





Procedure file

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

| Key players | | | |
|-------------------------------|---|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| |  Legal Affairs |  HAUTALA Heidi Shadow rapporteur  GERINGER DE OEDENBERG Lidia Joanna | 01/07/2015 |
| Council of the European Union | Council configuration | Meeting | Date |
| | Education, Youth, Culture and Sport | 3471 | 30/05/2016 |
| European Commission | Commission DG | Commissioner | |
| | Legal Service | JUNCKER Jean-Claude | |

| Key events | | | |
|------------|---|---|---------|
| 27/10/2014 | Legislative proposal published | COM(2014)0660 | 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 | A8-0257/2015 | Summary |
| 10/05/2016 | Results of vote in Parliament |  | |
| 10/05/2016 | Decision by Parliament, 1st reading | T8-0206/2016 | Summary |
| 30/05/2016 | Act adopted by Council after Parliament's 1st reading | | |
| 08/06/2016 | Final act signed | | |

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| 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 2013/0103(COD) Amended by 2016/0351(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 | JURI/8/01876 |

Documentation gateway

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|---|---|------------|-----|---------|
| Legislative proposal | COM(2014)0660 | 27/10/2014 | EC | Summary |
| Economic and Social Committee: opinion, report | CES6688/2014 | 10/12/2014 | ESC | |
| Committee draft report | PE560.912 | 01/07/2015 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | A8-0257/2015 | 22/09/2015 | EP | Summary |
| Text adopted by Parliament, 1st reading/single reading | T8-0206/2016 | 10/05/2016 | EP | Summary |
| Draft final act | 00048/2015/LEX | 08/06/2016 | CSL | |
| Follow-up document | COM(2017)0598 | 17/10/2017 | EC | Summary |
| Follow-up document | SWD(2017)0342 | 17/10/2017 | EC | |
| Follow-up document | COM(2019)0158 OJ L 771 20.03.2019, p. 0001 | 27/03/2019 | EC | Summary |
| Follow-up document | SWD(2019)0141 | 27/03/2019 | EC | Summary |
| Follow-up document | COM(2020)0164 | 30/04/2020 | EC | |
| Follow-up document | SWD(2020)0071 | 30/04/2020 | EC | |
| Follow-up document | COM(2021)0496 | 30/08/2021 | EC | |
| Follow-up document | SWD(2021)0234 | 30/08/2021 | EC | |
| Follow-up document | COM(2022)0470 | 19/09/2022 | EC | |
| Follow-up document | SWD(2022)0294 | 19/09/2022 | EC | |
| Follow-up document | COM(2023)0294 | 07/06/2023 | EC | |
| Follow-up document | COM(2023)0506 | 06/09/2023 | EC | |
| Follow-up document | SWD(2023)0287 | 06/09/2023 | EC | |

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 2016/1037](#)
[OJ L 176 30.06.2016, p. 0055](#) Summary

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

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

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

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

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.