




# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed <a href="#">2014/0309(COD)</a>
Protection against dumped 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			
28/01/2015	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="#">A8-0256/2015</a>	Summary
10/05/2016	Results of vote in Parliament		
10/05/2016	Decision by Parliament, 1st reading		
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	
Procedure reference	2014/0309(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codification 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/8/01895

### Documentation gateway

Legislative proposal	<a href="#">COM(2014)0667</a>	28/10/2014	EC	Summary
Committee draft report	<a href="#">PE560.915</a>	01/07/2015	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0256/2015</a>	22/09/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T8-0207/2016</a>	10/05/2016	EP	Summary
Draft final act	<a href="#">00047/2015/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	SWD(2017)0483	19/12/2017	EC	
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	

### Additional information

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

<a href="#">Regulation 2016/1036</a> <a href="#">OJ L 176 30.06.2016, p. 0021</a> Summary
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### Delegated acts

<a href="#">2020/2676(DEA)</a>	Examination of delegated act
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## Protection against dumped imports from countries not members of the European Union. Codification

PURPOSE: to codify Council Regulation (EC) No 1225/2009 on protection against dumped 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 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community.

Council Regulation (EC) No 1225/2009 has been substantially amended several times. 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 dumped 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 dumped 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 anti-dumping rules contained in the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994. It contains detailed rules, relating in particular to the calculation of dumping, procedures for initiating and pursuing an investigation, including the establishment and treatment of the facts, the imposition of provisional measures, the imposition and collection of anti-dumping duties, the duration and review of anti-dumping measures and the public disclosure of information relating to anti-dumping investigations.

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

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The European Parliament adopted by 621 votes to 12, with 24 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union (codified text).

Parliament adopted its position at first reading, unamended, 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 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community.

The proposed regulation aims to transpose into EU law the anti-dumping rules contained in the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994. It contains detailed rules, relating in particular to the calculation of dumping, procedures for initiating and pursuing an investigation, including the establishment and treatment of the facts, the imposition of provisional measures, the imposition and collection of anti-dumping duties, the duration and review of anti-dumping measures and the public disclosure of information relating to anti-dumping investigations.

Among the other measures, the codified Regulation seeks to:

- set out clear and detailed rules on the calculation of the normal value. In particular, such value should in all cases be based on representative sales in the ordinary course of trade in the exporting country;
- define the export price and to enumerate the adjustments which should be made in those cases where a reconstruction of that price from the first open-market price is deemed necessary;
- 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 an anti-dumping complaint, including the extent to which it should be supported by the Union industry, and the information on dumping, injury and causation which such a complaint should contain;
- 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, including conditions whereby provisional duties may be imposed no earlier than 60 days from initiation and no later than nine months thereafter;
- provide that such duties may in all cases be imposed by the Commission, either directly for a nine-month period or in two stages of six and three months;
- set out procedures for accepting undertakings which eliminate dumping 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 15 months, of the initiation of the investigation.

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

## Codification

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**PURPOSE:** to codify Council Regulation (EC) n°1225/2009 on protection against dumped imports from countries not members of the European Community.

**LEGISLATIVE ACT:** Regulation (EU) 2016/1036 of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union (codification).

**CONTENT:** in the interests of clarity and rationality, the Regulation codifies Council Regulation (EC) n° 1225/2009, which has been substantially amended several times.

The Regulation transposes into EU law the rules contained in the 1994 Anti-Dumping Agreement, annexed to the Agreement establishing the World Trade Organisation. These rules relate in particular to the calculation of dumping, procedures for initiating and pursuing an investigation, including the establishment and treatment of the facts, the imposition of provisional measures, the imposition and collection of anti-dumping duties, the duration and review of anti-dumping measures and the public disclosure of information relating to anti-dumping investigations.

The Regulations sets out the principle that an anti-dumping duty may be imposed on any dumped product whose release for free circulation in the Union causes injury.

A product is to be considered as being dumped if its export price to the Union is less than a comparable price for a like product, in the ordinary course of trade, as established for the exporting country.

Amongst other measures, the new codified Regulation:

- sets out clear and detailed rules on the calculation of the normal value for the purposes of determining dumping. In particular, such value should in all cases be based on representative sales in the ordinary course of trade in the exporting country;
- sets out the factors which may affect prices and price comparability and to set out specific rules as to when and how the adjustments should be made;
- sets out detailed guidance as to the factors which may be relevant for the determination of whether the dumped 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 dumped imports and the effect of the dumped imports on prices in the Union market for like products; and (b) the consequent impact of those imports on the Union industry.
- defines the term Union industry and provides that parties related to exporters may be excluded from such an industry;
- specifies rules on who may lodge an anti-dumping complaint, including the extent to which it should be supported by the Union industry, and the information on dumping, injury and causation which such a complaint should contain;
- establishes the procedures for the rejection of complaints or the initiation of proceedings;
- sets out rules on 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 in all cases be imposed by the Commission, either directly for a nine-month period or in two stages of six and three months;
- specifies procedures for accepting undertakings which eliminate dumping and injury instead of imposing provisional or definitive duties;
- sets out the rules and procedures to be followed during investigations by the Commission at EU level; 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 15 months, of the initiation of the investigation;
- provides for sampling in cases where the number of parties or transactions is large in order to permit completion of investigations within the appointed time limits.
- provides for verification visits to check information submitted on dumping and injury;
- stipulates that an importer may request reimbursement of duties collected where it is shown that the dumping margin, on the basis of which duties were paid, has been eliminated, or reduced to a level which is below the level of the duty in force.

**ENTRY INTO FORCE:** 20.7.2016.