



**COUNCIL OF  
THE EUROPEAN UNION**

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**INFORMATION NOTE**

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from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures - Outcome of the European Parliament's first reading (Strasbourg, 12 to 15 March 2012)

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**I. INTRODUCTION**

The Rapporteur, Mrs Godelieve QUISTHOUDT-ROWOHL (EPP - DE), presented a report consisting of 318 amendments (amendments 1-318) to the proposal for a Regulation, on behalf of the Committee on International Trade.

Twelve further amendments were tabled by the EPP and S&D political groups (amendments 319 - 330).

## II. DEBATE

The Rapporteur opened the debate, which took place on 13 March 2012, and:

- noted that the aim of the so-called "Omnibus I" proposal is to bring the European common commercial policy in line with the Treaty on the Functioning of the European Union, in particular with Article 290 and Article 291.
- stressed that, with the entry into force of the Treaty of Lisbon, the European Parliament has received a right to be heard that no national parliament in Europe enjoys.
- pointed out that the "common understanding" between the European Parliament, the Council and the Commission regarding the use of delegated acts was not taken into account when the Commission drafted the proposal, but should nevertheless be applied.
- spoke in favour of an obligation on the Commission to inform Member States regarding the adoption of trade-policy safeguard measures, even if a formal consultation is no longer required.
- confirmed, for the vast majority of cases, the use of the examination procedure, but called for the advisory procedure in cases where a quick and effective response from the Commission is needed.
- noted that the time limits in anti-dumping and anti-subsidy procedures should not be extended to the maximum length permitted under the WTO rules, but should instead be shortened.
- stressed that a reporting obligation on the Commission towards the European Parliament and the public should be incorporated.
- noted, in summing up, that the following day's plenary would be asked to vote on the amendments and also on the legislative resolution. This would serve as a "backup" and mandate for the negotiations in the trilogues. The Rapporteur expected that the negotiations would be concluded quickly, as the European Parliament is flexible and ready to compromise.

Commissioner Dacian CIOLOS

- thanked the European Parliament, in particular the Rapporteur and the chair of the Committee on International Trade, for their work on this file, and their constructive approach.
- expressed his hope that the work on the dossier could be concluded quickly and successfully.

- noted that the Commission can accept the amendments referring to the consultation procedure for preparatory measures and the introduction of delegated acts in the regulation on transitional safeguard mechanism for imports from China.
- pointed out that the Commission can support the ideas regarding the time limits in the anti-dumping regulation, but there is a need to continue the discussions on these questions, as there are still practical and legal problems to be solved.

Speaking on behalf of the EPP political group, Mr Daniel CASPARY (EPP – DE):

- stressed the importance and the power of the European Parliament in the area of the common commercial policy after the entry into force of the Treaty of Lisbon.
- thanked the Rapporteur for her in-depth work on this very technical dossier and the proposed changes in the time limits in the area of anti-dumping and anti-subsidy procedures.
- appealed to the MEPs to take their role seriously and to make sure the responsibilities which are given to the European Parliament can be met and that the Parliament exercises its controlling functions.

Speaking on behalf of the S&D political group, Mr Vital MOREIRA (S&D – PT):

- thanked the Rapporteur for her work and the compromises found.
- stressed the role of the European Parliament in the common commercial policy, and the importance of the policy.
- noted that the European Parliament has to have full control of all the legislative output of the Union, and therefore delegated acts should be used when the Commission amends or complements legislative acts.
- pointed out that, regarding implementing provisions, the Member States cannot have a veto as a general rule, since common commercial policy falls within the exclusive competence of the Union.

Speaking on behalf of the ALDE political group, Ms Silvana KOCH-MEHRIN (ALDE – DE):

- stressed that in the area of the common commercial policy things have changed dramatically since the entry into force of the Treaty of Lisbon.

- noted that the Omnibus I proposal is a very technical dossier, but the implications for the common commercial policy are immense and far-reaching, such as the question of time limits in the area of anti-dumping and anti-subsidy procedures.
- thanked the Rapporteur for her excellent work and expressed the hope that the negotiations can be concluded successfully very soon.

### **III. VOTE**

When the European Parliament voted on 14 March 2012, the plenary adopted the amendments the text of which is annexed to this note. The vote on the legislative resolution took place at the same time, the text is set out in the annex to this note.

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## Common commercial policy \*\*\*I

**European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures (COM(2011)0082 – C7-0069/2011 – 2011/0039(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0082),
  - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0069/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade (A7-0028/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### Amendment 1

**Proposal for a regulation – amending act**  
**Recital 3 – indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***- Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>1</sup>,***

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<sup>1</sup> *OJ L 318, 20.12.1993, p. 18.*

## Amendment 2

### Proposal for a regulation – amending act Recital 3 – indent 12 a (new)

*Text proposed by the Commission*

*Amendment*

**- Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment<sup>1</sup>,**

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<sup>1</sup>OJ L 200, 30.7.2005, p.1.

## Amendment 3

### Proposal for a regulation – amending act Recital 3 – indent 23

*Text proposed by the Commission*

*Amendment*

**- Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process,**

**deleted**

## Amendment 4

### Proposal for a regulation – amending act Article 2 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**Throughout the Regulations listed in the Annex, any reference to 'European Community', 'Community', 'European Communities' or 'Communities' shall be understood as a reference to the European Union or Union; any reference to the words 'common market' shall be understood as a reference to 'internal market'; any reference to the words 'Committee provided for in Article 113', 'Committee provided for in Article 133', 'Committee referred to in Article 113' and**

*'Committee referred to in Article 133' shall be understood as a reference to 'Committee provided for in Article 207'; any reference to the words 'Article 113 of the Treaty' or 'Article 133 of the Treaty' shall be understood as a reference to 'Article 207 of the Treaty'.*

## **Amendment 5**

### **Proposal for a regulation – amending act**

#### **Annex – section 1 – point -1 (new)**

Regulation (EEC) No 2841/72

Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***-1. The following Recital 3a is inserted:***

***"Whereas the implementation of the safeguard clauses of the bilateral Agreement requires uniform conditions for the adoption of provisional and definitive safeguard measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>;***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 6**

### **Proposal for a regulation – amending act**

#### **Annex – section 1– point -1 a (new)**

Regulation (EEC) No 2841/72

Recital 3 b (new)

*Text proposed by the Commission*

*Amendment*

***-1a. The following Recital 3b is inserted:***

***"Whereas it is appropriate that the advisory procedure be used for the adoption of provisional measures given***

*the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

## **Amendment 7**

### **Proposal for a regulation – amending act**

#### **Annex – section 1 – point 3**

Regulation (EEC) No 2841/72

Article 4 – paragraph 1

#### *Text proposed by the Commission*

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the procedure referred to in **Article 7(2)**. In cases of urgency, Article 7(3) shall apply.

#### *Amendment*

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the **advisory** procedure referred to in **Article 7(1a)**. In cases of urgency, Article 7(3) shall apply.

## **Amendment 8**

### **Proposal for a regulation – amending act**

#### **Annex – section 1 – point 3 a (new)**

Regulation (EEC) No 2841/72

Article 5

#### *Text proposed by the Commission*

#### *Amendment*

**3a. Article 5 is deleted.**

## **Amendment 9**

### **Proposal for a regulation – amending act**

#### **Annex – section 1 – point 4**

Regulation (EEC) No 2841/72

Article 7 – paragraph 1 a (new)



*Text proposed by the Commission*

*Amendment*

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

## **Amendment 10**

**Proposal for a regulation – amending act**

**Annex – section 1 – point 4**

Regulation (EEC) No 2841/72

Article 7 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No ~~[xxxxx/2011]~~ shall apply in conjunction with **Article [5]** thereof.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with **Article 4** thereof.

## **Amendment 11**

**Proposal for a regulation – amending act**

**Annex – section 1 – point 4**

Regulation (EEC) No 2841/72

Article 7 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

## **Amendment 12**

**Proposal for a regulation – amending act**

**Annex – section 1 – point 4 a (new)**

Regulation (EEC) No 2841/72

Article 7 a (new)

**4a. The following article is added:**

**"Article 7a**

**Report**

**1. The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.**

**2. The report shall also present a summary of the statistics and the evolution of trade with the Swiss Confederation.**

**3. The report shall include information on the implementation of this Regulation.**

**4. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.**

**5. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

### **Amendment 13**

**Proposal for a regulation – amending act**

**Annex – section 2 – point -1 (new)**

Regulation (EEC) No 2843/72

Recital 3 a (new)

**-1. The following Recital 3a is inserted:**

**"Whereas the implementation of the safeguard clauses of the bilateral**

*Agreement requires uniform conditions for the adoption of provisional and definitive safeguard measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>;*

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 14**

**Proposal for a regulation – amending act**

**Annex – section 2 – point -1 a (new)**

Regulation (EEC) No 2843/72

Recital 3 b (new)

*Text proposed by the Commission*

*Amendment*

**-1a. The following Recital 3b is inserted:**

***"Whereas it is appropriate that the advisory procedure be used for the adoption of provisional measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"***

## **Amendment 15**

**Proposal for a regulation – amending act**

**Annex – section 2 – point 3**

Regulation (EEC) No 2843/72

Article 4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Where exceptional circumstances

1. Where exceptional circumstances

require immediate action in the situations referred to in Articles 25, 25a and 27 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 28(3)(e) of the Agreement may be adopted by the Commission in accordance with the procedure referred to in **Article 7(2)**. In cases of urgency, Article 7(3) shall apply.

require immediate action in the situations referred to in Articles 25, 25a and 27 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 28(3)(e) of the Agreement may be adopted by the Commission in accordance with the **advisory** procedure referred to in **Article 7(1a)**. In cases of urgency, Article 7(3) shall apply.

## **Amendment 16**

**Proposal for a regulation – amending act**  
**Annex – section 2 – point 3 a (new)**  
Regulation (EEC) No 2843/72  
Article 5

*Text proposed by the Commission*

*Amendment*

**3a. Article 5 is deleted.**

## **Amendment 17**

**Proposal for a regulation – amending act**  
**Annex – section 2 – point 4**  
Regulation (EEC) No 2843/72  
Article 7 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**

## **Amendment 18**

**Proposal for a regulation – amending act**  
**Annex – section 2 – point 4**  
Regulation (EEC) No 2843/72  
Article 7 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with **Article [5]** thereof.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with **Article 4** thereof.

## **Amendment 19**

### **Proposal for a regulation – amending act**

#### **Annex – section 2 – point 4**

Regulation (EEC) No 2843/72

Article 7 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

## **Amendment 20**

### **Proposal for a regulation – amending act**

#### **Annex – section 2 – point 4 a (new)**

Regulation (EEC) No 2843/72

Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The following article is added:***

***"Article 7a***

***Report***

***1. The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.***

***2. The report shall also present a summary of the statistics and the evolution of trade with the Republic of Iceland.***

***3. The report shall include information on the implementation of this Regulation.***

***4. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.***

***5. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."***

## **Amendment 21**

**Proposal for a regulation – amending act**

**Annex – section 3 – point -1 (new)**

Regulation (EEC) No 1692/73

Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***-1. The following Recital 3a is inserted:***

***"Whereas the implementation of the safeguard clauses of the bilateral Agreement requires uniform conditions for the adoption of provisional and definitive safeguard measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>;***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 22**

**Proposal for a regulation – amending act**

**Annex – section 3 – point -1 a (new)**

Regulation (EEC) No 1692/73

Recital 3 b (new)

**-1a. The following Recital 3b is inserted:**

**"Whereas it is appropriate that the advisory procedure be used for the adoption of provisional measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"**

### **Amendment 23**

**Proposal for a regulation – amending act**

**Annex – section 3 – point 3**

Regulation (EEC) No 1692/73

Article 4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the procedure referred to in **Article 7(2)**. In cases of urgency, Article 7(3) shall apply.

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the **advisory** procedure referred to in **Article 7(1a)**. In cases of urgency, Article 7(3) shall apply.

### **Amendment 24**

**Proposal for a regulation – amending act**

**Annex – section 3 – point 3 a (new)**

Regulation (EEC) No 1692/73

Article 5

*Text proposed by the Commission*

*Amendment*

**3a. Article 5 is deleted.**

## Amendment 25

### Proposal for a regulation – amending act

#### Annex – section 3 – point 4

Regulation (EEC) No 1692/73

Article 7 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

## Amendment 26

### Proposal for a regulation – amending act

#### Annex – section 3 – point 4

Regulation (EEC) No 1692/73

Article 7 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with **Article [5]** thereof.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with **Article 4** thereof.

## Amendment 27

### Proposal for a regulation – amending act

#### Annex – section 3 – point 4

Regulation (EEC) No 1692/73

Article 7 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***



## Amendment 28

### Proposal for a regulation – amending act

#### Annex – section 3 – point 4 a (new)

Regulation (EEC) No 1692/73

Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. The following article is added:**

**"Article 7a**

**Report**

**1. The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.**

**2. The report shall also present a summary of the statistics and the evolution of trade with the Kingdom of Norway.**

**3. The report shall include information on the implementation of this Regulation.**

**4. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.**

**5. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

## Amendment 29

**Proposal for a regulation – amending act**  
**Annex – section 3 a – title (new)**

*Text proposed by the Commission*

*Amendment*

**3a. COUNCIL REGULATION (EC) NO  
3448/93 OF 6 DECEMBER 1993  
LAYING DOWN THE TRADE  
ARRANGEMENTS APPLICABLE TO  
CERTAIN GOODS RESULTING FROM  
THE PROCESSING OF  
AGRICULTURAL PRODUCTS**

## Amendment 30

**Proposal for a regulation – amending act**  
**Annex – section 3 a – introductory part (new)**

*Text proposed by the Commission*

*Amendment*

*As regards Regulation (EC) No 3448/93, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty for the purpose of adopting detailed rules, and amending the Annex to that Regulation. Moreover, the Commission should be empowered to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.*

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<sup>1</sup>OJ L 55, 28.2.2011, p. 13.

## Amendment 31

**Proposal for a regulation – amending act**  
**Annex – section 3 a – point 1 (new)**  
Regulation (EC) No 3448/93  
Recital 17 a (new)

**1. The following Recital 17a is inserted:**

***"Whereas, in order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adopting detailed rules for applying paragraphs 1 to 3 of Article 6 pursuant to Article 6(4), adopting detailed rules for determining and managing reduced agricultural components pursuant to Article 7(2), and amending Table 2 of Annex B. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council."***

**Amendment 32**

**Proposal for a regulation – amending act**  
**Annex – section 3 a – point 2 (new)**  
Regulation (EC) No 3448/93  
Recital 18

**2. Recital 18 is replaced by the following:**

***"Whereas the implementation of this Regulation requires uniform conditions for the adoption of various measures and adopting detailed rules for communication between the Commission and Member States. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles***

*concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.*

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

### **Amendment 33**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 3 (new)**

Regulation (EC) No 3448/93

Article 2 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***3. In Article 2, paragraph 4 is replaced by the following:***

***"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for application of this Regulation."***

### **Amendment 34**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 4 (new)**

Regulation (EC) No 3448/93

Article 6 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***4. In Article 6(4), the first subparagraph is replaced by the following:***

***"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for applying this Article."***

### **Amendment 35**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 5 (new)**

Regulation (EC) No 3448/93

Article 7 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

**5. In Article 7(2), the introductory part is replaced by the following:**

**"2. Where a preferential agreement provides for a reduction in the agricultural component, whether or not within the limits of a tariff quota, the Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for determining and managing such reduced agricultural components [...], provided the agreement specifies:"**

### **Amendment 36**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 6 (new)**

Regulation (EC) No 3448/93

Article 7 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**6. In Article 7, paragraph 3 is replaced by the following:**

**"3. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules necessary for initiating and managing reductions in the non-agricultural components of the charge [...]."**

### **Amendment 37**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 7 (new)**

Regulation (EC) No 3448/93

Article 8

*Text proposed by the Commission*

*Amendment*

**7. Article 8 is amended as follows:**

**(a) Paragraph 3 is replaced by the following:**

**"3. The common implementing rules for the refund arrangements referred to in this Article shall be adopted in accordance with the *examination* procedure referred to in Article 16(2)."**

***(b) In paragraph 4, subparagraph 2 is replaced by the following:***

**"These amounts shall be established in accordance with the *examination* procedure referred to in Article 16(2). The implementing rules which may be necessary pursuant to this paragraph, and in particular measures to ensure that goods declared for export under a preferential arrangement are not in fact exported under a non-preferential arrangement or vice versa, shall be adopted by the same procedure."**

***(c) Paragraph 6 is replaced by the following:***

**"6. The amount below which small exporters may be exempted from presentation of certificates under the export refund arrangements shall be set at EUR 50 000 per year. This ceiling may be adjusted, in accordance with the *examination* procedure referred to in Article 16(2)."**

## **Amendment 38**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 8 (new)**

Regulation (EC) No 3448/93

Article 9

*Text proposed by the Commission*

*Amendment*

***8. Article 9 is replaced by the following:***

**"Article 9**

**Where, pursuant to a regulation on the common organisation of a particular market, levies, charges or other measures are applied to exports of an agricultural product listed in Annex A, appropriate measures with regard to certain goods the export of which is**

likely to hinder achievement of the objective in the agricultural sector in question, because of their high content of the agricultural product concerned and the uses to which they may be put, may be decided, in accordance with the examination procedure referred to in Article 16(2), taking due account of the specific interest of the processing industry. *In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to Article 16(3).*"

### **Amendment 39**

**Proposal for a regulation – amending act**  
**Annex – section 3 a – point 9 (new)**  
Regulation (EC) No 3448/93  
Article 10a – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

**9. In Article 10a(4), the first subparagraph is replaced by the following:**

**"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed implementing rules [...]."**

### **Amendment 40**

**Proposal for a regulation – amending act**  
**Annex – section 3 a – point 10 (new)**  
Regulation (EC) No 3448/93  
Article 11 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

**10. In Article 11(1), the third subparagraph is replaced by the following:**

**"The detailed rules for the application of the second subparagraph, making it possible to determine the basic products to be admitted under inward processing**

arrangements and check and plan the quantities thereof, shall guarantee greater clarity for operators through prior publication of indicative import quantities for each individual COM. These shall be published on a regular basis, depending on the use of such quantities. *The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed application rules [...].*"

