

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2015/0112(COD) Regulation</p>	Procedure completed
<p>EU/Colombia and Peru Trade Agreement: accession of Ecuador; EU/Central America Association Agreement: CN code for bananas</p> <p>Amending Regulation (EU) No 19/2013 2011/0262(COD) Amending Regulation (EU) No 20/2013 2011/0263(COD)</p> <p>Subject 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin</p> <p>Geographical area Colombia Ecuador Honduras Peru Costa Rica Nicaragua El Salvador Guatemala Panama</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 International Trade	 DE SARNEZ Marielle	15/06/2015
		Shadow rapporteur	
		 MATO Gabriel	
		 MOISĂ Sorin	
		 ZAHRADIL Jan	
		 KELLER Ska	
		 BORRELLI David	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Agriculture and Rural Development	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date

European Commission

Commission DG

Commissioner

[Trade](#)

MALMSTRÖM Cecilia

Key events

26/05/2015	Legislative proposal published	COM(2015)0220	Summary
08/06/2015	Committee referral announced in Parliament, 1st reading		
26/09/2016	Vote in committee, 1st reading		
26/09/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
29/09/2016	Committee report tabled for plenary, 1st reading	A8-0277/2016	Summary
24/01/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
01/02/2017	Debate in Parliament		
02/02/2017	Results of vote in Parliament		
02/02/2017	Decision by Parliament, 1st reading	T8-0014/2017	Summary
20/02/2017	Act adopted by Council after Parliament's 1st reading		
15/03/2017	Final act signed		
15/03/2017	End of procedure in Parliament		
31/03/2017	Final act published in Official Journal		

Technical information

Procedure reference	2015/0112(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EU) No 19/2013 2011/0262(COD) Amending Regulation (EU) No 20/2013 2011/0263(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/8/03558

Documentation gateway

Legislative proposal	COM(2015)0220	26/05/2015	EC	Summary
Committee draft report	PE585.819	18/07/2016	EP	

Amendments tabled in committee		PE587.527	06/09/2016	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0277/2016	29/09/2016	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0014/2017	02/02/2017	EP	Summary
Commission response to text adopted in plenary		SP(2017)156	14/03/2017	EC	
Draft final act		00061/2016/LEX	15/03/2017	CSL	

Final act

[Regulation 2017/540](#)
[OJ L 088 31.03.2017, p. 0001](#) Summary

EU/Colombia and Peru Trade Agreement: accession of Ecuador; EU/Central America Association Agreement: CN code for bananas

PURPOSE: to amend Regulation (EU) No 19/2013 of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, given that Ecuador joined the Agreement.

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.

BACKGROUND: the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part signed on 26 June 2012, provides for an accession of other Member Countries of the Andean Community to the Agreement. The European Union and Ecuador concluded negotiations for such accession on 17 July 2014.

Similarly to the Agreement with Colombia and Peru, the Agreement with Ecuador includes a bilateral safeguard clause and a Stabilisation Mechanism for Bananas.

Following the decision on signature and provisional application of the Protocol of Accession, it is necessary to lay down the procedures to guarantee the effective application of the bilateral safeguard clause and for applying the stabilisation mechanism for bananas as foreseen in the Agreement in respect of Ecuador.

CONTENT: this proposal for an amendment is directly derived from the text of the Agreement negotiated with Ecuador. It seeks to amend [Regulation \(EU\) No 19/2013](#) and [Regulation \(EU\) No 20/2013](#) in order to enable the implementation of the safeguard clause and the banana stabilisation mechanism of the Agreement already concluded with Ecuador.

The bilateral safeguard clause provides for the possibility to re-instate the most favoured nation (MFN) customs duty rate when, as a result of a trade liberalisation, imports take place in such increased quantities and under such conditions as to cause (or threaten to cause) serious injury to the Union Industry producing the like or directly competitive product. Preferential customs duties can be also be suspended according to the Stabilisation Mechanism for Bananas when a certain annual import volume is reached, until 31 December 2019.

However, the relevant code for bananas was changed from 1 January 2012 from 0803 00 19 to 0803 90 10 in order to reflect the compulsory Harmonised System (HS) amendments.

For the sake of clarity, this change should be introduced in both Regulation (EU) No 19/2013 and Regulation (EU) No 20/2013 in the relevant part on the stabilisation mechanism for bananas.

EU/Colombia and Peru Trade Agreement: accession of Ecuador; EU/Central America Association Agreement: CN code for bananas

The Committee on International Trade adopted the report by Marielle DE SARNEZ (EPP, FR) on the proposal for a regulation of the European Parliament and of the Council amending [Regulation \(EU\) No 19/2013](#) implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, and amending [Regulation \(EU\) No 20/2013](#) implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other.

The committee recommended that the European Parliaments position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

EU/Colombia and Peru trade agreement: Members proposed extending to Ecuador the current stabilisation mechanism for bananas. Ecuador is one of the main producers and suppliers of bananas to the Union, along with Colombia.

Increase transparency: the Commission shall inform the European Parliament and the Council of the trend in banana imports and their impact on the Union market and Union producers. To that end it shall carry out an annual analysis, by 1 October every year, covering the nine preceding months of the past year and shall communicate that analysis to the European Parliament and the Council.

When import volumes reach 80% of the triggering threshold for the stabilisation mechanism outlined in the Annex to this Regulation, for one or more of the States Parties to the Agreement, the Commission shall formally alert the European Parliament and the Council by a written procedure.

