

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed 2010/0036(COD)
Exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association process See also 2020/0051(COD)	
Subject 6.20.03 Bilateral economic and trade agreements and relations 6.40.03 Relations with South-East Europe and the Balkans 6.40.15 European neighbourhood policy	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	INTA International Trade		19/04/2010
		S&D MOREIRA Vital	
		Shadow rapporteur	
		ALDE KAZAK Metin	
		ECR CZARNECKI Ryszard	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		
		The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3127	24/11/2011
European Commission	Commission DG	Commissioner	
	Trade	DE GUCHT Karel	

Key events			
22/02/2010	Legislative proposal published	COM(2010)0054	Summary
11/03/2010	Committee referral announced in Parliament, 1st reading		
30/08/2010	Vote in committee, 1st reading		Summary
02/09/2010	Committee report tabled for plenary, 1st reading	A7-0243/2010	
11/05/2011	Results of vote in Parliament		
11/05/2011	Decision by Parliament, 1st reading	T7-0219/2011	Summary
13/10/2011	Decision by Parliament, 1st reading	T7-0441/2011	Summary
24/11/2011	Act adopted by Council after Parliament's 1st reading		
13/12/2011	Final act signed		
13/12/2011	End of procedure in Parliament		

30/12/2011

Final act published in Official Journal

Technical information

Procedure reference	2010/0036(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	See also 2020/0051(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 207-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/02328

Documentation gateway

Legislative proposal	COM(2010)0054	22/02/2010	EC	Summary
Committee draft report	PE442.986	11/06/2010	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0243/2010	02/09/2010	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading	T7-0219/2011	11/05/2011	EP	Summary
Amendments tabled in committee	PE469.909	19/07/2011	EP	
Text adopted by Parliament, 1st reading/single reading	T7-0441/2011	13/10/2011	EP	Summary
Commission response to text adopted in plenary	SP(2011)8697	30/11/2011	EC	
Draft final act	00047/2011/LEX	13/12/2011	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Regulation 2011/1336 OJ L 347 30.12.2011, p. 0001 Summary
Final legislative act with provisions for delegated acts

Exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association process

PURPOSE: to amend Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: by Regulation (EC) No 2007/2000, the European Union has granted exceptional unlimited duty-free access to the EU market

for nearly all products originating in the countries and territories benefiting from the Stabilisation and Association process.

Council Regulation (EC) No 2007/2000 was codified by Council Regulation (EC) No 1215/2009 of 30 November 2009.

Two Stabilisation and Association Agreements, the first between the EC and their Member States of the one part, and Bosnia and Herzegovina, of the other part, and the second between the EC and its Member States of the one part, and Serbia of the other part, was signed respectively in Luxemburg on 16 June 2008 and on 29 April 2008. Pending the completion of the procedures necessary for its entry into force, two Interim Agreements on trade and trade-related matters were signed and concluded. These Agreements entered into force on 1 July 2008 (Bosnia and Herzegovina) and on 1 February 2010 (Serbia).

The Stabilisation and Association Agreements and the Interim Agreements establish a contractual trade regime between the European Union and Bosnia and Herzegovina, and between the European Union and Serbia.

It is therefore necessary to amend Regulation (EC) No 1215/2009 by removing Bosnia and Herzegovina and Serbia from the list of beneficiaries of the tariff concessions granted for the same products under the contractual regime and to adjust the global tariff quota volumes for specific products for which tariff quotas have been granted under the contractual regimes.

Bosnia and Herzegovina and Serbia should however remain beneficiaries of Regulation (EC) No 1215/2009 insofar as that Regulation provides for concessions which are more favourable than the concessions existing under the contractual regime. Council Regulation (EC) No 1215/2009 expires on 31 December 2010. It remains the main instrument governing trade relations with Kosovo.

The General Affairs Council in its Conclusions of 8 December 2009 states that in respect to the EU's relations with Kosovo it attaches importance to measures on trade, without prejudice to Member States' positions on status.

Continued access to the market of the European Union is crucial for the economic recovery of Kosovo and the whole region. At the same time, it will not create negative effects for the European Union.

The European Parliament in its [Resolution](#) on 26 November 2009 Enlargement strategy 2009 concerning the countries of the Western Balkans Iceland and Turkey calls on the Commission to make every possible effort to mitigate the effect of the economic crisis on the Western Balkans.

For these reasons it is appropriate to extend the validity of Council Regulation (EC) No 1215/2009 to 31 December 2015.

