



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 November 2013  
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**DRAFT STATEMENT OF THE COUNCIL'S REASONS**

**Subject:** Position of the Council at first reading with a view to the adoption of 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 ("Trade  
Omnibus Act I")  
– Draft Statement of the Council's reasons

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## I. INTRODUCTION

1. On 8 March 2011 the Commission adopted a 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<sup>1</sup> (Trade Omnibus Act I).
2. On 14 March 2012, the European Parliament adopted its opinion at first reading on Trade Omnibus Act I<sup>2</sup>, under the ordinary legislative procedure.
3. A significant number of issues contained in the proposal were common to the Trade Omnibus Act II, therefore, in order to reach a coherent result, it was decided to pursue in parallel the negotiations on the two files.
4. On 14 November 2012, the COREPER adopted the negotiating mandate for the trilogue. On 5 June 2013 the final trilogue meeting took place, at which a compromise package was agreed upon. On 7 June 2013, the Trade Policy Committee (Deputies) endorsed the Presidency's compromise package, sealing the positive outcome of the trilogues. The COREPER on 12 June 2013 and the Council on 14 June 2013 have been informed of that development<sup>3</sup>. Following this, the Presidency, in cooperation with the European Parliament and the Commission, has prepared the comprehensive text of the Regulation concerned, incorporating the compromise package into the legal act. This consolidated text has been endorsed by the Working Party on Trade Questions on 5 July 2013 and the European Parliament's INTA Committee has voted its approval on 11 July 2013.

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<sup>1</sup> doc. 7455/11

<sup>2</sup> doc. T7-0076/2012

<sup>3</sup> doc. 10286/13

5. On 11 July 2013, the Chairman of the INTA Committee informed the COREPER Chair in a letter<sup>4</sup> that the INTA Committee had endorsed the consolidated text, indicating that, should the Council transmit formally to the Parliament its position in the form as it stands in the annex to that letter, he would recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at the Parliament's second reading.
6. The COREPER endorsed the final compromise text on 18 July 2013<sup>5</sup>.
7. On that basis, the Council on 23 September (via COREPER on 18 September 2013) confirmed its political agreement regarding the Regulation<sup>6</sup>.
8. Taking into account the above agreement and after legal and linguistic revision, the Council adopted its position at first reading on 15 November 2013, in accordance with the ordinary legislative procedure laid down in Article 294 of the Treaty on the Functioning of the European Union (TFEU).

## II. OBJECTIVE

The entry into force of the Treaty of Lisbon led to significant changes both in the framework for the adoption of delegated and implementing acts and for the conduct of the common commercial policy.

It provided in particular that the ordinary legislative procedure would apply in the context of the EU trade policy.

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<sup>4</sup> doc. EXPO-COM-INTA D(2013)35653

<sup>5</sup> doc. 12276/13

<sup>6</sup> doc. 13357/13

The Trade Omnibus Act I amends certain regulations relating to the common commercial policy as regards procedures where the Council was involved in decision-making process, which were not based on Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.<sup>7</sup>

It proposes that such procedures be converted into either delegated acts pursuant to Article 290 TFEU or implementing acts pursuant to Article 291 of the Treaty on the Functioning of the European Union (TFEU). This should be done, where appropriate, by applying relevant procedures set out in Regulation (EU) No 182/2011 of the European Parliament and the Council<sup>8</sup>.

As a consequence, the Regulation will establish a more effective and efficient mechanism for the Commission's implementing powers and in that way will ensure consistency with the provisions introduced by the Treaty of Lisbon.

### **III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

The main issues concerned the modifications introduced to the basic Anti-dumping and basic Countervailing regulations contained in Trade Omnibus Act I proposal (Regulations (EC) No 1225/2009 and (EC) No 597/2009 respectively):

- the overall time of investigations;
- the introduction of an "info +" mechanism, where consultations have been deleted;
- the Union interest test.

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<sup>7</sup> OJ L 184, 17.7.1999, p. 23

<sup>8</sup> OJ L 55, 28.02.2011, p.13

For the other elements of the Trade Omnibus Act I package, the key issues for modification were:

- the use of the written procedure;
- the use of the urgency procedure;
- the choice between advisory or examination procedure: the advisory procedure is retained for provisional and/ or preparatory measures, while the examination procedure is retained for definitive measures;
- scope of the regulations.

#### **IV. CONCLUSION**

The Council's Position at first reading reflects the compromise reached in negotiations between the Council and the European Parliament as facilitated by the Commission.

This compromise was endorsed through the adoption of a political agreement by the Council on 23 September 2013, via COREPER on 18 September 2013

The Chair of the European Parliament's INTA Committee has indicated in a letter to the COREPER Chair<sup>9</sup> that, should the Council transmit formally to the Parliament its position in the form as it stands in the annex to that letter, he would recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at the Parliament's second reading.

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<sup>9</sup> doc. EXPO-COM-INTA D(2013)35653