#### **Amendment 41**

##### **Proposal for a regulation – amending act**

##### **Annex – section 3 a – point 11 (new)**

Regulation (EC) No 3448/93

Article 12 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**11. In Article 12, paragraph 2 is replaced by the following:**

**"2. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b to amend Table 2 of Annex B in order to adapt it to the agreements concluded by the Union."**

#### **Amendment 42**

##### **Proposal for a regulation – amending act**

##### **Annex – section 3 a – point 12 (new)**

Regulation (EC) No 3448/93

Article 13 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

**12. In Article 13(2), the second subparagraph is replaced by the following:**

**"The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b to amend this Regulation [...]."**



## Amendment 43

### Proposal for a regulation – amending act

#### Annex – section 3 a – point 13 (new)

Regulation (EC) No 3448/93

Article 14

*Text proposed by the Commission*

*Amendment*

*13. Article 14 is replaced by the following:*

**"1. The threshold or thresholds below which the *amounts* established in accordance with Articles 6 and 7 shall be fixed at zero may be laid down in accordance with the *examination* procedure referred to in Article 16(2). In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to Article 16(3). The non-application of these agricultural components may be made subject to special conditions, in accordance with the same procedure, in order to avoid creating artificial trade flows.**

**2. A threshold below which Member States may refrain from applying amounts to be granted or levied pursuant to this Regulation, in connection with a given economic transaction, may be established in accordance with the *examination* procedure referred to in Article 16(2) if the balance of these amounts is lower than the threshold. In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to Article 16(3)."**

## Amendment 44

### Proposal for a regulation – amending act

#### Annex – section 3 a – point 14 (new)

Regulation (EC) No 3448/93

Article 14 a (new)

**14. The following article is inserted:**

**"Article 14a**

***Conferral of powers***

***The Commission shall be empowered to adopt delegated acts in accordance with Article 14b concerning detailed rules for applying Article 4(1) and (2), the adoption of the detailed rules for applying paragraphs 1 to 3 of Article 6 pursuant to Article 6(4), the adoption of the detailed rules for determining and managing reduced agricultural components pursuant to Article 7(2), and to amend Table 2 of Annex B.***"

**Amendment 319**

**Proposal for a regulation**

**Annex – section 3 a – point 15 (new)**

Regulation (EC) No 3448/93

Article 14 b (new)

**15. The following article is inserted:**

**"Article 14b**

***1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***

***2. The delegation of power referred to in Article 7 shall be conferred on the Commission for a period of 5 years. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall 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.***

***3. The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power***

*specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council."*

## **Amendment 320**

### **Proposal for a regulation**

**Annex – section 3 a – point 15 a (new)**

Regulation (EC) No 3448/93

Article 16

*Text proposed by the Commission*

*Amendment*

*15a. Article 16 is replaced by the following:*

*"Article 16*

*1. The Commission shall be assisted by a committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I (hereinafter referred to as 'the Committee').*

*2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

*3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in*

*conjunction with Article 4 thereof.*

*4. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee so request."*

#### **Amendment 46**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 16 (new)**

Regulation (EC) No 3448/93

Article 17

*Text proposed by the Commission*

*Amendment*

***16. Article 17 is deleted.***

#### **Amendment 47**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 17 (new)**

Regulation (EC) No 3448/93

Article 18

*Text proposed by the Commission*

*Amendment*

***17. Article 18 is replaced by the following:***

***"The measures necessary to adapt this Regulation to amendments made to the Regulations on the common organisation of the market in agricultural products in order to maintain the existing arrangements shall be adopted in accordance with the examination procedure referred to in Article 16(2)."***

#### **Amendment 48**

**Proposal for a regulation – amending act**

**Annex – section 3 a – point 18 (new)**

Regulation (EC) No 3448/93

Article 20

*Text proposed by the Commission*

*Amendment*

**18. Article 20 is replaced by the following:**

**"The Member States shall communicate to the Commission the information necessary for implementing this Regulation, on the one hand, on imports, exports and, even where appropriate, production of the goods and, on the other, on the administrative implementing measures adopted. The detailed rules for communication of this information shall be laid down in accordance with the *examination* procedure referred to in Article 16(2)."**

#### **Amendment 49**

**Proposal for a regulation – amending act**

**Annex – section 4 – point -1 (new)**

Regulation (EC) No 3286/94

Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

**-1. The following Recital 4a is inserted:**

**"Whereas, in order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.**

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## Amendment 50

### Proposal for a regulation – amending act

#### Annex – section 4 – point -1 a (new)

Regulation (EC) No 3286/94

Recital 4 b (new)

*Text proposed by the Commission*

*Amendment*

***-1a. The following Recital 4b is inserted:***

***"Whereas it is appropriate that the advisory procedure be used for the suspension of ongoing examination measures given the effects of these measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

## Amendment 51

### Proposal for a regulation – amending act

#### Annex – section 4 – point -1 b (new)

Regulation (EC) No 3286/94

Recital 9

*Text proposed by the Commission*

*Amendment*

***-1b. Recital 9 is replaced by the following:"***

***"Whereas regard should be paid to the institutional and procedural provisions of Article 207 of the Treaty on the Functioning of the European Union; whereas, therefore, the European Parliament and the committee established pursuant to that Article should be kept informed of the development of individual cases, in order to enable them to consider their broader policy implications;"***

## Amendment 52

### Proposal for a regulation – amending act

#### Annex – section 4 – point -1 c (new)

Regulation (EC) No 3286/94

Recital 10

*Text proposed by the Commission*

*Amendment*

***-1c. Recital 10 is replaced by the following:***

***"Whereas, moreover, to the extent that an agreement with a third country appears to be the most appropriate means to resolve a dispute arising from an obstacle to trade, negotiations to this end shall be conducted according to the procedures established in Article 207 of the Treaty, in particular in consultation with the committee established thereby and the European Parliament;"***

## Amendment 53

### Proposal for a regulation – amending act

#### Annex – section 4 – point 3 – point b

Regulation (EC) No 3286/94

Article 7 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) Where reference is made to this paragraph, Article 4 of Regulation EU No 182/2011 shall apply.***

## Amendment 54

### Proposal for a regulation – amending act

#### Annex – section 4 – point 3 – point b

Regulation (EC) No 3286/94

Article 7 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated***

*without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.*

## Amendment 55

### Proposal for a regulation – amending act

#### Annex – section 4 – point 6 – point a

Regulation (EC) No 3286/94

Article 11 – paragraph 1

#### *Text proposed by the Commission*

1. When it is found as a result of the examination procedure that the interests of the Union do not require any action to be taken, the procedure shall be terminated by the Commission acting in accordance with the procedure referred to in Article 7(1)(b).

#### *Amendment*

1. When it is found as a result of the examination procedure that the interests of the Union do not require any action to be taken, the procedure shall be terminated by the Commission acting in accordance with the **examination** procedure referred to in Article 7(1)(b). **The chair may obtain the committee's opinion by means of the written procedure referred to in Article 7(1)(ba).**

## Amendment 56

### Proposal for a regulation – amending act

#### Annex – section 4 – point 6 – point b

Regulation (EC) No 3286/94

Article 11 – paragraph 2 – point a

#### *Text proposed by the Commission*

2. (a) When, after an examination procedure, the third country or countries concerned take(s) measures which are considered satisfactory, and therefore no action by the Union is required, the procedure may be suspended by the Commission acting in accordance with the procedure referred to in **Article 7(1)(b)**.

#### *Amendment*

2. (a) When, after an examination procedure, the third country or countries concerned take(s) measures which are considered satisfactory, and therefore no action by the Union is required, the procedure may be suspended by the Commission acting in accordance with the **advisory** procedure referred to in **Article 7(1)(aa)**.



## Amendment 57

### Proposal for a regulation – amending act

#### Annex – section 4 – point 6 – point c

Regulation (EC) No 3286/94

Article 11 – paragraph 3

#### *Text proposed by the Commission*

3. Where, either after an examination procedure, or at any time before, during and after an international dispute settlement procedure, it appears that the most appropriate means to resolve a dispute arising from an obstacle to trade is the conclusion of an agreement with the third country or countries concerned, which may change the substantive rights of the Union and of the third country or countries concerned, the procedure shall be suspended by the Commission acting in accordance with the procedure referred to in **Article 7(1)(b)**, and negotiations shall be carried out according to the provisions of Article 207 of the Treaty.

#### *Amendment*

3. Where, either after an examination procedure, or at any time before, during and after an international dispute settlement procedure, it appears that the most appropriate means to resolve a dispute arising from an obstacle to trade is the conclusion of an agreement with the third country or countries concerned, which may change the substantive rights of the Union and of the third country or countries concerned, the procedure shall be suspended by the Commission acting in accordance with the **advisory** procedure referred to in **Article 7(1)(aa)**, and negotiations shall be carried out according to the provisions of Article 207 of the Treaty.

## Amendment 58

### Proposal for a regulation – amending act

#### Annex – section 4 – point 7 a (new)

Regulation (EC) No 3286/94

Article 13 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**7a. The following article is inserted:**

**"Article 13a**

**Report**

**The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission and the Trade Barriers Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make**

*the report public."*

## Amendment 59

**Proposal for a regulation – amending act**

**Annex – section 5 – point -1 (new)**

Regulation (EC) No 385/96

Recital 25

*Text proposed by the Commission*

*Amendment*

**-1. Recital 25 is replaced by the following:**

***"(25) Whereas, in order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## Amendment 60

**Proposal for a regulation – amending act**

**Annex – section 5 – point 2 – point a**

Regulation (EC) No 385/96

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

Where measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the procedure referred to in Article 10(2).

Where measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the ***examination*** procedure referred to in Article 10(2). ***The chair may obtain the committee's opinion by means of the written procedure referred to in Article 10(2a).***

## Amendment 61

### Proposal for a regulation – amending act

#### Annex – section 5 – point 5

Regulation (EC) No 385/96

Article 10 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

## Amendment 62

### Proposal for a regulation – amending act

#### Annex – section 5 – point 7 a (new)

Regulation (EC) No 385/96

Article 14 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. The following article shall be inserted:***

***"Article 14a***

***Report***

***The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission and the Injurious Pricing of Vessels Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."***

## Amendment 63

### Proposal for a regulation – amending act

#### Annex – section 6 – point -1 (new)

Regulation (EC) No 2271/96

Recital 9

**-1. Recital 9 is replaced by the following:**

***"Whereas the implementation of this Regulation requires uniform conditions for establishing criteria for the authorisation of persons to comply fully or partially, to the extent that non-compliance would seriously damage their interests or those of the Union, with any requirement or prohibition, including requests of foreign courts. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>;***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

#### **Amendment 64**

**Proposal for a regulation – amending act**

**Annex – section 6 – point -1 a (new)**

Regulation (EC) No 2271/96

Recital 9 a (new)

**-1a. The following Recital 9a is inserted:**

***"Whereas, in order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adding or deleting laws to or from the Annex to this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should***

*ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council."*

## Amendment 65

### Proposal for a regulation – amending act

#### Annex – section 6 – point 2

Regulation (EC) No 2271/96

Article 8 – paragraph 1

#### *Text proposed by the Commission*

1. For the purposes of the implementation of Article 7(b) and (c), the Commission shall be assisted by the Committee on Extra-territorial Legislation. **That** Committee shall be a Committee within the meaning of Regulation (EU) No [.../2011].

#### *Amendment*

1. For the purposes of the implementation of Article 7(b) and (c), the Commission shall be assisted by the Committee on Extra-territorial Legislation. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in paragraph 2 of this Article. The** Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.

## Amendment 66

### Proposal for a regulation – amending act

#### Annex – section 6 – point 2

Regulation (EC) No 2271/96

Article 8 – paragraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.**

## Amendment 67

### Proposal for a regulation – amending act

#### Annex – section 6 – point 3

Regulation (EC) No 2271/96

Article 11a

*Text proposed by the Commission*

**1. The powers to adopt *the* delegated acts referred to in Article 1 shall be conferred on the Commission for an indeterminate period of time.**

**2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.**

**3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 11b and 11c.**

*Amendment*

**The Commission shall be empowered to adopt delegated acts *in accordance with* Article 1 concerning the addition or deletion of laws to or from the Annex to this Regulation.**

## Amendments 68, 321 and 322

### Proposal for a regulation – amending act

#### Annex – section 6 – point 3

Regulation (EC) No 2271/96

Article 11b

*Text proposed by the Commission*

1. The delegation of power referred to in ***the second subparagraph of*** Article 1 may be revoked at any time by the European Parliament or by the Council.

**2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.**

*Amendment*

**1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**

2. The delegation of power *referred to in Article 1 shall be conferred on the Commission for a period of 5 years from ...* \*. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall 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**

3. ***The decision of revocation shall put an end to the delegation of the powers*** specified in that decision. It shall take effect ***immediately*** or at a later date specified therein. It shall not affect the validity of ***the*** delegated acts already in force. ***It shall be published in the Official Journal of the European Union.***

***each period.***

3. The delegation of power referred to in Article 1 may be revoked at any time by the European Parliament or by the Council. ***A decision to revoke shall put an end to the delegation of the power*** specified in that decision. It shall take effect ***the day following the publication of the decision in the Official Journal of the European Union*** or at a later date specified therein. It shall not affect the validity of ***any*** delegated acts already in force.

***3a. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***

***3b. A delegated act adopted pursuant to Article 1 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or of the Council.***

## Amendment 69

Proposal for a regulation – amending act  
Annex – section 6 – point 3  
Regulation (EC) No 2271/96  
Article 11c

*Text proposed by the Commission*

*Amendment*

***Article 11c***

***deleted***

***1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.***

***2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.***

***The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.***

***4. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.***

## **Amendment 70**

**Proposal for a regulation – amending act**

**Annex – section 7 – point -1 (new)**

Regulation (EC) No 1515/2001

Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***-1. The following recital is inserted:***

***"(6a) The implementation of this Regulation requires uniform conditions for adopting or suspending measures to comply with the recommendations and rulings of the WTO Dispute Settlement Body. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*



## Amendment 71

### Proposal for a regulation – amending act

#### Annex – section 7 – point -1 a (new)

Regulation (EC) No 1515/2001

Recital 6 b (new)

*Text proposed by the Commission*

*Amendment*

**-1a. The following recital is inserted:**

***"(6b) It is appropriate that the advisory procedure be used for the suspension of measures for a limited period of time given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

## Amendment 72

### Proposal for a regulation – amending act

#### Annex – section 7 – point 1 – point a a (new)

Regulation (EC) No 1515/2001

Article 1 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

***(aa) In paragraph 1, point (b) is replaced by the following:***

***"(b) adopt any other special measures implementing a legislative act which are deemed to be appropriate in the circumstances."***

## Amendment 73

### Proposal for a regulation – amending act

#### Annex – section 7 – point 1 – point c

Regulation (EC) No 1515/2001

Article 1 – paragraph 4

*Text proposed by the Commission*

4. Insofar as it is appropriate to suspend the disputed or amended measure, such suspension shall be granted for a limited period of time by the Commission, acting in accordance with the procedure referred to in **Article 3a(2)**.

*Amendment*

4. Insofar as it is appropriate to suspend the disputed or amended measure, such suspension shall be granted for a limited period of time by the Commission, acting in accordance with the **advisory** procedure referred to in **Article 3a(1a)**.

**Amendment 74**

**Proposal for a regulation – amending act**

**Annex – section 7 – point 2 – point c**

Regulation (EC) No 1515/2001

Article 2 – paragraph 4

*Text proposed by the Commission*

4. Insofar as it is appropriate to suspend the non-disputed or amended measure, such suspension shall be granted for a limited period of time by the Commission, acting in accordance with the procedure referred to in **Article 3a(2)**.

*Amendment*

4. Insofar as it is appropriate to suspend the non-disputed or amended measure, such suspension shall be granted for a limited period of time by the Commission, acting in accordance with the **advisory** procedure referred to in **Article 3a(1a)**.

**Amendment 75**

**Proposal for a regulation – amending act**

**Annex – section 7 – point 3**

Regulation (EC) No 1515/2001

Article 3 a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**

**Amendment 76**

**Proposal for a regulation – amending act**

**Annex – section 7 – point 3**

Regulation (EC) No 1515/2001

Article 3 a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.**

#### **Amendment 77**

**Proposal for a regulation – amending act**

**Annex – section 7 – point 3 a (new)**

Regulation (EC) No 1515/2001

Article 3 b (new)

*Text proposed by the Commission*

*Amendment*

**3a. The following article is inserted:**

**"Article 3b**

**The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities, proceedings, and decisions of the Commission, of the Anti-Dumping Committee, and of the Anti-Subsidy Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

#### **Amendment 78**

**Proposal for a regulation – amending act**

**Annex – section 8 – point -1 (new)**

Regulation (EC) No 2248/2001

Recital 6

*Text proposed by the Commission*

*Amendment*

**-1. Recital 6 is replaced by the following:**

**"(6) Implementing Acts of the Commission amending the Combined Nomenclature**

and Taric codes do not entail any substantive changes."

## Amendment 79

### Proposal for a regulation – amending act

#### Annex – section 8 – point -1 a (new)

Regulation (EC) No 2248/2001

Recital 10

*Text proposed by the Commission*

*Amendment*

***-1a. Recital 10 is replaced by the following:***

***"(10) The implementation of this Regulation requires uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## Amendment 80

### Proposal for a regulation – amending act

#### Annex – section 8 – point - 1 b (new)

Regulation (EC) No 2248/2001

Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***-1b. The following recital is inserted:***

***"(10a) It is appropriate that the advisory procedure be used for the adoption of immediate measures in case of***

*exceptional and critical circumstances given the effects of these measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

## **Amendment 81**

**Proposal for a regulation – amending act**  
**Annex – section 8 – point -1 c (new)**  
Regulation (EC) No 2248/2001  
Recital 10 b (new)

*Text proposed by the Commission*

*Amendment*

**-1c. The following recital is inserted:**

***"(10b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 25(4)(b) and Article 26(4) of the Interim Agreement, and thereafter Article 38(4)(b) and Article 39(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require."***

## **Amendment 82**

**Proposal for a regulation – amending act**  
**Annex – section 8 – point -1 d (new)**  
Regulation (EC) No 2248/2001  
Article 2

*Text proposed by the Commission*

*Amendment*

**-1d. Article 2 is replaced by the following:**

**"Article 2**

**Concessions on baby-beef**

**Detailed rules for the implementation of Article 14(2) of the Interim Agreement, and thereafter Article 27(2) of the Stabilisation and Association Agreement,**

concerning the tariff quota for ‘baby-beef’ products shall be adopted by the Commission in accordance with the *examination* procedure referred to in *Article 7fa(5)*."

