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

2025/0012(COD) - 01/04/2025 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 593 votes to 7, with 35 abstentions, a resolution on the proposal for a regulation of the European Parliament and of the Council amending 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.

Parliament adopted its position at first reading following the ordinary legislative procedure.

The proposal simply seeks to introduce a limited, targeted and technical amendment to Regulation (EU) 2018/196 by including a *de minimis* threshold for the imposition of retaliation against the United States for a WTO case lost by the United States in 2003. This case concerns the US Continued Dumping and Subsidy Offset Act of 2000 (CDSOA or Byrd Amendment).

The Byrd Amendment was repealed in 2006, but the US created a transitional period whereby disbursements would continue as long as they concerned duties collected before 1 October 2007.

In 2024, the amount of the EU authorised retaliation was negligible (USD 34.98) but the Commission was still required to adopt a delegated regulation to set the rate of duty to 0%. Retrieving USD 34.98 would have had no trade impact and would have imposed a disproportionate administrative cost to the Union.

It is expected that in the future the authorised level of retaliation will continue to remain low and will go towards exhaustion. Therefore, the Commission suggests setting a threshold at USD 30 000 of disbursements made by US authorities in relation to Union imports in one fiscal year under which no EU duties would apply.

The amended text stipulates that where 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 by the United States' authorities, is USD 30 000 or less, the Commission shall not adjust the level of suspension and the application of the additional import duty shall be suspended.

In order to avoid disproportionate administrative effort and to allow for the prompt application of the de minimis threshold, this Regulation should enter into force on the day following that of its publication in the Official Journal of the European Union.