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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation (codification)
– Outcome of the European Parliament's first reading (Strasbourg, 18 to 21 May 2015)

I. INTRODUCTION

The rapporteur, Mr Andrzej DUDA (ECR - PL), presented a report, on behalf of the Committee on Legal Affairs, which proposed to take over the Commission proposal without amendment.

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p. 5

II. VOTE

Pursuant to Rule 103 of the European Parliament's Rules of Procedure, the report was adopted by means of a single vote, without amendment or debate.

The text adopted and the legislative resolution constitute the European Parliament's first reading position², it reflects what had been agreed during the informal contacts referred to above.

The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The text adopted and the European Parliament's legislative resolution are set out in the Annex.

(19.5.2015)

Safeguard measures provided for in the Agreement with the Swiss Confederation *I**

European Parliament legislative resolution of 19 May 2015 on the proposal for a regulation of the European Parliament and of the Council on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation (codified text) (COM(2014)0305 – C8-0009/2014 – 2014/0158(COD))

(Ordinary legislative procedure – codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0305),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0009/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 20 December 1994 - Accelerated working method for official codification of legislative texts³,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0145/2015),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

³ OJ C 102, 4.4.1996, p. 2.

Position of the European Parliament adopted at first reading on 19 May 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation (codification)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure⁴,

Whereas:

- (1) Regulation (EEC) No 2841/72 of the Council⁵ has been substantially amended several times⁶. In the interests of clarity and rationality, that Regulation should be codified.
- (2) An agreement between the European Economic Community and the Swiss Confederation⁷ ('the Agreement') was signed in Brussels on 22 July 1972.
- (3) Detailed rules are necessary for implementing the safeguard clauses and precautionary measures provided for in Articles 22 to 27 of the Agreement.
- (4) The implementation of the bilateral safeguard clauses of the Agreement requires uniform conditions for the adoption of safeguard measures. Those measures should be adopted in

⁴ Position of the European Parliament of 19 May 2015.

⁵ Regulation (EEC) No 2841/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation (OJ L 300, 31.12.1972, p. 284).

⁶ See Annex I.

⁷ OJ L 300, 31.12.1972, p. 189.

accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁸.

- (5) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to 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, imperative grounds of urgency so require,

HAVE ADOPTED THIS REGULATION:

Article 1

The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation, ('the Agreement'), for the purpose of taking the measures provided for in Articles 22, 24, 24a and 26 of the Agreement. Where necessary, the Commission shall adopt those measures in accordance with the examination procedure referred to in Article 6(2) of this Regulation.

The Commission shall inform the Member States should it decide to refer an issue to the Joint Committee.

Article 2

1. In the case of a practice that may justify application by the Union of the measures provided for in Article 23 of the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 6(2) of this Regulation.
2. In the case of a practice that may cause safeguard measures to be applied to the Union on the basis of Article 23 of the Agreement, the Commission, after examining the case, shall

⁸ 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 (OJ L 55, 28.2.2011, p. 13).

decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall formulate appropriate recommendations.

Article 3

In the case of a practice that may justify application by the Union of the measures provided for in Article 25 of the Agreement, the procedures established by Council Regulation (EC) No 597/2009⁹ and Council Regulation (EC) No 1225/2009¹⁰ shall be applicable.

Article 4

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 point (e) of Article 27(3) of the Agreement may be adopted by the Commission in accordance with the examination procedure referred to in Article 6(2) of this Regulation, or in cases of urgency, in accordance with Article 6(3) of this Regulation.
2. Where the Commission is requested to take action by a Member State, it shall take a decision on that request within a maximum period of five working days of its receipt.

Article 5

Notification to the Joint Committee by the Union as required by Article 27(2) of the Agreement shall be the responsibility of the Commission.

Article 6

1. The Commission shall be assisted by the Committee on Safeguards established by Article 3(1) of Regulation (EU) 2015/478 of the European Parliament and of the Council¹¹.

⁹ Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (OJ L 188, 18.7.2009, p. 93).

¹⁰ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

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, in conjunction with Article 5 thereof, shall apply.

Article 7

The Commission shall include information on the implementation of this Regulation in its annual report on the application and implementation of trade defence measures presented to the European Parliament and to the Council pursuant to Article 22a of Regulation (EC) No 1225/2009.

Article 8

Regulation (EEC) No 2841/72 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

¹¹ Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (OJ L 83, 27.3.2015, p. 16).

Article 9

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ,

For the European Parliament

For the Council

The President

The President

ANNEX I

Repealed Regulation with list of the successive amendments thereto

Regulation (EEC) No 2841/72 of the Council

(OJ L 300, 31.12.1972, p. 284)

Council Regulation (EEC) No 643/90

(OJ L 74, 20.3.1990, p. 7)

Regulation (EU) No 37/2014 of the European Parliament
and of the Council

(OJ L 18, 21.1.2014, p. 1)

Only point 1 of the Annex

ANNEX II

CORRELATION TABLE

Regulation (EEC) No 2841/72	This Regulation
Articles 1 to 4	Articles 1 to 4
Article 6	Article 5
Article 7	Article 6
Article 8	Article 7
–	Article 8
–	Article 9
–	Annex I
–	Annex II