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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Delegations will find attached document C(2026) 4867 annex.

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ANNEX

ANNEX
to the
Commission Delegated Regulation (EU)
amending the Annex to Regulation (EU) 2019/287 of the European Parliament and of
the Council

ANNEX

‘Interim Agreement on Trade between the European Union, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part (ITA)

Date of provisional Application 1/05/2026

Bilateral safeguard clauses and/or other mechanisms Chapter 9 Bilateral Safeguard Measures

Provision(s) contained in the Agreement

Article 9.1

“1. Sections B to I of this Chapter apply to any goods other than vehicles classified under HS headings 8703 and 8704.
2. The provisions applicable to vehicles classified under HS headings 8703 and 8704 are detailed in Annex 9-A.”

Article 9.2

“(a) "competent investigating authority" means:

(i) for the European Union, the European Commission; and

(ii) for MERCOSUR, the Ministerio de Economía or its successor in Argentina, the Secretaria de Comércio Exterior of the Ministério do Desenvolvimento, Indústria, Comércio e Serviços or its successor in Brazil, the Ministerio de Industria y Comercio or its successor in Paraguay, and the Asesoría de Política Comercial del Ministerio de Economía y Finanzas or its successor in Uruguay;

(b) "domestic industry" means the producers as a whole of the like or directly competitive products operating in the territory of a Party or, failing that, those whose collective output of the like or directly competitive products normally constitutes more than 50 % (fifty per cent) and in exceptional circumstances not less than 25 % (twenty-five per cent) of the total production of such products;

(c) "interested parties" includes:

(i) exporters or foreign producers or importers of a product subject to investigation, or a trade or business association a majority of whose members are producers, exporters or importers of such product;

(ii) the government of the exporting Party; and

(iii) producers of the like or directly competitive product in the importing Party or a trade and business association a majority of whose members produces the like or directly competitive product in the territory of the importing Party;

this list does not preclude the Parties from allowing domestic or foreign parties other than those mentioned above to be included as interested parties;

(d) "like or directly competitive product" means:

(i) a product which is identical, meaning alike in all aspects, to the product under consideration;

(ii) another product which, although not alike in all aspects, has characteristics closely resembling those of the product under consideration; or

(iii) a product which directly competes within the internal market of the importing Party, given its degree of substitutability, basic physical characteristics and technical specifications, final uses and channels of distribution;

this list of factors is not exhaustive nor can one or several of these factors necessarily give decisive guidance; (...)

(f) "threat of serious injury" means a serious injury that is clearly imminent, based on facts and not merely on allegation, conjecture or remote possibility; and

(g) "transition period" means:

(i) 12 (twelve) years from the date of entry into force of this Agreement; or

(ii) for goods other than vehicles classified under HS headings 8703 and 8704 for which the Tariff Elimination Schedule of the Party applying the measures provides for tariff elimination in 10 (ten) years or more, 18 (eighteen) years from the date of entry into force of this Agreement."

Article 9.3

"1. Without prejudice to the rights and obligations referred to in Chapter 8, a Party may, in exceptional circumstances, for goods other than vehicles classified under HS headings 8703 and 8704, apply bilateral safeguard measures under the conditions established in this Section if, after the date of entry into force of this Agreement, imports from the other Party of a product under preferential terms have increased in such quantities, absolute or relative to domestic production or consumption and under such conditions as to cause or threaten to cause serious injury to its domestic industry of the like or directly competitive products.

2. For goods listed in paragraph 1, bilateral safeguard measures shall be applied only to the extent necessary to prevent or remedy serious injury or the threat of serious injury.

3. Bilateral safeguard measures shall be applied following an investigation by the competent investigating authorities of the importing Party under the procedures established in this Chapter."

Article 9.4

“A Party shall not apply, extend or maintain in force a bilateral safeguard measure beyond the expiration of the transition period.”