CONTENT: this proposal amends certain elements of Regulation (EC) No 1215/2009 to permit the extension of its validity to 31 December 2015 and make certain adjustments consequent to the entry into force of bilateral agreements with Bosnia and Herzegovina and Serbia.

In order to ensure the respect of the Union's international obligations, the preferences contained in this Regulation should be made conditional on continuation or renewal of the existing waiver from WTO obligations obtained by the European Union.

To protect the economic interest of operators, it is necessary to provide for transitional measures for goods that are, at the date of entry into force of this Regulation in transit or in temporary storage in customs warehouses.

Regulation (EC) No 1215/2009 also contains certain powers reserved to the Council and which are not based on Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology). The Commission will make a proposal which will revise all such procedures in the common commercial policy in the light of the system of implementing acts set out in Article 291 of the Treaty on the Functioning of the European Union and the regulation on the rules and general principles concerning the Commission's exercise of the implementing powers adopted on the basis of Article 291(3). That proposal will also address Articles 2 and 10 of Regulation (EC) No 1215/2009. This proposal will be presented as soon as possible after the Commission has adopted a proposal on the rules and general principles concerning the Commission's exercise of the implementing powers.

In order not to disrupt trade, it is necessary for this Regulation to be applied as of 1 January 2011 given that Council Regulation (EC) 1215/2009 expires on 31 December 2010.

FINANCIAL IMPLICATIONS: the Regulation does not incur costs charged to the EC budget. Its application would also not entail any losses of customs revenue compared to the current situation.

Exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association process

The Committee on International Trade adopted the report by Vital MOREIRA (S&D, PT) on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

The committee recommends that Parliament's position adopted in first reading according to the ordinary legislative procedure (formerly the codecision procedure) amends the Commission's proposal.

The amendments essentially seek to take into account the entry into force of the Lisbon Treaty as regards the possibility of adopting delegated acts and make reference to the necessary alignment of decision-making procedures following the entry into force of the regulation establishing the general rules and principles regarding mechanisms for control by Member States of the Commission's exercise of implementing powers.

The amendments are as follows:

- Article 2 (2), subparagraph 2 of Regulation No 1215/2009 provides that measures to change or to interrupt the entitlement to benefit from the preferential arrangements introduced by that Regulation is subject to the will of beneficiary countries to engage in effective economic reforms and in regional cooperation with other countries concerned by the EU's stabilisation and association process, notably by the establishment of free trade zones, in accordance with Article XXIV of the 1994 GATT Agreement and other related WTO provisions. Members wish to specify that if this condition is not respected, the European Parliament and the Council may take appropriate measures.

- The amending Regulation proposes to modify Article 3 (2) of Regulation 1215/2009. This provides that the competent authorities of exporting countries to issue an authenticity certificate in cases of requests for imports within the quota. According to the amending Regulation, the certificate is drawn up by the Commission. Members' understanding is that the Commission prepares some kind of template for the certificate. Given that the template is more a tool for implementation rather than a measure of general application which would supplement or amend the basic act, it is recommended to consider them as implementing acts according to Article 291 TFEU.
- Article 3 (4) of Regulation 1215/2009 applies for measures which the Commission may take should imports of agricultural and fishery products cause serious disturbance to the EU markets and their regulatory mechanism. This article provides a very broad discretion for the Commission and the measure could lead to an effective amendment of Regulation 1215/2009. Members consider that delegated acts are the appropriate measure since the required criteria of Article 290 TFEU (measures of general application and amendment of the basic act) would concur.
- The amending Regulation also proposes the modification of Article 4. With regard to baby beef, Annex II of the amending Regulation provides a definition of baby beef products and Article 3 (2° of the main regulation defines the customs duties applicable to its import and the volume of the annual tariff quota. Accordingly, the Commission provides the implementing tools/uniform conditions for the Member States to be in a position to properly implement the quota/customs duties. The intention of the detailed rules is to provide a system for implementation which the Commission should adopt in accordance with the advisory procedure (as laid down in Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission - comitology).
- Article 7 provides for the Commission to introduce amendments and technical adjustments necessary following amendments to the Combined Nomenclature code and to the TARIC subdivisions and necessary adjustments following the conclusion of the other agreements between the Community and the countries and territories referred to in Article 1. In practice, Members assume that this provision implies that the Commission can amend the annexes as well as the articles of the regulation themselves. Since the result of these measures is the production of amendments to the basic regulation, in particular its annexes, delegated acts should apply.
Lastly, Members inserted Articles 7a, 7b, 7c and 7d with a view to establishing the rules for the exercise, revocation, and the eventual objection to delegated acts.

Exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association process

The European Parliament amended, under the ordinary legislative procedure, the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

The vote on the legislative resolution was postponed until a later plenary session.

The amendments essentially seek to take into account the entry into force of the Lisbon Treaty as regards the possibility of adopting delegated acts and make reference to the necessary alignment of decision-making procedures following the entry into force of the regulation establishing the general rules and principles regarding mechanisms for control by Member States of the Commission's exercise of implementing powers. The amendments are as follows:

Delegated acts: the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of:

- detailed rules for implementing tariff quota for 'baby beef' products;
- amendments and technical adjustments necessary following amendments to the Combined Nomenclature code and to the TARIC subdivisions;
- necessary adjustments following the conclusion of the other agreements between the Union and the countries and territories referred to in this Regulation.

The delegation of power shall be conferred on the Commission until 31 December 2015 and may be revoked at any time by the European Parliament or by the Council.

A delegated act adopted shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

Implementing powers: the advisory procedure should be used for the adoption of implementing acts for the issuing of authenticity certificates attesting that the goods originate in the country or territory concerned and correspond to the definition in this Regulation given, and for the adoption of implementing acts for taking measures to suspend in whole or in part the arrangements provided for in this Regulation.

Those implementing powers should be exercised in accordance with [Regulation \(EU\) No 182/2011/EU](#) of the European Parliament and the Council.

Exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association process

The European Parliament adopted by 605 votes to 20 with 18 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

The report had been sent back to the competent committee on the plenary sitting of 11 May 2011.

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between Parliament and Council. The amendments to the Commission proposal aim essentially to take into account the entry into force of the Lisbon Treaty with regard to the adoption of delegated acts and also ensure that the Commission's powers should be exercised in accordance with the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Delegated acts: the Commission will have the power to adopt delegated acts regarding:

- the necessary amendments and technical adjustments to Annexes I and II following amendments to the Combined Nomenclature codes and to the TARIC subdivisions;
- the necessary adjustments following the granting of trade preferences under other arrangements between the Union and the countries and territories referred to in this Regulation.

The power to adopt delegated acts is conferred on the Commission until the expiry of the Regulation and may be revoked at any time by the European Parliament or by the Council.

A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Implementing powers: in order to ensure uniform conditions for the implementation of the Regulation implementing powers are conferred on the Commission with regard to the suspension of the entitlement to benefit from the preferential arrangements in the event of non-compliance, the issuing of authenticity certificates attesting that the goods originate in the country or territory concerned and correspond to the definition in the Regulation, and for the temporary suspension, in whole or in part, of the arrangements provided for in this Regulation, implementing powers. Those powers should be exercised in accordance with [Regulation \(EU\) No 182/2011](#) of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Exceptional trade measures for countries and territories participating in or linked to the Stabilisation and Association process

PURPOSE: to amend Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

LEGISLATIVE ACT: Regulation (EU) No 1336/2011 of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Unions Stabilisation and Association process.

CONTENT: following a first reading agreement with the European Parliament, the Council adopted a regulation extending the validity, until 31 December 2015, of regulation 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the EU's stabilisation and association process.

The key aim of these measures is to revitalise the Western Balkan economies through a privileged access to the EU market. In turn, economic development is to foster political stability in the entire region.

The regulation, which applies retroactively as of 1 January 2011, also makes adjustments in order to take into account the entry into force of bilateral trade agreements with Bosnia and Herzegovina and Serbia.

Trade preferences were granted for a period ending on 31 December 2010 to Bosnia and Herzegovina, Serbia and Kosovo for all the products under the scope of regulation 1215/2009.

Products originating in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro or Serbia will continue to benefit from the provisions of the regulation as well as from any concession provided for in the regulation which is more favourable than that provided for under bilateral agreements between the Union and those countries.

The amendments to the Commission proposal aim essentially to take into account the entry into force of the Lisbon Treaty with regard to the adoption of delegated acts and also ensure that the Commission's powers should be exercised in accordance with the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

DELEGATED ACTS: in order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the necessary amendments and technical adjustments to Annexes I and II following amendments to the Combined Nomenclature codes and to the TARIC subdivisions, as well as the necessary adjustments following the granting of trade preferences under other arrangements between the Union

and the countries and territories referred to in this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

The power to adopt delegated acts may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.