

Uruguay Round: common rules for imports (repeal. Regulation (EC) No 518/94)

1994/0232(CNS) - 22/12/1994 - Final act

The Council adopted Regulation (EC) No 3285/94 implementing a common system to be applicable to imports into the Community, and repealing Regulation (EC) No 518/94. The present Regulation transposes into Community legislation the new agreement on protection measures which was agreed as part of the negotiations of the Uruguay Round. The latter re-establishes multilateral control of protection measures and requires that measures which avoid this control procedure are removed. Protection measures can only be applied to the conditions which are laid down by the agreement and in accordance with the procedures established therein. All measures said to be in the "grey zone", namely arrangements which seek to obtain a reduction in imports and exports, or in the regulated marketing of products, or any other similar measure, are therefore prohibited and are to be removed. The only exception to this is the arrangement between the EU and Japan concerning certain types of car, which is due to expire on 31.12.1999. Certain products which come under Regulation (EC) Nos 517/94 and 519/94 (mainly textile products which are not covered by the agreements or bilateral arrangements, apart from a certain number of products which are clearly defined in the Annex to the present Regulation) are also specifically excluded from the scope of the regulation. However, the common regime should also apply to ECSC products. As far as the Community is concerned, respect for the obligations resulting from the agreement involves the termination, within 180 days after the entry into force of the WTO Agreement, of any measure in the grey zone and the revision and modification of the common regime applying to imports, in particular as far as protection is concerned (established by Regulation (EC) No 518/94). The new regulation also introduces a number of details relating to: - the definition of "material injury", of "threat of material injury" and of "Community producers"; - the causality link which exists in the investigation assessment factors; - the rights of the interested parties; - the provisional protection measures to be applied in critical circumstances; - the determination of the quota levels (average level of imports over the last 3 years) and the arrangements for the distribution of a quota among all the supplier countries; - the duration of the protection measures (4 years maximum); - the progressive relaxation of the measures after a period of 1 year and the mid-term review after 3 years; - the succession of protection measures (ban on any new measures being taken for the same product within a period of at least 2 years); - the minimum import thresholds below which the measures cannot be applied to developing countries which are members of the WTO (as a rule, 3% of imports of the product concerned into the Community by a given country). The Regulation enters into force on 01.01.1995 and shall be directly applicable.