

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

ANNEX

**LIST OF REGULATIONS FALLING UNDER THE COMMON COMMERCIAL POLICY AND AMENDED IN ADAPTATION TO ARTICLE 290 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION OR TO THE APPLICABLE PROVISIONS OF REGULATION (EU) No 182/2011**

**F<sup>1</sup>1. Regulation (EEC) No 2841/72**

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**Textual Amendments**

- F1** Deleted by Regulation (EU) 2015/1145 of the European Parliament and of the Council of 8 July 2015 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation (codification).

**F<sup>2</sup>2. Regulation (EEC) No 2843/72**

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**Textual Amendments**

- F2** Deleted by Regulation (EU) 2015/475 of the European Parliament and of the Council of 11 March 2015 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Iceland (codification).

**F<sup>3</sup>3. Regulation (EEC) No 1692/73**

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**Textual Amendments**

- F3** Deleted by Regulation (EU) 2015/938 of the European Parliament and of the Council of 9 June 2015 on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway (codification).

**F<sup>4</sup>4. Regulation (EC) No 3286/94**

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**Textual Amendments**

- F4** Deleted by Regulation (EU) 2015/1843 of the European Parliament and of the Council of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (codification).

**5. Regulation (EC) No 385/96**

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

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As regards Regulation (EC) No 385/96, the implementation of the procedures provided for in that Regulation requires uniform conditions for the adoption of measures necessary for its implementation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 385/96 is amended as follows:

(1) Article 5(11) is replaced by the following:

"11 Without prejudice to Article 15(2), where it is apparent to the Commission that there is sufficient evidence to justify initiating a proceeding, it shall do so within 45 days of the date on which the complaint was lodged, or, in the case of initiation pursuant to paragraph 8, no later than six months from the time the sale of the vessel was known or should have been known, and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint was lodged with the Commission.

The Commission shall provide information to the Member States once it has determined the need to initiate such a proceeding."

(2) Article 7 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2 Where measures are unnecessary the investigation or proceeding shall be terminated. The Commission shall terminate the investigation in accordance with the examination procedure referred to in Article 10(2).";

(b) paragraph 4 is replaced by the following:

"4 Where the facts as finally established show that there is injurious pricing and injury caused thereby, an injurious pricing charge shall be imposed on the shipbuilder by the Commission, in accordance with the examination procedure referred to in Article 10(2). The amount of the injurious pricing charge shall be equal to the margin of injurious pricing established. The Commission shall, after having informed the Member States, take the necessary measures for the implementation of its decision, in particular the collection of the injurious pricing charge."

(3) In Article 8, the first paragraph is replaced by the following:

"The investigation may be terminated without the imposition of an injurious pricing charge if the shipbuilder definitively and unconditionally voids the sale of the injuriously priced vessel or complies with an alternative equivalent remedy accepted by the Commission."

(4) Article 9(1) is replaced by the following:

"1 If the shipbuilder concerned does not pay the injurious pricing charge imposed under Article 7, countermeasures under the form of denial of loading and unloading rights shall be imposed by the Commission on the vessels built by the shipbuilder in question.

The Commission shall provide information to the Member States once the grounds for countermeasures referred to in the first subparagraph arise."

(5) Article 10 is replaced by the following:

*"Article 10*

**Committee procedure**

1 The Commission shall be assisted by the Committee established by Council Regulation (EC) No 1225/2009<sup>(1)</sup>. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(2)</sup>.

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

(6) Article 13(5) is replaced by the following:

"5 The Commission and the Member States, including the officials of either, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from that supplier. Exchanges of information between the Commission and the Member States, or any internal documents prepared by the authorities of the Union or the Member States, shall not be divulged except as specifically provided for in this Regulation."

(7) Article 14(3) is replaced by the following:

"3 Disclosure shall be effected in writing. It shall be effected, with due regard being had to the need to protect confidential information, as soon as possible and, normally, not less than one month before a definitive decision. Where the Commission is not in a position to disclose certain facts or considerations at that time, they shall be disclosed as soon as possible thereafter. Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but, where such a decision is based on any different facts and considerations, they shall be disclosed as soon as possible."

