




Basic information	
<b>1994/0233(CNS)</b> CNS - Consultation procedure Regulation	Procedure completed
Protection against illicit commercial practices, Uruguay round  Repealed by <a href="#">2014/0174(COD)</a> Amended by <a href="#">2011/0039(COD)</a>  <b>Subject</b>  6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>RELA</b> External Economic Relations		RANDZIO-PLATH Christa (PSE)	04/11/1994
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>BUDG</b> Budgets		MÜLLER Edith (V)	03/11/1994
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	Health		1823	1994-12-22

Key events			
Date	Event	Reference	Summary
05/10/1994	Legislative proposal published	COM(1994)0414 	<a href="#">Summary</a>
14/11/1994	Committee referral announced in Parliament		
12/12/1994	Vote in committee		
12/12/1994	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0108/1994</a>	
14/12/1994	Debate in Parliament		
22/12/1994	Act adopted by Council after consultation of Parliament		
22/12/1994	End of procedure in Parliament		
31/12/1994	Final act published in Official Journal		

Technical information	
Procedure reference	1994/0233(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Regulation
Amendments and repeals	Repealed by <a href="#">2014/0174(COD)</a> Amended by <a href="#">2011/0039(COD)</a>
Legal basis	EC Treaty (before Amsterdam) E 113
Stage reached in procedure	Procedure completed

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0108/1994</a> <a href="#">OJ C 018 23.01.1995, p. 0019</a>	12/12/1994	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T4-0186/1994</a> <a href="#">OJ C 018 23.01.1995, p. 0054-0076</a>	14/12/1994	<a href="#">Summary</a>
<b>European Commission</b>				
Document type	Reference	Date	Summary	
Legislative proposal	<a href="#">COM(1994)0414</a> 	05/10/1994	<a href="#">Summary</a>	

Additional information		
Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

Final act	
<a href="#">Regulation 1994/3286</a> <a href="#">OJ L 349 31.12.1994, p. 0071</a>	<a href="#">Summary</a>

## Protection against illicit commercial practices, Uruguay round

1994/0233(CNS) - 22/12/1994 - Final act

The Council adopted Regulation (EC) No 3286/94, which seeks to amend Regulation (EEC) No 2641/84 and (EC) No 522/94 relating to the protection of the Community against illicit trading practices. The Regulation aims to strengthen the link between the Community instrument for trade protection and the mechanism for settling disagreements arising from the WTO Agreement, as defined under the negotiations of the Uruguay Round. The amendments relate in particular to problems experienced by Community exporters on foreign markets as a result of the illicit trading practices of third countries. The Regulation defines the following: - "unfavourable trade effect": effect caused (or likely to be caused) by an obstacle to trade in products or services by Community enterprises on the market of a third country, which has an impact on the economy of the Community, - "injury": major injury caused to a Community industry on the EU market by an obstacle to trade, - "exercise of Community rights": international trading rights which the Community can cite as a means for responding to illicit trading practices, and which are essentially trade rules enacted under the WTO Agreement. As regards complaints, the Regulation provides for 3 types of recourse: - complaint on behalf of a Community industry: the right of a Community industry which considers that it has suffered a major injury as a result of obstacles to trade affecting the Community market; - complaint on behalf of Community enterprises: the right of Community enterprises to lodge a complaint when they have suffered "unfavourable trade effects" due to obstacles to trade affecting the market of a third country. In this case the complaint is only admissible if the obstacle is covered by international initiative. - submission by a Member State of a case before the courts: general right which Member States have to lodge a complaint (including cases involving "unfavourable trade effects") resulting from obstacles to trade which affect either the Community market or the market of third countries. The time limit given to the Commission to bring a complaint is 45 days, save for specific procedures. Amendments have also been introduced in respect of the arrangements for proof of injury, the termination or suspension of a procedure (in particular by the conclusion of an agreement with the third country concerned) and the general provisions in respect of comitology. The decisions taken by the Commission following the lodging of a complaint are to apply at the end of a period of 30 days after the submission of the complaint. The Regulation comes into force on 01.01.1995 and shall be applicable to all procedures commencing after this date.

## Protection against illicit commercial practices, Uruguay round

1994/0233(CNS) - 14/12/1994 - Text adopted by Parliament, 1st reading/single reading

Parliament approved the Commission's proposal subject to six modifications it had introduced. The aims of these amendments were as follows: - to give the Commission and the Council responsibility for taking measures against illicit trading practices; - to make it clear that the interest to the Community, which results in that body taking action or not, should take account of all the interests involved, including those of the Community industry, of the workers and of the users and consumers, - to define the interests which the Community has to take into consideration when determining the Community interest, together with the procedure for consultation with all parties concerned; - to set the date of entry into force of the Regulation for 1.01.1995.

## 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.