### Amendment 83

**Proposal for a regulation – amending act**  
**Annex – section 8 – point -1 e (new)**  
Regulation (EC) No 2248/2001  
Article 3

*Text proposed by the Commission*

*Amendment*

***-1e. Article 3 is deleted.***

### Amendment 84

**Proposal for a regulation – amending act**  
**Annex – section 8 – point -1 f (new)**  
Regulation (EC) No 2248/2001  
Article 4

*Text proposed by the Commission*

*Amendment*

***-1f. Article 4 is replaced by the following:***

***"Article 4***

**Concessions on fishery products**

**Detailed rules for the implementation of Article 15(1) of the Interim Agreement, and thereafter Article 28(1) of the Stabilisation and Association Agreement, concerning the tariff quotas for fish and fishery products listed in Annex Va of both Agreements, shall be adopted by the Commission in accordance with the *examination* procedure set out in *Article 7fa(5)*."**

### Amendment 85

**Proposal for a regulation – amending act**  
**Annex – section 8 – point -1 g (new)**  
Regulation (EC) No 2248/2001  
Article 5

*Text proposed by the Commission*

*Amendment*

**-1g. Article 5 is deleted.**

## **Amendment 86**

**Proposal for a regulation – amending act**

**Annex – section 8 – point -1 h (new)**

Regulation (EC) No 2248/2001

Article 7

*Text proposed by the Commission*

*Amendment*

**-1h. Article 7 replaced by the following:**

**"Article 7**

**Technical adaptations**

**Amendments and technical adaptations to the detailed rules on implementation adopted pursuant to this Regulation, which are necessary following changes to the Combined Nomenclature codes and to the Taric subdivisions or arising from the conclusion of new agreements, protocols, exchanges of letters or other acts between the *Union* and Croatia, and which shall not entail any substantive changes, shall be adopted in accordance with the *examination procedure* set out in Article 7fa(5) of this Regulation."**

## **Amendment 87**

**Proposal for a regulation – amending act**

**Annex – section 8 – point 1 – point a**

Regulation (EC) No 2248/2001

Article 7a – paragraphs 3a and 3b

*Text proposed by the Commission*

*Amendment*

**(a) The following paragraphs 3a and 3b are inserted:**

**"3a. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply.**

**3b. Where reference is made to this paragraph, Article [8] of Regulation (EU)**

**(a) Paragraphs 2, 3 and 4 are deleted.**

*No [xxxx/2011] shall apply in conjunction with Article [5] thereof."*

## **Amendment 88**

### **Proposal for a regulation – amending act**

#### **Annex – section 8 – point 1 – point b**

Regulation (EC) No 2248/2001

Article 7a – paragraph 6 – subparagraph 1

#### *Text proposed by the Commission*

On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the procedure referred to in **Article 7a(3a)** either not to act or to adopt appropriate measures provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement. In cases of urgency, **Article 7a(3b)** shall apply.

#### *Amendment*

On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the **examination** procedure referred to in **Article 7fb(5)** either not to act or to adopt appropriate measures provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement. In cases of urgency, **Article 7fa(7)** shall apply.

## **Amendment 89**

### **Proposal for a regulation – amending act**

#### **Annex – section 8 – point 2**

Regulation (EC) No 2248/2001

Article 7b – paragraph 1

#### *Text proposed by the Commission*

Where exceptional and critical circumstances arise within the meaning of Article 25(4)(b) and Article 26(4) of the Interim Agreement, and thereafter Article 38(4)(b) and Article 39(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement, in accordance with the procedure referred to in **Article 7a(3a)**. In cases of urgency, **Article 7a(3b)** shall apply.

#### *Amendment*

Where exceptional and critical circumstances arise within the meaning of Article 25(4)(b) and Article 26(4) of the Interim Agreement, and thereafter Article 38(4)(b) and Article 39(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement, in accordance with the **advisory** procedure referred to in **Article 7fa(4)**. In cases of urgency, **Article 7fa(6)** shall apply.



## Amendment 90

### Proposal for a regulation – amending act

#### Annex – section 8 – point 3

Regulation (EC) No 2248/2001

Article 7e – paragraph 1 – second sentence

#### *Text proposed by the Commission*

Where necessary it shall adopt safeguard measures in accordance with the procedure referred to in **Article 7a(3a)**, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community applies, where measures shall be taken according to the procedures laid down in that Regulation.

#### *Amendment*

Where necessary it shall adopt safeguard measures in accordance with the **examination** procedure referred to in **Article 7fa(5)**, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community applies, where measures shall be taken according to the procedures laid down in that Regulation.

## Amendment 91

### Proposal for a regulation – amending act

#### Annex – section 8 – point 3 a (new)

Regulation (EC) No 2248/2001

Article 7f – paragraphs 3–6

#### *Text proposed by the Commission*

#### *Amendment*

**3a. Article 7f is amended as follows:**

**(a) Paragraph 3 is replaced by the following:**

**"3. Pending a mutually satisfactory solution having been reached in the consultations referred to in paragraph 2, the Commission may decide on other appropriate measures it deems necessary in accordance with Article 30 of the Interim Agreement, and thereafter Article 43 of the Stabilisation and Association Agreement, as well as with the *examination* procedure referred to in Article 7fa(5)."**

**(b) Paragraphs 4, 5, and 6 are deleted.**

## Amendment 92

**Proposal for a regulation – amending act**  
**Annex – section 8 – point 3 b (new)**  
Regulation (EC) No 2248/2001  
Article 7 f a (new)

*Text proposed by the Commission*

*Amendment*

**3b. The following article is inserted:**

**"Article 7fa**

**Committee procedure**

**1. For the purposes of Article 2 the Commission shall be assisted by the Committee provided for in Article 42 of Regulation (EC) No 1254/1999. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

**2. For the purpose of Article 4 the Commission shall be assisted by the the Customs Code Committee set up by Article 248a of Regulation (EEC) No 2913/92. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

**3. For the purpose of Articles 7a, 7b, 7e and 7f the Commission shall be assisted by the Advisory Committee established by Article 4 of Council Regulation (EC) No 3285/94. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

**4. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**

**5. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**

**6. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.**

**7. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.**

*8. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."*

### **Amendment 93**

**Proposal for a regulation – amending act**  
**Annex – section 9 – point -1 (new)**  
Regulation (EC) No 153/2002  
Recital 6

*Text proposed by the Commission*

*Amendment*

***-1. Recital 6 is replaced by the following:***

***"(6) Implementing Acts of the Commission amending the Combined Nomenclature and TARIC codes do not entail any substantive changes."***

### **Amendment 94**

**Proposal for a regulation – amending act**  
**Annex – section 9 – point -1 a (new)**  
Regulation (EC) No 153/2002  
Recital 11

*Text proposed by the Commission*

*Amendment*

***-1a. Recital 11 is replaced by the following:***

***"(11) The implementation of this Regulation requires uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, which was signed in Luxembourg on 9 April 2001. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council***

*of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.*

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 95**

**Proposal for a regulation – amending act**

**Annex – section 9 – point -1 b (new)**

Regulation (EC) No 153/2002

Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

***-1b. The following recital is inserted:***

***"(11a) It is appropriate that the advisory procedure be used for the adoption of immediate measures in case of exceptional and critical circumstances given the effects of these measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

## **Amendment 96**

**Proposal for a regulation – amending act**

**Annex – section 9 – point -1 c (new)**

Regulation (EC) No 153/2002

Recital 11 b (new)

*Text proposed by the Commission*

*Amendment*

***-1c. The following recital is inserted:***

***"(11b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 24(4)(b) and Article 25(4) of the Interim***

*Agreement, and thereafter Article 37(4)(b) and Article 38(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require."*

#### **Amendment 97**

**Proposal for a regulation – amending act**  
**Annex – section 9 – point -1 d (new)**  
Regulation (EC) No 153/2002  
Article 2

*Text proposed by the Commission*

*Amendment*

*-1d. Article 2 is replaced by the following:*

**"Article 2**

**Concessions on baby-beef**

**Detailed rules for the implementation of Article 14(2) of the Interim Agreement, and thereafter Article 27(2) of the Stabilisation and Association Agreement, concerning the tariff quota for ‘baby-beef’ products shall be adopted by the Commission in accordance with the *examination* procedure referred to in Article 7fa(5)."**

#### **Amendment 98**

**Proposal for a regulation – amending act**  
**Annex – section 9 – point -1 e (new)**  
Regulation (EC) No 153/2002  
Article 3

*Text proposed by the Commission*

*Amendment*

*-1e. Article 3 is deleted.*

#### **Amendment 99**

**Proposal for a regulation – amending act**  
**Annex – section 9 – point -1 f (new)**  
Regulation (EC) No 153/2002  
Article 4

*Text proposed by the Commission*

*Amendment*

***-If. Article 4 is replaced by the following:  
"Article 4***

**Further concessions**

**If additional concessions for fishery products are granted within tariff quotas, pursuant to Article 29 of the Stabilisation and Association Agreement and of Article 16 of the Interim Agreement, detailed rules for the implementation of these tariff quotas shall be adopted by the Commission in accordance with the *examination* procedure set out in *Article 7fa(5)*."**

## **Amendment 100**

**Proposal for a regulation – amending act**

**Annex – section 9 – point -1 g (new)**

Regulation (EC) No 153/2002

Article 5

*Text proposed by the Commission*

*Amendment*

***-1g. Article 5 is deleted.***

## **Amendment 101**

**Proposal for a regulation – amending act**

**Annex – section 9 – point -1 h (new)**

Regulation (EC) No 153/2002

Article 7

*Text proposed by the Commission*

*Amendment*

***-1h. Article 7 is replaced by the following:  
"Article 7***

**Technical adaptations**

**Amendments and technical adaptations to the detailed rules on implementation adopted pursuant to this Regulation, which are necessary following changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising**

from the conclusion of new agreements, protocols, exchanges of letters or other acts between the *Union* and the Former Yugoslav Republic of Macedonia, *and which shall not entail any substantive changes*, shall be adopted in accordance with the *examination procedure* set out in *Article 7fa(5) of this Regulation.*"

## Amendment 102

**Proposal for a regulation – amending act**  
**Annex – section 9 – point 1 – point a**  
Regulation (EC) No 153/2002  
Article 7a – paragraphs 3a and 3b

*Text proposed by the Commission*

*(a) The following paragraphs 3a and 3b are inserted:*

*"3a. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply.*

*3b. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with Article [5] thereof."*

*Amendment*

*(a) Paragraphs 2, 3 and 4 are deleted.*

## Amendment 103

**Proposal for a regulation – amending act**  
**Annex – section 9 – point 1 – point b**  
Regulation (EC) No 153/2002  
Article 7a – paragraph 6 – subparagraph 1

*Text proposed by the Commission*

On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the procedure referred to in *Article 7a(3a)* either not to act or to adopt appropriate measures provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association

*Amendment*

On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the *examination* procedure referred to in *Article 7fa(5)* either not to act or to adopt appropriate measures provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association

Agreement. In cases of urgency, *Article 7a(3b)* shall apply.

Agreement. In cases of urgency, *Article 7fa(7)* shall apply.

#### **Amendment 104**

##### **Proposal for a regulation – amending act**

##### **Annex – section 9 – point 2**

Regulation (EC) No 153/2002

Article 7b – paragraph 1

##### *Text proposed by the Commission*

Where exceptional and critical circumstances arise within the meaning of Article 24(4)(b) and Article 25(4) of the Interim Agreement, and thereafter Article 37(4)(b) and Article 38(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association Agreement, in accordance with the procedure referred to in *Article 7a(3a)*. In cases of urgency, *Article 7a(3b)* shall apply.

##### *Amendment*

Where exceptional and critical circumstances arise within the meaning of Article 24(4)(b) and Article 25(4) of the Interim Agreement, and thereafter Article 37(4)(b) and Article 38(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association Agreement, in accordance with the *advisory* procedure referred to in *Article 7fb(4)*. In cases of urgency, *Article 7fb(6)* shall apply.

#### **Amendment 105**

##### **Proposal for a regulation – amending act**

##### **Annex – section 9 – point 3**

Regulation (EC) No 153/2002

Article 7e – paragraph 1 – second sentence

##### *Text proposed by the Commission*

Where necessary it shall adopt safeguard measures in accordance with the procedure referred to in *Article 7a(3a)*, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community applies, where measures shall be taken according to the procedures laid down in that Regulation.

##### *Amendment*

Where necessary it shall adopt safeguard measures in accordance with the *examination* procedure referred to in *Article 7fa(5)*, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community applies, where measures shall be taken according to the procedures laid down in that Regulation.



## Amendment 106

### Proposal for a regulation – amending act

#### Annex – section 9 – point 3 a (new)

Regulation (EC) No 153/2002

Article 7f – paragraphs 3-6

*Text proposed by the Commission*

*Amendment*

**3a. Article 7f is amended as follows:**

**(a) Paragraph 3 is replaced by the following:**

**"3. Pending a mutually satisfactory solution having been reached in the consultations referred to in paragraph 2, the Commission may decide on other appropriate measures it deems necessary in accordance with *Article 30* of the Interim Agreement, and thereafter *Article 43* of the Stabilisation and Association Agreement, as well as with the *examination* procedure referred to in *Article 7fa(5)*."**

**(b) Paragraphs 4, 5, and 6 are deleted.**

## Amendment 107

### Proposal for a regulation – amending act

#### Annex – section 9 – point 3 b (new)

Regulation (EC) No 153/2002

Article 7 f a (new)

*Text proposed by the Commission*

*Amendment*

**3b. The following article is inserted:**

**"Article 7fa**

***Committee procedure***

**1. For the purposes of Article 2 the Commission shall be assisted by the Committee provided for in Article 42 of Regulation (EC) No 1254/1999. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

**2. For the purpose of Article 4 the Commission shall be assisted by the the Customs Code Committee set up by**

*Article 248a of Regulation (EEC) No 2913/92. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.*

*3. For the purpose of Articles 7a, 7b, 7e and 7f the Commission shall be assisted by the Advisory Committee established by Article 4 of Council Regulation (EC) No 3285/94. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.*

*4. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

*5. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

*6. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.*

*7. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.*

*8. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."*

## **Amendment 108**

### **Proposal for a regulation – amending act Annex – section 10 – introductory part**

#### *Text proposed by the Commission*

As regards Regulation (EC) No 427/2003, the Commission should be empowered to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No [xxxx/2011] of [xx/yy/2011] of the European Parliament and of the Council

#### *Amendment*

As regards Regulation (EC) No 427/2003, **the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty for the purpose of amending the Annex I to that Regulation. Moreover,** the Commission should be empowered to adopt the

laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No **182/2011** of **16 February 2011** of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

## **Amendment 109**

**Proposal for a regulation – amending act**  
**Annex – section 10 – point -1 (new)**  
Regulation (EC) No 427/2003  
Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

**-1. The following recital is inserted:**

***"(21a) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments of Annex I to Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries<sup>1</sup>, in order to remove countries from the list of third countries contained in this Annex when they become members of the WTO. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.***

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<sup>1</sup>*OJ L 185, 17.7.2009, p. 1."*

## Amendment 110

### Proposal for a regulation – amending act

#### Annex – section 10 – point -1 a (new)

Regulation (EC) No 427/2003

Recital 22

*Text proposed by the Commission*

*Amendment*

***-1a. Recital 22 is replaced by the following:***

***“(22) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13.”*

## Amendment 111

### Proposal for a regulation – amending act

#### Annex – section 10 – point -1 b (new)

Regulation (EC) No 427/2003

Recital 22 a (new)

*Text proposed by the Commission*

*Amendment*

***-1b. The following recital is inserted:***

***“(22a) It is appropriate that the advisory procedure be used for the adoption of surveillance and provisional measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures.”***

## Amendment 112

### Proposal for a regulation – amending act

#### Annex – section 10 – point -1 c (new)

Regulation (EC) No 427/2003

Article 5 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***-1c. Article 5(1) is replaced by the following:***

***"(1) An investigation shall be initiated upon request of a Member State, by any legal person or any association not having legal personality, acting on behalf of the Union industry, or on the Commission's own initiative if it is apparent to the Commission that there is sufficient evidence to justify the initiation of an investigation."***

## Amendment 113

### Proposal for a regulation – amending act

#### Annex – section 10 – point -1 d (new)

Regulation (EC) No 427/2003

Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***-1d. In Article 5, the following paragraph is inserted:***

***"2a. The request to initiate an investigation shall contain evidence that the conditions for imposing the safeguard measure set out in Article 2(1) are met. The request shall generally contain the following information: the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports, changes in the level of sales, production, productivity, capacity utilisation, profits and losses, and employment."***

***An investigation may also be initiated in the event that there is a surge of imports***

*concentrated in one or several Member States, provided that there is sufficient prima facie evidence that the conditions for initiation are met, as determined on the basis of factors referred to in Article 2(2) and Article 3."*

## **Amendment 114**

### **Proposal for a regulation – amending act**

#### **Annex – section 10 – point 1 a (new)**

Regulation (EC) No 427/2003

Article 6 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. The following article is inserted:**

**"Article 6a**

***Prior surveillance measures***

***1. Where the trend in imports of a product originating in the People's Republic of China is such that it could lead to one of the situations referred to in Articles 2 and 3, imports of that product may be subject to prior surveillance measures.***

***2. In the event that there is a surge of imports of products falling into sensitive sectors concentrated in one or several Member States, the Commission may introduce prior surveillance measures.***

***3. Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 15(1a).***

***4. Prior surveillance measures shall have a limited period of validity. Unless otherwise provided, they shall cease to be valid at the end of the second 6-month period following the first 6 months after the measures were introduced."***

## Amendment 115

### Proposal for a regulation – amending act

#### Annex – section 10 – point 2 – point a

Regulation (EC) No 427/2003

Article 7 – paragraph 1 – second and third sentences

#### *Text proposed by the Commission*

The Commission shall take such provisional measures in accordance with the procedure referred to in **Article 15(2)**. In cases of urgency, Article 15(3) shall apply.

