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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	9357/15 UD 126
No. Cion doc.:	9001/15 + ADD1
Subject:	Adoption of a Council Regulation amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products

1. On 18 May 2015, the Commission submitted to the Council the above proposal, based on Article 31 of the Treaty on the Functioning of the European Union.
2. On 21 May 2014, the Working Party on Customs Union examined the proposal and agreed on an amended text, as laid down in doc. 9357/15 UD 126^{1 2}.

¹ At that stage, the French delegation maintains a parliamentary scrutiny reservation.. It is understood that this reservation will be lifted before the adoption of the Regulation by the Council.

² The Slovak Republic abstains and requests the insertion in the minutes of the Council of the declaration set out in annex.

3. Against this background, the Permanent Representatives Committee could:

- confirm the agreement reached within the Working Party and
 - invite the Council to adopt the draft Regulation as set out in doc. 9358/15 UD 127 (text revised by legal/linguistic experts) as an item without discussion at one of its forthcoming meetings.
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DECLARATION BY THE SLOVAK REPUBLIC

The Slovak Republic would like to express concerns about the retroactive application of the tariff suspensions, as it is not consistent with the fundamental principles of the EU legislation. However, we admit that there is a possibility of short-term retroactivity in extraordinary situations, such as reclassification of goods, changes in the GSP scheme or other legal and technical corrections.

The requests for the retroactive implementation of the tariff suspensions and other substantial amendments to the proposal for Regulation suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products cannot be submitted directly to the Customs Union Working Party (CUWP). In the first step they need to be discussed at the expert level and approved by the Economic Tariff Questions Group (ETQG).

The Slovak Republic is of the view that the requests for retroactivity unveil the need for definition of appropriate criteria in the existing scheme of tariff suspensions and quotas which would regulate the use of retroactivity. In this respect we are open for the discussion on possible modifications of the Commission Communication (2011/C 363/02).