(8) The following article is inserted:

*"Article 14a*

**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."

6. **Regulation (EC) No 2271/96**

As regards Regulation (EC) No 2271/96, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) for the purpose of amending the Annex to that Regulation.

In order to adopt the provisions necessary for the application of that Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adding or deleting laws to or from the Annex to that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts,

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should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

The implementation of Regulation (EC) No 2271/96 requires uniform conditions for establishing criteria for the authorisation of persons to comply fully or partially with any requirement or prohibition, including requests of foreign courts, in cases where non-compliance would seriously damage their interests or those of the Union. Those measures should be adopted in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 2271/96 is amended as follows:

(1) In Article 1, the second paragraph is replaced by the following:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 11a to add to the Annex to this Regulation laws, regulations or other legislative instruments of third countries having extraterritorial application and causing adverse effects on the interests of the Union and the interests of natural and legal persons exercising rights under the Treaty on the Functioning of the European Union, and to delete laws, regulations or other legislative instruments when they no longer have such effects."

(2) In Article 7, point (c) is deleted.

(3) Article 8 is replaced by the following:

*"Article 8*

1 For the purpose of implementing Article 7(b), the Commission shall be assisted by the Committee on Extra-territorial Legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in paragraph 2 of this Article. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(9)</sup>.

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

(4) The following article is inserted:

*"Article 11a*

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 1 shall be conferred on the Commission for a period of five years from 20 February 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 1 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

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4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 1 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or of the Council."

**F57. Regulation (EC) No 1515/2001**

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**Textual Amendments**

**F5** Deleted by [Regulation \(EU\) 2015/476 of the European Parliament and of the Council of 11 March 2015 on the measures that the Union may take following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters \(codification\)](#).

**F68. Regulation (EC) No 153/2002**

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**Textual Amendments**

**F6** Deleted by [Regulation \(EU\) 2015/941 of the European Parliament and of the Council of 9 June 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part \(codification\)](#).

**F79. Regulation (EC) No 427/2003**

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**Textual Amendments**

**F7** Deleted by [Regulation \(EU\) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries \(recast\)](#).

**F810. Regulation (EC) No 452/2003**

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**Textual Amendments**

**F8** Deleted by [Regulation \(EU\) 2015/477 of the European Parliament and of the Council of 11 March 2015 on measures that the Union may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures \(codification\)](#).

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)*

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<sup>F9</sup>11. **Regulation (EC) No 673/2005**

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**Textual Amendments**

- F9** Deleted by Regulation (EU) 2018/196 of the European Parliament and of the Council of 7 February 2018 on additional customs duties on imports of certain products originating in the United States of America (codification).

<sup>F10</sup>12. **Regulation (EC) No 1236/2005**

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**Textual Amendments**

- F10** Deleted by Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (codification).

<sup>F11</sup>13. **Regulation (EC) No 1616/2006**

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**Textual Amendments**

- F11** Deleted by Regulation (EU) 2015/939 of the European Parliament and of the Council of 9 June 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part (codification).

<sup>F12</sup>14. **Regulation (EC) No 1528/2007**

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**Textual Amendments**

- F12** Deleted by Regulation (EU) 2016/1076 of the European Parliament and of the Council of 8 June 2016 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, economic partnership agreements (recast).

<sup>F13</sup>15. **Regulation (EC) No 140/2008**

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**Textual Amendments**

- F13** Deleted by Regulation (EU) 2015/752 of the European Parliament and of the Council of 29 April 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

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Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (codification).

## 16. Regulation (EC) No 55/2008

As regards Regulation (EC) No 55/2008, in order to ensure uniform conditions for its implementation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

The advisory procedure should be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of such measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair, it is necessary to allow the Commission to adopt immediately applicable provisional measures.

Accordingly, Regulation (EC) No 55/2008 is amended as follows:

(1) Article 3(3) is replaced by the following:

"3 Notwithstanding other provisions of this Regulation, in particular Article 10, if imports of agricultural products cause serious disturbance to the Union markets and their regulatory mechanisms, the Commission may take the appropriate measures by means of implementing acts. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(5)."

(2) Article 4 is replaced by the following:

### *"Article 4*

#### **Implementation of tariff quotas for dairy products**

The detailed rules for implementing the tariff quotas for headings 0401 to 0406 shall be determined by the Commission by means of implementing acts. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(5)."