#### *Amendment*

The Commission shall take such provisional measures in accordance with the **advisory** procedure referred to in **Article 15(1a)**. In cases of urgency, Article 15(3) shall apply.

## Amendment 117

### Proposal for a regulation – amending act

#### Annex – section 10 – point 4 a (new)

Regulation (EC) No 427/2003

Article 12 – paragraph 3

#### *Text proposed by the Commission*

#### *Amendment*

**4a. In Article 12, paragraph 3 is replaced by the following:**

**"3. While any safeguard measure is in operation, consultations shall be held within the [...] Committee, either at the request of a Member State or on the initiative of the Commission, in order to examine the effects of the measure and to ascertain whether its application is still necessary."**

## Amendment 118

### Proposal for a regulation – amending act

#### Annex – section 10 – point 5

Regulation (EC) No 427/2003

Article 12 – paragraph 4

#### *Text proposed by the Commission*

Where the Commission considers that any safeguard measure should be revoked or amended, it shall revoke or amend the safeguard measures.

#### *Amendment*

Where the Commission considers that any safeguard measure should be revoked or amended, it shall revoke or amend the safeguard measures **in accordance with the**

## **Amendment 119**

### **Proposal for a regulation – amending act**

#### **Annex – section 10 – point 6**

Regulation (EC) No 427/2003

Article 14 – paragraph 4

#### *Text proposed by the Commission*

4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, in accordance with the procedure referred to in **Article 15(2)**. Measures may only be suspended where market conditions have temporarily changed to an extent that market disruption would be unlikely to resume as a result of the suspension. Measures may, at any time and after consultation, be reinstated if the reason for suspension is no longer applicable.

#### *Amendment*

4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, in accordance with the **advisory** procedure referred to in **Article 15(1a)**. Measures may only be suspended where market conditions have temporarily changed to an extent that market disruption would be unlikely to resume as a result of the suspension. Measures may, at any time and after consultation, be reinstated if the reason for suspension is no longer applicable.

## **Amendment 120**

### **Proposal for a regulation – amending act**

#### **Annex – section 10 – point 6 a (new)**

Regulation (EC) No 427/2003

Article 14 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**6a. The following article is inserted:**

**"Article 14a**

**Conferral of powers**

**The Commission shall be empowered to adopt delegated acts in accordance with Article 14b concerning amendments of Annex I to Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries<sup>1</sup>, in order to remove countries from the list of**



*third countries contained in this Annex when they become members of the WTO.*

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<sup>1</sup>*OJ L 185, 17.7.2009, p. 1."*

**Amendment 323**  
**Proposal for a regulation**  
**Annex 1 – section 10 – point 6 b (new)**  
Regulation (EC) 427/2003  
Article 14 b (new)

*Text proposed by the Commission*

*Amendment*

***6b. The following article is inserted:***

***"Article 14b***

***Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The delegation of power to adopt delegated acts referred to in Article 22(3) shall be conferred on the Commission for a period of five years. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extensions not later than three months before the end of each period.***
- 3. The delegation of power referred to in Article 22(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the***

**Council.**

**5. A delegated act adopted pursuant to Article 22(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council."**

## **Amendment 122**

### **Proposal for a regulation – amending act**

**Annex – section 10 – point 7**

Regulation (EC) No 427/2003

Article 15 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**

## **Amendment 123**

### **Proposal for a regulation – amending act**

**Annex – section 10 – point 7**

Regulation (EC) No 427/2003

Article 15 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with **Article [5]** thereof.

3 Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with **Article 4** thereof.

## **Amendment 124**

### **Proposal for a regulation – amending act**

**Annex – section 10 – point 10 a (new)**

Regulation (EC) No 427/2003

Article 19 a (new)

**10a. The following article is inserted:**

**"Article 19a**

**Report**

**1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission, the Committee, and all other bodies responsible for implementing this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.**

**2. The report shall also present a summary of the statistics and the evolution of trade with China.**

**3. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the application of this Regulation.**

**4. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

## **Amendment 125**

**Proposal for a regulation – amending act**

**Annex – section 10 – point 10 b (new)**

Regulation (EC) No 427/2003

Article 22 – paragraph 3

**10b. Article 22(3) is replaced by the following:**

**"3. The Commission shall be empowered to adopt delegated acts in accordance with Article 14a and 14b to amend Annex I to Regulation EC No 625/2009 in order to remove countries from the list of third**

**countries contained in this Annex when they become members of the WTO."**

## **Amendment 126**

### **Proposal for a regulation – amending act**

#### **Annex – section 11 – point -1 (new)**

Regulation (EC) No 452/2003

Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

**-1. The following recital is inserted:**

***"(10a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 127**

### **Proposal for a regulation – amending act**

#### **Annex – section 11 – point 1**

Regulation (EC) No 452/2003

Article 1 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

Where the Commission considers that a combination of anti-dumping or anti-subsidy measures with safeguard tariff measures on the same imports could lead to effects greater than is desirable in terms of the Union's trade defence policy, it may adopt such of the following measures as it deems appropriate in accordance with the procedure referred to in Article 2a(2):

Where the Commission considers that a combination of anti-dumping or anti-subsidy measures with safeguard tariff measures on the same imports could lead to effects greater than is desirable in terms of the Union's trade defence policy, it may adopt such of the following measures ***implementing a legislative act*** as it deems appropriate in accordance with the ***examination*** procedure referred to in

**Amendment 128**

**Proposal for a regulation – amending act**

**Annex – section 11 – point 2**

Regulation (EC) No 452/2003

Article 2 a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

**Amendment 129**

**Proposal for a regulation – amending act**

**Annex – section 12 a – title (new)**

*Text proposed by the Commission*

*Amendment*

***12a. COUNCIL REGULATION (EC) NO 1236/2005 OF 27 JUNE 2005 CONCERNING TRADE IN CERTAIN GOODS WHICH COULD BE USED FOR CAPITAL PUNISHMENT, TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT***

**Amendment 130**

**Proposal for a regulation – amending act**

**Annex – section 12 a – introductory part (new)**

*Text proposed by the Commission*

*Amendment*

***As regards Regulation (EC) No 1236/2005, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty for the purpose of amending the Annexes to that Regulation. Accordingly,***

*Regulation (EC) No 1236/2006 is amended as follows:*

## **Amendment 131**

**Proposal for a regulation – amending act**

**Annex – section 12 a – point 1 (new)**

Regulation (EC) No 1236/2005

Recital 25

*Text proposed by the Commission*

*Amendment*

**1. Recital 25 is replaced by the following:**

**"25. In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes II, III, IV and V of this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council."**

## **Amendment 132**

**Proposal for a regulation – amending act**

**Annex – section 12 a – point 2 (new)**

Regulation (EC) No 1236/2005

Article 12 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. Article 12(2) is replaced by the following:**

**"2. [...] The Commission shall be empowered to adopt delegated acts in accordance with Articles 15 and 15a to amend Annexes II, III, IV and V."**

## **Amendment 133**

### **Proposal for a regulation – amending act**

#### **Annex – section 12 a – point 3 (new)**

Regulation (EC) No 1236/2005

Article 15

*Text proposed by the Commission*

*Amendment*

**3. Article 15 is replaced by the following**

**"Article 15**

***Conferral of Powers***

**The Commission shall be empowered to adopt delegated acts in accordance with Article 15b concerning amendments to Annexes II, III, IV, and V."**

## **Amendment 324**

### **Proposal for a regulation**

#### **Annex 1 – section 12 a – point 4 (new)**

Regulation (EC) No 1236/2005

Article 15 a (new)

*Text proposed by the Commission*

*Amendment*

**4. The following article is inserted:**

**"Article 15a**

***Exercise of the delegation***

**1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**

**2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for a period of five years. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall 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.*

*3. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*5. A delegated act adopted pursuant to Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council."*

## **Amendment 135**

### **Proposal for a regulation – amending act**

#### **Annex – section 12 a – point 5 (new)**

Regulation (EC) No 1236/2005

Article 16

*Text proposed by the Commission*

*Amendment*

*5. Article 16 is deleted.*



## Amendment 136

### Proposal for a regulation – amending act

#### Annex – section 13 – point -1

Regulation (EC) No 1616/2006

Recital 7

*Text proposed by the Commission*

*Amendment*

***-1. Recital 7 is deleted.***

## Amendment 137

### Proposal for a regulation – amending act

#### Annex – section 13 – point -1 a (new)

Regulation (EC) No 1616/2006

Recital 8

*Text proposed by the Commission*

*Amendment*

***-1a. Recital 8 is replaced by the following:***

***“(8) The implementation of this Regulation requires uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, which was signed in Luxembourg on 12 June 2006. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers<sup>1</sup>.*”**

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13.”*

## Amendment 138

**Proposal for a regulation – amending act**  
**Annex – section 13 – point -1 b (new)**  
Regulation (EC) No 1616/2006  
Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

**-1b. The following recital is inserted:**

***"(8a) It is appropriate that the advisory procedure be used for the adoption of immediate measures in case of exceptional and critical circumstances and for the temporary suspension of certain preferential treatment given the effects of these measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

## Amendment 139

**Proposal for a regulation – amending act**  
**Annex – section 13 – point -1 c(new)**  
Regulation (EC) No 1616/2006  
Recital 8 b (new)

*Text proposed by the Commission*

*Amendment*

**-1c. The following recital is inserted:**

***"(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 26(4) of the Interim Agreement, and thereafter Article 39(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require."***

## Amendment 140

**Proposal for a regulation – amending act**  
**Annex – section 13 – point -1 d (new)**  
Regulation (EC) No 1616/2006  
Article 2

*Text proposed by the Commission*

*Amendment*

*-1d. Article 2 is replaced by the following :*

**"Article 2**

**Concessions for fish and fishery products**

**Detailed rules for the implementation of Article 15(1) of the Interim Agreement, and thereafter Article 28(1) of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 8a(2)."**

## Amendment 141

**Proposal for a regulation – amending act**  
**Annex – section 13 – point -1 e (new)**  
Regulation (EC) No 1616/2006  
Article 4

*Text proposed by the Commission*

*Amendment*

*-1e. Article 4 is replaced by the following :*

**"Article 4**

**Technical adaptations**

**Amendments and technical adaptations to the provisions adopted pursuant to this Regulation rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the *Union* and the Republic of Albania, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure set out in Article 8a(2) of this Regulation."**

## Amendment 142

**Proposal for a regulation – amending act**  
**Annex – section 13 – point -1 f (new)**  
Regulation (EC) No 1616/2006  
Article 5

*Text proposed by the Commission*

*Amendment*

***-1f. Article 5 is replaced by the following:***

**"Article 5**

**General safeguard clause**

**[...] Where the *Union* needs to take a measure as provided for in Article 25 of the Interim Agreement, and thereafter Article 38 of the SAA, it shall be adopted in accordance with the *examination procedure set out in Article 8a(2)*, unless otherwise specified in Article 25 of the Interim Agreement, and thereafter Article 38 of the SAA."**

## Amendment 143

**Proposal for a regulation – amending act**  
**Annex – section 13 – point -1 g (new)**  
Regulation (EC) No 1616/2006  
Article 6

*Text proposed by the Commission*

*Amendment*

***-1g. Article 6 is replaced by the following:***

**"Article 6**

**Shortage clause**

**[...] Where the *Union* needs to take a measure as provided for in Article 26 of the Interim Agreement, and thereafter Article 39 of the SAA, it shall be adopted in accordance with the *examination procedure set out in Article 8a(2)*."**

## Amendment 144

### Proposal for a regulation – amending act

#### Annex – section 13 – point 1

Regulation (EC) No 1616/2006

Article 7 – paragraphs 3-5

#### *Text proposed by the Commission*

The Commission shall take such measures in accordance with the procedure referred to in **Article 8a(2)**. In cases of urgency, **Article 8a(3)** shall apply.

#### *Amendment*

The Commission shall take such measures in accordance with the **advisory** procedure referred to in **Article 8a(1b)**. In cases of urgency, **Article 8a(2a)** shall apply.

## Amendment 145

### Proposal for a regulation – amending act

#### Annex – section 13 – point 3

Regulation (EC) No 1616/2006

Article 8a – paragraph -1 (new)

#### *Text proposed by the Commission*

#### *Amendment*

**-1. For the purposes of Articles 2, 4, and 11, the Commission shall be assisted by the Customs Code Committee set up by Article 248a of Regulation (EEC) No 2913/92. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

## Amendment 146

### Proposal for a regulation – amending act

#### Annex – section 13 – point 3

Regulation (EC) No 1616/2006

Article 8a – paragraph 1

#### *Text proposed by the Commission*

1. For the purposes of **Articles 7 and 8** the Commission shall be assisted by the Committee **on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009**. That Committee shall be a Committee within the meaning of Regulation (EU) No **[..../2011]**.

#### *Amendment*

1. For the purposes of **Articles 5, 7 and 8** the Commission shall be assisted by the Committee **set up** by Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **182/2011**.

## **Amendment 147**

### **Proposal for a regulation – amending act**

#### **Annex – section 13 – point 3**

Regulation (EC) No 1616/2006

Article 8a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. For the purposes of Article 6, the Commission shall be assisted by the Committee set up by Regulation (EEC) No 1061/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.***

## **Amendment 148**

### **Proposal for a regulation – amending act**

#### **Annex – section 13 – point 3**

Regulation (EC) No 1616/2006

Article 8a – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***1b. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

## **Amendment 149**

### **Proposal for a regulation – amending act**

#### **Annex – section 13 – point 3**

Regulation (EC) No 1616/2006

Article 8a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.***

## Amendment 150

### Proposal for a regulation – amending act

#### Annex – section 13 – point 3

Regulation (EC) No 1616/2006

Article 8a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

## Amendment 151

### Proposal for a regulation – amending act

#### Annex – section 13 – point 3 a (new)

Regulation (EC) No 1616/2006

Article 11 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***3a. In Article 11, the third paragraph is replaced by the following:***

***"The Commission may decide, in accordance with the advisory procedure set out in Article 8a(1b) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 30(4) of the Interim Agreement, and thereafter Article 43(4) of the SAA."***

## Amendment 152

### Proposal for a regulation – amending act

#### Annex – section 13 – point 3 b (new)

Regulation (EC) No 1616/2006

Article 12

*Text proposed by the Commission*

*Amendment*

***3b. Article 12 is deleted.***

## Amendment 153

### Proposal for a regulation – amending act

#### Annex – section 14 – point -1 (new)

Regulation (EC) No 1528/2007

Recital 17

*Text proposed by the Commission*

*Amendment*

***-1. Recital 17 is replaced by the following:***

***"(17) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## Amendment 155

### Proposal for a regulation – amending act

#### Annex – section 14 – point 1

Regulation (EC) No 1528/2007

Article 2

*Text proposed by the Commission*

*Amendment*

***1. Article 2 is amended as follows:***

***deleted***

***(a) Paragraph 2 is replaced by the following:***

***"2. The Commission shall amend Annex I by means of delegated acts in accordance with Articles 24a, 24b and 24c to add regions or states from the ACP Group of States which have concluded negotiations on an agreement between the Union and that region or state which at least meets the requirements of Article XXIV GATT 1994."***

***(b) In paragraph 3, the introductory***



*phrase is replaced by the following:*

**"3. Such region or state will remain on the list in Annex I unless the Commission adopts a delegated act in accordance with Articles 24a, 24b and 24c amending Annex I to remove a region or state from that Annex, in particular where:"**

## **Amendment 156**

**Proposal for a regulation – amending act**

**Annex – section 14 – point 1 a (new)**

Regulation (EC) No 1528/2007

Article 5 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

***1a. In Article 5(3), the introductory part is replaced by the following:***

**"3. Where the Commission, on the basis of information provided by a Member State or on its own initiative, finds that the conditions laid down in paragraphs 1 and 2 are fulfilled, the relevant treatment may be suspended in accordance with the advisory procedure referred to in Article 21(1d), provided the Commission has first:"**

## **Amendment 325**

**Proposal for a regulation**

**Annex 1 – section 14 – point 1 b (new)**

Regulation (EC) No 1528/2007

Article 5 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***1b. In Article 5, paragraph 4 is replaced by the following:***

**"4. The period of suspension under this Article shall be limited to that necessary to protect the *Union's* financial interests. It shall not exceed six months, which may be renewed. At the end of that period, the Commission shall decide either to terminate the suspension [...] or to extend the period of suspension in**

accordance with the *advisory* procedure referred to in *Article 21(1d)*."

## Amendment 158

### Proposal for a regulation – amending act

#### Annex – section 14 – point 1 c (new)

Regulation (EC) No 1528/2007

Article 5 – paragraph 6 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***1c. In Article 5(6), the second subparagraph is replaced by the following:***

***"The decision suspending the relevant treatment shall be adopted in accordance with the *advisory* procedure referred to in Article 21(1d)."***

## Amendment 159

### Proposal for a regulation – amending act

#### Annex – section 14 – point 1 d (new)

Regulation (EC) No 1528/2007

Article 6 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***1d. In Article 6, paragraph 3 is replaced by the following:***

***"3. The detailed rules for implementing the tariff quotas referred to in paragraph 2 shall be determined in accordance with the *examination* procedure referred to in Article 21(2)."***

## Amendment 160

### Proposal for a regulation – amending act

#### Annex – section 14 – point 1 e (new)

Regulation (EC) No 1528/2007

Article 7 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***1e. In Article 7, paragraph 4 is replaced by the following:***

**"4. The detailed rules for dividing by region and implementing the tariff quotas referred to in this Article shall be adopted in accordance with the *examination* procedure referred to in *Article 21(2)*."**

## **Amendment 161**

**Proposal for a regulation – amending act**  
**Annex – section 14 – point 1 f (new)**  
Regulation (EC) No 1528/2007  
Article 9 – paragraph 5

*Text proposed by the Commission*

*Amendment*

***1f. In Article 9, paragraph 5 is replaced by the following:***

***"5. The Commission shall adopt detailed rules on the subdivision of quantities provided for in paragraph 1 and for the management of the system referred to in paragraphs 1, 3 and 4 of this Article, and suspension decisions [...] in accordance with the *examination* procedure referred to *Article 21(2)*."***

## **Amendment 162**

**Proposal for a regulation – amending act**  
**Annex – section 14 – point 1 g (new)**  
Regulation (EC) No 1528/2007  
Article 10 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***1g. In Article 10, paragraph 4 is replaced by the following:***

***"4. The Commission shall adopt detailed rules for the management of this system and suspension decisions in accordance with the *examination* procedure referred to in *Article 21(2)*."***

## Amendment 163

**Proposal for a regulation – amending act**  
**Annex – section 14 – point 3 – point a**  
Regulation (EC) No 1528/2007  
Article 16 – paragraph 1 – sentences 2 and 3

*Text proposed by the Commission*

Provisional measures shall be adopted in accordance with the procedure referred to in **Article 21(2)**. In cases of urgency, Article 21(3) shall apply.

