



**COUNCIL OF
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INFORMATION NOTE

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

Subject: **ADOPTION OF LEGISLATIVE ACT FOLLOWING THE EUROPEAN
PARLIAMENT'S SECOND READING**
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
– Outcome of the European Parliament's second reading
(Strasbourg, 9 to 12 December 2013)

I. VOTE

Since no amendment had been adopted, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

Amendment of certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures *II**

European Parliament legislative resolution of 12 December 2013 on the Council position 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 (13283/1/2013 – C7-0411/2013 – 2011/0039(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (13283/1/2013 – C7-0411/2013),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2011)0082),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on International Trade (A7-0421/2013),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Takes note of the Member States' statement and the Commission statements annexed to this resolution;
 4. Notes that the act is adopted in accordance with the Council position;
 5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*, together with all the statements annexed to this resolution;
 7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 251 E, 31.8.2013, p. 126.

**Joint Statement 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.

Member States' 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.

Commission statement

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.

* * *

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.

* * *

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.

Commission Statement 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.

Commission Statement 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.