

Protection against dumped and subsidised imports from countries not members of the European Union

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The Committee on International Trade adopted the report by Christofer FJELLNER (EPP, SE) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community and Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European Community

The committee recommended that the Parliaments position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal. The key amendments are as follows:

Scope: Members added that the use of any dumped product in connection with the exploration of the Continental Shelf or the Exclusive Economic Zone of a Member State, or the exploitation of its resources, shall be treated as an import under this Regulation and shall be charged to duty accordingly, when causing injury to the Union industry.

Definition: Members clarified the notion of a raw material in relation to the concept of structural distortion.

Lesser duty rule not applicable in certain cases: the lesser duty rule shall not apply in anti-dumping cases when it is established that the exporting country engages in practices that significantly distort the regular course of trade, when the exporting country has an insufficient level of social and environmental standards or when complainants are SMEs. It shall always apply, however, when structural raw material distortions are the result of a deliberate choice made by a least developed country to protect its public interest and legitimate development goals.

Powers of the Commission and consultation of Parliament: the committee added that any document aimed at clarifying the established practices of the Commission with regard to the application of the Regulation (including the four draft guidelines on the selection of analogue country, on expiry reviews and the duration of measures, on the injury margin and on the Union interest) should be adopted by the Commission only after entry into force of the Regulation and proper consultation of the European Parliament and Council and should then fully reflect the content of the Regulation.

Reimbursement of duties collected under expiry reviews: the Commission proposed to reimburse duties collected under expiry reviews, if proven that dumping or subsidisation has been terminated, claiming that it would ensure effectiveness. However, the committee said this was not desirable and deleted the provision in the interests of balance.

Registration: to mitigate the risk of stockpiling, registration of imports ought to take place following the submission of any justified request, and from the date of initiation when justified by the complaint. The Commission should also have the possibility of ordering registration on its own initiative.

SME Help Desk: Members felt that SMEs access to the instrument should be facilitated by establishing the SME Help Desk, which will raise awareness of the instrument.

Time limits:

- in anti-dumping cases, the duration of investigations should be limited to nine months (rather than 15 months) and those investigations be concluded within 12 months of initiation of the proceedings.
- in anti-subsidy cases, the duration of investigations should be limited to nine months (rather than 15 months) and those investigations should be concluded within 10 months of initiation of the proceedings.

In any event, the provisional duties should be imposed only during a period commencing 60 days after the initiation of the proceedings until six months after the initiation of the proceedings.

Undertakings and non-confidential information: parties that offer an undertaking shall be required to provide a meaningful non-confidential version of such undertaking, so that it may be made available to interested parties to the investigation, the European Parliament and the Council. The parties shall be requested to disclose as much information as possible regarding the content and nature of the undertaking with due regard to the protection of confidential information. Furthermore, before accepting any such an offer the Commission shall consult the Union industry with regard to the main features of the undertaking.

The Commission shall ensure the best possible access to information to all interested parties by allowing for an information system whereby interested parties are notified when new non-confidential information is added to the investigation files. Non-confidential information shall also be made accessible through a web-based platform.

Lastly, an amendment states that the Commission may, upon receiving a specific reasoned request from an interested party, decide to provide them with information concerning the volume and import values of those products.

Report: the Commission shall present an annual report on the application and implementation of the Regulation as a part of a trade defence instrument dialogue between the Commission, the European Parliament and the Council. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, undertakings, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.