*Amendment*

Provisional measures shall be adopted in accordance with the **advisory** procedure referred to in **Article 21(1d)**. In cases of urgency, Article 21(3) shall apply.

## Amendment 164

**Proposal for a regulation – amending act**  
**Annex – section 14 – point 6**  
Regulation (EC) No 1528/2007  
Article 20 – paragraph 2

*Text proposed by the Commission*

2. The decision to impose surveillance shall be taken by the Commission in accordance with the procedure referred to in **Article 21(2)**.

*Amendment*

2. The decision to impose surveillance shall be taken by the Commission in accordance with the **advisory** procedure referred to in **Article 21(1d)**.

## Amendment 165

**Proposal for a regulation – amending act**  
**Annex – section 14 – point 7**  
Regulation (EC) No 1528/2007  
Article 21 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of **this Chapter**, the Commission shall be assisted by the Committee established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **[.../2011]**.

*Amendment*

1. For the purposes of **Articles 5, 16, 17, 18 and 20**, the Commission shall be assisted by the Committee established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **182/2011**.

## Amendment 166

### Proposal for a regulation – amending act

#### Annex – section 14 – point 7

Regulation (EC) No 1528/2007

Article 21 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. For the purposes of Article 4, the Commission shall be assisted by the Customs Code Committee established by Regulation (EEC) No 2913/92. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.***

## Amendment 167

### Proposal for a regulation – amending act

#### Annex – section 14 – point 7

Regulation (EC) No 1528/2007

Article 21 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***1b. For the purposes of Article 6, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice<sup>1</sup>. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.***

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<sup>1</sup>OJ L 270, 21.10.2003, p. 96.

## Amendment 168

### Proposal for a regulation – amending act

#### Annex – section 14 – point 7

Regulation (EC) No 1528/2007

Article 21 – paragraph 1 c (new)

*Text proposed by the Commission*

*Amendment*

***1c. For the purposes of Articles 7 and 9, the***

*Commission shall be assisted by the Committee established by Council Regulation (EC) No 318/2006. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.*

#### **Amendment 169**

##### **Proposal for a regulation – amending act**

**Annex – section 14 – point 7**

Regulation (EC) No 1528/2007

Article 21 – paragraph 1 d (new)

*Text proposed by the Commission*

*Amendment*

*1d. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

#### **Amendment 170**

##### **Proposal for a regulation – amending act**

**Annex – section 14 – point 7**

Regulation (EC) No 1528/2007

Article 21 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with *Article [5]* thereof.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No *182/2011* shall apply in conjunction with *Article 4* thereof.

#### **Amendment 171**

##### **Proposal for a regulation – amending act**

**Annex – section 14 – point 7**

Regulation (EC) No 1528/2007

Article 21 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

*4a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the*

*committee so decides or a majority of committee members so request.*

#### **Amendment 172**

##### **Proposal for a regulation – amending act**

##### **Annex – section 14 – point 7 a (new)**

Regulation (EC) No 1528/2007

Article 24

*Text proposed by the Commission*

*Amendment*

**7a. Article 24 is deleted.**

#### **Amendment 173**

##### **Proposal for a regulation – amending act**

##### **Annex – section 14 – point 8**

Regulation (EC) No 1528/2007

Articles 24a, 24b and 24c

*Text proposed by the Commission*

*Amendment*

**8. The following Articles 24a, 24b and 24c are inserted: deleted**

**"Article 24a**

##### ***Exercise of the delegation***

***1. The powers to adopt the delegated acts referred to in Article 2(2) and (3) shall be conferred on the Commission for an indeterminate period of time.***

***2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***

***3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 24b and 24c.***

**Article 24b**

##### ***Revocation of the delegation***

***1. The delegation of power referred to in Article 2(2) and (3) may be revoked at any***

*time by the European Parliament or by the Council.*

*2. The institution which has commenced internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.*

*3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

#### *Article 24c*

##### *Objections to delegated acts*

*1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.*

*2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.*

*The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.*

*3. If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act."*



## Amendment 174

### Proposal for a regulation – amending act

#### Annex – section 14 – point 8 a (new)

Regulation (EC) No 1528/2007

Article 24 d (new)

*Text proposed by the Commission*

*Amendment*

**8a. The following article is inserted:**

**"Article 24d**

**Confidentiality**

- 1. Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.**
- 2. No information of a confidential nature nor any information provided on a confidential basis received pursuant to this Regulation shall be disclosed without specific permission from the supplier of such information.**
- 3. Each request for confidentiality shall state the reasons why the information is confidential. However, if the supplier of the information wishes neither to make it public nor to authorise its disclosure in general terms or in the form of a summary and if it appears that the request for confidentiality is unjustified, the information concerned may be disregarded.**
- 4. Information shall in any case be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information.**
- 5. Paragraphs 1 to 4 shall not preclude reference by the Union authorities to general information and in particular to reasons on which decisions taken pursuant to this Regulation are based. Those authorities shall, however, take into account the legitimate interest of natural and legal persons concerned that their business secrets should not be divulged."**

## Amendment 175

### Proposal for a regulation – amending act

#### Annex – section 14 – point 8 b (new)

Regulation (EC) No 1528/2007

Article 24 e (new)

*Text proposed by the Commission*

*Amendment*

**8b. The following article is inserted:**

**"Article 24e**

#### **Report**

**1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission, the Committees, and all other bodies responsible for implementing this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.**

**2. The report shall also present a summary of the statistics and the evolution of trade with the ACP countries.**

**3. The report shall include information on the implementation of this Regulation.**

**4. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the application of this Regulation.**

**5. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

## Amendment 176

### Proposal for a regulation – amending act

#### Annex – section 15 – point -1 (new)

Regulation (EC) No 140/2008

Recital 7

*Text proposed by the Commission*

*Amendment*

**-1. Recital 7 is deleted.**

#### **Amendment 177**

**Proposal for a regulation – amending act**

**Annex – section 15 – point -1 a (new)**

Regulation (EC) No 140/2008

Recital 8

*Text proposed by the Commission*

*Amendment*

**-1a. Recital 8 is replaced by the following:**

**"(8) The implementation of this Regulation requires uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, which was signed on 15 October 2007. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.**

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

#### **Amendment 178**

**Proposal for a regulation – amending act**

**Annex – section 15 – point -1 b (new)**

Regulation (EC) No 140/2008

Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

**-1b. The following recital is inserted:**

**"(8a) It is appropriate that the advisory**

*procedure be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

## **Amendment 179**

**Proposal for a regulation – amending act**

**Annex – section 15 – point -1 c (new)**

Regulation (EC) No 140/2008

Recital 8 b (new)

*Text proposed by the Commission*

*Amendment*

**-1c. The following recital is inserted:**

***"(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Articles 26(5)(b) and 27(4) of the Interim Agreement, and thereafter Article 41(5)(b) and 42(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require."***

## **Amendment 180**

**Proposal for a regulation – amending act**

**Annex – section 15 – point -1 d (new)**

Regulation (EC) No 140/2008

Article 2

*Text proposed by the Commission*

*Amendment*

**-1d. Article 2 is replaced by the following:**

**"Article 2**

**Concessions for fish and fishery products**

Detailed rules on the implementation of Article 14 of the Interim Agreement, and thereafter Article 29 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the *examination* procedure referred to in Article 8a(2) of this Regulation."

## Amendment 181

**Proposal for a regulation – amending act**  
**Annex – section 15 – point -1 e (new)**  
Regulation (EC) No 140/2008  
Article 4

*Text proposed by the Commission*

*Amendment*

*-1e. Article 4 is replaced by the following:*

**"Article 4**

**Technical adaptations**

**Amendments and technical adaptations to the provisions adopted pursuant to this Regulation, rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the *Union* and the Republic of Montenegro, and which shall not entail any substantive changes, shall be adopted in accordance with the *examination* procedure set out in Article 8a(2)."**

## Amendment 182

**Proposal for a regulation – amending act**  
**Annex – section 15 – point - 1 f (new)**  
Regulation (EC) No 140/2008  
Article 5

*Text proposed by the Commission*

*Amendment*

*-1f. Article 5 is replaced by the following:*

**"Article 5**

**General safeguard clause**

**[...] Where the *Union* needs to take a measure as provided for in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA, it shall be adopted in accordance with the *examination procedure set out in Article 8a(2) of this Regulation*, unless otherwise specified in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA."**

**Amendment 183**

**Proposal for a regulation – amending act**  
**Annex – section 15 – point -1 g (new)**  
Regulation (EC) No 140/2008  
Article 6

*Text proposed by the Commission*

*Amendment*

**-1g. Article 6 is replaced by the following:**

**"Article 6**

**Shortage clause**

**[...] Where the *Union* needs to take a measure as provided for in Article 27 of the Interim Agreement, and thereafter Article 42 of the SAA, it shall be adopted in accordance with the *examination procedure set out in Article 8a(2) of this Regulation*."**

**Amendment 184**

**Proposal for a regulation – amending act**  
**Annex – section 15 – point 1**  
Regulation (EC) No 140/2008  
Article 7 – paragraphs 3-5

*Text proposed by the Commission*

*Amendment*

## Amendment 185

### Proposal for a regulation – amending act

#### Annex – section 15 – point 3

Regulation (EC) No 140/2008

Article 8a – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. For the purposes of Articles 2, 4 and 11, the Commission shall be assisted by the Customs Code Committee set up by Article 248a of Regulation (EEC) No 2913/92. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.***

## Amendment 186

### Proposal for a regulation – amending act

#### Annex – section 15 – point 3

Regulation (EC) No 140/2008

Article 8a – paragraph -1 a (new)

*Text proposed by the Commission*

*Amendment*

***-1a. For the purposes of Article 6, the Commission shall be assisted by the Committee set up by Regulation (EEC) No 1061/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.***

## Amendment 187

### Proposal for a regulation – amending act

#### Annex – section 15 – point 3

Regulation (EC) No 140/2008

Article 8a – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. For the purposes of **Articles 7 and 8** the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **[.../2011]**.

1. For the purposes of **Articles 5, 7 and 8** the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **182/2011**.

## **Amendment 188**

### **Proposal for a regulation – amending act**

#### **Annex – section 15 – point 3**

Regulation (EC) No 140/2008

Article 8a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

## **Amendment 189**

### **Proposal for a regulation – amending act**

#### **Annex – section 15 – point 3**

Regulation (EC) No 140/2008

Article 8a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.***

## **Amendment 190**

### **Proposal for a regulation – amending act**

#### **Annex – section 15 – point 3**

Regulation (EC) No 140/2008

Article 8a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***



## Amendment 191

**Proposal for a regulation – amending act**  
**Annex – section 15 – point 3 a (new)**  
Regulation (EC) No 140/2008  
Article 11 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3a. In Article 11, the third paragraph is replaced by the following:**

**"The Commission may decide, in accordance with the advisory procedure set out in Article 8a(1a) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 31(4) of the Interim Agreement, and thereafter Article 46(4) of the SAA."**

## Amendment 192

**Proposal for a regulation – amending act**  
**Annex – section 15 – point 3 b (new)**  
Regulation (EC) No 140/2008  
Article 12

*Text proposed by the Commission*

*Amendment*

**3b. Article 12 is deleted.**

## Amendment 193

**Proposal for a regulation – amending act**  
**Annex – section 16 – point -1 (new)**  
Regulation (EC) No 55/2008  
Recital 11

*Text proposed by the Commission*

*Amendment*

**-1. Recital 11 is deleted.**

## Amendment 194

**Proposal for a regulation – amending act**  
**Annex – section 16 – point -1 a (new)**  
Regulation (EC) No 55/2008  
Recital 12

*Text proposed by the Commission*

*Amendment*

**-1a. Recital 12 is deleted.**

## Amendment 195

**Proposal for a regulation – amending act**  
**Annex – section 16 – point -1 b (new)**  
Regulation (EC) No 55/2008  
Recital 13

*Text proposed by the Commission*

*Amendment*

**-1b. Recital 13 is replaced by the following:**

**"(13) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011/EU of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.**

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## Amendment 196

**Proposal for a regulation – amending act**  
**Annex – section 16 – point -1 c (new)**  
Regulation (EC) No 55/2008  
Recital 13 a (new)

***-1c. The following recital is inserted:***

***"(13a) It is appropriate that the advisory procedure be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

#### **Amendment 197**

**Proposal for a regulation – amending act**

**Annex – section 16 – point - 1 d (new)**

Regulation (EC) No 55/2008

Article 3 – paragraph 3

***-1d. In Article 3, paragraph 3 is replaced by the following:***

***"3. Notwithstanding other provisions of this Regulation, in particular Article 10, if imports of agricultural products cause serious disturbance to the *Union* markets and their regulatory mechanisms, the Commission may take the appropriate measures by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2)."***

#### **Amendment 198**

**Proposal for a regulation – amending act**

**Annex – section 16 – point -1 e (new)**

Regulation (EC) No 55/2008

Article 4

*Text proposed by the Commission*

*Amendment*

***-1e. Article 4 is replaced by the following:***

**"Article 4**

**Implementation of tariff quotas for dairy products**

**The detailed rules for implementing the tariff quotas for headings 0401 to 0406 shall be determined by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2)."**

#### **Amendment 199**

**Proposal for a regulation – amending act**

**Annex – section 16 – point -1 f (new)**

Regulation (EC) No 55/2008

Article 7 – introductory part

*Text proposed by the Commission*

*Amendment*

***-1f. In Article 7, the introductory part is replaced by the following:***

**"Commission shall, in accordance with the examination procedure referred to in Article 11a(2), adopt the provisions necessary for the application of this Regulation, other than those referred to in Article 4, notably:"**

#### **Amendment 200**

**Proposal for a regulation – amending act**

**Annex – section 16 – point -1 g (new)**

Regulation (EC) No 55/2008

Article 8

*Text proposed by the Commission*

*Amendment*

***-1g. Article 8 is deleted.***

## Amendment 201

**Proposal for a regulation – amending act**  
**Annex – section 16 – point 1 – point a**  
Regulation (EC) No 55/2008  
Article 10 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Where the Commission finds that there is sufficient evidence of fraud, irregularities or systematic failure by Moldova to comply, or to ensure compliance, with the rules of origin of products and the procedures related thereto and to provide administrative cooperation as referred to in Article 2(1), or a failure to comply with any of the other conditions defined in Article 2(1), it may take measures in accordance with the procedure referred to in **Article 11a(2)** to suspend in whole or in part the preferential arrangements provided for in this Regulation for a period of not more than six months, provided that it has first:

*Amendment*

1. Where the Commission finds that there is sufficient evidence of fraud, irregularities or systematic failure by Moldova to comply, or to ensure compliance, with the rules of origin of products and the procedures related thereto and to provide administrative cooperation as referred to in Article 2(1), or a failure to comply with any of the other conditions defined in Article 2(1), it may take measures in accordance with the **advisory** procedure referred to in **Article 11a(1b)** to suspend in whole or in part the preferential arrangements provided for in this Regulation for a period of not more than six months, provided that it has first:

## Amendment 326

**Proposal for a regulation**  
**Annex 1 – section 16 – point 1 – point b a (new)**  
Regulation (EC) No 55/2008  
Article 10 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***(ba) Paragraph 3 is replaced by the following:***

**"3. On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure [...] or to extend the suspension measure in accordance with the *advisory* procedure referred to in *Article 11a(1b)*."**

## Amendment 327

**Proposal for a regulation**  
**Annex 1 – section 16 – point 2 a (new)**  
Regulation (EC) No 55/2008  
Article 11 – paragraph 5

*Text proposed by the Commission*

*Amendment*

**2a. In Article 11, paragraph 5 is replaced by the following:**

**"5. The investigation shall be completed within six months after the publication of the notice referred to in paragraph 2. The Commission may, in the case of exceptional circumstances, extend this period in accordance with the *advisory* procedure referred to in *Article 11a(1b)*."**

#### **Amendment 204**

**Proposal for a regulation – amending act**

**Annex – section 16 – point 2 b (new)**

Regulation (EC) No 55/2008

Article 11 – paragraph 6

*Text proposed by the Commission*

*Amendment*

**2b. In Article 11, paragraph 6 is replaced by the following:**

**"6. The Commission shall take a decision within three months, in accordance with the *examination procedure* referred to in *Article 11a(2)*. Such decision shall enter into force within one month as from its publication."**

#### **Amendment 205**

**Proposal for a regulation – amending act**

**Annex – section 16 – point 2 c (new)**

Regulation (EC) No 55/2008

Article 11 – paragraph 7

*Text proposed by the Commission*

*Amendment*

**2c. In Article 11, paragraph 7 is replaced by the following:**

**"7. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may [...] take any preventive measure which is strictly**

necessary, according to the procedure referred to in Article 11a(2a)."

## Amendment 206

### Proposal for a regulation – amending act

#### Annex – section 16 – point 3

Regulation (EC) No 55/2008

Article 11a – paragraph 1

#### *Text proposed by the Commission*

1. For the purposes of **Article 11**, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No [..../2011].

#### *Amendment*

1. For the purposes of **Article 3(3) and Articles 11 and 12 and**, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **182/2011**.

