Basic information

2012/0019(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Protection against dumped imports from countries not members of the European Community **Subject** 6.20.02 Export/import control, trade defence, trade barriers	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	INTA International Trade	MOREIRA Vital (S&D)	29/02/2012
Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Competitiveness (Internal Market, Industry, Research and Space)	3169	2012-05-30
European Commission	**Commission DG**	**Commissioner**	
	Trade and Economic Security	DE GUCHT Karel	

Key events

Date	Event	Reference	Summary
07/02/2012	Legislative proposal published	COM(2012)0041	Summary
16/02/2012	Committee referral announced in Parliament, 1st reading		
27/03/2012	Vote in committee, 1st reading		
16/04/2012	Committee report tabled for plenary, 1st reading	A7-0140/2012	Summary
10/05/2012	Decision by Parliament, 1st reading	T7-0148/2012	Summary
10/05/2012	Results of vote in Parliament		
30/05/2012	Act adopted by Council after Parliament's 1st reading		
12/06/2012	End of procedure in Parliament		
13/06/2012	Final act signed		
03/09/2012	Final act published in Official Journal		

Technical information

Procedure reference	2012/0019(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 207
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/08817

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE486.060	22/03/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0140/2012	16/04/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0148/2012	10/05/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00019/2012/LEX	13/06/2012	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0041	07/02/2012	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0041	24/05/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Regulation 2012/0765 OJ L 237 03.09.2012, p. 0001 Summary

Protection against dumped imports from countries not members of the European Community

2012/0019(COD) - 07/02/2012 - Legislative proposal

PURPOSE: to amend Regulation (EC) No 1225/2009 in order to implement the recommendations of the Dispute Settlement Body of the World Trade Organisation

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: on 28 July 2011, the Dispute Settlement Body of the World Trade Organisation ('DSB') adopted the Appellate Body Report and the Panel Report as modified by the Appellate Body Report in the case ‘European Communities — Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China' (‘Reports’).

In the Reports, it was found that Article 9(5) of Council Regulation (EC) No 1225/2009 ('the Basic Anti-Dumping Regulation') was inconsistent with Articles 6.10, 9.2 and 18.4 of the WTO Anti-Dumping Agreement and Article XVI:4 of the WTO Agreement.

Article 9(5) of the Basic Anti-Dumping Regulation provides that individual exporting producers in non-market economy countries which do not receive market economy treatment pursuant to Article 2(7)(c) of the Basic Anti-Dumping Regulation will be subject to a countrywide duty rate unless such exporters can demonstrate that they meet the conditions for individual treatment laid out in Article 9(5) of the Basic Anti-Dumping Regulation.

On 18 August 2011 the European Union notified the DSB that it intends to implement the recommendations and rulings of the DSB in this dispute in a manner that respects its WTO obligations.

On 19 January 2012 the European Union and China agreed that the reasonable period of time for implementing the DSB recommendations and rulings would be 14 months and two weeks from the date the DSB adopted the Reports. The reasonable period of time will therefore expire on 12 October 2012.

The purpose of this legislative proposal is to implement the DSB recommendations and rulings on Article 9(5) of the Basic Anti-Dumping Regulation.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 207 of the Treaty on the Functioning of the EU.

CONTENT: the proposal provides that Article 9(5) of the Regulation will be amended to state that an anti-dumping duty will be imposed in the appropriate amounts in each case, on a non-discriminatory basis on imports of a product from all sources found to be dumped and causing injury, except for imports from those sources from which undertakings under the terms of the Regulation have been accepted.

The Regulation imposing anti-dumping measures shall specify the duty for each supplier or, if that is impracticable, the supplying country concerned. Suppliers which are legally distinct from other suppliers or which are legally distinct from the State may nevertheless be considered as a single entity for the purpose of specifying the duty. Account may be taken of factors such as the existence of structural or corporate links between the suppliers and the State or between suppliers, the control or material influence by the State in respect of pricing and output, or the economic structure of the supplying country.

BUDGETARY IMPLICATIONS: there are no implications for the EU budget.

Protection against dumped imports from countries not members of the European Community

2012/0019(COD) - 16/04/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report drafted by Vital MOREIRA (S&D, PT) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community.

It recommends that the European Parliament adopts its position at first reading, following the ordinary legislative procedure, taking over the Commission's proposal.

Protection against dumped imports from countries not members of the European Community

2012/0019(COD) - 10/05/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 559 votes to 24, with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community.

Parliament adopted its position at first reading, following the ordinary legislative procedure, taking over the Commission's proposal.

Protection against dumped imports from countries not members of the European Community

2012/0019(COD) - 13/06/2012 - Final act

PURPOSE: to amend Regulation (EC) No 1225/2009 in order to implement the recommendations of the Dispute Settlement Body of the World Trade Organisation

LEGISLATIVE ACT: Regulation (EU) No 765/2012 of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community

BACKGROUND: on 28 July 2011, the Dispute Settlement Body ('DSB') of the World Trade Organisation ('WTO') adopted certain reports in the dispute 'European Communities — Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China'. In the reports, it was found that Article 9 (5) of Council Regulation (EC) No 1225/2009 ('Basic Anti-Dumping Regulation') was inconsistent with Articles 6.10, 9.2 and 18.4 of the WTO Anti-Dumping Agreement and Article XVI:4 of the WTO Agreement. Article 9(5) of the Basic Anti-Dumping Regulation provides that individual exporting producers in non-market economy countries which do not receive market economy treatment pursuant to the Basic Anti-Dumping Regulation will be subject to a countrywide duty rate unless such exporters can demonstrate that they meet the conditions for individual treatment (IT) set out in Article 9 (5) of that Regulation.

The WTO found that Article 9(5) of the Basic Anti-Dumping Regulation establishes a presumption that exporting producers operating in non-market economy countries are not entitled to IT and that in order to qualify for IT, the onus is on them to demonstrate that they satisfy the criteria of the IT test. However, it was found that no legal basis for such a presumption is provided for in the relevant WTO agreements.

On 18 August 2011, the Union notified the DSB that it intends to implement the recommendations and rulings of the DSB in this dispute in a manner that respects its WTO obligations.

CONTENT: Article 9(5) of Regulation (EC) No 1225/2009 is amended to state that an anti-dumping duty shall be imposed in the appropriate amounts in each case, on a non-discriminatory basis on imports of a product from all sources found to be dumped and causing injury, except for imports from those sources from which undertakings under the terms of the Regulation have been accepted.

The Regulation imposing anti-dumping measures shall specify the duty for each supplier or, if that is impracticable, the supplying country concerned. Suppliers which are legally distinct from other suppliers or which are legally distinct from the State may nevertheless be considered as a single entity for the purpose of specifying the duty. Account may be taken of factors such as the existence of structural or corporate links between the suppliers and the State or between suppliers, control or material influence by the State in respect of pricing and output, or the economic structure of the supplying country.

ENTRY INTO FORCE: 06/09/12. The Regulation shall apply to all investigations initiated pursuant to Regulation (EC) No 1225/2009.