The mechanism could be triggered automatically once the trigger volume is met.

Improving statistics: to enable imports and the state of the European banana market to be assessed in greater detail, the Commission shall develop accurate statistical tools which take account of trends in the volume and prices of banana imports.

The Commission shall publish on its Internet site, and update every three months, price trend data for green bananas on the European banana market.

Reporting: the Commission shall submit a report to the European Parliament and the Council on the application of the stabilisation mechanism for bananas by 1 January 2019. If the report identifies serious deterioration or a threat of serious deterioration in the state of the Union banana market and/or the situation of European producers, the Commission shall consider taking appropriate measures, including accompanying compensatory measures

Continuation of the stabilisation mechanism: Members believe that the Commission should consider whether the stabilisation mechanism might remain in force beyond 2020 in order to protect European producers from rises in imports from non-EU countries. One way to bring this about would be a joint declaration co-signed with Parliament (annexed to the motion for a resolution), and which the Council could likewise endorse. If the parties did not all give their consent to continuation of the mechanism, the Commission would have to think about corrective measure.

EU/Colombia and Peru Trade Agreement: accession of Ecuador; EU/Central America Association Agreement: CN code for bananas

The European Parliament adopted a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending [Regulation \(EU\) No 19/2013](#) implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, and amending [Regulation \(EU\) No 20/2013](#) implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other.

The European Parliaments position, adopted at first reading following the ordinary legislative procedure, amended the Commission proposal as follows:

EU/Colombia and Peru trade agreement: Parliament proposed extending to Ecuador the current stabilisation mechanism for bananas. Ecuador is one of the main producers and suppliers of bananas to the Union, along with Colombia.

Increase transparency: the Commission shall transmit to the European Parliament and the Council the relevant information on the trends in bananas and import statistics concerning the imports from the countries subject to the stabilisation mechanism and their relevant thresholds in order to anticipate import trends over the rest of the calendar year.

When import volumes reach 80 % of the trigger import volumes for the application of the stabilisation mechanism for bananas, for one or more of the parties to the Agreement, the Commission shall formally alert the European Parliament and the Council in writing.

Application: due to the close interrelation with the Agreement, it is appropriate to apply this Regulation from the date of provisional application of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador.

The European Parliament also approved a joint declaration by the European Parliament, the Council and the Commission annexed to the resolution in which the three institutions agreed on the following:

- upon request by the responsible committee of the European Parliament, the Commission will report to it on any specific concerns relating to the implementation by Colombia, Ecuador or Peru of their commitments on trade and sustainable development;
- if the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions for ex-officio initiation are fulfilled. If the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation;
- the Commission will, by 1 January 2019, assess the situation of Union banana producers. If a serious deterioration in the state of the market or the situation of Union banana producers is found to have occurred, an extension in the period of validity of the mechanism may be considered with the agreement of the parties to the Agreement;
- the Commission will continue to carry out regular analyses of the state of the market and the situation of Union banana producers after expiry of the stabilisation mechanism and examine the situation, together with the Member States and the stakeholders, and decide whether appropriate measures should be considered if a serious deterioration is found to have occurred.

Lastly, the Commission will pay special attention to reviewing the format of the import surveillance data in order to make available regularly updated information in a more user-friendly manner.

EU/Colombia and Peru Trade Agreement: accession of Ecuador; EU/Central America Association Agreement: CN code for bananas

PURPOSE: to ensure, as regards Ecuador, the effective application of the bilateral safeguard clause and the implementation of the stabilisation mechanism for bananas provided for in the Trade Agreement between the EU and Colombia and Peru.

LEGISLATIVE ACT: Regulation (EU) 2017/540 of the European Parliament and of the Council amending Regulation (EU) No 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, and amending Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other.

CONTENT: the Union and Ecuador concluded negotiations for the accession of Ecuador to the Agreement on 17 July 2014. The Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador was signed on 11 November 2016 and is being applied provisionally.

Directly derived from the text of the Agreement negotiated with Ecuador, this Regulation amends [Regulation \(EU\) No 19/2013](#) and [Regulation \(EU\) No 20/2013](#) in order to enable the implementation of the safeguard clause and the banana stabilisation mechanism of the Agreement already concluded with Ecuador.

With a view to increasing transparency, the Commission shall transmit to the European Parliament and the Council the relevant information on the trends in bananas and import statistics concerning the imports from the countries subject to the stabilisation mechanism and their relevant thresholds in order to anticipate import trends over the rest of the calendar year.

When import volumes reach 80 % of the trigger import volume for the application of the stabilisation mechanism for bananas, for one or more of the parties to the Agreement, the Commission shall formally alert the European Parliament and the Council in writing.

Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Colombia, Ecuador or Peru of their commitments on trade and sustainable development.

If the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission shall examine whether the conditions for ex-officio initiation are fulfilled.

The Commission shall, by 1 January 2019, assess the situation of Union banana producers. If a serious deterioration in the state of the market or the situation of Union banana producers is found to have occurred, an extension in the period of validity of the mechanism may be considered.

The Commission shall continue to carry out regular analyses of the state of the market and the situation of Union banana producers after expiry of the stabilisation mechanism.

ENTRY INTO FORCE: 1.4.2017. The Regulation shall apply from 1.1.2017.