## Amendment 207

### Proposal for a regulation – amending act

#### Annex – section 16 – point 3

Regulation (EC) No 55/2008

Article 11a – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**1a. For the purpose of Article 4 the Commission shall be assisted by the committee established by Article 195 of Council Regulation (EC) No 1234/2007. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

## Amendment 208

### Proposal for a regulation – amending act

#### Annex – section 16 – point 3

Regulation (EC) No 55/2008

Article 11a – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***1b. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

## **Amendment 209**

**Proposal for a regulation – amending act**

**Annex – section 16 – point 3**

Regulation (EC) No 55/2008

Article 11a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.***

## **Amendment 210**

**Proposal for a regulation – amending act**

**Annex – section 16 – point 3**

Regulation (EC) No 55/2008

Article 11a – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***2b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

## **Amendment 211**

**Proposal for a regulation – amending act**

**Annex – section 16– point 3 a (new)**

Regulation (EC) No 55/2008

Article 12 – paragraph 2



*Text proposed by the Commission*

*Amendment*

**3a. In Article 12, paragraph 2 is replaced by the following:**

**"If Moldova does not comply with the rules of origin or does not provide administrative cooperation, as required in Article 2, for the *before mentioned* Chapters 17, 18, 19 and 21, or if imports of products under these Chapters subject to the preferential arrangements granted under this Regulation significantly exceed the usual levels of exports of Moldova, appropriate measures shall be taken in accordance with the *examination procedure referred to in Article 11a(2).*"**

## **Amendment 212**

**Proposal for a regulation – amending act**

**Annex – section 17 – point -1 (new)**

Regulation (EC) No 594/2008

Recital 7

*Text proposed by the Commission*

*Amendment*

**-1. Recital 7 is deleted.**

## **Amendment 213**

**Proposal for a regulation – amending act**

**Annex – section 17 – point -1 a (new)**

Regulation (EC) No 594/2008

Recital 8

*Text proposed by the Commission*

*Amendment*

**-1a. Recital 8 is replaced by the following:**

**"(8) *The implementation of this Regulation requires uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part,***

*which was signed in Luxembourg on 16 June 2008. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.*

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

#### **Amendment 214**

##### **Proposal for a regulation – amending act**

##### **Annex – section 17 – point -1 b (new)**

Regulation (EC) No 594/2008

Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***-1b. The following recital is added:***

***"(8a) It is appropriate that the advisory procedure be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

#### **Amendment 215**

##### **Proposal for a regulation – amending act**

##### **Annex – section 17 – point -1 c (new)**

Regulation (EC) No 594/2008

Recital 8 b (new)

*Text proposed by the Commission*

*Amendment*

***-1c. The following recital is added:***

***"(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Articles 24(5)(b) and 25(4) of the Interim Agreement, and thereafter Article 39(5)(b) and 40(4) of the SAA, imperative grounds of urgency so require."***

## **Amendment 216**

**Proposal for a regulation – amending act**  
**Annex – section 17 – point -1 d (new)**  
Regulation (EC) No 594/2008  
Recital 8 b (new)

*Text proposed by the Commission*

*Amendment*

***-1d. Article 2 is replaced by the following:***

**"Article 2**

**Concessions for fish and fishery products**

**Detailed rules on the implementation of Article 13 of the Interim Agreement, and thereafter Article 28 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with examination procedure referred to in Article 8a(2) of this Regulation".**

## **Amendment 217**

**Proposal for a regulation – amending act**  
**Annex – section 17 – point -1 e (new)**  
Regulation (EC) No 594/2008  
Article 4

*Text proposed by the Commission*

*Amendment*

***-1e. Article 4 is replaced by the following:***

**"Article 4**

**Technical adaptations**

**Amendments and technical adaptations to the provisions adopted pursuant to this Regulation rendered necessary by changes**

to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the *Union* and Bosnia and Herzegovina, *and which shall not entail any substantive changes*, shall be adopted in accordance with the *examination procedure set out in Article 8a(2).*"

## Amendment 218

**Proposal for a regulation – amending act**  
**Annex – section 17 – point - 1 f (new)**  
Regulation (EC) No 594/2008  
Article 5

*Text proposed by the Commission*

*Amendment*

*-1f. Article 5 is replaced by the following:*

"Article 5

**General safeguard clause**

[...] Where the *Union* needs to take a measure as provided for in Article 24 of the Interim Agreement, and thereafter Article 39 of the SAA, it shall be adopted in accordance with the *examination procedure referred to in Article 8a(2) of this Regulation*, unless otherwise specified in Article 24 of the Interim Agreement, and thereafter Article 39 of the SAA."

## Amendment 219

**Proposal for a regulation – amending act**  
**Annex – section 17 – point -1 g (new)**  
Regulation (EC) No 594/2008  
Article 6

*Text proposed by the Commission*

*Amendment*

*-1g. Article 6 is replaced by the following:*

"Article 6

**Shortage clause**

[...] Where the *Union* needs to take a

measure as provided for in Article 25 of the Interim Agreement, and thereafter Article 40 of the SAA, it shall be adopted in accordance with the *examination procedure referred to in Article 8a(2) of this Regulation.*"

## Amendment 220

### Proposal for a regulation – amending act

#### Annex – section 17 – point 1

Regulation (EC) No 594/2008

Article 7 – paragraphs 3-5

#### *Text proposed by the Commission*

The Commission shall adopt such measures in accordance with the procedure referred to in *Article 8a(2)*. In cases of urgency, *Article 8a(3)* shall apply.

#### *Amendment*

The Commission shall adopt such measures in accordance with the *advisory* procedure referred to in *Article 8a(1a)*. In cases of urgency, *Article 8a(2a)* shall apply.

## Amendment 221

### Proposal for a regulation – amending act

#### Annex – section 17 – point 3

Regulation (EC) No 594/2008

Article 8a – paragraph -1 (new)

#### *Text proposed by the Commission*

#### *Amendment*

*-1. For the purposes of Articles 2, 4 and 11, the Commission shall be assisted by the Customs Code Committee set up by Article 248a of Regulation (EC) No 2913/92. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.*

## Amendment 222

### Proposal for a regulation – amending act

#### Annex – section 17 – point 3

Regulation (EC) No 594/2008

Article 8a – paragraph -1 a (new)

***-1a. For the purposes of Article 6, the Commission shall be assisted by the Committee set up by Regulation (EC) No 1061/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.***

### **Amendment 223**

#### **Proposal for a regulation – amending act**

##### **Annex – section 17 – point 3**

Regulation (EC) No 594/2008

Article 8a – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. For the purposes of **Articles 7 and 8** the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **[.../2011]**.

1. For the purposes of **Articles 5, 7 and 8** the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009. That Committee shall be a Committee within the meaning of Regulation (EU) No **182/2011**.

### **Amendment 224**

#### **Proposal for a regulation – amending act**

##### **Annex – section 17 – point 3**

Regulation (EC) No 594/2008

Article 8a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

### **Amendment 225**

#### **Proposal for a regulation – amending act**

##### **Annex – section 17 – point 3**

Regulation (EC) No 594/2008

Article 8a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.**

## **Amendment 226**

**Proposal for a regulation – amending act**

**Annex – section 17 – point 3**

Regulation (EC) No 594/2008

Article 8a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.**

## **Amendment 227**

**Proposal for a regulation – amending act**

**Annex – section 17 – point 3 a (new)**

Regulation (EC) No 594/2008

Article 11 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3a. In Article 11, paragraph 3 is replaced by the following:**

**"The Commission may decide, in accordance with the advisory procedure set out in Article 8a(1a) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 29(4) of the Interim Agreement, and thereafter Article 44(4) of the SAA."**

## Amendment 228

### Proposal for a regulation – amending act

#### Annex – section 17 – point 3 b (new)

Regulation (EC) No 594/2008

Article 12

*Text proposed by the Commission*

*Amendment*

**3b. Article 12 is deleted.**

## Amendment 229

### Proposal for a regulation – amending act

#### Annex – section 18 – introductory part

*Text proposed by the Commission*

*Amendment*

As regards Regulation (EC) No 732/2008, the Commission should be empowered to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No [xxxx/2011] of [xx/yy/2011] of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

As regards Regulation (EC) No 732/2008, ***the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union for the purpose of amending Annex I to that Regulation. Moreover,*** the Commission should be empowered to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No ***182/2011*** of ***16 February 2011*** of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

## Amendment 230

### Proposal for a regulation – amending act

#### Annex – section 18 – point -1 (new)

Regulation (EC) No 732/2008

Recital 24 a (new)

*Text proposed by the Commission*

*Amendment*

***-1. The following recital is inserted:***

***“(24a) In order to adopt the provisions necessary for the application of this***



*Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of granting the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I accordingly, adopting detailed rules for implementing the provisions regarding the reduction of Common Customs Tariff duties on the products under tariff heading 1701, suspending Common Customs Tariff duties on the products under tariff headings 1006 and 1701, requiring import licences for imports of products under tariff heading 1701, removing a country from the arrangement by amending Annex I and to establish a transitional period, suspending the preferential arrangements provided for in this Regulation, temporarily withdrawing the preferential arrangements in respect of all or of certain products originating in a beneficiary country, and adopting amendments to the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council."*

## **Amendment 231**

### **Proposal for a regulation – amending act**

#### **Annex – section 18 – point -1 a (new)**

Regulation (EC) No 732/2008

Recital 25

*Text proposed by the Commission*

*Amendment*

***-1a. Recital 25 is replaced by the following:***

***“(25) The implementation of this***

*Regulation requires uniform conditions for the adoption of provisional and definitive measures, for the imposition of prior surveillance measures, and for the termination of an investigation without measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.*

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 232**

**Proposal for a regulation – amending act**  
**Annex – section 18 – point -1 b (new)**  
Regulation (EC) No 732/2008  
Recital 25 a (new)

*Text proposed by the Commission*

*Amendment*

**-1b. The following recital is added:**

***"(25a) It is appropriate that the advisory procedure in conjunction with immediately applicable implementing acts be used for the initiation and the extension of an investigation, for adopting a decision to monitor and evaluate the situation in the beneficiary country for a period of six month if it considers that the temporary withdrawal of preferences is justified, and for the adoption of provisional measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

## Amendment 233

**Proposal for a regulation – amending act**  
**Annex – section 18 – point -1 c (new)**  
Regulation (EC) No 732/2008  
Article 10

*Text proposed by the Commission*

*Amendment*

**-1c. Article 10 is amended as follows:**

**(a) Paragraph 2 is replaced by the following:**

**"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide, after having examined the request, whether to grant the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I accordingly.**

**Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph."**

**(b) Paragraph 5 is replaced by the following:**

**"5. The Commission shall conduct all relations with a requesting country concerning the request acting in accordance with the advisory procedure referred to in Article 27(5)."**

## Amendment 234

**Proposal for a regulation – amending act**  
**Annex – section 18 – point -1 d (new)**  
Regulation (EC) No 732/2008  
Article 11

*Text proposed by the Commission*

*Amendment*

**-1d. Article 11 is amended as follows:**

**(a) Paragraph 7 is replaced by the following:**

***"7. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt detailed rules for implementing the provisions referred to in paragraphs 4, 5 and 6 of this Article.***

***Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph."***

***(b) Paragraph 8 is replaced by the following:***

***"8. When a country is excluded by the UN from the list of the least-developed countries, it shall be withdrawn from the list of the beneficiaries of the arrangement. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to remove a country from the arrangement by amending Annex I and to establish a transitional period of at least three years."***

## **Amendment 235**

### **Proposal for a regulation – amending act**

#### **Annex – section 18 – point 1 – point a**

Regulation (EC) No 732/2008

Article 16 – paragraph 3 – introductory wording

#### *Text proposed by the Commission*

3. The Commission **may** suspend the preferential arrangements provided for in this Regulation, in respect of all or of certain products originating in a beneficiary country, ***in accordance with the procedure referred to in Article 27(6)***, where it considers that there is sufficient evidence that temporary withdrawal would be justified for the reasons referred to in paragraphs 1 and 2, provided that it has first:

#### *Amendment*

3. The Commission ***shall be empowered to adopt delegated acts in accordance with Article 27a in order to*** suspend the preferential arrangements provided for in this Regulation, in respect of all or of certain products originating in a beneficiary country, where it considers that there is sufficient evidence that temporary withdrawal would be justified for the reasons referred to in paragraphs 1 and 2, provided that it has first:

## Amendment 236

### Proposal for a regulation – amending act

#### Annex – section 18 – point 2 a (new)

Regulation (EC) No 732/2008

Article 18 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***(2a) In Article 18, paragraph 6 is replaced by the following:***

**"6. The investigation shall be completed within one year. The Commission may extend this period, in accordance with the *advisory* procedure referred to in Article 27(5)."**

## Amendment 237

### Proposal for a regulation – amending act

#### Annex – section 18 – point 3 – point -a (new)

Regulation (EC) No 732/2008

Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(-a) Paragraph 1 is replaced by the following:***

**"The Commission shall submit a report on its findings to the Committee referred to in Article 27(1) as well as to the European Parliament."**

## Amendment 238

### Proposal for a regulation – amending act

#### Annex – section 18 – point 3 – point -a a (new)

Regulation (EC) No 732/2008

Article 19 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(-aa) Paragraph 2 is replaced by the following:***

**"2. Where the Commission considers that the findings do not justify temporary withdrawal, it shall decide, in accordance with the *advisory* procedure**

referred to in Article 27(5), to terminate the investigation. In that case, the Commission shall publish a notice in the *Official Journal of the European Union*, announcing the termination of the investigation and setting out its main conclusions."

## Amendment 239

### Proposal for a regulation – amending act

#### Annex – section 18 – point 3 – point a

Regulation (EC) No 732/2008

Article 19 – paragraph 3

#### *Text proposed by the Commission*

(a) *In* paragraph 3, *the second sentence* is replaced by the following:

"The Commission shall notify the beneficiary country concerned of this decision and shall publish a notice in the Official Journal of the European Union, announcing that it intends to temporarily withdraw the preferential arrangements in respect of all or of certain products originating in a beneficiary country, unless, before the end of the period, the beneficiary country concerned makes a commitment to take the measures necessary to conform, in a reasonable period of time, with the conventions referred to in Part A of Annex III."

#### *Amendment*

(a) Paragraph 3 is replaced by the following:

***"Where the Commission considers that the findings justify temporary withdrawal for the reason referred to in Article 15(1)(a), it shall decide, in accordance with the advisory procedure referred to in Article 27(5), to monitor and evaluate the situation in the beneficiary country concerned for a period of six months.*** The Commission shall notify the beneficiary country concerned of this decision and shall publish a notice in the Official Journal of the European Union, announcing that it intends to temporarily withdraw the preferential arrangements in respect of all or of certain products originating in a beneficiary country, unless, before the end of the period, the beneficiary country concerned makes a commitment to take the measures necessary to conform, in a reasonable period of time, with the conventions referred to in Part A of Annex III."

## Amendment 240

### Proposal for a regulation – amending act

#### Annex – section 18 – point 3 – point b

Regulation (EC) No 732/2008

Article 19 – paragraph 4

*Text proposed by the Commission*

4. **Where** the Commission *considers* temporary withdrawal **to be necessary, it shall decide in accordance with the procedure referred to in Article 27(6)**. In the case referred to in paragraph 3, the Commission shall act at the end of the period referred to in that paragraph.

*Amendment*

4. The Commission **shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide on the** temporary withdrawal. In the case referred to in paragraph 3, the Commission shall act at the end of the period referred to in that paragraph.

**Amendment 241**

**Proposal for a regulation – amending act**  
**Annex – section 18 – point 3 – point c**  
Regulation (EC) No 732/2008  
Article 19 – paragraph 5

*Text proposed by the Commission*

5. Where the Commission **decides** on temporary withdrawal, such decision shall enter into force six months after it is taken, unless the Commission decides before **then that** the reasons justifying it no longer prevail.

*Amendment*

5. Where the Commission **adopts a delegated act** on temporary withdrawal, such decision shall enter into force six months after it is taken, unless **the delegated acts has been revoked, or the Commission decides to withdraw the delegated act** before **because** the reasons justifying it no longer prevail.

**Amendment 328**

**Proposal for a regulation –**  
**Annex 1 – section 18 – point 4 – point a**  
Regulation (EC) No 732/2008  
Article 20 – paragraph 5

*Text proposed by the Commission*

5. The investigation shall be completed within six months from the date of publication of the notice referred to in paragraph 2. The Commission may, in the case of exceptional circumstances, extend this period in accordance with the procedure referred to in Article 27(5).

*Amendment*

5. The investigation shall be completed within six months from the date of publication of the notice referred to in paragraph 2. The Commission may, in the case of exceptional circumstances, extend this period in accordance with the **advisory** procedure referred to in Article 27(5).

## Amendment 243

### Proposal for a regulation – amending act

#### Annex – section 18 – point 4 – point c

Regulation (EC) No 732/2008

Article 20 – paragraph 7

#### *Text proposed by the Commission*

7. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may, in accordance with the procedure referred to in Article 27(7), take any **preventive** measure which is strictly necessary.

#### *Amendment*

7. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may, in accordance with the procedure referred to in Article 27(7), take any **provisional** measure which is strictly necessary.

***Where a Member State requests immediate intervention by the Commission and where the conditions set out in paragraph 1 are met, the Commission shall take a decision within five working days of receiving the request.***

***Provisional measures shall not apply for more than 200 days.***

***Should the provisional safeguard measures be repealed because the investigation shows that the conditions set out in this Article are not met, any customs duty collected as a result of those provisional measures shall be refunded automatically.***

## Amendment 329

### Proposal for a regulation

#### Annex 1 – section 18 – point 5

Regulation (EC) No 732/2008

Article 21

#### *Text proposed by the Commission*

Where imports of products included in Annex I to the Treaty cause, or threaten to cause, serious disturbance to Union markets, in particular to one or more of the outermost regions, or these markets' regulatory mechanisms, the Commission, on its own initiative or at the request of a Member State, may suspend the preferential arrangements in respect of the products concerned in accordance with the

#### *Amendment*

Where imports of products included in Annex I to the Treaty cause, or threaten to cause, serious disturbance to Union markets, in particular to one or more of the outermost regions, or these markets' regulatory mechanisms, the Commission, on its own initiative or at the request of a Member State, may suspend the preferential arrangements in respect of the products concerned in accordance with the



procedure referred to in *Article 27(6) after consulting the management committee for the relevant common market organisation*.

*advisory* procedure referred to in *Article 27(5)*.

