Basic information

2012/0085(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Imports of rice originating from Bangladesh: aligning the Regulation with the TFEU; Commission delegated and implementing powers **Subject** 3.10.06.03 Cereals, rice 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin 8.50.01 Implementation of EU law **Geographical area** Bangladesh	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	MURPHY Paul (GUE/NGL)	29/05/2012
	Shadow rapporteur ZALEWSKI Paweł (PPE) SUSTA Gianluca (S&D) KELLER Ska (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3308	2014-04-14

European Commission

Commission DG	Commissioner
Agriculture and Rural Development	CIOLOŞ Dacian

Key events

Date	Event	Reference	Summary
16/04/2012	Legislative proposal published	COM(2012)0172	Summary
20/04/2012	Committee referral announced in Parliament, 1st reading		
17/09/2013	Vote in committee, 1st reading		
25/09/2013	Committee report tabled for plenary, 1st reading	A7-0304/2013	Summary
10/12/2013	Decision by Parliament, 1st reading	T7-0542/2013	Summary
10/12/2013	Results of vote in Parliament		
02/04/2014	Decision by Parliament, 1st reading	T7-0265/2014	Summary
02/04/2014	Results of vote in Parliament		
14/04/2014	Act adopted by Council after Parliament's 1st reading		
16/04/2014	Final act signed		
16/04/2014	End of procedure in Parliament		
27/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0085(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/7/09353

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE504.307	21/06/2013	
Amendments tabled in committee		PE516.647	23/07/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0304/2013	25/09/2013	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T7-0542/2013	10/12/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0265/2014	02/04/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00040/2014/LEX	16/04/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0172	16/04/2012	Summary
Commission response to text adopted in plenary	SP(2014)471	09/07/2014	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Regulation 2014/0539
OJ L 158 27.05.2014, p. 0125 Summary

Imports of rice originating from Bangladesh: aligning the Regulation with the TFEU; Commission delegated and implementing powers

2012/0085(COD) - 25/09/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by Paul MURPHY (GUE/NGL, IE) on the proposal for a regulation of the European Parliament and of the Council on imports of rice originating in Bangladesh.

The committee recommended that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Export tax: in the Commission proposal, explicit reference is made to an export tax of an amount corresponding to the reduction of the import duty which should be collected by the exporting country as an export requirement to the EU. Members stated that this is a decision to be made by the political legislators in Bangladesh and not by the European institutions.

Therefore, they deleted the references and provisions to this effect.

Suspension of the preferential import arrangement: the Commission should adopt an implementing act suspending the application of the preferential import arrangement once it ascertains that, during the year in progress, imports qualifying under the said arrangement have reached the quantity indicated in the Regulation. That implementing act should be adopted without applying the Committee procedure.

Delegated acts: Members suggested limiting the empowerment of delegated acts on the Commission to a period of five years that may be tacitly extended for periods of an identical duration.

The delay to formulate an objection to the delegated act should be **four months** as opposed to two as suggested by the Commission.

In order to ensure the reliability and the efficiency of the preferential import arrangement, the power to adopt delegated acts should be delegated to the Commission to establish rules making the participation in the arrangement conditional upon the lodging of a security in line with Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/901.

Committee procedure: the report suggested including in the Regulation a provision on the Committee procedure. The Committee should be assisted by the Committee for the Common Organisation of the Agricultural Markets. This Committee should be a committee within the meaning of Regulation (EU) No 182/2011.

Lastly, Members introduced a new Recital stressing that the Regulation needs to be in line with the general provisions of Article 208 of the TFEU as well as with the general objectives of sustainable economic development, decent working conditions and poverty eradication in Bangladesh.

Imports of rice originating from Bangladesh: aligning the Regulation with the TFEU; Commission delegated and implementing powers

2012/0085(COD) - 10/12/2013 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted **amendments** to the proposal for a regulation of the European Parliament and of the Council on imports of rice originating in Bangladesh.

The matter was referred back to the committee responsible. The vote on the legislative resolution was postponed.

The main amendments adopted by Parliament concerned the following issues:

Right to a decent income: Parliament called for this Regulation to recognises the right of small farmers and rural workers to a decent income and to a safe and healthy working environment and regarded respect for that right as fundamental in relation to achieving the general objectives of granting trade preferences to developing countries and, in particular, to least developed countries.

