




# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed <a href="#">2014/0305(COD)</a>
Protection against subsidised imports from countries not members of the European Union. Codification Amended by <a href="#">2013/0103(COD)</a> Amended by <a href="#">2016/0351(COD)</a>	
Subject 6.20.02 Export/import control, trade defence, trade barriers	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 <a href="#">HAUTALA Heidi</a> Shadow rapporteur	01/07/2015
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Education, Youth, Culture and Sport</a>	<a href="#">3471</a>	30/05/2016
European Commission	Commission DG	Commissioner	
	<a href="#">Legal Service</a>	JUNCKER Jean-Claude	

Key events			
27/10/2014	Legislative proposal published	<a href="#">COM(2014)0660</a>	Summary
12/11/2014	Committee referral announced in Parliament, 1st reading		
15/09/2015	Vote in committee, 1st reading		
22/09/2015	Committee report tabled for plenary, 1st reading	<a href="#">A8-0257/2015</a>	Summary
10/05/2016	Results of vote in Parliament		
10/05/2016	Decision by Parliament, 1st reading	<a href="#">T8-0206/2016</a>	Summary
30/05/2016	Act adopted by Council after Parliament's 1st reading		
08/06/2016	Final act signed		
08/06/2016	End of procedure in Parliament		
30/06/2016	Final act published in Official Journal		

Technical information
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Procedure reference	2014/0305(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Codification
Legislative instrument	Regulation
	Amended by <a href="#">2013/0103(COD)</a> Amended by <a href="#">2016/0351(COD)</a>
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	JURI/8/01876

### Documentation gateway

Legislative proposal	<a href="#">COM(2014)0660</a>	27/10/2014	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES6688/2014</a>	10/12/2014	ESC	
Committee draft report	<a href="#">PE560.912</a>	01/07/2015	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0257/2015</a>	22/09/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T8-0206/2016</a>	10/05/2016	EP	Summary
Draft final act	<a href="#">00048/2015/LEX</a>	08/06/2016	CSL	
Follow-up document	<a href="#">COM(2017)0598</a>	17/10/2017	EC	Summary
Follow-up document	SWD(2017)0342	17/10/2017	EC	
Follow-up document	<a href="#">COM(2019)0158</a> <a href="#">OJ L 771 20.03.2019, p. 0001</a>	27/03/2019	EC	Summary
Follow-up document	SWD(2019)0141	27/03/2019	EC	Summary
Follow-up document	<a href="#">COM(2020)0164</a>	30/04/2020	EC	
Follow-up document	SWD(2020)0071	30/04/2020	EC	
Follow-up document	<a href="#">COM(2021)0496</a>	30/08/2021	EC	
Follow-up document	SWD(2021)0234	30/08/2021	EC	

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

<a href="#">Regulation 2016/1037</a> <a href="#">OJ L 176 30.06.2016, p. 0055</a> Summary
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**PURPOSE:** to codify Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European Community.

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

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**CONTENT:** in the interests of clarity and rationality, the purpose of this proposal is to undertake a codification of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community.

Council Regulation (EC) No 597/2009 has been substantially amended. It is recalled that on 1 April 1987, the Commission decided to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement. The Edinburgh European Council (December 1992) confirmed this, stressing the importance of codification.

The European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

The new Regulation will supersede the various acts incorporated in it; it fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

## Protection against subsidised imports from countries not members of the European Union. Codification

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The Committee on Legal Affairs adopted the report by Heidi HAUTALA (Greens/EFA, FI) on the proposal for a regulation of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union (codified text).

The committee recommended the European Parliament to adopt its position at first reading taking over the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

According to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

The proposed regulation aims to transpose into EU law the provisions of the subsidies and countervailing measures (Subsidies Agreement) concluded within the World Trade Organization (WTO) to ensure a proper and transparent application of the anti-subsidy rules.

The regulation sets out in detail the conditions determining the existence of a subsidy, the principles governing the applicability of countervailing duties that may be imposed to offset any subsidy granted directly or indirectly, for the manufacture, production, export or transport of any product whose release for free circulation in the EU causes injury, and the criteria applicable to the calculation of the amount of countervailing subsidy.

## Protection against subsidised imports from countries not members of the European Union. Codification

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The European Parliament adopted by 608 votes to 13, with 24 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union (codified text).

Parliament adopted its position at first reading taking over the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission who considered that the proposal in question contains a straightforward codification of the existing texts without any change in their substance.

The purpose of this proposal is to undertake a codification of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community.