#### **Amendment 244**

##### **Proposal for a regulation – amending act**

##### **Annex – section 18 – point 6**

Regulation (EC) No 732/2008

Article 22 – paragraph 2

*Text proposed by the Commission*

6. Article 22(2) is *deleted*.

*Amendment*

6. Article 22(2) is *replaced by the following*:

*"2. Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 27(5)."*

#### **Amendment 245**

##### **Proposal for a regulation – amending act**

##### **Annex – section 18 – point 6 a (new)**

Regulation (EC) No 732/2008

Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

*6a. The following article is inserted:*

*"Article 22a*

*1. Where the facts as finally established show that the conditions set out in Article 20 are not met, the Commission shall adopt a decision terminating the investigation and proceeding in accordance with the examination procedure referred to in Article 27(6).*

*2. The Commission shall present, with due regard to the protection of confidential information within the meaning of Article 27c, a report setting forth its findings and reasoned conclusions reached on all pertinent issues of fact and law to the European Parliament. No later than six months after presenting the report to the*

*European Parliament, the Commission shall make the report public."*

#### **Amendment 246**

##### **Proposal for a regulation – amending act**

##### **Annex – section 18 – point 6 b (new)**

Regulation (EC) No 732/2008

Article 25 – introductory wording

*Text proposed by the Commission*

*Amendment*

**6b. In Article 25, the introductory part is replaced by the following:**

**"The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt amendments to the Annexes made necessary:"**

#### **Amendment 247**

##### **Proposal for a regulation – amending act**

##### **Annex – section 18 – point 7**

Regulation (EC) No 732/2008

Article 27

*Text proposed by the Commission*

*Amendment*

**7. In Article 27, the following paragraphs 6 and 7 are added:**

7. Article 27 **is replaced** by the following:

**"1. [...] The Commission shall be assisted by a Generalised Preferences Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

[...]

**5. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**

6. Where reference is made to this paragraph, Article [5] of Regulation (EU) No ~~[xxxx/2011]~~ shall apply.

6. Where reference is made to this paragraph, Article 5 of Regulation (EU) No **182/2011** shall apply.

7. Where reference is made to this paragraph, Article [8] of Regulation (EU) No ~~[xxxx/2011]~~ shall apply in conjunction

7. Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with

with *Article [5]* thereof."

*Article 4* thereof.

*7a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."*

### **Amendment 330**

#### **Proposal for a regulation**

Annex 1 – section 18 – point 7 a (new)

Regulation (EC) No 732/2008

Article 27 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. The following article is inserted:**

**"Article 27a**

**1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**

**2. The power to adopt delegated acts referred to in Article 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 shall be conferred on the Commission for a period of five years. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extensions not later than three months before the end of each period.**

**3. The delegation of power referred to in Article 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein.**

*It shall not affect the validity of any delegated acts already in force.*

*4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*5. A delegated act adopted pursuant to Article 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council."*

#### **Amendment 249**

##### **Proposal for a regulation – amending act**

##### **Annex – section 18 – point 7 b (new)**

Regulation (EC) No 732/2008

Article 27 b (new)

*Text proposed by the Commission*

*Amendment*

**7b. The following article is inserted:**

**"Article 27b**

***Urgency procedure***

***1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2.***

***2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.***

***2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27a(5). In such a case, the Commission shall repeal the act without delay following the notification of the***

*decision to object by the European Parliament or by the Council."*

## **Amendment 250**

### **Proposal for a regulation – amending act**

#### **Annex – section 18 – point 7 c (new)**

Regulation (EC) No 732/2008

Article 27 c (new)

*Text proposed by the Commission*

*Amendment*

***7c. The following article is inserted:***

***"Article 27c***

#### ***Confidentiality***

- 1. Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.***
- 2. No information of a confidential nature nor any information provided on a confidential basis received pursuant to this Regulation shall be disclosed without specific permission from the supplier of such information.***
- 3. Each request for confidentiality shall state the reasons why the information is confidential. However, if the supplier of the information wishes neither to make it public nor to authorise its disclosure in general terms or in the form of a summary and if it appears that the request for confidentiality is unjustified, the information concerned may be disregarded.***
- 4. Information shall in any case be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information.***
- 5. Paragraphs 1 to 4 shall not preclude reference by the Union authorities to general information and in particular to reasons on which decisions taken pursuant to this Regulation are based. Those authorities shall, however, take into account the legitimate interest of natural and legal persons concerned that their***

*business secrets should not be divulged."*

## **Amendment 251**

**Proposal for a regulation – amending act**

**Annex – section 18 – point 7 d (new)**

Regulation (EC) No 732/2008

Article 27 d (new)

*Text proposed by the Commission*

*Amendment*

**7d. The following article is inserted:**

**"Article 27d**

**Report**

**1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall cover all of the preferential arrangements referred to in Article 1(2), include information about the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade, and present a summary of the statistics and the evolution of trade with the beneficiary countries and territories.**

**2. The Generalised Preferences Committee and the European Parliament shall examine the effects of the scheme, on the basis of the report. The European Parliament may invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.**

**3. No later than six months after presenting the report to the Generalised Preferences Committee and the European Parliament, the Commission shall make the report public."**

## **Amendment 252**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point -1 (new)**  
Regulation (EC) No 597/2009  
Recital 16

*Text proposed by the Commission*

*Amendment*

***-1. Recital 16 is replaced by the following:***

***"(16) It is necessary to provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 11 months and in no case later than 12 months, from the initiation of the investigation. Only if Member States indicate to the Commission that they expect an intense controversy in the decision making process with the need to submit a draft implementing act to the appeal body pursuant to Article 5 of Regulation (EU) No 182/2011, the Commission should be able to decide, to extend the time limit, for a period up to, but in no case longer than, 13 months."***

#### **Amendment 253**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point -1 a (new)**  
Regulation (EC) No 597/2009  
Recital 26

*Text proposed by the Commission*

*Amendment*

***-1a. Recital 26 is deleted.***

#### **Amendment 254**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point -1 b (new)**  
Regulation (EC) No 597/2009  
Recital 26 a (new)

*Text proposed by the Commission*

*Amendment*

***-1b. The following recital is inserted:***

*"(26a) The implementation of this Regulation requires uniform conditions for the adoption of provisional and definitive measures, and for the termination of an investigation without measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.*

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 255**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point -1 c (new)**  
Regulation (EC) No 597/2009  
Recital 26 b (new)

*Text proposed by the Commission*

*Amendment*

*-1c. The following recital is inserted:*

*"(26b) It is appropriate that the advisory procedure be used for the adoption of provisional measures and for terminating an investigation given the effects of these measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

## **Amendment 256**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point -1 d (new)**  
Regulation (EC) No 597/2009  
Article 10 – paragraph 1 – subparagraph 2



*-Id. In Article 10(1), the second subparagraph is replaced by the following:*

**"The complaint may be submitted to the Commission, or to a Member State, which shall forward it to the Commission. The Commission shall send Member States a copy of any complaint it receives. The complaint shall be deemed to have been lodged on the first working day following its delivery to the Commission by registered mail or the issuing of an acknowledgement of receipt by the Commission. *Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views.*"**

#### **Amendment 257**

##### **Proposal for a regulation – amending act**

##### **Annex – section 19 – point 2**

Regulation (EC) No 597/2009

Article 11 – paragraph 9

*Text proposed by the Commission*

*Amendment*

9. For proceedings pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within **one year**. In any event, such investigations shall be concluded within **13 months** of initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action. ***In exceptional cases, having regard to the complexity of the investigation, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, for a period up to, but in no case longer than, 18 months.***

9. For proceedings pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within **11 months**. In any event, such investigations shall be concluded within **12 months** of initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action.

#### **Amendment 258**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point 2 a (new)**  
Regulation (EC) No 597/2009  
Article 11 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. In Article 11, the following paragraph is inserted:**

**"9a. No later than seven and a half months after the initiation of the investigation the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so the Commission may decide, no later than eight months after the initiation of the investigation, to extend the time limit of paragraph 9, for a period up to, but in no case longer than, 13 months. The Commission shall make this decision public."**

**Amendment 259**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point 3 – point a**  
Regulation (EC) No 597/2009  
Article 12 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The provisional duties shall be imposed no earlier than 60 days, and no later than **9 months**, from the initiation of the proceedings. ***In exceptional cases, having regard to the complexity of the investigation***, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer

The provisional duties shall be imposed no earlier than 60 days, and no later than **8 months**, from the initiation of the proceedings. ***In the event that the Member States indicate to the Commission pursuant to Article 11(9a) that they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 for definitive action which would be likely to trigger the appeal procedure***

than, **12 months**.

*referred to in Article 6 of Regulation (EU) No 182/2011*, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer than, **9 months**.

#### **Amendment 260**

##### **Proposal for a regulation – amending act**

##### **Annex – section 19 – point 4 – point b**

Regulation (EC) No 597/2009

Article 13 – paragraph 5

##### *Text proposed by the Commission*

5. Where undertakings are accepted the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the procedure referred to in Article 25(2).

##### *Amendment*

5. Where undertakings are accepted the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the **examination** procedure referred to in Article 25(2). ***The chair may obtain the committee's opinion by written procedure referred to in Article 15(5).***

#### **Amendment 261**

##### **Proposal for a regulation – amending act**

##### **Annex – section 19 – point 5**

Regulation (EC) No 597/2009

Article 14 – paragraph 2

##### *Text proposed by the Commission*

Where protective measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the procedure referred to in **Article 25(2)**.

##### *Amendment*

Where protective measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the **advisory** procedure referred to in **Article 25(1a)**. ***The chair may obtain the committee's opinion by written procedure referred to in Article 15(5).***

#### **Amendment 262**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point 10 – point a**  
Regulation (EC) No 597/2009  
Article 22 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Reviews carried out pursuant to Articles 18 and 19 shall be carried out expeditiously and shall normally be concluded within **12 months** of the date of initiation of the review. In any event, reviews pursuant to Articles 18 and 19 shall be concluded within **15 months** of initiation. ***In exceptional cases, having regard to the complexity of the investigation,*** the Commission may decide, no later than **9 months** after the initiation of the investigation, to extend ***this*** time limit, for a period up to, but in no case longer than, **18 months**.

*Amendment*

Reviews carried out pursuant to Articles 18 and 19 shall be carried out expeditiously and shall normally be concluded within **11 months** of the date of initiation of the review. In any event, reviews pursuant to Articles 18 and 19 shall be concluded within **14 months** of initiation. ***No later than seven and a half months after the initiation of the investigation pursuant to Article 11 the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011 If so*** the Commission may decide, no later than **8 months** after the initiation of the investigation, to extend ***the*** time limit for a period up to, but in no case longer than, **15 months**. ***The Commission shall make this decision public.***

**Amendment 263**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point 10 – point c**  
Regulation (EC) No 597/2009  
Article 22 – paragraph 2

*Text proposed by the Commission*

2. Reviews pursuant to Articles 18, 19 and 20 shall be initiated by the Commission.

*Amendment*

2. Reviews pursuant to Articles 18, 19 and 20 shall be initiated by the Commission. ***Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views.***

## Amendment 264

### Proposal for a regulation – amending act

#### Annex – section 19 – point 12 – point a

Regulation (EC) No 597/2009

Article 24 – paragraph 4 – subparagraph 1

#### *Text proposed by the Commission*

4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the procedure referred to in **Article 25(2)**.

#### *Amendment*

4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the **advisory** procedure referred to in **Article 25(1a)**.

## Amendment 265

### Proposal for a regulation – amending act

#### Annex – section 19 – point 13

Regulation (EC) No 597/2009

Article 25 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee.**

## Amendment 266

### Proposal for a regulation – amending act

#### Annex – section 19 – point 13

Regulation (EC) No 597/2009

Article 25 – paragraph 2

#### *Text proposed by the Commission*

#### *Amendment*

2. Where reference is made to this paragraph, Article [5] of Regulation (EU)

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No **182/2011** shall apply. **The examination**

No [xxxx/2011] shall apply.

*committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee.*

#### **Amendment 267**

##### **Proposal for a regulation – amending act**

##### **Annex – section 19 – point 13**

Regulation (EC) No 597/2009

Article 25 – paragraph 3

##### *Text proposed by the Commission*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with **Article [5]** thereof.

##### *Amendment*

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with **Article 4** thereof.

#### **Amendment 268**

##### **Proposal for a regulation – amending act**

##### **Annex – section 19 – point 13**

Regulation (EC) No 597/2009

Article 25 – paragraph 4 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

**4a. In case a draft implementing act is submitted to the appeal committee pursuant to Article 5(5) of Regulation (EU) No 182/2011, it shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee.**

#### **Amendment 269**

##### **Proposal for a regulation – amending act**

##### **Annex – section 19 – point 13**

Regulation (EC) No 597/2009

Article 25 – paragraph 4 b (new)

***4b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

**Amendment 270**

**Proposal for a regulation – amending act**  
**Annex – section 19 – point 16 a (new)**  
Regulation (EC) No 597/2009  
Article 33 a (new)

***16a. The following article is inserted:***

***"Article 33a***

***Report***

***1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, the imposition of prior surveillance measures, the termination of investigations without measures, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.***

***2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.***

***3. No later than six months after presenting the report to the European Parliament, the Commission shall make***

*the report public."*

## **Amendment 271**

**Proposal for a regulation – amending act**

**Annex – section 20 – point -1 (new)**

Regulation (EC) No 260/2009

Recital 11

*Text proposed by the Commission*

*Amendment*

**-1. Recital 11 is replaced by the following:**

***"(11) The implementation of this Regulation requires uniform conditions for the adoption of provisional and definitive safeguard measures, and for the imposition of prior surveillance measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## **Amendment 272**

**Proposal for a regulation – amending act**

**Annex – section 20 – point - 1 a (new)**

Regulation (EC) No 260/2009

Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

**-1a. The following recital is inserted:**

***"(11a) It is appropriate that the advisory procedure be used for the adoption of surveillance and provisional measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which***



*would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

#### **Amendment 273**

**Proposal for a regulation – amending act**  
**Annex – section 20 – point 2**  
Regulation (EC) No 260/2009  
Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

#### **Amendment 274**

**Proposal for a regulation – amending act**  
**Annex – section 20 – point 2**  
Regulation (EC) No 260/2009  
Article 4 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No ~~[xxxx/2011]~~ shall apply in conjunction with **Article [5]** thereof.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with **Article 4** thereof.

#### **Amendment 275**

**Proposal for a regulation – amending act**  
**Annex – section 20 – point 2**  
Regulation (EC) No 260/2009  
Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of***

*committee members so request.*

## Amendment 276

### Proposal for a regulation – amending act

#### Annex – section 20 – point 6

Regulation (EC) No 260/2009

Article 11 – paragraph 2

#### *Text proposed by the Commission*

2. The decision to impose surveillance shall be taken by the Commission according to the procedure *laid down* in *Article 16(6)*.

#### *Amendment*

2. The decision to impose surveillance shall be taken by the Commission *by means of implementing acts* according to the *advisory* procedure *referred to* in *Article 4(1a)*.

## Amendment 277

### Proposal for a regulation – amending act

#### Annex – section 20 – point 8

Regulation (EC) No 260/2009

Article 16 – paragraphs 6 and 7

#### *Text proposed by the Commission*

6. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in *Article 4(2)* shall take a decision within a maximum of five working days of receipt of such a request. *In cases of urgency, Article 4(3) shall apply.*

#### *Amendment*

6. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in *Article 4(3)* shall take a decision within a maximum of five working days of receipt of such a request.

## Amendment 278

### Proposal for a regulation – amending act

#### Annex – section 20 – point 11

Regulation (EC) No 260/2009

Article 23

#### *Text proposed by the Commission*

Where the interests of the Union so require, the Commission, acting in accordance with the procedure referred to in Article 4(2), may adopt appropriate

#### *Amendment*

Where the interests of the Union so require, the Commission, acting in accordance with the *examination* procedure referred to in Article 4(2), may

measures to allow the rights and obligations of the Union or of all its Member States, in particular those relating to trade in commodities, to be exercised and fulfilled at international level.

adopt appropriate measures ***implementing legislative acts, which shall not entail any substantive changes***, to allow the rights and obligations of the Union or of all its Member States, in particular those relating to trade in commodities, to be exercised and fulfilled at international level.

## **Amendment 279**

### **Proposal for a regulation – amending act**

#### **Annex – section 20 – point 11 a (new)**

Regulation (EC) No 260/2009

Article 23 a (new)

*Text proposed by the Commission*

*Amendment*

***11a. The following article is inserted:***

***"Article 23a***

***Report***

***1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures, the termination of investigations without measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.***

***2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.***

***3. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."***

## Amendment 280

### Proposal for a regulation – amending act

#### Annex – section 21 – point -1 (new)

Regulation (EC) No 625/2009

Recital 10

*Text proposed by the Commission*

*Amendment*

**-1. Recital 10 is replaced by the following:**

***"(10) The implementation of this Regulation requires uniform conditions for the adoption of provisional and definitive safeguard measures, and for the imposition of prior surveillance measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## Amendment 281

### Proposal for a regulation – amending act

#### Annex – section 21 – point -1 a (new)

Regulation (EC) No 625/2009

Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

**-1a. The following recital is inserted:**

***"(10a) It is appropriate that the advisory procedure be used for the adoption of surveillance and provisional measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional***

*measures."*

## **Amendment 282**

### **Proposal for a regulation – amending act**

#### **Annex – section 21 – point 2**

Regulation (EC) No 625/2009

Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.***

## **Amendment 283**

### **Proposal for a regulation – amending act**

#### **Annex – section 21 – point 2**

Regulation (EC) No 625/2009

Article 4 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No ~~[xxxx/2011]~~ shall apply in conjunction with **Article [5]** thereof.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No **182/2011** shall apply in conjunction with **Article 4** thereof.

## **Amendment 284**

### **Proposal for a regulation – amending act**

#### **Annex – section 21 – point 2**

Regulation (EC) No 625/2009

Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

## Amendment 285

### Proposal for a regulation – amending act

#### Annex – section 21 – point 5 a (new)

Regulation (EC) No 625/2009

Article 9 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. In Article 9, the following paragraph is inserted:**

**"1a. The decisions of paragraph 1 shall be taken by the Commission by means of implementing acts according to the advisory procedure referred to in Article 4(1a)."**

## Amendment 286

### Proposal for a regulation – amending act

#### Annex – section 21 – point 5 b (new)

Regulation (EC) No 625/2009

Article 11 – second indent

*Text proposed by the Commission*

*Amendment*

**5b. In Article 11, the second indent is replaced by the following:**

**"– make issue of that document subject to certain conditions and, as an exceptional measure, subject to insertion of a revocation clause [...]."**

## Amendment 287

### Proposal for a regulation – amending act

#### Annex – section 21 – point 6

Regulation (EC) No 625/2009

Article 12

*Text proposed by the Commission*

*Amendment*

Where import of a product has not been made subject to prior Union surveillance, the Commission may introduce, in accordance with Article 17, surveillance confined to imports into one or more regions of the Union.

