



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council concerning certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Serbia, of the other part
– Outcome of the European Parliament's first reading
(Strasbourg, 25 to 26 October 2012)

I. INTRODUCTION

The Rapporteur, Mr Iuliu WINKLER (EPP - RO), presented a report consisting of nine amendments (amendments 1-9) to the proposal for a Regulation, on behalf of the Committee on International Trade.

II. DEBATE

No debate took place.

III. VOTE

When it voted on 25 October 2012, the plenary adopted the nine amendments, the text of which is annexed to this note.

Procedures for applying the EC-Serbia Stabilisation and Association Agreement and the EC-Serbia Interim Agreement *I**

European Parliament legislative resolution of 25 October 2012 on the proposal for a regulation of the European Parliament and of the Council concerning certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Serbia, of the other part (COM(2011)0938 – C7-0010/2012 – 2011/0465(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0938),
 - 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 (C7-0010/2012),
 - 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 (A7-0273/2012),
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 Recital 4

Text proposed by the Commission

(4) In order to ensure uniform conditions for the implementation of the Interim Agreement and the SAA, 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. ***Given that the implementing measures form part of the common commercial policy, the examination procedure should be used for their adoption. Where the Interim Agreement and the SAA foresee the possibility, in exceptional and critical circumstances, to apply forthwith measures necessary to deal with the situation, the Commission should adopt immediately such implementing acts.***

Amendment

(4) In order to ensure uniform conditions for the implementation of the Interim Agreement and the SAA, 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.

Amendment 2

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) It is appropriate that the advisory procedure be used for the adoption of immediate measures in the event 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.

Justification

On duly justified imperative grounds of urgency the Commission must be able to adopt immediately applicable implementing acts as fast as possible. Therefore the advisory procedure is the correct choice.

Amendment 3

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) 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(5)(b) and Article 27(4) of the Interim Agreement, and, thereafter, of Article 41(5)(b) and Article 42(4) of the SAA, imperative grounds of urgency so require.

Amendment 4

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) The SAA and the Interim Agreement stipulate that certain agricultural and fishery products originating in Serbia may be imported into the Union at a reduced customs duty, within the limits of tariff quotas. It is therefore necessary to lay down provisions regulating the management of these tariff quotas.

(5) The SAA and the Interim Agreement stipulate that certain agricultural and fishery products originating in Serbia may be imported into the Union at a reduced customs duty, within the limits of tariff quotas. It is therefore necessary to lay down provisions regulating the management ***and review*** of these tariff quotas ***in order to allow for their thorough assessment.***

Amendment 5

Proposal for a regulation

Article 4

Text proposed by the Commission

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 under Article 218 Treaty on the Functioning of the European Union between the Union and the Republic of Serbia, shall be adopted in accordance with the procedure set out in Article 13(3) or, as the case may be, with respect to agricultural products the procedure set out in Article 14(2).

Amendment

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 under Article 218 Treaty on the Functioning of the European Union between the Union and the Republic of Serbia, **and which shall not entail any substantive changes**, shall be adopted in accordance with the **examination** procedure set out in Article 13(3) or, as the case may be, with respect to agricultural products the **examination** procedure set out in Article 14(2).

Amendment 6

Proposal for a regulation

Article 13 – 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.

Justification

Pursuant to Regulation (EU) No 182/2011 the chair of an advisory or examination committee can order a written procedure in simple cases. The Regulation lays down that, except if otherwise provided, the written procedure may not be applied if a Member State objects. In line with the Trade Omnibus I and II reports, the rapporteur proposes that the written procedure is to be terminated without result only if a qualified majority of Member States calls for this. It is important to encourage the use of the written procedure, which is significantly less costly and more efficient.

Amendment 7

Proposal for a regulation

Article 14 – 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.