



**COUNCIL OF  
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**"I/A" ITEM NOTE**

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from: General Secretariat of the Council  
to: Permanent Representatives Committee / Council

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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 (First Reading)

- *Statements:*
    - *agreement to enter the statements into the minutes of the Council*
    - *decision to publish the statements in the Official Journal*
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**Joint statement by the European Parliament, the Council and the Commission regarding  
Article 15(6) of Regulation (EC) No 1225/2009  
and Article 25(6) of Regulation (EC) No 597/2009**

The European Parliament, the Council and the Commission consider that the inclusion of Article 15(6) of Regulation (EC) No 1225/2009 and Article 25(6) of Regulation (EC) No 597/2009 is justified exclusively on the basis of the specific characteristics of those Regulations before their amendment by this Regulation. As a consequence, the inclusion of a provision, such as those Articles, is exceptional to those two Regulations and is not a precedent for the drafting of future legislation.

For the sake of clarity, the European Parliament, the Council and the Commission understand that Article 15(6) of Regulation (EC) No 1225/2009 and Article 25(6) of Regulation (EC) No 597/2009 do not introduce decision-making procedures different from or additional to those provided for in Regulation (EU) No 182/2011.

**Council statement on the application of Articles 3(4) and 6(2) of Regulation (EU) No 182/2011  
in connection with anti-dumping and countervailing duty proceedings pursuant to  
Regulations (EC) No 1225/2009 and (EC) No 597/2009**

Where a Member State suggests an amendment with respect to either anti-dumping or countervailing duty draft measures provided for in Regulations (EC) No 1225/2009 and (EC) No 597/2009 (the “Basic Regulations”), in accordance with Article 3(4) or Article 6(2) of Regulation (EU) No 182/2011 it will:

- (a) ensure that the amendment is proposed in a timely manner, which respects the deadlines in the Basic Regulations and reflects the necessity for the Commission to be given sufficient time to undertake any necessary disclosure procedure, properly scrutinise the proposal, and for the Committee to examine any amended draft measure proposed;
- (b) ensure that the proposed amendment is consistent with the Basic Regulations as interpreted by the Court of Justice of the European Union and with relevant international obligations;
- (c) provide written justification which will, as a minimum, indicate how the suggested amendment relates to the Basic Regulations and to the facts established in the investigation, but may also contain such other supporting arguments as the Member State proposing the amendment considers appropriate.

**Statement by the Commission**  
**in connection with anti-dumping and countervailing duty proceedings pursuant to**  
**Regulations (EC) No 1225/2009 and (EC) No 597/2009**

The Commission recognises the importance of Member States receiving information where provided for in Regulations (EC) No 1225/2009 and (EC) No 597/2009 (the "Basic Regulations") such as to enable them to contribute to fully informed decisions, and it will act to achieve that objective.

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For the avoidance of doubt, the Commission understands the reference to consultations in Article 8(5) of Regulation (EU) No 182/2011 as requiring the Commission, except in cases of extreme urgency, to seek the views of the Member States before adopting provisional anti-dumping or countervailing duties.

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The Commission will ensure that it effectively manages all aspects of anti-dumping and countervailing duty procedures provided for in Regulations (EC) No 1225/2009 and (EC) No 597/2009, including the possibility of Member States to suggest amendments, in order to ensure that the time periods laid down in, and the obligations towards interested parties created by, the Basic Regulations are respected and that any measures finally imposed are consistent with the facts established by the investigation and the Basic Regulations as interpreted by the Court of Justice of the European Union and in line with the international obligations of the Union.

### **Statement by the Commission on codification**

The adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council of ... amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No .../2013 of the European Parliament and of the Council of ... amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once those two Regulations are adopted, and at the latest by 1 June 2014.

### **Statement by the Commission on delegated acts**

In the context of Regulation (EU) No .../2013 of the European Parliament and of the Council of ... amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No .../2013 of the European Parliament and of the Council of ... amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures, the Commission recalls the commitment it has made in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

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