Common commercial policy: aligning certain acts with the TFEU; procedures for the adoption of certain measures

2011/0039(COD) - 15/11/2013 - Council position

The Council has adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures ("Trade Omnibus Act I").

The Trade Omnibus Act I amends certain regulations relating to the common commercial policy as regards procedures where the Council was involved in decision-making process, which were not based on Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (former comitology).

It proposes that such procedures be **converted into either delegated acts or implementing acts** pursuant to Articles 290 and 291of the Treaty on the Functioning of the European Union (TFEU). This should be done, where appropriate, by applying relevant procedures set out in Regulation (EU) No 182/2011 of the European Parliament and the Council.

The position of the Council at first reading **reflects the compromise reached by the Council and the Parliament during the negotiations**, with the help of the Commission.

The main issues concerned the **modifications introduced to the basic Anti-dumping and basic Countervailing regulations** contained in Trade Omnibus Act I proposal (Regulations (EC) No 1225/2009 and (EC) No 597/2009 respectively):

- the overall time of investigations;
- the introduction of an "info +" mechanism, where consultations have been deleted;
- the Union interest test.
- For the other elements of the Trade Omnibus Act I package, the key issues for modification were: the use of the written procedure;
- the use of the urgency procedure;
- the choice between advisory or examination procedure: the advisory procedure is retained for provisional and/or preparatory measures, while the examination procedure is retained;
- for definitive measures;
- scope of the regulations.

A significant number of issues contained in the proposal also figure in the Trade Omnibus Act II. In order to achieve a consistent result, it was decided to conduct the negotiations on the two files in parallel.

The Chair of the European Parliament's International Trade Committee has indicated in a letter to the COREPER Chair that, should the Council transmit formally to the Parliament its position in the form as it stands in the annex to that letter, he would recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at the Parliament's second reading.