

Additional customs duties on imports of certain products originating in the United States of America

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This Commission Delegated Regulation seeks to amend Regulation (EU) 2018/196 of the European Parliament and of the Council on additional customs duties on imports of certain products originating in the United States of America.

Background

The United States' Continued Dumping and Subsidy Offset Act of 2000 (CDSOA, or the Byrd Amendment) was passed in 2000 and mandates the yearly distribution of the anti-dumping and countervailing duties collected during the previous fiscal year to US companies. The CDSOA was found incompatible with the United States' WTO obligations in January 2003.

As the US authorities failed to bring the CDSOA into conformity with its obligations under the WTO agreements, in accordance with Regulation (EU) 2018/196, an additional *ad valorem* duty of 4.3% was imposed on imports of certain products originating in the United States of America.

In conformity with the WTO authorisation to suspend the application of concessions to the United States, the Commission is to adjust the level of suspension annually to the level of nullification or impairment caused by the CDSOA to the Union at that time. In 2021, the level of suspension was adjusted to 0.1 % *ad valorem* additional customs duty and Regulation (EU) 2018/196 was amended accordingly.

The CDSOA disbursements for the most recent year for which data are available relate to the distribution of anti-dumping and countervailing duties collected during the Fiscal Year 2020. On the basis of the data published by the United States' Customs and Border Protection, the level of nullification or impairment caused to the Union is calculated at USD 3.095,94.

The list of products in Annex I to Regulation (EU) 2018/196 should therefore remain unchanged and the rate of additional duty should be amended to bring the level of suspension in line with the level of nullification or impairment.

Content

The purpose of this Delegated Commission Regulation is to adjust the annual level of retaliatory measures applied in the WTO dispute concerning the CDSOA, adopted in 2000.

The Delegated Regulation imposes, as of 1 May 2022, an ***ad valorem* additional rate of duty of 0.001%** on sweet corn, frames and mountings for spectacles, crane lorries and women's denim trousers and breeches originating in the US.

The effect of a 0.001% *ad valorem* additional duty on imports from the United States of the four products listed in Annex I represents, over one year, a value of trade that does not exceed USD 3.095,94.

The new level of retaliation to apply as from 1 May 2022 amounts to **USD 3.095,94** and has been established on the basis of the latest CDSOA distribution of antidumping and anti-subsidy duties collected during the Fiscal Year 2021 (1 October 2020 – 30 September 2021). It represents a significant decrease from the current level (USD 236.314,72), which has been in effect since 1 May 2021. No products are being added or removed from Annex I and therefore the list of products in Annex I remains unchanged.