

# Additional customs duties on imports of certain products originating in the USA. Codification

2014/0175(COD) - 23/06/2016 - Initial legislative proposal

**PURPOSE:** to codify Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** Council Regulation (EC) No 673/2005 has been substantially amended several times. In the interests of clarity and rationality, that Regulation should be codified.

To recall, on 12 June 2014, the Commission presented a proposal for a Regulation of the European Parliament and of the Council codifying Council Regulation (EC) No 673/2005. On 17 July 2015, the Commission presented an amended proposal for the codification of Regulation (EC) No 673/2005, following subsequent amendments to it.

Having regard to the amendments adopted in respect of Regulation (EC) No 673/2005 and in view of the work already carried out in the course of the legislative procedure, the Commission has decided to present another amended proposal for codification of the Regulation in question.

**CONTENT:** the proposed Regulation stipulates that the **tariff concessions and related obligations under GATT 1994 of the Union are suspended in respect of products originating in the United States listed in Annex I to this Regulation.**

An **ad valorem duty of 0.45 %** additional to the customs duty applicable under [Regulation \(EU\) No 952/2013 of the European Parliament and of the Council](#) shall be imposed on the products originating in the United States listed in Annex I to this Regulation.

The proposal recalled that on 27 January 2003, the Dispute Settlement Body (DSB) of the World Trade Organization (WTO) adopted the Appellate Body report and the Panel report, as upheld by the Appellate Body report, finding that the **Continued Dumping and Subsidy Offset Act (CDSOA)** was incompatible with the United States' obligations under the 'WTO' agreements.

In accordance with the **decision of the Arbitrator** on this issue, on 26 November 2004, the DSB granted the authorisation to suspend the application to the United States of tariff concessions and related obligations under GATT 1994 in accordance with the decision of the Arbitrator. On the basis of the data published by the United States' Customs and Border Protection (from 1 October 2003 to 30 September 2004), the level of nullification or impairment caused to the Community was calculated at USD 27.81 million.

Under this draft Regulation, **the Commission should adjust the level of suspension annually to the level of nullification or impairment caused by the United States' Continued Dumping and Subsidy Offset Act ('CDSOA') to the Union** at that time. The Commission should respect certain conditions. In

particular, the level of nullification or impairment shall be equal to **72 % of the amount of disbursements under the CDSOA** relating to anti-dumping and countervailing duties paid on imports from the Union for the most recent year for which data are available at that time, as published.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.