

Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (codification)

CHAPTER V

**SAFEGUARD MEASURES**

*Article 15*

1 Where a product is imported into the Union in such greatly increased quantities and/or on such terms or conditions as to cause, or threaten to cause, serious injury to Union producers, the Commission, in order to safeguard the interests of the Union, may, acting at the request of a Member State or on its own initiative:

- a limit the period of validity of surveillance documents within the meaning of Article 11 to be issued after the entry into force of this measure;
- b alter the import rules for the product in question by making its release for free circulation conditional on production of an import authorisation, the granting of which shall be governed by such provisions and subject to such limits as the Commission shall lay down.

The measures referred to in points (a) and (b) shall take effect immediately.

2 As regards members of the WTO, the measures referred to in paragraph 1 shall be taken only when the two conditions indicated in the first subparagraph of that paragraph are met.

3 If establishing a quota, account shall be taken in particular of:

- a the desirability of maintaining, as far as possible, traditional trade flows;
- b the volume of goods exported under contracts concluded on normal terms and conditions before the entry into force of a safeguard measure within the meaning of this Chapter, where such contracts have been notified to the Commission by the Member State concerned;
- c the need to avoid jeopardising the achievement of the aim pursued in establishing the quota.

Any quota shall not be set lower than the average level of imports over the last 3 representative years for which statistics are available unless a different level is necessary to prevent or remedy serious injury.

4 In cases in which a quota is allocated among supplier countries, allocation may be agreed with those of them having a substantial interest in supplying the product concerned for import into the Union.

Failing this, the quota shall be allocated among the supplier countries in proportion to their share of imports into the Union of the product concerned during a previous representative period, due account being taken of any specific factors which may have affected or may be affecting the trade in the product.

Provided that its obligation to see that consultations are conducted under the auspices of the WTO Committee on Safeguards is not disregarded, the Union may nevertheless depart from this method of allocation in the case of serious injury if imports originating in one or more supplier countries have increased in disproportionate percentage in relation to the total increase of imports of the product concerned over a previous representative period.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2015/478 of the European Parliament and of the Council, Article 15. (See end of Document for details)

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5 The measures referred to in this Article shall apply to every product which is put into free circulation after their entry into force. In accordance with Article 17 they may be confined to one or more regions of the Union.

However, such measures shall not prevent the release for free circulation of products already on their way to the Union provided that the destination of such products cannot be changed and that those products which, pursuant to Articles 10 and 11, may be put into free circulation only on production of a surveillance document are in fact accompanied by such a document.

6 Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the examination procedure referred to in Article 3(3), or, in cases of urgency, in accordance with Article 3(4), shall take a decision within a maximum of 5 working days of the date of receipt of such a request.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2015/478 of the European Parliament and of the Council, Article 15.