

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)

## CHAPTER IV

### GENERAL SAFEGUARD PROVISIONS

#### *Article 11*

#### **Determination of the conditions to impose safeguard measures**

- 1 The determination of serious injury or a threat thereof shall cover, inter alia, the following factors:
  - a the volume of imports, in particular where there has been a significant increase, either in absolute terms or relative to production or consumption in the Union;
  - b the price of imports, in particular where there has been a significant price undercutting in comparison with the price of a like product in the Union;
  - c the consequent impact on Union industry as indicated by trends in certain economic factors such as production, capacity utilisation, stocks, sales, market share, the depression of prices or prevention of price increases which would normally have occurred, profits, return on capital employed, cash flow and employment;
  - d factors other than trends in imports which are causing or may have caused injury to the Union industry concerned.
- 2 The determination of disturbances or a threat thereof shall be based on objective factors, including the following elements:
  - a the increase in the volume of imports in absolute terms or relative to production in the Union and to imports from other sources; and
  - b the effect of such imports on prices; or
  - c the effect of such imports on the Union industry or the economic sector concerned in relation to, inter alia, the levels of sales, production, financial situation and employment.
- 3 In determining whether imports are made under such conditions as to cause or threaten to cause disturbances in the markets of agricultural products or mechanisms regulating those markets, including regulations creating common market organisations (CMOs), all relevant objective factors shall be taken into consideration, including one or more of the following elements:
  - a the volume of imports in comparison with that in previous calendar or marketing years, as the case may be, internal production and consumption, and future levels planned in accordance with the reform of CMOs;
  - b the level of internal prices in comparison with the reference or target prices, if applicable, and, if not applicable, in comparison with the average internal market prices during the same period of previous marketing years;

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/1076 of the European Parliament and of the Council, Article 11. (See end of Document for details)

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- c in the markets for products under tariff heading 1701, situations where during two consecutive months the average Union market price of white sugar falls below 80 % of the average Union market price for white sugar during the previous marketing year.

4 In determining whether the conditions referred to in paragraphs 1, 2 and 3 are met in the case of the outermost regions of the Union, the analyses shall be restricted to the territory of the outermost region or regions concerned. Particular attention shall be paid to the size of the local industry, its financial situation and the employment situation.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2016/1076 of the European Parliament and of the Council, Article 11.