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COUNCIL REGULATION (EC) No 1515/2001

of 23 July 2001

on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters

(OJ L 201, 26.7.2001, p. 10)

Amended by:

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COUNCIL REGULATION (EC) No 1515/2001

of 23 July 2001

on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) By Regulation (EC) No 384/96 ([1]), the Council adopted common rules for protection against dumped imports from countries which are not members of the European Community.

(2) By Regulation (EC) No 2026/97 ([2]) the Council adopted common rules for protection against subsidised imports from countries which are not members of the European Community.

(3) Under the Marrakesh Agreement establishing the World Trade Organisation ('WTO'), an Understanding on Rules and Procedures Governing the Settlement of Disputes ('DSU') was reached. Pursuant to the DSU, the Dispute Settlement Body ('DSB') was established.

(4) With a view to permitting the Community, where it considers this appropriate, to bring a measure taken under Regulation (EC) No 384/96 or Regulation (EC) No 2026/97 into conformity with the recommendations and rulings contained in a report adopted by the DSB, specific provisions must be introduced.

(5) The Community institutions may consider it appropriate to repeal, amend or adopt any other special measures with respect to measures taken under Regulation (EC) No 384/96 or Regulation (EC) No 2026/97, including measures which have not been the subject of dispute settlement under the DSU, in order to take account of the legal interpretations made in a report adopted by the DSB. In addition, the Community institutions should be able, where appropriate, to suspend or review such measures.

(6) Recourse to the DSU is not subject to time limits. The recommendations in reports adopted by the DSB only have prospective effect. Consequently, it is appropriate to specify that any measures taken under this Regulation will take effect from the date of their entry into force, unless otherwise specified, and, therefore, do not provide any basis for the reimbursement of the duties collected prior to that date,

([1]) OJ L 56, 6.3.1996, p. 1, Regulation as last amended by Regulation (EC) No 2238/2000. (OJ L 257, 11.10.2000, p. 2).

([2]) OJ L 288, 21.10.1997, p. 1.

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HAS ADOPTED THIS REGULATION:

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Article 1

1. Whenever the DSB adopts a report concerning a Union measure taken pursuant to Council Regulation (EC) No 1225/2009 ([1]), to Council Regulation (EC) No 597/2009 ([2]) or to this Regulation ('disputed measure'), the Commission may take one or more of the following measures, whichever it considers appropriate, in accordance with the examination procedure referred to in Article 3a(3):

(a) repeal or amend the disputed measure; or

(b) adopt any other special implementing measure deemed to be appropriate in the circumstances in order to bring the Union into conformity with the recommendations and rulings contained in the report.

2. For the purpose of taking a measure under paragraph 1, the Commission may request interested parties to provide all necessary information in order to complete the information obtained during the investigation that resulted in the adoption of the disputed measure.

3. Insofar as it is appropriate to conduct a review before or at the same time as taking any measure under paragraph 1, that review shall be initiated by the Commission. The Commission shall provide information to the Member States once it decides to initiate a review.

4. Insofar as it is appropriate to suspend the disputed or amended measure, such suspension shall be granted for a limited period of time by the Commission, acting in accordance with the advisory procedure referred to in Article 3a(2).

Article 2

1. The Commission may also take any of the measures mentioned in Article 1(1) in order to take into account the legal interpretations made in a report adopted by the DSB with regard to a non-disputed measure, if it considers this appropriate.

2. For the purpose of taking a measure under paragraph 1, the Commission may request interested parties to provide all necessary information in order to complete the information obtained during the investigation that resulted in the adoption of the non-disputed measure.

3. Insofar as it is appropriate to conduct a review before or at the same time as taking any measure under paragraph 1, that review shall be initiated by the Commission. The Commission shall provide information to the Member States once it decides to initiate a review.

([1]) Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

([2]) Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (OJ L 188, 18.7.2009, p. 93).

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4. Insofar as it is appropriate to suspend the non-disputed or amended measure, that suspension shall be granted for a limited period of time by the Commission, acting in accordance with the advisory procedure referred to in Article 3a(2).

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Article 3

Any measures adopted pursuant to this Regulation shall take effect from the date of their entry into force and shall not serve as basis for the reimbursement of the duties collected prior to that date, unless otherwise provided for.

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Article 3a

1. The Commission shall be assisted by the Committee established by Article 15(1) of Regulation (EC) No 1225/2009. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council ([1]).

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 3b

Report

The Commission shall include information on the implementation of this Regulation in its annual report on the application and implementation of trade defence measures presented to the European Parliament and to the Council pursuant to Article 22a of Regulation (EC) No 1225/2009.

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Article 4

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

It applies to reports adopted after 1 January 2001 by the DSB.

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

([1]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).