

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 241 final

Brussels, 5 May 1982

Amended  
proposal for a  
COUNCIL REGULATION

amending Regulation (EEC) No 3017/79 on protection against dumped  
or subsidized imports from countries not members of the European  
Community

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(submitted to the Council by the Commission pursuant to the second  
paragraph of Article 149 of the EEC Treaty)

COM(82) 241 final

EXPLANATORY MEMORANDUM

Article 14 of Council Regulation (EEC) 3017/79, on protection against dumped or subsidised imports from countries not members of the European Economic Community, makes provision for the review of measures taken by the Community's institutions, where warranted, either on the Commission's own initiative or at the request of a Member State or an interested party, provided that the latter submits positive information substantiating the need. Since anti-dumping and countervailing measures are taken only after lengthy and costly investigations, it is desirable to lay down a minimum period before a review is held at the request of an interested party.

A proposal to make the necessary changes to Article 14(1) has already been discussed in the Council(2) and subject to two minor amendments with which the Commission agrees, nine delegations support the proposal while the German delegation have doubts about the stipulation of a minimum period, which is the essence of the amendment. Since a Commission proposal which has been amended in the Council can only be adopted unanimously it is necessary to make a revised proposal in order to enable the regulation to be amended in accordance with the consensus view.

(1) COM (82) 63 final.

(2) DOC 6147/82 COMER 47

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 113 thereof,

Having regard to the Regulations establishing the common organization of  
agricultural markets and the Regulations adopted under Article 235 of the  
Treaty, applicable to goods manufactured from agricultural products, and  
in particular the provisions of those Regulations which allow for derogation  
from the general principle that protective measures at frontiers may be  
replaced solely by the measures provided for in those Regulations,

Having regard to the proposal from the Commission,

Whereas by Regulation (EEC) No 3017/79(1) the Council adopted Community rules and  
procedures for protection against dumped or subsidized imports from countries  
which are not members of the European Economic Community;

Whereas Article 14 of the said Regulation provides for the possibility  
of a review of measures taken by the Community institutions

and, in order to enable parties to protect their interests,  
lays down in particular that such review may be held if an  
interested party so requests and submits positive information substantiating  
the need for review;

Whereas, however, anti-dumping and countervailing measures are taken only  
after a formal investigation which is both costly and time-consuming and  
which offers full opportunities for all parties to make known their views;

Whereas, therefore, in order to avoid abuse of Community procedures and  
resources it is appropriate to amend the provisions governing reviews

requested by interested parties so as to lay down a minimum period which must elapse after the conclusion of a proceeding before such a review will be held, and to ensure that there is evidence of a change in circumstances sufficient to justify a review

HAS ADOPTED THIS REGULATION:

Article 1

Article 14(1) of Regulation (EEC) No 3017/79 is hereby replaced by the following:

"1. Regulations imposing anti-dumping or countervailing duties and decisions to accept undertakings shall be subject to review where warranted. Such review may be held either at the request of a Member State or on the initiative of the Commission. A review shall also be held where an interested party so requests and submits evidence of changed circumstances sufficient to justify the need, provided that at least one year has elapsed since the conclusion of the proceeding. Such requests shall be addressed to the Commission which shall inform the Member States."

Article 2

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

It shall apply to requests for review already introduced.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels

For the Council  
The President