Common rules for imports. Codification

2014/0166(COD) - 11/03/2015 - Final act

PURPOSE: to codify Council Regulation (EC) n° 260/2009 on common rules for imports.

LEGISLATIVE ACT: Regulation (EU) 2015/478 of the European Parliament and of the Council on common rules for imports (codification).

CONTENT: the Regulation codifies and repeals Council Regulation (EC) n° 260/2009 which has been substantially amended on several occasions.

The new Regulation establishes the principle of **freedom to import from third countries, with safeguard measures in place.**

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

The main points of the Regulation are as follows:

Information and consultation procedure: Member States shall inform the Commission if trends in imports appear to call for surveillance or safeguard measures. The Commission shall 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 investigation shall seek to determine whether imports of the product in question are causing or threatening to cause serious injury, meaning a significant overall impairment in the position of Union producers. The Regulation 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, with a view to ensuring that such determinations are made quickly.

Surveillance measures: where the trend in imports of a product originating in a third country covered by the 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.

Products under prior Union surveillance may be put into free circulation only on production of a surveillance document made out on a form corresponding to the model in Annex I.

Safeguard measures: the Commission shall adopt the safeguard measures required by the interests of the Union, on its own initiative or at the request of a Member State. 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.

In cases in which safeguard measures take the form of a quota the level of the latter should be set in principle no lower than the average level of imports over a representative period of at least 3 years.

Surveillance or safeguard measures confined to one or more regions of the Union should be authorised only exceptionally and where no alternative exists.

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

In order to ensure uniform conditions for the implementation of this Regulation, implementing powers are conferred on the Commission.

ENTRY INTO FORCE: 16.4.2015.