Basic information

2014/0174(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Exercise of the Union's rights under international trade rules. Codification Repealing Regulation (EC) No 3286/94 1994/0233(CNS) **Subject** 6.20 Common commercial policy in general 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs	MAŠTÁLKA Jiří (GUE/NGL)	27/04/2015
		Shadow rapporteur GERINGER DE OEDENBERG Lidia Joanna (S&D)	
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Legal Service	JUNCKER Jean-Claude	

Key events

Date	Event	Reference	Summary
10/06/2014	Initial legislative proposal published	COM(2014)0341	Summary
15/09/2014	Committee referral announced in Parliament, 1st reading		
03/03/2015	Legislative proposal published	COM(2015)0049	Summary
16/06/2015	Vote in committee, 1st reading		
22/06/2015	Committee report tabled for plenary, 1st reading	A8-0203/2015	Summary
07/07/2015	Decision by Parliament, 1st reading	T8-0240/2015	Summary
07/07/2015	Results of vote in Parliament		

13/07/2015	Act adopted by Council after Parliament's 1st reading		
06/10/2015	Act adopted by Council after Parliament's 1st reading		
06/10/2015	Final act signed		
06/10/2015	End of procedure in Parliament		
16/10/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0174(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Codification
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 3286/94 1994/0233(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/00569

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE541.416	27/04/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0203/2015	22/06/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0240/2015	07/07/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00015/2015/LEX	07/10/2015	

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2014)0341	10/06/2014	Summary
Legislative proposal	COM(2015)0049	03/03/2015	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES6122/2014	10/12/2014	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2015/1843 OJ L 272 16.10.2015, p. 0001	Summary

Exercise of the Union’s rights under international trade rules. Codification

2014/0174(COD) - 10/06/2014

PURPOSE: codification of Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (WTO).

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

CONTENT: in the interests of clarity and rationality, the purpose of this proposal is to **undertake a codification of Council Regulation (EC) No 3286/94** laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization.

Council Regulation (EC) No 3286/946 has been substantially amended several times. It is recalled that on 1 April 1987, the Commission decided to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement. The Edinburgh European Council (December 1992) confirmed this requirement, stressing the importance of codification.

The European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

The new Regulation will supersede the various acts incorporated in it; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

Exercise of the Union’s rights under international trade rules. Codification

2014/0174(COD) - 07/07/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 633 votes to 58, with 14 abstentions, a legislative resolution on the amended proposal for a regulation of the European Parliament and of the Council laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union’s rights under international trade rules, in particular those established under the auspices of the World Trade Organization (codified text).

Parliament adopted its position at first reading taking over the Commission proposal.

The Consultative Working Party of the legal services of the European Parliament, the Council and the Commission concluded that the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

The codification of Council Regulation (EC) No 3286/94 lays down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (WTO) which, subject to compliance with existing international obligations and procedures, aim to:

- respond to obstacles to trade that have an effect on the market of the Union, with a view to removing the injury resulting therefrom;
- respond to obstacles to trade that have an effect on the market of a third country, with a view to removing the adverse trade effects resulting therefrom.

The Union procedures rules should be based on a legal mechanism under Union law which is fully transparent, and ensures that the decision to invoke the Union's rights under international trade rules is taken on the basis of accurate factual information and legal analysis.

Such a mechanism should aim to provide procedural means for requesting that the Union institutions react to obstacles to trade that are adopted or maintained by third countries and which cause injury or otherwise adverse trade effects, provided that a right of action exists, in respect of such obstacles, under applicable international trade rules.

In acting pursuant to this Regulation, the Union has to bear in mind the need for rapid and effective action through the application of the decision-making procedures provided for in this Regulation. It is incumbent on the Commission to act in respect of obstacles to trade that are adopted or maintained by third countries, within the framework of the Union's international rights and obligations, only when the interests of the Union call for intervention. When assessing such interests, the Commission should give due consideration to the views of all interested parties in the proceedings.

The European Parliament and the Council should be kept informed of the developments under this Regulation, in order to enable them to consider their broader policy implications.

Exercise of the Union's rights under international trade rules. Codification

2014/0174(COD) - 06/10/2015 - Final act

PURPOSE: to lay down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules (codification of Council Regulation (EC) No 3286/94).

LEGISLATIVE ACT: Regulation (EU) 2015/1843 of the European Parliament and of the Council laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (codification).

CONTENT: this Regulation codifies and repeals Council Regulation (EC) No 3286/94 which has been substantially amended several times. It lays down **Community procedures in the field of the common commercial policy** in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (WTO) which aim to:

- **respond to obstacles to trade that have an effect on the market of the Union**, with a view to removing the injury resulting therefrom;
- **respond to obstacles to trade that have an effect on the market of a third country**, with a view to removing the adverse trade effects resulting therefrom.

