Protection against subsidised imports from countries non members of the EC, Uruguay round

1994/0231(CNS) - 22/12/1994 - Final act

Regulation (EC) No 3284/94, which was adopted by the Council of Ministers, seeks to implement the new agreement on subsidies and countervailing measures, which was concluded as part of the negotiations of the Uruguay Round. It transposes into Community legislation the agreement which contains new detailed rules relating to subsidies and investigations in respect of countervailing duties. The main changes comprise clarifications and amendments to the following: - definition of a subsidy (financial contribution from the public authorities which confers a benefit to the recipient enterprise); - the notion of a subsidy which is liable for countervailing measures (list of conditions under which these measures apply, particularly as regards agriculture - "green box"); - the amount of subsidy which is liable for countervailing measures (the calculation is made in accordance with the principle of "the benefit conferred to the recipient"); - the injury to Community industries; - the initiation of a procedure for the application of countervailing measures and the definition of the conditions under which investigations may be initiated; - the conclusion of the investigations (within 12 months if possible, and in any case within a time limit of 13 months after the initiation of the investigation); - the undertakings (institution of a definitive duty by the Community in cases of breach of the undertakings, but importers rights are preserved by a system of re-examination); - negligible volumes of imports and subsidies are to be considered de minimis if their amount is less than 1% ad valorem; - restitution of measures and re-examination; - circumvention; - sampling for countervailing duties; - lack of cooperation on the part of an exporter country and the confidential handling of investigations; - link between countervailing measures and multilateral solutions in order that only measures of one type are taken in respect of the product concerned. The Regulation enters into force on 1.01.1995 (apart from specific derogations) and shall be applicable in all Member States.