In this regard, Members introduced a recital stressing that this Regulation must be consistent with the **objectives of the Union policy in the field of development cooperation as set out in Article 208 of the Treaty**, in particular the eradication of poverty and the promotion of sustainable development and good governance in the developing countries.

Respect for ILO Conventions: only rice that is produced, harvested and processed in accordance with the International Labour Organisation Conventions and in particular with Conventions on: (i) Forced Labour, (ii) Freedom of Association and Protection of the Right to Organise, (iii) the Right to Organise and Collective Bargaining, (iv) Equal Remuneration, (v) Abolition of Forced Labour, (vi) Discrimination, (vii) and on the Worst Forms of Child Labour, should be covered under this Regulation.

Export tax: in the Commission proposal, explicit reference is made to an export tax of an amount corresponding to the reduction of the import duty which should be collected by the exporting country as an export requirement to the EU. Members stated that this is a decision to be made by the political legislators in Bangladesh and not by the European institutions.

Therefore, they deleted the references and provisions to this effect.

Suspension of the preferential import arrangement: the Commission should adopt an implementing act suspending the application of the preferential import arrangement once it ascertains that, during the year in progress, imports qualifying under the said arrangement have reached the quantity indicated in the Regulation. That implementing act should be adopted without applying the Committee procedure.

Delegated acts: Parliament suggested limiting the empowerment of delegated acts on the Commission to a period of **five years** that may be tacitly extended for periods of an identical duration.

The delay to formulate an objection to the delegated act should be **four months** as opposed to two as suggested by the Commission.

Committee procedure: Parliament suggested including in the Regulation a provision on the Committee procedure. The Committee should be assisted by the Committee for the Common Organisation of the Agricultural Markets. This Committee should be a committee within the meaning of Regulation (EU) No 182/2011.

Imports of rice originating from Bangladesh: aligning the Regulation with the TFEU; Commission delegated and implementing powers

2012/0085(COD) - 02/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 599 votes to 23, with 9 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on imports of rice originating in Bangladesh.

The vote on the legislative resolution was postponed and the report was referred back to the committee at the 10 December 2013 plenary session.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Right to a decent income: it is suggested that this Regulation should be based on the recognition of the right of small farmers and rural workers to a decent income and to a safe and healthy working environment as a fundamental objective of trade preferences that are granted to developing countries and the least-developed countries in particular.

In this respect, a new recital has been introduced stressing that this Regulation should be consistent with the objectives of the Union policy in the field of development cooperation as set out in **Article 208 TFEU**, in particular the eradication of poverty and the promotion of sustainable development and good governance in developing countries.

Scope: this Regulation should establish a preferential import arrangement for **imports of rice originating in Bangladesh** within the limit of **4 000 tonnes** of husked rice per calendar year.

The Commission should adopt an implementing act suspending the application of the preferential import arrangement for imports of rice originating in Bangladesh once it ascertains that, during the year in progress, imports qualifying under the said arrangement have reached the quantity indicated, pursuant to the committee procedure under this Regulation.

Delegated powers: in order to ensure the reliability and the efficiency of the preferential import arrangement, the Commission should be empowered to adopt delegated acts laying down rules making the participation in the preferential import arrangement established in Article 1 conditional upon the lodging of a security.

The power to adopt delegated acts should be conferred on the Commission for a period of **five years**. The Commission should draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power should be tacitly extended for periods of an identical duration, **unless the European Parliament** or the Council opposes such extension not later than three months before the end of each period.

Committee procedure: a provision on the committee procedure has been introduced. The Commission should be assisted by Committee for the Common Organisation of the Agricultural Markets. That Committee should be a committee within the meaning of Regulation (EU) No 182/2011.

Commission statement on delegated acts: in a unilateral statement, the Commission recalled its commitment to provide the Parliament with full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

Imports of rice originating from Bangladesh: aligning the Regulation with the TFEU; Commission delegated and implementing powers

2012/0085(COD) - 16/04/2014 - Final act

PURPOSE: to align Council Regulation (EEC) No 3491/90 on imports of rice originating in Bangladesh with the differentiation between delegated and implementing powers of the Commission introduced by Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).