The proposed regulation aims to transpose into EU law the provisions of the subsidies and countervailing measures (Subsidies Agreement) concluded within the World Trade Organization (WTO) to ensure a proper and transparent application of the anti-subsidy rules.

The regulation sets out in detail the conditions determining the existence of a subsidy, the principles governing the applicability of countervailing duties that may be imposed to offset any subsidy granted directly or indirectly, for the manufacture, production, export or transport of any product whose release for free circulation in the EU causes injury, and the criteria applicable to the calculation of the amount of countervailing subsidy.

Among the other measures, the codified Regulation seeks to:

- set out clear and detailed guidance as to the factors which may be relevant for the determination of whether the subsidised imports have caused material injury or are threatening to cause injury;
- define the term Union industry and to provide that parties related to exporters may be excluded from such an industry, and to define the term related;
- specify who may lodge a countervailing duty complaint, including the extent to which it should be supported by the Union industry, and the information on countervailable subsidies, injury and causation which such a complaint should contain. It is also expedient to specify the procedures for the rejection of complaints or the initiation of proceedings;
- specify the manner in which interested parties should be given notice of the information which the authorities require;
- set out the conditions under which provisional duties may be imposed; provisional countervailing duties shall be imposed for a maximum period of four months;
- set out procedures for accepting undertakings which eliminate or offset the countervailable subsidies and injury instead of imposing

- provisional or definitive duties;
- provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 12 months, and in no case more than 13 months, of the initiation of the investigation.

## Protection against subsidised imports from countries not members of the European Union.

### Codification

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**PURPOSE:** to establish EU rules on protection against subsidised imports from non-member countries and on the application of countervailing duty.

**LEGISLATIVE ACT:** Regulation (EU) 2016/1037 of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union (codification).

**CONTENT:** in the interests of clarity and rationality, this Regulation codifies Council Regulation (EC) No 597/2009, which has been substantially amended.

The codified Regulation provides that a countervailing duty may be imposed to offset any subsidy granted, directly or indirectly, for the manufacture, production, export or transport of any product whose release for free circulation in the Union causes injury.

The Regulation sets out in detail the conditions determining the existence of a subsidy, the principles governing the applicability of countervailing duties (in particular whether the subsidy has been granted specifically), and the criteria applicable to the calculation of the amount of countervailing subsidy.

The Regulation transposes into EU law the provisions of the subsidies and countervailing measures (Subsidies Agreement) concluded within the World Trade Organization (WTO) to ensure a proper and transparent application of the anti-subsidy rules.

Amongst other measures, the Regulation:

- sets out clear and detailed guidance as to the factors which may be relevant for the determination of whether the subsidised imports have caused material injury or are threatening to cause injury. A determination of injury shall be based on positive evidence and shall involve an objective examination of: (a) the volume of the subsidised imports and the effect of the subsidised imports on prices in the Union market for like products; and (b) the consequent impact of those imports on the Union industry;
- specifies who may lodge a countervailing duty complaint, including the extent to which it should be supported by the Union industry;
- specifies the information required on countervailing subsidies, injury and a causal link between the allegedly subsidised imports and the alleged injury;
- specifies the procedures applicable for the rejection of complaints or the initiation of proceedings;
- specifies the manner in which interested parties should be given notice of the information which the authorities require;
- sets out the conditions under which provisional duties may be imposed; such duties may be imposed no earlier than 60 days from initiation and no later than nine months thereafter, and may in all cases be imposed by the Commission only for a four-month period;
- sets out procedures for accepting undertakings which eliminate or offset the countervailable subsidies and injury instead of imposing provisional or definitive duties;
- provides that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 12 months, and in no case more than 13 months, of the initiation of the investigation;
- provides that investigations or proceedings should be terminated where the amount of the subsidy is de minimis or, particularly in the case of imports originating in developing countries, the volume of subsidised imports or the injury is negligible;
- provides that measures are to lapse after five years unless a review indicates that they should be maintained;
- provides for the possibility for the Commission to: (i) request Member States to supply, subject to confidentiality rules, information to be used for monitoring price undertakings and verifying the level of effectiveness of the measures in force; (ii) to carry out verification visits to check information submitted on countervailable subsidies and injury;
- provides that an importer may request reimbursement of duties collected where it is shown that the amount of countervailable subsidies, on the basis of which duties were paid, has been either eliminated or reduced to a level which is below the level of the duty in force.

**ENTRY INTO FORCE:** 20.7.2016.