(3) Article 8 is deleted.

(4) Article 10 is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

"1 Where the Commission finds that there is sufficient evidence of fraud, irregularities or systematic failure by Moldova to comply, or to ensure compliance, with the rules of origin of products and the procedures related thereto, or to provide administrative cooperation as referred to in Article 2(1), or to comply with any of the other conditions defined in Article 2(1), it may take measures in accordance with the examination procedure referred to in Article 11a(5) to suspend in whole or in part the preferential arrangements provided for in this Regulation for a period of not more than six months, provided that it has first:";

(b) paragraph 2 is deleted;

(c) paragraph 3 is replaced by the following:

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

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"3 On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure or to extend the suspension measure in accordance with the examination procedure referred to in Article 11a(5)."

(5) Article 11 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1 Where a product originating in Moldova is imported on terms which cause, or threaten to cause, serious difficulties to a Union producer of like or directly competing products, Common Customs Tariff duties on that product may be reintroduced at any time by the Commission in accordance with the examination procedure referred to in Article 11a(5).";

(b) paragraphs 5, 6 and 7 are replaced by the following:

"5 The investigation shall be completed within six months after the publication of the notice referred to in paragraph 2 of this Article. The Commission may, in the case of exceptional circumstances, extend that period in accordance with the advisory procedure referred to in Article 11a(4).

6 The Commission shall take a decision within three months, in accordance with the examination procedure referred to in Article 11a(5). Such a decision shall enter into force within one month from the date of its publication.

7 Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may take any preventive measure which is strictly necessary, in accordance with the procedure referred to in Article 11a(6)."

(6) The following article is inserted:

*"Article 11a*

**Committee procedure**

1 For the purpose of Article 3(3) and Articles 11 and 12 of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009<sup>(4)</sup>. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(5)</sup>.

2 For the purpose of Article 4 of this Regulation, the Commission shall be assisted by the committee established by Article 195 of Council Regulation (EC) No 1234/2007<sup>(6)</sup>. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

3 For the purpose of Article 10 of this Regulation, the Commission shall be assisted by the committee established by Article 184 of Regulation (EC) No 450/2008 of the European Parliament and of the Council<sup>(7)</sup>. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.



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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

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

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

6 Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 4 thereof, shall apply.

(7) In Article 12, the second paragraph is replaced by the following:

"If Moldova does not comply with the rules of origin or does not provide administrative cooperation, as required by Article 2, for the aforementioned Chapters 17, 18, 19 and 21, or if imports of products under these Chapters subject to the preferential arrangements granted under this Regulation significantly exceed the usual levels of exports of Moldova, appropriate measures shall be taken in accordance with the examination procedure referred to in Article 11a(5)."

<sup>F14</sup>17. **Regulation (EC) No 594/2008**

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**Textual Amendments**

**F14** Deleted by [Regulation \(EU\) 2015/940 of the European Parliament and of the Council of 9 June 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part \(codification\)](#).

<sup>F15</sup>18. **Regulation (EC) No 597/2009**

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**Textual Amendments**

**F15** Deleted by [Regulation \(EU\) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union \(codification\)](#).

<sup>F16</sup>19. **Regulation (EC) No 260/2009**

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**Textual Amendments**

**F16** Deleted by [Regulation \(EU\) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports \(codification\)](#).

<sup>F7</sup>20. **Regulation (EC) No 625/2009**

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<sup>F17</sup>21. **Regulation (EC) No 1061/2009**

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

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**Textual Amendments**

**F17** Deleted by [Regulation \(EU\) 2015/479 of the European Parliament and of the Council of 11 March 2015 on common rules for exports \(codification\)](#).

**F18** 22. **Regulation (EC) No 1225/2009**

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**Textual Amendments**

**F18** Deleted by [Regulation \(EU\) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union \(codification\)](#).

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX. (See end of Document for details)

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- (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) 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)."
- (3) 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)."
- (4) Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (OJ L 84, 31.3.2009, p. 1).
- (5) 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).
- (6) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).
- (7) Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) (OJ L 145, 4.6.2008, p. 1)."

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) No 37/2014 of the European Parliament and of the Council, ANNEX.