviews, measures shall, in accordance with the examination procedure referred to in Article 15(3), be repealed or maintained pursuant to paragraph 2 of this Article, or repealed, maintained or amended pursuant to paragraphs 3 and 4 of this Article. Where measures are repealed for individual exporters, but not for the country as a whole, such exporters shall remain subject to the proceeding and may, automatically, be reinvestigated in any subsequent review carried out for that country pursuant to this Article.";

(d) in paragraph 8, the first sentence of the fourth subparagraph is replaced by the following:

"The Commission shall decide whether and to what extent the application should be granted, or it may decide at any time to initiate an interim review, whereupon the information and findings from such a review carried out in accordance with the provisions applicable for such reviews shall be used to determine whether and to what extent a refund is justified. The Commission shall provide information to the Member States once it has completed its analysis of the application."

(8) Article 12 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

"1. Where the Union industry or any other interested party submit, normally within two years from the entry into force of the measures, sufficient information showing that, after the original investigation period and prior to or following the imposition of measures, export prices have decreased or that there has been no movement, or insufficient movement, in the resale prices or subsequent selling prices of the imported product in the Union, the Commission may reopen the investigation to examine whether the measure has had effects on the abovementioned prices. The Commission shall provide information to the Member States once an interested party has submitted sufficient information justifying the reopening of the investigation and the Commission has completed its analysis thereof.";

(b) paragraph 3 is replaced by the following:

"3. Where a reinvestigation pursuant to this Article shows increased dumping, the measures in force may be amended by the Commission acting in accordance with the examination procedure referred to in Article 15(3), in accordance with the new findings on export prices. The amount of the anti-dumping duty imposed pursuant to this Article shall not exceed twice the amount of the duty imposed initially.";

(c) in paragraph 4, second subparagraph is deleted.

(9) Article 13 is amended as follows:

(a) paragraph 3 is replaced by the following:

"3. Investigations shall be initiated pursuant to this Article on the initiative of the Commission or at the request of a Member State or any interested party on the basis of sufficient evidence regarding the factors set out in paragraph 1. Initiations shall be made by Commission Regulation which may also instruct the customs authorities to make imports subject to registration in accordance with Article 14(5) or to request guarantees. The Commission shall provide information to the Member States once an interested party or a Member State has submitted a request justifying the initiation of an investigation and the Commission has completed its analysis thereof, or where the Commission has itself determined that there is a need to initiate an investigation."

Investigations shall be carried out by the Commission. The Commission may be assisted by customs authorities and the investigation shall be concluded within nine months.

When the facts as finally ascertained justify the extension of measures, this shall be done by the Commission acting in accordance with the examination procedure referred to in Article 15(3). The extension shall take effect from the date on which registration was imposed pursuant to Article 14(5), or on which guarantees were requested. The relevant procedural provisions of this Regulation with regard to the initiation and the conduct of investigations shall apply pursuant to this Article.";

(b) in paragraph 4, the second subparagraph is replaced by the following:

"These exemptions shall be granted by decision of the Commission and shall remain valid for the period and under the conditions set down therein. The Commission shall provide information to the Member States once it has concluded its analysis."

(10) Article 14 is amended as follows:

(a) paragraph 4 is replaced by the following:

"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission in accordance with the advisory procedure referred to in Article 15(2) for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the advisory procedure referred to in Article 15(2). Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and those comments have been taken into account. Measures may at any time be reinstated in accordance with the advisory procedure referred to in Article 15(2) if the reason for suspension is no longer applicable.";

(b) in paragraph 5, the first sentence is replaced by the following:

"5. The Commission may, after having informed the Member States in due time, 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."

(11) Article 15 is replaced by the following:

"Article 15

Committee procedure

1. The Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Regulation (EU) No. 182/2011 of the European Parliament and of the Council.*
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No. 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No. 182/2011 shall apply.
4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No. 182/2011, in conjunction with Article 4 thereof, shall apply.
5. Pursuant to Article 3(5) of Regulation (EU) No. 182/2011, where recourse is made to the written procedure for adopting definitive measures pursuant

to paragraph 3 of this Article, or for deciding on the initiation or non-initiation of expiry reviews pursuant to Article 11(6) of this Regulation, such procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No. 182/2011 so request. Where recourse is made to the written procedure in other instances where there has been a discussion of the draft measure in the committee, such procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or a simple majority of committee members so request. Where recourse is made to the written procedure in other instances where there has not been a discussion of the draft measure in the committee, such procedure shall be terminated without result where, within the time-limit set down by the chair, the chair so decides or at least a quarter of committee members so request.

6. The Committee may consider any matter relating to the application of this Regulation, raised by the Commission or at the request of a Member State. Member States may request information and may exchange views in the Committee or directly with the Commission.

* Regulation (EU) No. 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13)."

- (12) Article 19(5) is replaced by the following:

"5. The Commission and Member States, including the officials of either, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from that supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or the Member States, shall not be divulged except as specifically provided for in this Regulation."