Article 9.5

“2. The European Union may apply bilateral safeguard measures to imports from MERCOSUR as a sole entity or from one or more Signatory MERCOSUR States if the serious injury or threat of serious injury is being caused by imports of products under preferential terms.

3. In case the European Union determines that a measure is to apply to MERCOSUR as a sole entity, Paraguay shall be exempted from the application of the measure, unless the result of an investigation demonstrates that the existence of serious injury or the threat of serious injury is also being caused by imports of products from Paraguay under preferential terms.”

Article 9.6

“For goods other than vehicles classified under HS headings 8703 and 8704, bilateral safeguard measures adopted pursuant to this Chapter shall consist of: (...)”

Article 9.7

“Upon termination of the bilateral safeguard measure, the margin of preference shall be the one that would be applied to the product in the absence of the measure under Annex 2-A.”

Article 9.9

“1. Bilateral safeguard measures may be extended once for a maximum period equal to the initially foreseen period of application (...) The extended measure shall not be more restrictive than it was at the end of the initial period.

2. No safeguard measure shall be applied again to the import of a product under Annex 2-A which has been subject to such a measure, unless a period of time equal to half of the total duration of the previous safeguard measure has elapsed.”

Article 9.10

“ 1. (...) including prices (...)

2. The competent investigating authority shall demonstrate, on the basis of objective evidence, the existence of a causal link between increased imports of the product concerned and serious injury or the threat of serious injury. The competent investigating authority shall also evaluate all known factors other than increased imports under preferential terms of this Agreement that might be at the same time causing injury to the domestic

industry. The effects of an increase in imports of the products concerned from other countries shall not be attributed to the imports under preferential terms.

3. In conducting an injury investigation as referred to in paragraph 1, a competent investigating authority should collect data over a period of at least 36 (thirty-six) months ending as close to the date of the presentation of a request to initiate an investigation as is practicable.”

Article 9.11

“2. The request to initiate an investigation shall contain at least the following information:

- (a) the name and description of the imported product concerned, its tariff heading and the tariff treatment in force, as well as the name and description of the like or directly competitive product;
- (b) the names and addresses of the producers or associations that submit the request, if applicable;
- (c) if reasonably available, a list of all known producers of the like or directly competitive product; and
- (d) evidence that the conditions for imposing the safeguard measure set out in Article 9.3(1) are met.

For the purposes of point (d) of this paragraph, the request to initiate an investigation shall contain the following information:

- (i) the production volume of producers submitting or represented in the application and an estimation of the production of other known producers of the like or directly competitive product;
- (ii) the rate and amount of the increase in total and bilateral imports of the product concerned in absolute and relative terms, for at least over the 36 (thirty-six) months prior to the date of the presentation of a request to initiate an investigation, for which information is available;
- (iii) the level of import prices during the same period; and
- (iv) if information is available, objective and quantifiable data regarding the like or directly competitive product on the volume of total production and of total sales in the internal market, inventories, prices for the internal market, productivity, capacity utilisation, employment, profits and losses, and market share of the requesting firms or of those represented in the request, for at least the last 36 (thirty-six) month period previous to the presentation of the request, for which information is available.”

Article 9.12

1. (...) An interested party providing confidential information may be requested to furnish non-confidential summaries thereof (...)

2. (...) the authorities may disregard such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

3. If information regarding production, production capacity, employment, wages, volume and value of domestic sales or average price is presented on a confidential basis, the competent investigating authorities shall ensure that meaningful non-confidential summaries disclosing at least aggregated data or, in cases in which the disclosure of aggregated data would endanger the confidentiality of the company's data, indexes for each period of 12 (twelve) months under investigation are submitted, so as to ensure the appropriate right of defence of the interested parties. In this regard, requests for confidentiality should be considered in situations in which particular market or domestic industry structures so justify it. This provision does not prevent the presentation of more detailed non-confidential summaries.

