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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	17 April 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 191 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a 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

Delegations will find attached document COM(2018) 191 final.

Encl.: COM(2018) 191 final

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Brussels, 17.4.2018
COM(2018) 191 final

2013/0103 (COD)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

position of the Council on the adoption of a 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

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM/2013/0192 final - 2013/0103 (COD))	10/04/2013
Date of the position of the European Parliament, first reading:	16/04/2014
Date of adoption of the position of the Council:	16/04/2018

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

In line with the impact assessment (SWD(2013) 105 final), the proposal amending Regulation (EU) 2016/1036 ("the basic anti-dumping regulation") and Regulation (EU) 2016/1037 ("the basic anti-subsidy regulation") aims at ensuring the continued effectiveness of the EU's Trade Defence Instruments in the face of new global challenges. It entails modifications to improve transparency and predictability, provide for effective measures to fight against trade distortive subsidisation and raw material distortions in third countries, and facilitate cooperation.

3. COMMENTS ON THE POSITION OF THE EUROPEAN PARLIAMENT

The European Parliament adopted its first reading position on 16 April 2014. Therein it suggested amendments to the Commission proposal, such as the recognition of trade unions and of social and environmental standards in the trade defence investigations, the extension of trade defence measures to the continental shelf and exclusive economic zone of a Member State, and additional support for small and medium-sized enterprises. Following the Council's adoption of its first reading position, the European Parliament is expected to formally endorse the agreement found in trilogues.

4. COMMENTS ON THE POSITION OF THE COUNCIL

The Council's position reflects the agreement found in trilogues. It supports and further refines the Commission proposal, inter alia through a pre-disclosure period of three weeks subject to safeguards against stockpiling. In the context of the lesser duty rule, countervailing measures normally apply at the level of the subsidy margin and in anti-dumping cases a 17% threshold for distorted raw materials is introduced. Both are subject to a Union interest test and a general review of this practice in five years' time. The duration of an anti-dumping

investigation is shortened. Furthermore, the improved target price calculation for the European industry includes the full cost, investment, R&D and innovation and a minimum target profit of 6%.

5. CONCLUSION

The Commission accepts the position taken by the Council.