

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

2014/0309(COD) - 10/05/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 621 votes to 12, with 24 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union (codified text).

Parliament adopted its position at first reading, unamended, 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 1225/2009** of 30 November 2009 on protection against dumped imports from countries not members of the European Community.

The proposed regulation aims to transpose into EU law the anti-dumping rules contained in the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994. It contains detailed rules, relating in particular to the calculation of dumping, procedures for initiating and pursuing an investigation, including the establishment and treatment of the facts, the imposition of provisional measures, the imposition and collection of anti-dumping duties, the duration and review of anti-dumping measures and the public disclosure of information relating to anti-dumping investigations.

Among the other measures, the codified Regulation seeks to:

- set out clear and detailed rules on the calculation of the normal value. In particular, such value should in all cases be based on representative sales in the ordinary course of trade in the exporting country;
- define the export price and to enumerate the adjustments which should be made in those cases where a reconstruction of that price from the first open-market price is deemed necessary;
- 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 an anti-dumping complaint, including the extent to which it should be supported by the Union industry, and the information on dumping, injury and causation which such a complaint should contain;
- 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, including conditions whereby provisional duties may be imposed no earlier than 60 days from initiation and no later than nine months thereafter;
- provide that such duties may in all cases be imposed by the Commission, either directly for a nine-month period or in two stages of six and three months;
- set out procedures for accepting undertakings which eliminate dumping 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 15 months, of the initiation of the investigation.