Where import of a product has not been made subject to prior Union surveillance, the Commission may introduce, **by means of implementing acts according to the advisory procedure referred to in Article 4(1a) and** in accordance with Article 17,

surveillance confined to imports into one or more regions of the Union.

## Amendment 288

### Proposal for a regulation – amending act

#### Annex – section 21 – point 7 – point b

Regulation (EC) No 625/2009

Article 15 – paragraphs 4-6

#### *Text proposed by the Commission*

4. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in **Article 4(2)**, shall take a decision within a maximum of five working days of receipt of such a request. ***In cases of urgency, Article 4(3) shall apply.***

#### *Amendment*

4. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in **Article 4(3)**, shall take a decision within a maximum of five working days of receipt of such a request.

## Amendment 289

### Proposal for a regulation – amending act

#### Annex – section 21 – point 8

Regulation (EC) No 625/2009

Article 16 – paragraph 1

#### *Text proposed by the Commission*

1. The Commission may, in particular in the situation referred to in Article 15(1), adopt appropriate measures acting in accordance with the procedure referred to in Article 4(2).

#### *Amendment*

1. The Commission may, in particular in the situation referred to in Article 15(1), adopt appropriate ***safeguard*** measures acting in accordance with the ***examination*** procedure referred to in Article 4(2).

## Amendment 290

### Proposal for a regulation – amending act

#### Annex – section 21 – point 8 a (new)

Regulation (EC) No 625/2009

Article 18 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

#### *Amendment*

***8a. In Article 18(1), the introductory part is replaced by the following:***

**"1. While any surveillance or safeguard measure applied in accordance with Chapters IV and V is in operation, the consultations within the Committee provided for in Article 4(1) shall be held, either at the request of a Member State or on the initiative of the Commission. The purpose of such consultations shall be:"**

## **Amendment 291**

**Proposal for a regulation – amending act**  
**Annex – section 21 – point 9 a (new)**  
Regulation (EC) No 625/2009  
Article 19 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. The following article is inserted:**

**"Article 19a**

**Report**

**1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.**

**2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.**

**3. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**



## Amendment 292

### Proposal for a regulation – amending act

#### Annex – section 22 – point -1 (new)

Regulation (EC) No 1061/2009

Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

**-1. The following recital is inserted:**

***"(11a) The implementation of this Regulation requires uniform conditions for the adoption of protective measures to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and to make the export of a product subject to the production of an export authorisation. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup>.***

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

## Amendment 293

### Proposal for a regulation – amending act

#### Annex – section 22 – point 2

Regulation (EC) No 1061/2009

Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

## Amendment 294

**Proposal for a regulation – amending act**  
**Annex – section 22 – point 3 – point a a (new)**  
Regulation (EC) No 1061/2009  
Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(aa) Paragraph 2 is replaced by the following:***

***"2. The European Parliament, the Council and the Member States shall be notified of the measures taken. Such measures shall take effect immediately."***

## Amendment 295

**Proposal for a regulation – amending act**  
**Annex – section 22 – point 5 a (new)**  
Regulation (EC) No 1061/2009  
Article 9 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***5a. In Article 9, paragraph 1 is replaced by the following:***

***"In respect of products listed in Annex I, until such time as the European Parliament and the Council adopt appropriate measures pursuant to international commitments entered into by the Union or all its Member States, Member States shall be authorised to implement, without prejudice to rules adopted by the Union in this field, the emergency sharing system introducing an allocation obligation vis-à-vis third countries provided for in international commitments entered into before the entry into force of this Regulation."***

## Amendment 296

**Proposal for a regulation – amending act**  
**Annex – section 22 – point 5 b (new)**  
Regulation (EC) No 1061/2009  
Article 9 a (new)

**5b. The following article is inserted:**

**"Article 9a**

**Report**

**1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of protective measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.**

**2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.**

**3. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

**Amendment 297**

**Proposal for a regulation – amending act  
Annex – section 23**

*Text proposed by the Commission*

*Amendment*

**23. Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process**

**As regards Regulation (EC) No 1215/2009, the Commission should be empowered to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No [xxxx/2011] of [xx/yy/2011] of the**

**deleted**

*European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.*

*Accordingly, Regulation (EC) No 1215/2009 is amended as follows:*

*1. Article 2 is amended as follows:*

*(a) In paragraph 2, the second subparagraph is deleted;*

*(b) The following paragraph 3 is added:*

*"3. In the event of non-compliance in respect of paragraphs 1 or 2, the benefits of this Regulation for the country may be suspended, in whole or in part, in accordance with the procedure referred to in Article 8a(2)."*

*2. The following Article 8a is inserted:*

*"Article 8a*

*Committee*

*1. For the purposes of Articles 2 and 10, the Commission shall be assisted by the Western Balkans Implementation Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No [...]/2011].*

*2. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply."*

*3. Article 10 is amended as follows:*

*(a) Paragraph 1 is amended as follows:*

*(1) Point (a) is replaced by the following:*

*"(a) informed the Western Balkans Implementation Committee;"*

*(2) The following second subparagraph is added:*

*"The measures referred to in the first subparagraph shall be adopted in accordance with the procedure referred to in Article 8a(2).";*

*(b) Paragraph 2 is deleted;*

*(c) Paragraph 3 is replaced by the following:*

*"On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure or to extend the suspension measure in accordance with paragraph 1."*

## Amendment 298

Proposal for a regulation – amending act  
Annex – section 24 – point -1 (new)  
Regulation (EC) No 1225/2009  
Recital 15

*Text proposed by the Commission*

*Amendment*

***-1. Recital 15 is replaced by the following:***

***"(15) It is necessary to provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 12 months, and in no case later than 14 months, from the initiation of the investigation. Only if Member States indicate to the Commission that they expect an intense controversy in the decision making process with the need to submit a draft implementing act to the appeal body pursuant to Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>1</sup> the Commission should be able to decide, to extend the time-limit, for a period up to, but in no case longer than, 15 months.***

***Investigations or proceedings should be terminated where the dumping is de minimis or the injury is negligible, and it is appropriate to define those terms.***

***Where measures are to be imposed, it is necessary to provide for the termination of investigations and to lay down that measures should be less than the margin of dumping if such lesser amount would***

remove the injury, as well as to specify the method of calculating the level of measures in cases of sampling.

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<sup>1</sup>*OJ L 55, 28.2.2011, p. 13."*

### **Amendment 299**

**Proposal for a regulation – amending act**

**Annex – section 24 – point -1 a (new)**

Regulation (EC) No 1225/2009

Recital 27

*Text proposed by the Commission*

*Amendment*

**-1a. Recital 27 is deleted.**

### **Amendment 300**

**Proposal for a regulation – amending act**

**Annex – section 24 – point -1 b (new)**

Regulation (EC) No 1225/2009

Recital 28

*Text proposed by the Commission*

*Amendment*

**-1b. Recital 28 is replaced by the following:**

***"(28) The implementation of this Regulation requires uniform conditions for the adoption of provisional and definitive duties, and for the termination of an investigation without measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011."***

### **Amendment 301**

**Proposal for a regulation – amending act**

**Annex – section 24 – point -1 c (new)**

Regulation (EC) No 1225/2009

Recital 28 a (new)

**-1c. The following recital is inserted:**

***"(28a) It is appropriate that the advisory procedure be used for extending the suspension of measures, the termination of investigations, and for the adoption of provisional measures given the effects of these measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."***

### **Amendment 302**

**Proposal for a regulation – amending act**

**Annex – section 24 – point 1**

Regulation (EC) No 1225/2009

Article 2 – paragraph 7 – last subparagraph

*Text proposed by the Commission*

A determination by the Commission whether the producer meets the abovementioned criteria shall be made within **six** months of the initiation of the investigation after the Union industry has been given an opportunity to comment.  
***This determination shall remain in force throughout the investigation.***

*Amendment*

A determination by the Commission whether the producer meets the abovementioned criteria shall be made within ***a standard period of three*** months of the initiation of the investigation after the Union industry has been given an opportunity to comment ***for at least one month.***

### **Amendment 303**

**Proposal for a regulation – amending act**

**Annex – section 24 – point 1 a (new)**

Regulation (EC) No 1225/2009

Article 5 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***1a. In Article 5(1), subparagraph 2 is replaced by the following:***

***"The complaint may be submitted to the Commission, or to a Member State, which***

shall forward it to the Commission. The Commission shall send Member States a copy of any complaint it receives. The complaint shall be deemed to have been lodged on the first working day following its delivery to the Commission by registered mail or the issuing of an acknowledgement of receipt by the Commission. *Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views.*"

#### Amendment 304

##### Proposal for a regulation – amending act

##### Annex – section 24 – point 3

Regulation (EC) No 1225/2009

Article 6 – paragraph 9

##### *Text proposed by the Commission*

For proceedings initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within one year. In any event, such investigations shall be concluded within **15 months** of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action. ***In exceptional cases, having regard to the complexity of the investigation, the Commission may decide, no later than 9 months after the initiation of the investigation, to extend this time limit, for a period up to, but in no case longer than, 18 months.***

##### *Amendment*

For proceedings initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within one year. In any event, such investigations shall be concluded within **14 months** of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action.

#### Amendment 305

##### Proposal for a regulation – amending act

##### Annex – section 24 – point 3 a (new)

Regulation (EC) No 1225/2009

Article 6 – paragraph 9 a (new)



**3a. In Article 6, the following paragraph is added:**

**"9a. No later than seven and a half months after the initiation of the investigation the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Article 9 for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so the Commission may decide, no later than eight months after the initiation of the investigation, to extend the time limit of Article 6(9), for a period up to, but in no case longer than, 15 months. The Commission shall make this decision public."**

### **Amendment 306**

#### **Proposal for a regulation – amending act**

#### **Annex – section 24 – point 4 – point a**

Regulation (EC) No 1225/2009

Article 7 – paragraph 1

*Text proposed by the Commission*

Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given an adequate opportunity to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the Union industry, and if the Union interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days and no later than **9 months** from the initiation of the

*Amendment*

Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given an adequate opportunity to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the Union industry, and if the Union interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days and no later than **8 months** from the initiation of the

proceedings. *In exceptional cases, having regard to the complexity of the investigation*, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer than, **12 months**.

proceedings. *In the event that the Member States indicate to the Commission pursuant to Article 6(10) that they expect an intense controversy in the decision making process pursuant to Article 9 for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011*, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer than, **9 months**.

### Amendment 307

**Proposal for a regulation – amending act**  
**Annex – section 24 – point 5 – point b**  
Regulation (EC) No 1225/2009  
Article 8 – paragraph 5

#### *Text proposed by the Commission*

5. Where undertakings are accepted, the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the procedure referred to in Article 15(2).

#### *Amendment*

5. Where undertakings are accepted, the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the **examination** procedure referred to in Article 15(2). ***The chair may obtain the committee's opinion by written procedure referred to in Article 15(4).***

### Amendment 308

**Proposal for a regulation – amending act**  
**Annex – section 24 – point 6 – point a**  
Regulation (EC) No 1225/2009  
Article 9 – paragraph 2

#### *Text proposed by the Commission*

2. Where protective measures are unnecessary the investigation or proceeding shall be terminated. The Commission shall terminate the investigation in accordance with the procedure referred to in **Article 15(2)**.

#### *Amendment*

2. Where protective measures are unnecessary the investigation or proceeding shall be terminated. The Commission shall terminate the investigation in accordance with the **advisory** procedure referred to in **Article 15(1a)**. ***The chair may obtain the committee's opinion by written procedure***

*referred to in Article 15(4).*

## Amendment 309

### Proposal for a regulation – amending act

#### Annex – section 24 – point 8 – point b

Regulation (EC) No 1225/2009

Article 11 – paragraph 5 – subparagraphs 1 and 2

#### *Text proposed by the Commission*

The relevant provisions of this Regulation with regard to procedures and the conduct of investigations, excluding those relating to time-limits, shall apply to any review carried out pursuant to paragraphs 2, 3 and 4. Reviews carried out pursuant to paragraphs 2 and 3 shall be carried out expeditiously and shall normally be concluded within 12 months of the date of initiation of the review. In any event, reviews pursuant to paragraphs 2 and 3 shall be concluded within **15 months** of initiation. ***In exceptional cases, having regard to the complexity of the investigation,*** the Commission may decide, no later than **9 months** after the initiation of the investigation, to extend **this** time limit, for a period up to, but in no case longer than, **18 months**. Reviews pursuant to paragraph 4 shall in all cases be concluded within nine months of the date of initiation. If a review carried out pursuant to paragraph 2 is initiated while a review under paragraph 3 is ongoing in the same proceeding, the review pursuant to paragraph 3 shall be concluded at the same time as the review pursuant to paragraph 2.

#### *Amendment*

The relevant provisions of this Regulation with regard to procedures and the conduct of investigations, excluding those relating to time-limits, shall apply to any review carried out pursuant to paragraphs 2, 3 and 4. Reviews carried out pursuant to paragraphs 2 and 3 shall be carried out expeditiously and shall normally be concluded within 12 months of the date of initiation of the review. In any event, reviews pursuant to paragraphs 2 and 3 shall be concluded within **14 months** of initiation. ***No later than seven and a half months after the initiation of the investigation pursuant to Article 6 the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Article 9 for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so*** the Commission may decide, no later than **8 months** after the initiation of the investigation, to extend **the** time limit for a period up to, but in no case longer than, **15 months**. ***The Commission shall make this decision public.*** Reviews pursuant to paragraph 4 shall in all cases be concluded within nine months of the date of initiation. If a review carried out pursuant to paragraph 2 is initiated while a review under paragraph 3 is ongoing in the same proceeding, the review pursuant to paragraph 3 shall be concluded at the same time as the review pursuant to paragraph 2.

## Amendment 310

### Proposal for a regulation – amending act

#### Annex – section 24 – point 8 – point c

Regulation (EC) No 1225/2009

Article 11 – paragraph 6

#### *Text proposed by the Commission*

6. Reviews pursuant to this Article shall be initiated by the Commission. Where warranted by reviews, measures shall be repealed or maintained pursuant to paragraph 2, or repealed, maintained or amended pursuant to paragraphs 3 and 4. Where measures are repealed for individual exporters, but not for the country as a whole, such exporters shall remain subject to the proceeding and may, automatically, be reinvestigated in any subsequent review carried out for that country pursuant to this Article.

#### *Amendment*

6. Reviews pursuant to this Article shall be initiated by the Commission. ***Before the initiation of proceedings the Commission shall inform the Member States thereof and give them the opportunity to express their views.*** Where warranted by reviews, measures shall be repealed or maintained pursuant to paragraph 2, or repealed, maintained or amended pursuant to paragraphs 3 and 4. Where measures are repealed for individual exporters, but not for the country as a whole, such exporters shall remain subject to the proceeding and may, automatically, be reinvestigated in any subsequent review carried out for that country pursuant to this Article.

## Amendment 311

### Proposal for a regulation – amending act

#### Annex – section 24 – point 9 – point c

Regulation (EC) No 1225/2009

Article 12 – paragraph 4 – subparagraphs 1 and 2

#### *Text proposed by the Commission*

The relevant provisions of Articles 5 and 6 shall apply to any reinvestigation carried out pursuant to this Article, except that such reinvestigation shall be carried out expeditiously and shall normally be concluded within ***nine months*** of the date of initiation of the reinvestigation. In any event, such reinvestigations shall in all cases be concluded within ***one year*** of initiation of the reinvestigation.

#### *Amendment*

The relevant provisions of Articles 5 and 6 shall apply to any reinvestigation carried out pursuant to this Article, except that such reinvestigation shall be carried out expeditiously and shall normally be concluded within ***six months*** of the date of initiation of the reinvestigation. In any event, such reinvestigations shall in all cases be concluded within ***ten months*** of initiation of the reinvestigation.

## Amendment 312

### Proposal for a regulation – amending act

#### Annex – section 24 – point 11 – point a

Regulation (EC) No 1225/2009

Article 14 – paragraph 4

#### *Text proposed by the Commission*

4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the procedure referred to in **Article 15(2)**. Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and these comments have been taken into account. Measures may, at any time be reinstated if the reason for suspension is no longer applicable.

#### *Amendment*

4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the **advisory** procedure referred to in **Article 15(1a)**. Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and these comments have been taken into account. Measures may, at any time be reinstated if the reason for suspension is no longer applicable.

## Amendment 313

### Proposal for a regulation – amending act

#### Annex – section 24 – point 12

Regulation (EC) No 1225/2009

Article 15 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee.***

## Amendment 314

### Proposal for a regulation – amending act

#### Annex – section 24 – point 12

Regulation (EC) No 1225/2009

Article 15 – paragraph 2

*Text proposed by the Commission*

2. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply.

*Amendment*

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. ***The examination committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee.***

## Amendment 315

### Proposal for a regulation – amending act

#### Annex – section 24 – point 12

Regulation (EC) No 1225/2009

Article 15 – paragraph 3

*Text proposed by the Commission*

3. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with ***Article [5]*** thereof.

*Amendment*

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with ***Article 4*** thereof.

## Amendment 316

### Proposal for a regulation – amending act

#### Annex – section 24 – point 12

Regulation (EC) No 1225/2009

Article 15 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. In case a draft implementing act is submitted to the appeal committee pursuant to Article 5(5) of Regulation (EU) No 182/2011, it shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting***

*of the committee.*

### **Amendment 317**

#### **Proposal for a regulation – amending act**

##### **Annex – section 24 – point 12**

Regulation (EC) No 1225/2009

Article 15 – paragraph 4 b (new)

*Text proposed by the Commission*

*Amendment*

***4b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.***

### **Amendment 318**

#### **Proposal for a regulation – amending act**

##### **Annex – section 24 – point 15 a (new)**

Regulation (EC) No 1225/2009

Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

***15a. The following article is inserted:***

***"Article 22a***

***Report***

***1. The Commission shall, with due regard to the protection of confidential information within the meaning of Article 19, present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.***

*2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.*

*3. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*