LEGISLATIVE ACT: Regulation (EU) No 539/2014 of the European Parliament and of the Council on imports of rice originating in Bangladesh and repealing Council Regulation (EEC) No 3491/90.

CONTENT: the Regulation adapts the provisions on preferential imports of rice originating in Bangladesh to new requirements introduced by the Lisbon Treaty. It identifies the delegated and implementing powers of the Commission in Council Regulation (EEC) No 3491/90 and establish the corresponding procedure for adoption of these acts

Preferential import arrangements: this Regulation establishes a preferential import arrangement for **imports of rice originating in Bangladesh** falling within CN codes 1006 10 (excluding CN code 1006 10 10), 1006 20 and 1006 30. The preferential import arrangement shall be limited to a quantity equivalent to **4 000 tonnes of husked rice per calendar year**.

The Commission shall adopt an implementing act suspending the application of the preferential import arrangement once it ascertains that, during the year in progress, imports qualifying under the said arrangement have reached the quantity indicated in the Regulation. That implementing act shall be adopted without applying the examination procedure.

In order to ensure the reliability and the efficiency of the preferential import arrangement, the Commission shall be empowered to adopt **delegated acts** laying down rules making the participation in the preferential import arrangement established in Article 1 conditional upon the lodging of a security.

Implementing powers: the Commission shall adopt implementing acts determining the necessary measures in respect of: (a)

- the administrative method to be used for the management of the preferential import arrangement;
- the means for determining the origin of the product covered by the preferential import arrangement;
- the form and period of validity of the certificate of origin referred to in Article 2(2);
- the period of validity of the import licences, where appropriate;
- the amount of the security required to be lodge;
- the notifications to be made to the Commission by Member States.

Right of small farmers and rural workers to a decent income: a recital stipulates that this Regulation is also based on the recognition of the right of small farmers and rural workers to a decent income and to a safe and healthy working environment as a fundamental objective of trade preferences that are granted to developing countries and the least-developed countries in particular.

In this context, the ratification and effective implementation of core international conventions on human rights and labour rights, environmental protection and good governance are essential to support progress towards sustainable development in this country.

Repeal: Regulation (EEC) No 3491/90 is repealed.

ENTRY INTO FORCE: 28.05.2014.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts in respect of the establishment of rules making participation in the arrangement conditional upon the lodging of a security. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years from 28 May 2014**.

The European Parliament or the Council may raise objections with regard to a delegated act within two months of the date of notification (which may be extended by two months). If Parliament or Council raise objections, the delegated act will not enter into force.

Imports of rice originating from Bangladesh: aligning the Regulation with the TFEU; Commission delegated and implementing powers

2012/0085(COD) - 16/04/2012 - Legislative proposal

PURPOSE: to align Council Regulation (EEC) No 3491/90 on imports of rice originating in Bangladesh with the differentiation between delegated and implementing powers of the Commission introduced by Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).

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

IMPACT ASSESSMENT: there is no need for an impact assessment since the proposal to align Council Regulation (EEC) No 3491/90 to the Lisbon Treaty is an inter-institutional matter that will concern all Council Regulations.

LEGAL BASIS: Article 207 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal is limited to adapting the provisions on preferential imports of rice originating in Bangladesh to new requirements introduced by the Lisbon Treaty.

It aims to identify the delegated and implementing powers of the Commission in Council Regulation (EEC) No 3491/90 and establish the corresponding procedure for adoption of these acts.

In order to ensure the reliability and the efficiency of the preferential import arrangement, the Commission will have the power to adopt **delegated acts** to establish rules making the participation in the arrangement conditional upon the lodging of a security.

The Commission shall, by means of **implementing acts**, adopt the necessary measures concerning:

- the administrative method to be used for the management of the preferential import arrangement;
- the means for determining the origin of the product covered by the preferential import arrangement;
- the form and period of validity of the certificate of origin referred to in the Regulation;
- the nature of the proofs required to establish that the export tax referred to in the Regulation has been paid ;
- the period of validity of the import licences, where appropriate;
- the amount of the security required to be lodged in accordance with the Regulation;
- the notifications to be made to the Commission by Member States.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.