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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union **(first reading)** - Adoption of the Council's position at first reading and of the statement of the Council's reasons = Statements

Statement by the Netherlands

"The Netherlands can support the final agreement on the Modernisation of Trade Defence Instruments (MTDI). However, the Netherlands remains very concerned about the newly created possibility to enforce trade defense measures to be applied on the continental shelf by the Customs Authorities.

The Netherlands wants to make sure that this element of the MTDI proposal will be implemented only when the Union legislation has been amended in such a way as to facilitate the levying and collecting of duties and the necessary changes have been made to the customs IT systems in order to allow these systems to perform this new task. These changes need to be effected as part of the broader IT developments of the Multi Annual Strategic Plan (MASP) and the Union Customs Code IT work program. These conditions will have to be met in the further deliberations on the implementing act in the relevant Council working parties before its adoption."

Joint statement by Malta and Denmark

"We note that the outcome on the Trade Defence Instruments Modernisation dossier is overall balanced and acceptable. Whilst accepting this outcome, we are nevertheless expressing our concern with the inclusion of the possibility of applying duties on the continental shelf.

This element was not part of the Commission proposal or the original Council position. It is disproportionate to the problem it aims to address and risks becoming an unreasonable administrative burden for certain Member States, in the form of practical monitoring, surveillance, costs and enforcement by the Customs Authorities.

In view of the work on this element, we would like to stress the need for a mechanism that is the least burdensome possible, both from the perspective of administration as well as of costs and call on the Commission to provide clarity at the earliest. The Commission should also not submit a proposal for an implementing act until all Member States are satisfied that the new provisions will be manageable in practice."

Statement by Sweden

"The proposal for a **Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009** will contribute to an increased level of trade protection, and thus harm the competitiveness of the EU industry."