Protection against injurious pricing of vessels. Codification

2014/0280(COD) - 07/07/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 671 votes to 27, with 7 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on protection against injurious pricing of vessels (codified text).

Parliament adopted its position at first reading taking over the Commission proposal.

The Consultative Working Party of the legal services of the European Parliament, the Council and the Commission concluded that the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

The codified version of Council Regulation (EC) No 385/96 on protection against injurious pricing of vessels enables the Union to take action against any injuriously priced vessel whose sale at less than normal value causes injury to the Union industry.

The term ‘Union industry’ is defined by reference to the capability to build a like vessel and to provide that parties related to exporters may be excluded from such industry.

The new Regulation should, *inter alia*:

- set out clear and detailed rules on the calculation of the normal value; such value should where possible be based on a representative sale of a like vessel in the ordinary course of trade in the exporting country;
- define the export price;
- set out the procedural and substantive conditions for lodging a complaint against injurious pricing, including the extent to which it should be supported by the Union industry;
- lay down the information on the buyer of the vessel, injurious pricing, injury and causation which such complaint should contain:
- specify the procedures for the rejection of complaints or the initiation of proceedings;
- set out clearly the rules and procedures to be followed during the investigation, in particular the rules whereby interested parties are to make themselves known, present their views and submit information within specified time limits, if such views and information are to be taken into account. It is also necessary to provide that the termination of cases should, irrespective of whether an injurious pricing charge is imposed or not, take place no later than one year from the date of initiation or the date of delivery of the vessel, as the case may be;
- specify the manner in which interested parties should be given notice of the information which the authorities require;
- set out precise rules for the denial of the right to load and unload in Union ports to vessels built by shipbuilders subject to countermeasures;
- provide measures for the treatment of confidential information so that business secrets are not divulged.