The procedures shall be applied in particular to the initiation and subsequent conduct and termination of international dispute settlement procedures in the area of common commercial policy.

The Regulation:

- stipulates that any commercial policy measures may be taken which are compatible with existing international obligations and procedures, notably:
    i. suspension or withdrawal of any concession resulting from commercial policy negotiations;
    ii. the raising of existing customs duties or the introduction of any other charge on imports;
    iii. the introduction of quantitative restrictions or any other measures modifying import or export conditions or otherwise affecting trade with the third country concerned.
- establish rules of procedure to be followed during the examination procedure provided for in this Regulation should also be laid down, in particular as regards the rights and obligations of the Union authorities and the parties involved, and the conditions under which interested parties may have access to information and may ask to be informed of the essential facts and considerations resulting from the examination procedure;
- stipulates that Commission should act in respect of obstacles to trade that are adopted or maintained by third countries, within the framework of the Union's international rights and obligations, only when the interests of the Union call for intervention. When assessing such interests, the Commission should give due consideration to the views of all interested parties in the proceedings.

The European Parliament and the Council should be kept informed of the developments under this Regulation, in order to enable them to consider their broader policy implications.

ENTRY INTO FORCE: 5.11.2015.

Exercise of the Union's rights under international trade rules. Codification

2014/0174(COD) - 10/06/2014 - Initial legislative proposal

PURPOSE: codification of Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (WTO).

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

CONTENT: in the interests of clarity and rationality, the purpose of this proposal is to **undertake a codification of Council Regulation (EC) No 3286/94** laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization.

Council Regulation (EC) No 3286/946 has been substantially amended several times. It is recalled that on 1 April 1987, the Commission decided to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement. The Edinburgh European Council (December 1992) confirmed this requirement, stressing the importance of codification.

The European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

The new Regulation will supersede the various acts incorporated in it; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

Exercise of the Union’s rights under international trade rules. Codification

2014/0174(COD) - 03/03/2015 - Legislative proposal

The Commission has proposed to **amend its proposal to codify Council Regulation (EC) No 3286/94**, having regard to the amendments which have been made since its initial proposal dated from 10 June 2014.

As regards **decision-making procedures**, the proposal states that where the Union, as a result of a complaint on behalf of the Union industry or a complaint on behalf of Union enterprises or a request by a Member States, follows formal international consultation or dispute settlement procedures, decisions relating to the initiation, conduct or termination of such procedures shall be taken by the Commission.

The Commission shall inform the Member States where it decides to initiate, conduct or terminate formal international consultations or dispute settlement procedures.

Compared to the initial proposal, the **changes made** now stipulate that where the Union, having acted in accordance with Article 13(2), has to take a decision on the measures of commercial policy to be adopted pursuant to the third subparagraph of Article 12(2) or pursuant to Article 13, it shall act, without delay, in accordance with Article 207 of the Treaty and, as appropriate, Regulation (EU) No 654/2014 of the European Parliament and of the Council or any other applicable procedures.

Exercise of the Union’s rights under international trade rules. Codification

2014/0174(COD) - 03/03/2015

The Commission has proposed to **amend its proposal to codify Council Regulation (EC) No 3286/94**, having regard to the amendments which have been made since its initial proposal dated from 10 June 2014.

As regards **decision-making procedures**, the proposal states that where the Union, as a result of a complaint on behalf of the Union industry or a complaint on behalf of Union enterprises or a request by a Member States, follows formal international consultation or dispute settlement procedures, decisions relating to the initiation, conduct or termination of such procedures shall be taken by the Commission.

The Commission shall inform the Member States where it decides to initiate, conduct or terminate formal international consultations or dispute settlement procedures.

Compared to the initial proposal, the **changes made** now stipulate that where the Union, having acted in accordance with Article 13(2), has to take a decision on the measures of commercial policy to be adopted pursuant to the third subparagraph of Article 12(2) or pursuant to Article 13, it shall act, without delay, in accordance with Article 207 of the Treaty and, as appropriate, Regulation (EU) No 654/2014 of the European Parliament and of the Council or any other applicable procedures.

Exercise of the Union’s rights under international trade rules. Codification

2014/0174(COD) - 22/06/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Jiří MAŠTÁLKA (GUE/NGL, CZ) on the amended proposal for a regulation of the European Parliament and of the Council laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union' s rights under international trade rules, in particular those established under the auspices of the World Trade Organization (codified text).

The committee recommended the European Parliament to adopt its position at first reading taking over the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

According to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance.