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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	6910/25
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL suspending certain parts of Regulation (EU) 2015/478 as regards imports of Ukrainian products into the European Union - Mandate for negotiations with the European Parliament - Confirmation of the final compromise text with a view to agreement

1. On 7 March 2025, the European Commission submitted the above-mentioned proposal (ST 6910/25) to the Council.

2. The aim of the proposal is to suspend Articles 2, 4-7, and 9-17 of Regulation (EU) 2015/478 on the common rules for imports with respect to imports originating in Ukraine, with a view to continue to make it as easy as possible for it to maintain its trade.

3. The Trade Policy Committee (Deputies) examined the proposal at its meetings on 19 and 25 March 2025.

4. In order to address certain inconsistencies in the Commission proposal, the Presidency put forward some limited technical amendments in the form of a Presidency compromise proposal. During the discussions at the Trade Policy Committee (Deputies), the majority of delegations expressed their support for the proposal and the Presidency compromise proposal. Only one delegation indicated their opposition to the proposal. Consequently, the Presidency proposed to approve the compromise proposal as set out in document WK 3724/25.

5. Coreper will find in the Annex to this note the full text of the Presidency's compromise text. Changes compared to the Commission proposal are marked with ***bold italic*** and ~~strikethrough~~ for deletions.

6. The European Parliament's Committee on International Trade (INTA) intends to use a simplified procedure with a vote on 8 April 2025. The European Parliament aims to adopt its position at first reading during its first plenary sessions in May 2025.

7. The Permanent Representatives Committee is therefore invited:

   - to confirm its agreement on the Presidency compromise text as set out in document WK 3724/25 and in Annex to this note;

   - to authorise the Chair of the Permanent Representatives Committee to send a letter to inform the Chair of the European Parliament's Committee on International Trade (INTA) that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the exact form as set out in Annex to this note, and subject to revision of that text by the lawyer-linguists of both institutions, the Council will, in accordance with Article 294 paragraph 4 of the Treaty, approve the European Parliament's position and the act will be adopted in the wording which corresponds to the European Parliament's position.

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ANNEX

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REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

suspending certain parts of Regulation (EU) 2015/478 as regards imports of Ukrainian products into the European Union

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 procedure[1],

Whereas:

(1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (the Association Agreement)[2] constitutes the basis of the relationship between the Union and Ukraine. In accordance with Council Decision 2014/668/EU[3], Title IV of the Association Agreement, which relates to trade and trade-related matters, entered into provisional application on 1 January 2016 and entered into force on 1 September 2017, following ratification by all Member States.

(2) The Association Agreement strengthens and widens the Parties relations in an ambitious and innovative way, with a view to facilitating and achieveing gradual economic integration; and

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1 Position of the European Parliament (not yet published in the Official Journal) and position of the Council (not yet published in the Official Journal).

2 OJ L 161, 29.5.2014, p. 3.

3 Council Decision 2014/668/EU of 23 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols (OJ L 278, 20.9.2014, p. 1).

to do so in accordance with the rights and obligations arising out of the Parties' membership of the World Trade Organization.

(3) Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015[1] lays down common rules for imports originating in most third countries, including Ukraine. It also contains provisions on surveillance and safeguard measures.

(4) Russia's unprovoked and unjustified full-scale invasion of Ukraine has, since 24 February 2022, had a profoundly negative impact on Ukraine's ability to trade with the rest of the world. This has been the case for iron and steel, for example, because of the occupation or destruction of iron and steel production facilities. It has also been the case for other parts of the Ukrainian economy.

(5) In these circumstances and in order to mitigate the negative economic impact of Russia's war of aggression against Ukraine, it is appropriate, for Ukraine's benefit, to exempt Union imports originating in Ukraine from Union surveillance and safeguard measures. For this purpose, it is necessary to suspend various provisions of Regulation (EU) 2015/478 on common rules for imports from Ukraine.

(6) The Commission should be able to temporarily suspend the application of this Regulation in respect of a specific product by means of an implementing act. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[2]. The duration of such suspension should be long enough to allow the Commision to make a proposal; and for the Parliament and Council to adopt a Regulation suspending, amending or terminating this Regulation.

(7) This Regulation should apply for three years ~~**and its application should be tacitly renewed for further three year periods unless and until either the European Parliament or the Council would oppose such an extension three months before the expiry date**~~.

(8) In light of the forthcoming expiry on 5 June 2025 of Regulation (EU) 2024/1392 of the European Parliament and of the Council[3], which provides, among other things, for effects equivalent to the effects of this Regulation, this Regulation should enter into force on 6 June 2025,

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1 Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (OJ L 83, 27.3.2015, p. 16).

2 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).

3 Regulation (EU) 2024/1392 of the European Parliament and of the Council of 14 May 2024 on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, ELI: http://data.europa.eu/eli/reg/2024/1392/oj.

HAVE ADOPTED THIS REGULATION:

Article 1
Trade-liberalisation measures

The application of Article 2, Articles 4 to 7, Articles 9 to 17 and Articles 19 to 21 of Regulation (EU) 2015/478 on common rules for imports shall be suspended with regard to imports into the Union originating in Ukraine.

Article 2
Temporary suspension

The Commission shall be empowered to adopt an implementing act to suspend the application of this Regulation in respect of a specific product for a period that in principle shall not exceed twelve months, if imports of this product that originate in Ukraine increase to a level that contributes significantly to the serious injury or threat of serious injury to a Union industry that produces the like or directly competitive product. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 3(2).

Article 3
Committee procedure

1. The Commission shall be assisted by the Committee on Safeguards with regard to Article 4 of this Regulation. 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 4
Entry into force and application

This Regulation shall enter into force on 6 June 2025.

It shall apply ~~**for an initial period of three years**~~ **from 6 June 2025 until 5 June 2028**.

~~**Its application shall be tacitly extended for successive periods of three years unless the European Parliament or the Council opposes such an extension no later than three months before the end of each period**~~.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

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