

Regulation (EU) 2015/936 of the European Parliament and of the Council
of 9 June 2015 on common rules for imports of textile products from
certain third countries not covered by bilateral agreements, protocols
or other arrangements, or by other specific Union import rules (recast)

CHAPTER II

UNION INFORMATION AND INVESTIGATION PROCEDURE

Article 6

1 In respect of the textile products listed in Annex I, Member States shall notify the Commission, within 30 days following the end of each month, of the total quantities imported during that month by country of origin and CN code and the units, including where appropriate supplementary units of the CN code. The imports shall be broken down in accordance with the statistical procedures in force.

2 In order to enable the market trends in the products covered by this Regulation to be monitored, Member States shall communicate to the Commission, by 31 March each year, statistical data for the preceding year on exports. The statistical data relating to the production and the consumption of each product shall be forwarded to the Commission under arrangements to be determined subsequently in accordance with the examination procedure referred to in Article 30(3).

3 Where the nature of the products or particular circumstances so require, the Commission may, at the request of a Member State or on its own initiative, alter the time limits for communicating the information referred to in paragraphs 1 and 2 of this Article in accordance with the examination procedure referred to in Article 30(3).

4 In the urgent cases referred to in Article 13, the Member State or States concerned shall send the necessary import statistics and economic data to the Commission and the other Member States without delay.

Article 7

1 Where it is apparent to the Commission that there is sufficient evidence to justify an investigation, with regard to the conditions of imports of products referred to in Article 1, the Commission shall initiate an investigation. The Commission shall inform Member States once it has determined that there is a need to initiate such an investigation.

2 In addition to the information supplied under Article 6, the Commission shall seek all information it deems necessary and shall endeavour to check that information with importers, traders, agents, producers, trade associations and organisations.

The Commission shall be assisted in this task by staff of the Member State on whose territory these checks are being carried out, provided that this Member State so wishes.

3 The Member States shall provide the Commission, at its request and following procedures laid down by it, with the information at their disposal on developments in the market of the product being investigated.

4 The Commission may hear the interested natural and legal persons. Such parties must be heard where they have applied in writing within the period laid down in the notice published

in the *Official Journal of the European Union*, showing that they are actually likely to be affected by the outcome of the investigation and that there are special reasons for them to be heard orally.

5 Where the information requested by the Commission is not supplied within a reasonable period, or the investigation is significantly impeded, findings may be made on the basis of the facts available.

6 Where the Commission has been asked to act by a Member State and it finds that there is insufficient evidence to justify an investigation, it shall, following consultations, inform the Member State of its decision.

Article 8

1 At the end of the investigation, the Commission shall submit a report on the results to the Committee referred to in Article 30.

2 If the Commission considers that no Union surveillance or safeguard measures are necessary, it shall, acting in accordance with the examination procedure referred to in Article 30(3), decide to close the investigation, stating the main conclusions of the investigation.

3 If the Commission considers that Union surveillance or safeguard measures are necessary, it shall take the necessary decisions in accordance with Chapter III.

Article 9

1 Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.

2 The Commission, its officials, Member States, and their officials shall not reveal any information of a confidential nature received pursuant to this Regulation, or any information provided on a confidential basis, without specific permission from the supplier of such information.

Each request for confidentiality shall state the reasons why the information is confidential.

However, if it appears that a request for confidentiality is unjustified and if the supplier of the information wishes neither to make it public nor to authorise its disclosure in general terms or in the form of a summary, the information concerned may be disregarded.

3 Information shall in any case be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information.

4 Paragraphs 1, 2 and 3 shall not preclude reference by the Union authorities to general information and in particular to reasons on which decisions taken pursuant to this Regulation are based. The Union authorities shall, however, take into account the legitimate interest of the natural and legal persons concerned that their business secrets should not be divulged.

Article 10

1 The examination of the trend of imports, of the conditions in which imports take place, and of the serious injury or threat of serious injury to Union producers resulting from such imports, shall cover in particular 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;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2015/936 of the European Parliament and of the Council, CHAPTER II. (See end of Document for details)

- b the prices of the imports, in particular where there has been a significant price undercutting as compared with the price of a like product in the Union;
 - c the consequent impact on the Union producers of like or directly competitive products as indicated by trends in certain economic factors such as:
 - production,
 - capacity utilisation,
 - stocks,
 - sales,
 - market share,
 - prices (i.e. depression of prices or prevention of price increases which would normally have occurred),
 - profits,
 - return on capital employed,
 - cash flow,
 - employment.
- 2 In conducting the investigation, the Commission shall take account of the particular economic system of the third countries referred to in Annex II.
- 3 Where a threat of serious injury is alleged, the Commission shall also examine whether it is clearly foreseeable that a particular situation is likely to develop into actual injury. In this regard, account may be taken of factors such as:
- a the rate of increase of the exports to the Union;
 - b export capacity in the country of origin or export, already in existence or which will be operational in the foreseeable future, and the likelihood that the resulting exports will be to the Union.

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