Measures that the Union may take concerning anti-dumping and anti-subsidy matters. Codification

2014/0163(COD) - 28/05/2014 - Legislative proposal

PURPOSE: codification of 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.

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 1515/2001 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 1515/2001** 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.

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 purpose of this proposal is to establish specific provisions with a view to permitting the Union, where it considers this appropriate, to **bring a measure** taken under Regulation (EC) No 1225/2009 (anti-dumping measures) or Regulation (EC) No 597/2009 (anti-subsidy measures) **into conformity with the recommendations and rulings contained in a report adopted by the Dispute Settlement Body (DSB)** of the World Trade Organisation (WTO) concerning anti-dumping and anti-subsidy measures.

In concrete terms, the Commission may: (a) **repeal or amend the disputed measure**; or (b) **adopt any other special implementing measure** deemed to be appropriate in the circumstances in order to bring the Union into conformity with the recommendations and rulings contained in the report. In addition, the Commission should be able, where appropriate, to suspend or review such measures.

Any measures adopted pursuant to this Regulation shall take effect from the date of their entry into force and shall not serve as basis for the reimbursement of the duties collected prior to that date, unless otherwise provided for.

Those measures should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. The proposal stipulates that the **advisory procedure** should be used for the suspension of measures for a limited period of time given the effects of such measures.