

Common rules for exports. Codification

2014/0167(COD) - 28/05/2014 - Legislative proposal

PURPOSE: codification of Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports.

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 1061/2009 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 1061/2009** establishing common rules for exports.

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.

The proposed Regulation establishes the basic principle according to which the **exportation of products from the Union to third countries shall be free, that is to say, they shall not be subject to any quantitative restriction**, with the exception of those restrictions which are applied in conformity with the provisions of this Regulation. It should apply to all products, whether industrial or agricultural.

The main elements of the proposed Regulation concern:

Union information and consultation procedure: if, as a result of any unusual developments on the market, a Member State considers that protective measures might be necessary, it shall so notify the Commission, which shall advise the other Member States.

For the purpose of assessing the economic and commercial situation as regards a particular product, the Commission may request Member States to supply statistical data on market trends in that product and, to this end.

Safeguard measures: in order to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and where Union interests call for immediate intervention, the Commission, acting at the request of a Member State or on its own initiative, may make the export of a product subject to the production of an **export authorisation**. The European Parliament, the Council and the Member States shall be notified of the measures taken. Such measures shall take effect immediately.

Any protective measures necessitated by the interests of the Union should be adopted with due regard for existing international obligations.

For the implementation of this Regulation, the Commission shall be assisted by the Committee on Safeguards. The implementing measures shall be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council on comitology.