- (13) In Article 20, paragraphs 4 and 5 are replaced by the following:

"4. Final disclosure shall be given in writing. It shall be made, due regard being had to the protection of confidential information, as soon as possible and, normally, no later than one month prior to the initiation of the procedures set out in Article 9. Where the Commission is not in a position to disclose certain facts or considerations at that time, they shall be disclosed as soon as possible thereafter. Disclosure shall not prejudice any subsequent decision which may be taken by the Commission, but where such a decision is based on any different facts and considerations, they shall be disclosed as soon as possible.

5. Representations made after final disclosure is given shall be taken into consideration only if received within a period to be set by the Commission in each case, which shall be at least ten days, due consideration being given to the urgency of the matter. A shorter period may be set whenever an additional final disclosure has to be made."

- (14) In Article 21, paragraphs 4, 5 and 6 are replaced by the following:

"4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties. Such comments shall be received within 25 days of the date of 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 committee as part of the draft measure submitted pursuant to Article 9 of this Regulation. The views expressed in the committee should be taken into account by the Commission under the conditions provided for in Regulation (EU) No. 182/2011.

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."

(15) 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.

2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.

3. No later than six months after presenting the report to the European Parliament and to the Council, the Commission shall make the report public."

**Joint statement by the European Parliament, the Council and the Commission regarding
Article 15(6) of Regulation (EC) No. 1225/2009 and Article 25(6)
of Regulation (EC) No. 597/2009**

The European Parliament, the Council and the Commission consider that the inclusion of Article 15(6) of Regulation (EC) No. 1225/2009 and Article 25(6) of Regulation (EC) No. 597/2009 is justified exclusively on the basis of the specific characteristics of those Regulations before their amendment by this Regulation. As a consequence, the inclusion of a provision, such as those Articles, is exceptional to those two Regulations and is not a precedent for the drafting of future legislation.

For the sake of clarity, the European Parliament, the Council and the Commission understand that Article 15(6) of Regulation (EC) No. 1225/2009 and Article 25(6) of Regulation (EC) No. 597/2009 do not introduce decision-making procedures different from or additional to those provided for in Regulation (EU) No. 182/2011.

Council statement on the application of Articles 3(4) and 6(2) of Regulation (EU) No. 182/2011 in connection with anti-dumping and countervailing duty proceedings pursuant to Regulations (EC) No. 1225/2009 and (EC) No. 597/2009

Where a Member State suggests an amendment with respect to either anti-dumping or countervailing duty draft measures provided for in Regulations (EC) No. 1225/2009 and (EC) No. 597/2009 (the "Basic Regulations"), in accordance with Article 3(4) or Article 6(2) of Regulation (EU) No. 182/2011 it will:

- (a) ensure that the amendment is proposed in a timely manner, which respects the deadlines in the Basic Regulations and reflects the necessity for the Commission to be given sufficient time to undertake any necessary disclosure procedure, properly scrutinise the proposal, and for the Committee to examine any amended draft measure proposed;
 - (b) ensure that the proposed amendment is consistent with the Basic Regulations as interpreted by the Court of Justice of the European Union and with relevant international obligations;
 - (c) provide written justification which will, as a minimum, indicate how the suggested amendment relates to the Basic Regulations and to the facts established in the investigation, but may also contain such other supporting arguments as the Member State proposing the amendment considers appropriate.
-

Statement by the Commission in connection with anti-dumping and countervailing duty proceedings pursuant to Regulations (EC) No. 1225/2009 and (EC) No. 597/2009

The Commission recognises the importance of Member States receiving information where provided for in Regulations (EC) No. 1225/2009 and (EC) No. 597/2009 (the "Basic Regulations") such as to enable them to contribute to fully informed decisions, and it will act to achieve that objective.

* * *

For the avoidance of doubt, the Commission understands the reference to consultations in Article 8(5) of Regulation (EU) No. 182/2011 as requiring the Commission, except in cases of extreme urgency, to seek the views of the Member States before adopting provisional anti-dumping or countervailing duties.

* * *

The Commission will ensure that it effectively manages all aspects of anti-dumping and countervailing duty procedures provided for in Regulations (EC) No. 1225/2009 and (EC) No. 597/2009, including the possibility of Member States to suggest amendments, in order to ensure that the time periods laid down in, and the obligations towards interested parties created by, the Basic Regulations are respected and that any measures finally imposed are consistent with the facts established by the investigation and the Basic Regulations as interpreted by the Court of Justice of the European Union and in line with the international obligations of the Union.

Statement by the Commission on codification

The adoption of Regulation (EU) No. 37/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No. 38/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once those two Regulations are adopted, and at the latest by 1 June 2014.

Statement by the Commission on delegated acts

In the context of Regulation (EU) No. 37/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No. 38/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures, the Commission recalls the commitment it has made in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.