4. Requests for confidentiality shall not be warranted in respect of information regarding basic technical and quality standards or uses of the product concerned. Requests for confidentiality in respect of information regarding the identity of the applicants and other known manufacturing companies not part of the petition shall be warranted only in exceptional circumstances, which shall be duly justified by the competent investigating authorities. In this regard, mere allegations shall not suffice for justifying confidentiality requests. If the identity of the applicants cannot be disclosed, competent investigating authorities shall disclose the total number of producers included in the domestic industry and the proportion of the production that the applicants represent in relation to the total production of the domestic industry.”

Article 9.13

“The period between the date of publication of the decision to initiate the investigation and the publication of the final decision should not exceed 1 (one) year. Under exceptional circumstances this period may be extended, but, in any case, shall not exceed 18 (eighteen) months. A Party shall not apply safeguard measures if this timeframe has not been observed by the competent investigating authorities.”

Article 9.14

“Each Party shall establish or maintain transparent, effective and equitable procedures for the impartial and reasonable application of safeguard measures, in accordance with this Chapter.”

Article 9.15

“1. (...) after due notification (...) The duration of the provisional measure(...) during which period the requirements of this Chapter shall be met.

2. Provisional safeguard measures shall not be taken against Paraguay, unless the result of the preliminary determination pursuant to paragraph 1 demonstrates that the existence of serious injury or the threat of serious injury is also being caused by imports of products from Paraguay under preferential terms.”

Article 9.16

“The public notice of the initiation of a safeguard investigation shall include the following information:

- (a) the name of the applicant;
- (b) the complete description of the imported product under investigation and its classification under the Harmonized System;
- (d) the deadlines to register as an interested party and for the submission of information, statements and other documents;
- (e) the address where the application and other documents related to the investigation can be examined;
- (f) the name, address and email address or telephone or fax number of the institution which can provide further information; and
- (g) a summary of the facts on which the initiation of the investigation was based, including data on imports that have allegedly increased in absolute or relative terms to total production and an analysis of the domestic industry situation based on all the elements conveyed in the application.”

Article 9.17

“The public notice of the decision to apply a provisional safeguard measure and whether to apply or not apply a definitive safeguard measure shall include the following information:

- (a) the complete description of the products subject to the safeguard measure and their tariff classification under the Harmonized System;
- (b) information and evidence leading to the decision, such as:
 - (i) the increasing or increased preferential imports, where applicable;
 - (ii) the situation of the domestic industry;

(iii) the existence of a causal link between the increased preferential imports of the products concerned and the serious injury or threat of serious injury to the domestic industry, where applicable;

(iv) in the case of preliminary determination, the existence of critical circumstances;

(c) other reasoned findings and conclusions on all relevant issues of fact and law;

(d) a description of the measure to be adopted, where applicable; and

(e) the date of entry into force of the measure and its duration, where applicable.”

Article 9.18

“1. The importing Party shall notify the exporting Party in writing of the decision to:

(a) initiate the investigation under this Chapter;

(b) apply a provisional safeguard measure; and

(c) apply or not apply a definitive safeguard measure.

2. The decision shall be notified by the importing Party no later than 10 (ten) days after its publication and shall be accompanied by the appropriate public notice. In the case of a decision to initiate an investigation, a copy of the request to initiate the investigation shall be included in the notification.”

Article 9.19

“1. If a Party determines that the conditions to impose a definitive measure are met, it shall notify in writing and at the same time invite the other Party for consultations.

2. The notification and the invitation for consultations referred to in paragraph 1 shall be made at least 30 (thirty) days before a definitive measure is expected to enter into force. A Party shall not apply a definitive measure in the absence of such notification.

3. The notification referred to in paragraph 1 shall include:

(a) the data and objective information demonstrating the existence of serious injury or the threat of serious injury to the domestic industry caused by the increased imports under preferential terms;

(b) a complete description of the imported product subject to the measure and its classification under the Harmonized System;

(c) a description of the measure proposed;

(d) the date of entry into force of the measure and its duration; and

(e) the invitation for consultations.

