

Protection against illicit commercial practices, Uruguay round

1994/0233(CNS) - 05/10/1994 - Legislative proposal

This proposal for a regulation sought to amend Regulations Nos 2641/84/EEC and 522/94/EC relating to the protection of the Community against illicit trading practices. The regulation aimed to strengthen the link between this instrument for trade protection and the mechanism for settling disagreements arising from the WTO (World Trade Organisation) Agreement, as defined under the negotiations of the Uruguay Round. The amendments related in particular to problems experienced by Community exporters on foreign markets as a result of the illicit trading practices of third countries. The concept of "adverse trade effect" caused by any commercial practice was introduced alongside the concepts of "injury" and "exercise of Community rights". The concept of "adverse trade effect" should be considered to be strictly linked to a right of action in the framework of the WTO in relation to trade in goods and/or services. As regards complaints, the regulation confirmed the right of a Community industry to complain about illicit practices that caused it a major injury (first type of recourse) and introduced the right of Community undertakings to complain when they had suffered "adverse trade effects" (third type of recourse). The time limit given to the Commission to bring a complaint had been reduced to 45 days in almost all cases. Where Member States submitted a case before the courts, the regulation maintained the general right of Member States to lodge a complaint (second type of recourse) and included the case of "adverse trade effects". Amendments were also introduced in respect of the arrangements for proof of injury, the termination of a procedure and general provisions, particularly those relating to comitology.