Common rules for imports. Codification

2014/0166(COD) - 28/05/2014 - Legislative proposal

PURPOSE: codification of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Council Regulation (EC) No 260/2009 has been substantially amended several times. It is recalled that in 1987, the Commission decided to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement. The Edinburgh European Council in December 1992 confirmed the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

The European Parliament, the Council and the Commission agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

CONTENT: in the interests of clarity and transparency of Union law, the purpose of this proposal is to **undertake a codification of Council Regulation (EC) No 260/2009** on the common rules for imports.

The new Regulation will supersede the various acts incorporated in it; it fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

This Regulation applies to **imports of products originating in third countries**, except for: (a) textile products subject to specific import rules under Regulation (EC) No 517/94; (b) the products originating in certain third countries listed in Council Regulation (EC) No 625/2009.

The main elements of the proposed Regulation concern:

Union information and consultation procedure: the Commission should be informed by the Member States of any danger created by trends in imports which might call for Union surveillance or the application of safeguard measures.

In such instances the Commission should examine the terms and conditions under which imports occur, the trend in imports, the various aspects of the economic and trade situations and, where appropriate, the measures to be applied.

Union investigation procedure: an investigation should precede the application of any safeguard measure, subject to the reservation that the Commission be allowed in urgent cases to apply provisional measures. The proposal lays down detailed provisions on the opening of investigations, the checks and inspections required, access by exporter countries and interested parties to the information gathered, hearings for the parties involved and the opportunities for those parties to submit their views. It also establishes time limits for the initiation of investigations and for determinations as to whether or not measures are appropriate, in order to increase legal certainty for the economic operators concerned.

Surveillance measures: where the trend in imports of a product originating in a third country covered by this Regulation threatens to cause injury to Union producers, and where the interests of the Union so require, import of that product may be subject, as appropriate, to retrospective Union surveillance. The decision to impose surveillance shall be taken by the Commission by means of implementing acts.

Safeguard measures: it falls on the Commission to adopt the safeguard measures required by the interests of the Union. Those interests should be considered as a whole and should in particular encompass the interests of Union producers, users and consumers.

Safeguard measures against a member of the WTO may be considered only if the product in question is imported into the Union in such greatly increased quantities and on such terms or conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competing products. These measures shall take effect immediately.

The proposal determines the maximum duration of safeguard measures and specific provisions regarding extension, progressive liberalisation and reviews of such measures.

The implementation of this Regulation 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 of the European Parliament and of the Council.