4. The objective of the consultations referred to in paragraph 1 shall be to acquire a mutual understanding of the publicly known facts and to exchange opinions, with a view to reaching a mutually satisfactory solution. If no satisfactory solution is reached within 30 (thirty) days of the notification referred to in paragraph 1, the Party may apply the measure at the end of the period of 30 (thirty) days.

5. At any stage of the investigation, the notified Party may request consultations with the other Party or any additional information that it considers necessary.”

Article 9.20

“Outermost Regions of the European Union”¹

1. Notwithstanding Article 9.3, if a product originating in one or more Signatory MERCOSUR States is imported under preferential terms into the territory of one or several of the European Union's outermost regions in such increased quantities and under such conditions as to cause or threaten to cause serious deterioration in the economic situation of the European Union's outermost region(s), the European Union may exceptionally take safeguard measures limited to the territory of the region(s) concerned, unless a mutually satisfactory solution is reached.

2. Without prejudice to paragraph 1, other rules laid down in this Chapter applicable to bilateral safeguards also apply to any safeguard adopted under this Article.

3. For the purposes of paragraph 1, serious deterioration means major difficulties in a sector of the economy producing like or directly competitive products. The determination of serious deterioration shall be based on objective factors, including the following elements:

(a) the increase in the volume of imports in absolute or relative terms to domestic production and to imports from other countries; and

(b) the effect of such imports on the situation of the relevant industry or the economic sector concerned,

¹ At the entry into force of this Agreement, the outermost regions of the European Union are: Guadeloupe, French Guiana, Martinique, Mayotte, Reunion, St. Martin, the Azores, Madeira and the Canary Islands. This Article shall also apply to a country or an overseas territory that changes its status to an outermost region by a decision of the European Council in accordance with the procedure set out in Article 355(6) of the Treaty on the Functioning of the European Union following the entry into force of that decision. In the event that an outermost region of the European Union changes its status by the same procedure, this Article shall cease to be applicable following the entry into force of the European Council's decision. The European Union shall notify in writing the other Party of any change in the territories considered as outermost regions of the European Union.

including on the level of sales, production, financial situation and employment.”

Annex 9-A

Article 1

“For the purposes of this Annex, the following definitions apply:

"bilateral safeguard measure for vehicles" means bilateral safeguard measure for vehicles classified under HS headings 8703 and 8704, as defined in this Annex;

(b) "competent investigating authority" means:

(i) for the European Union, the European Commission; and

(ii) for MERCOSUR:

(A) for Argentina, the Secretaría de Industria y Comercio del Ministerio de Economía or its successor;

(B) for Brazil, the Secretaria de Comércio Exterior of the Ministério do Desenvolvimento, Indústria, Comércio e Serviços or its successor;

(C) for Paraguay, the Ministerio de Industria y Comercio or its successor; and

(D) for Uruguay, the Asesoría de Política Comercial del Ministerio de Economía y Finanzas or its successor;

(c) "domestic vehicle industry" means the producers as a whole of the like or directly competitive vehicles operating in the territory of a Party or, failing that, those whose collective output of the like or directly competitive vehicles normally constitutes more than 50 % (fifty percent) and in exceptional circumstances not less than 25 % (twenty-five percent) of the total production of such vehicles;

(d) "injury" means material injury to a domestic industry, threat of material injury to a domestic industry or material retardation of the establishment of such an industry;

(e) "interested parties" includes:

(i) exporters or foreign producers or importers of a vehicle subject to investigation, or a trade or business association a majority of whose members are producers, exporters or importers of such vehicle;

(ii) the government of the exporting Party; and

(iii) producers of the like or directly competitive vehicle in the importing Party or a trade and business association a majority of whose members produces the like

or directly competitive vehicle in the territory of the importing Party;

this list does not preclude the Parties from allowing domestic or foreign parties other than those mentioned above to be included as interested parties;

