

# Implementing the safeguard clauses and other mechanisms allowing for the temporary withdrawal of preferences in certain agreements concluded between the EU and certain third countries

2018/0101(COD) - 15/01/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 544 votes to 58, with 94 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council implementing the safeguard clauses and other mechanisms allowing for the temporary withdrawal of preferences in certain agreements concluded between the European Union and certain third countries.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission's proposal as follows.

## *Subject matter and scope*

This Regulation lays down provisions for the implementation of bilateral safeguard clauses and other mechanisms for the temporary withdrawal of tariff preferences or of other preferential treatment contained in the trade agreements concluded between the Union and one or more third countries and referred to in the Annex to this Regulation.

Parliament stated that these provisions shall apply without prejudice to any specific provisions contained in the trade agreements and listed in the Annex in relation to bilateral safeguard clauses or other mechanisms for the temporary withdrawal of tariff preferences or of other preferential treatment, where such provisions are not in accordance with this Regulation.

Therefore, the Regulation shall not prevent the Commission from negotiating such specific provisions in future trade agreements with third countries.

## *Initiation of the investigation*

Under the amended text, a request for initiating an investigation may also be submitted jointly by **Union industry**, or by any natural or legal person or any association not having legal personality acting on behalf thereof, and trade unions, or be supported by **trade unions**. In addition, requests for the initiation of an investigation may be supported by trade unions.

The Commission shall provide a copy of the request to initiate an investigation to the Member States before it initiates the investigation. Where the Commission intends to initiate an investigation on its own initiative, it shall provide information to the Member States once it has determined the need to initiate that investigation.

## *Conduct of the investigation*

The Commission shall evaluate all relevant factors of an objective and quantifiable nature that affect the situation of the Union industry, including the rate of market shares. It shall **facilitate access to the**

**investigation** for diverse and fragmented industry sectors, largely composed of small and medium-sized enterprises (SMEs), through a **dedicated SME Helpdesk** that shall make available standard forms for statistics to be submitted for standing purposes and questionnaires.

The Commission shall appoint a Hearing Officer whose powers and responsibilities shall be set out in a mandate adopted by the Commission and who shall safeguard the effective exercise of the procedural rights of the interested parties.

### *Delegated acts*

The Commission may adopt delegated acts in respect of adding or deleting entries relating to a trade agreement, any specific provisions contained in a trade agreement and related to safeguard measures or other mechanisms for the temporary withdrawal of tariff preferences or of other preferential treatment that are not in accordance with this Regulation, any products identified as sensitive by a trade agreement, or any provisions laying down specific rules for other mechanisms.

The European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

The **follow up and review of trade agreements**, the conduct of investigations and, where appropriate, the imposition of safeguard measures, should be carried out in the most transparent manner possible.