

# Protection against subsidised imports from countries not members of the European Union. Codification

2014/0305(COD) - 10/05/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 608 votes to 13, with 24 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union (codified text).

Parliament adopted its position at first reading taking over the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission who considered that the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

The purpose of this proposal is to **undertake a codification of Council Regulation (EC) No 597/2009** of 11 June 2009 on protection against subsidised imports from countries not members of the European Community.

The proposed regulation aims to transpose into EU law the provisions of the subsidies and countervailing measures (Subsidies Agreement) concluded within the World Trade Organization (WTO) to ensure a proper and transparent application of the anti-subsidy rules.

The regulation sets out in detail the conditions determining the existence of a subsidy, the principles governing the applicability of countervailing duties that may be imposed to offset any subsidy granted directly or indirectly, for the manufacture, production, export or transport of any product whose release for free circulation in the EU causes injury, and the criteria applicable to the calculation of the amount of countervailing subsidy.

Among the other measures, the codified Regulation seeks to:

- set out clear and detailed guidance as to the factors which may be relevant for the determination of whether the subsidised imports have caused material injury or are threatening to cause injury;
- define the term 'Union industry' and to provide that parties related to exporters may be excluded from such an industry, and to define the term 'related';
- specify who may lodge a countervailing duty complaint, including the extent to which it should be supported by the Union industry, and the information on countervailable subsidies, injury and causation which such a complaint should contain. It is also expedient to specify the procedures for the rejection of complaints or the initiation of proceedings;
- specify the manner in which interested parties should be given notice of the information which the authorities require;
- set out the conditions under which provisional duties may be imposed; provisional countervailing duties shall be imposed for a maximum period of four months;
- set out procedures for accepting undertakings which eliminate or offset the countervailable subsidies and injury instead of imposing provisional or definitive duties;
- provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 12 months, and in no case more than 13 months, of the initiation of the investigation.