(f) "like or directly competitive vehicle" means:

(i) a vehicle which is identical, meaning alike in all aspects, to the vehicle under consideration;

(ii) another vehicle which, although not alike in all aspects, has characteristics closely resembling those of the vehicle under consideration; or

(iii) a vehicle which directly competes within the internal market of the importing Party, given its degree of substitutability, basic physical characteristics and technical specifications, final uses and channels of distribution;

this list of factors is not exhaustive nor can one or several of these factors necessarily give decisive guidance; and

(g) "transition period" means:

(i) 12 (twelve) years from the date of entry into force of this Agreement, for vehicles for which the Tariff Elimination Schedule provided for in Annex 2-A of the Party applying the measures provides for tariff elimination in less than 10 (ten) years;

(ii) 18 (eighteen) years from the date of entry into force of this Agreement, for vehicles for which the Tariff Elimination Schedule provided for in Annex 2-A of the Party applying the measures provides for tariff elimination in 10 (ten) or 15 (fifteen) years;

(iii) 20 (twenty) years from the date of entry into force of this Agreement, for vehicles for which the Tariff Elimination Schedule provided for in Annex 2-A of the Party applying the measures provides for tariff elimination in 18 (eighteen) years; or

(iv) 25 (twenty-five) years from the date of entry into force of this Agreement, for vehicles for which the Tariff Elimination Schedule provided for in Annex 2-A of the Party applying the measures provides for tariff elimination in 25 (twenty-five) years or more".

Article 2

"1. With a view to preserving existing levels of foreign investment in the automotive sector and without prejudice to the rights and obligations referred to in Chapter 8 of this Agreement, the Parties may, in exceptional circumstances, apply bilateral safeguard measures under the conditions established in this Section if, after the date of entry into force of this Agreement, imports of vehicles classified under HS headings 8703 and 8704 under preferential terms have increased in such quantities,

absolute or relative to domestic production or consumption, and under such conditions as to cause injury to the domestic industry of the like or directly competitive vehicles of the importing Party.

2. Bilateral safeguard measures for vehicles shall be applied only to the extent necessary to prevent or remedy the injury.

3. Bilateral safeguard measures for vehicles shall be applied following an investigation by the competent investigating authorities of the importing Party under the procedures established in this Annex.

4. The application of bilateral safeguard measures for vehicles shall not entail any means of trade compensation.”

Article 3

“A Party shall not apply, extend or maintain in force a bilateral safeguard measure for vehicles beyond the expiration of the transition period.”

Article 4

“2. The European Union may apply bilateral safeguard measures for vehicles to imports from MERCOSUR as a sole entity or from one or more Signatory MERCOSUR States if the injury is being caused by imports of vehicle under preferential terms.

3. Where the European Union determines that a measure is to apply to MERCOSUR as a sole entity, Paraguay shall be exempted from the application of the measure, unless the result of an investigation demonstrates that the existence of injury is also being caused by imports of vehicles from Paraguay under preferential terms.”

Article 5

“1. Bilateral safeguard measures for vehicles adopted pursuant to this Annex shall consist of: (...)

2. Where a bilateral safeguard measure for vehicles as referred to in paragraph 1(b) of this Article is adopted, a Party should ensure that historical trade flows that do not cause injury to the domestic industry of the importing Party are preserved. The Party that applies a bilateral safeguard measure for vehicles shall establish an import quota for the product concerned within which such product continues to benefit from the agreed preference established under this Agreement. The import quota shall not be less than the average imports of the product concerned during the thirty-six (36) month-period previous to the last twelve (12) months of the period of data collection for the investigation to determine injury.”

Article 6

“Upon termination of the bilateral safeguard measures for vehicles, the margin of preference shall be that which would be applied to the vehicle in the absence of the measure under Annex 2-A.”

