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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 introduction of emergency autonomous trade measures for the Republic of Tunisia - Outcome of the European Parliament's first reading (Strasbourg, 7 to 10 March 2016)

I. INTRODUCTION

When it voted on 25 February 2016, the plenary adopted 6 amendments to the proposal for a Regulation. 4 of these amendments had been agreed in informal contacts between the Council, the European Parliament and the Commission. The 2 other amendments adopted were additional to the compromise found between the institutions.

The vote on the legislative resolution was postponed to a later session, thereby not closing the European Parliament's first reading and leaving open the possibility of reaching an agreement in first reading ¹.

¹ See document 6422/16

Subsequently, and in accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, further 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.

As a result of these contacts, agreement was reached on the 2 additional amendments and in this context, the rapporteur, Ms Marielle DE SARNEZ (ALDE, FR), on behalf of the Committee on International Trade presented the 6 amendments previously voted by the plenary and now agreed among the institutions.

II. VOTE

When it voted on 10 March 2016, the plenary adopted its legislative resolution, thereby confirming its vote of 25 February 2016.

The legislative resolution containing the Commission's proposal as thus amended constitutes the Parliament's first-reading position and is set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. 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.

¹ OJ C 145, 30.6.2007, p.5

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

Introduction of emergency autonomous trade measures for Tunisia *I**

European Parliament legislative resolution of 10 March 2016 on the proposal for a regulation of the European Parliament and of the Council on the introduction of emergency autonomous trade measures for the Republic of Tunisia (COM(2015)0460 – C8-0273/2015 – 2015/0218(COD))

(1) (Ordinary legislative procedure: first reading)

The European Parliament,

- (2) – having regard to the Commission proposal to Parliament and the Council (COM(2015)0460),
- (3) – 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 (C8-0273/2015),
- (4) – having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- (5) – having regard to the undertaking given by the Council representative by letter of 9 March 2016 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- (6) – having regard to Rule 59 of its Rules of Procedure,
- (7) – having regard to the report of the Committee on International Trade and the opinion of the Committee on Agriculture and Rural Development (A8-0013/2016),
- (8) 1. Adopts its position at first reading hereinafter set out¹;
- (9) 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;
- (10) 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ This position corresponds to the amendments adopted on 25 February 2016. (Texts adopted P8_TA(2016)0056).

P8_TC1-COD(2015)0218

Position of the European Parliament adopted at first reading on 10 March 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council on the introduction of emergency autonomous trade measures for the Republic of Tunisia

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 procedure¹,

¹ Position of the European Parliament of 10 March 2016.

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part¹ ('the Agreement') constitutes the basis of the relationship between the Union and Tunisia.
- (2) Following the terrorist attack of 26 June 2015 near Sousse, Tunisia, the Council, in its conclusions of 20 July 2015, stated that the Union, in consultation with its Member States, would explore the option of taking exceptional *and temporary* measures to support the Tunisian economy.
- (3) Olive oil is Tunisia's main agricultural export product to the Union and the olive oil industry is an important part of the country's economy, *as it is for some regions of certain Member States*.
- (4) The Union can best support Tunisia's economy, in accordance with the objectives set out in the European Neighbourhood Policy and in the Agreement, by providing an attractive and reliable market for Tunisia's exports of olive oil. The provision of such a market requires the introduction of autonomous trade measures allowing for the import of that product into the Union on the basis of a duty free tariff quota.

¹ OJ L 97, 30.3.1998, p. 2.

- (5) In order to prevent fraud *and to ensure that* the envisioned autonomous trade measures *will really benefit the Tunisian economy, those measures* should be subject to compliance by Tunisia with the rules provided for in the Agreement regarding the origin of products and the procedures related thereto, as well as to Tunisia's effective administrative cooperation with the Union.
- (6) The preservation of the stability of the olive oil market in the Union requires that the additional volume generated by the autonomous trade measures is only made available after the exhaustion of the volume of the annual untreated olive oil duty free tariff quota laid down in Article 3(1) of Protocol No 1 to the Agreement.
- (7) Article 184 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council¹ lays down the rules on the administration of tariff quotas. Those rules should also apply to the autonomous trade measures provided for in this Regulation.

¹ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission enabling it to temporarily suspend the preferential arrangements established by this Regulation and to introduce corrective measures in cases where the Union market is affected by this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.
- (9) The emergency autonomous trade measures established by this Regulation are intended to alleviate the difficult economic situation, which Tunisia is currently facing, due to the terrorist attacks. Those measures should therefore be limited in time and be without prejudice to negotiations between the Union and Tunisia on the establishment of a Deep and Comprehensive Free Trade Area (DCFTA). ■

¹ 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).

- (10) In view of the severe damage done to Tunisia's economy, in particular to its tourism sector, by the terrorist attack near Sousse on 26 June 2015, and the need to take emergency autonomous trade measures to alleviate Tunisia's economic situation in the short term, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community,

HAVE ADOPTED THIS REGULATION:

Article 1
Preferential arrangements

An annual duty free import tariff quota of 35 000 tons ("the annual import tariff quota") for calendar years 2016 and 2017 is opened for imports into the Union of untreated olive oil originating in Tunisia and falling within CN codes 1509 10 10 and 1509 10 90 *where such untreated olive oil is wholly obtained in Tunisia and transported directly from Tunisia to the Union.*

Article 2
Conditions for entitlement to the annual import tariff quota

Entitlement to the annual import tariff quota shall be subject to compliance by Tunisia with the rules regarding the origin of products and with the procedures related thereto, provided for in Protocol No 4 to the Agreement.

Article 3

Access to the annual import tariff quota

The annual import tariff quota shall be made available only after the exhaustion of the volume of the annual untreated olive oil duty free tariff quota provided for in Article 3(1) of Protocol No 1 to the Agreement.

Article 4

Administration of the annual import tariff quota

The Commission shall administer the annual import tariff quota in accordance with Article 184 of Regulation (EU) No 1308/2013.

Article 5

Temporary suspension

Where the Commission finds that there is sufficient evidence of a failure by Tunisia to comply with the conditions set out in Article 2, it may adopt an implementing act suspending temporarily in whole or in part the preferential arrangements provided for in Article 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 7(2).

Article 6

Mid-term review

- 1. The Commission shall conduct an assessment of the impact of this Regulation on the Union olive oil market at mid-term following its entry into force and present the conclusions of that assessment to the European Parliament and to the Council.**
- 2. If it is found that the Union olive oil market is affected by the provisions of this Regulation, the Commission shall be empowered to adopt an implementing act in order to introduce corrective measures aiming to restore the situation on that market. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 7(2).**

Article 7

Committee procedure

1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013. 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.

Article 8
Entry into force and application

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

It shall apply until 31 December 2017.

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

Done at ...,

For the European Parliament
The President

For the Council
The President