Article 7

“(…) shall not exceed 3 (three) years.”

Article 8

“1. Bilateral safeguard measures for vehicles may be extended once for a maximum period of two years, if it has been determined, in accordance with the procedures set out in this Annex, that injury would be likely to continue or recur if the measure were removed or modified. The extended measure shall not be more restrictive than it was at the end of the initial period.

2. No bilateral safeguard measure for vehicles shall be applied again to the import of a vehicle which has been subject to such a measure, unless a period of time equal to half of the total duration of the previous bilateral safeguard for vehicles has elapsed.”

Article 9

“1. (...) installed capacity, (...) including prices. (...) This list is not exhaustive, nor can one or several of these factors necessarily give decisive guidance.

2. The competent investigating authority shall demonstrate, on the basis of objective evidence, the existence of a causal link between increased imports of the vehicle concerned and injury. The competent investigating authority shall also evaluate all known factors other than increased imports under preferential terms of this Agreement that might be at the same time causing injury to the domestic industry. The effects of an increase in imports of the vehicles concerned from other countries shall not be attributed to the imports under preferential terms.

3. In conducting an injury investigation as referred to in paragraph 1, a competent investigating authority should collect data over a period of at least 36 (thirty-six) months ending as close to the date of the presentation of a request to initiate an investigation as is practicable.”

Article 10

“2. The request to initiate an investigation shall contain at least the following information:

(a) the name and description of the imported vehicle concerned, its tariff heading and the tariff treatment in force, as well as the name and description of the like or directly competitive vehicle;

(b) the names and addresses of the producers or association that submit the request, if applicable;

(c) if reasonably available, a list of all known producers of the like or directly competitive vehicle; and

(d) evidence that the conditions for imposing the bilateral safeguard measure for vehicles set out in Article 2(1) of this Annex are met.

3. For the purposes of point (d) of paragraph 2, the request to initiate an investigation shall contain the following information:

(a) the production volume of producers submitting or represented in the application and an estimation of the production of other known producers of the like or directly competitive vehicles;

(b) the rate and amount of the increase in total and bilateral imports of the vehicle concerned in absolute and relative terms, for at least over the 36 (thirty-six) months prior to the date of the presentation of a request to initiate an investigation, for which information is available;

(c) the level of import prices during the same period; and

(d) if information is available, objective and quantifiable data regarding the like or directly competitive vehicle, on the volume of total production and of total sales in the internal market, inventories, prices for the internal market, productivity, capacity utilisation, employment, profits and losses, productive investment data, and market share of the requesting firms or of those represented in the request, for at least the last 36 (thirty-six) months previous to the presentation of the request, for which information is available.”

Article 11

Article 9.12 of this Agreement applies *mutatis mutandis* to this Annex.

Article 12

Article 9.13 of this Agreement applies *mutatis mutandis* to this Annex.

Article 13

Article 9.14 of this Agreement applies *mutatis mutandis* to this Annex.

Article 14

“1. (...) after due notification (...) such imports have caused injury. The duration of the provisional measure shall not exceed 270 (two hundred and seventy) days, during which period the requirements of this Annex shall be met. (...) If the final determination concludes that there was no injury (...)

2. Provisional bilateral safeguard measure for vehicles shall not be taken against Paraguay, unless the

result of the preliminary determination pursuant to paragraph 1 demonstrates that the existence of injury is also being caused by imports of vehicles from Paraguay under preferential terms.”

Article 15

Article 9.16 of this Agreement applies mutatis mutandis to this Annex.

Article 16

Article 9.17 of this Agreement applies mutatis mutandis to this Annex.

Article 17

Article 9.18 of this Agreement applies mutatis mutandis to this Annex.

Article 18

Article 9.19 of this Agreement applies mutatis mutandis to this Annex.

Article 19

Article 9.20 of this Agreement applies mutatis mutandis to this Annex.’