Basic information

2025/0012(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Additional customs duties on imports of certain products originating in the USA Amending Regulation 2018/196 2014/0175(COD) **Subject** 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin **Geographical area** United States	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	INTA International Trade	LANGE Bernd (S&D)	19/02/2025
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Trade and Economic Security	ŠEFČOVIČ Maroš	

Key events

Date	Event	Reference	Summary
03/02/2025	Legislative proposal published	COM(2025)0027	Summary
10/03/2025	Committee referral announced in Parliament, 1st reading		
19/03/2025	Vote in committee, 1st reading		
21/03/2025	Committee report tabled for plenary, 1st reading	A10-0034/2025	
01/04/2025	Decision by Parliament, 1st reading	T10-0050/2025	Summary
01/04/2025	Results of vote in Parliament		
14/04/2025	Act adopted by Council after Parliament's 1st reading		
14/04/2025	Final act signed		
22/04/2025	Final act published in Official Journal		

Technical information

Procedure reference	2025/0012(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2018/196 2014/0175(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/10/02106

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A10-0034/2025	21/03/2025	
Text adopted by Parliament, 1st reading/single reading		T10-0050/2025	01/04/2025	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00003/2025/LEX	10/04/2025	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2025)0027	03/02/2025	Summary
Commission response to text adopted in plenary	SP(2025)10-14	14/10/2025	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2025/0783
OJ OJ L 22.04.2025

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.

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

2025/0012(COD) - 03/02/2025 - Legislative proposal

PURPOSE: to amend Regulation (EU) 2018/196 by including a *de minimis* threshold for the imposition of retaliation applied in relation to the WTO dispute on the United States' Continued Dumping and Subsidy Offset Act of 2000 ('CDSOA', or the Byrd Amendment).

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: the United States Continued Dumping and Subsidy Offset Act (CDSOA) 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.

Since the United States failed to bring its legislation into conformity with the WTO agreements, the European Community requested authorisation from the Dispute Settlement Body (DSB) to suspend the application of its tariff concessions and related obligations under the General Agreement on Tariffs and Trade ('GATT') 1994 to the United States . The United States objected to the level of suspension of tariff concessions and related obligations, and the matter was referred to arbitration.

On 31 August 2004, the Arbitrator determined that the level of nullification or impairment caused every year to the Community was equal to **72 %** of the amount of CDSOA disbursements relating to anti-dumping or countervailing duties paid on imports from the Community for the most recent year for which data were available at that time, as published by the United States' authorities.

As a result of the United States' failure to bring the CDSOA in compliance with its obligations under the WTO agreements, pursuant to Regulation (EU) 2018/196 of the European Parliament and of the Council, a **4.3 %** *ad valorem* additional customs duty was imposed on imports of certain products originating in the United States. 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 recent years, the level of nullification or impairment caused to the Union on the basis of the data published by the United States' Customs and Border Protection has decreased. For example, in 2024, it was calculated at USD 34.98 resulting in a rate of additional import duty of 0.00002 % on sweet corn, frames and mountings for spectacles, crane lorries, and certain items of women's or girls' apparel in denim that originate in the US.

As applying such a low duty would have had no trade impact and would have imposed a disproportionate administrative cost to the Union, with Commission Delegated Regulation (EU) 2024/1239 the additional rate of duty as from 1 May 2024 was set at 0 %.

Having to adopt a Commission Delegated Regulation each year, even when retaliation is negligible, is not an efficient use of resources. Thus, in order to promote efficiency and proportionality, a de minimis threshold below which additional import duties should not be imposed should be added to Regulation (EU) 2018/196.

CONTENT: the proposal to amend Regulation (EU) 2018/196 introduces a ***de minimis*** threshold below which additional import duties should not be imposed. This threshold should be set at **USD 30 000** of relevant disbursements made by US authorities in one fiscal year. Disbursement amounting to USD 30 000, keeping the current list of goods in Annex I, would result in an additional rate of duty of about 0.01 %.

Additional custom duties equal or below 0.01 % that would apply in the absence of a *de minimis* provision on the few tariff lines currently included in Annex I do not appear to justify the administrative costs that would be incurred by the Union if these duties were imposed. Below this threshold the duties have no trade impact and are thus economically negligible.

Budgetary implications

Whenever the *de minimis* would apply, the European Union would see a loss of maximum **USD 21 600** (which is the authorised level of retaliation corresponding to USD 30 000 of CDSOA related disbursements) of customs revenue in one fiscal year. On the other hand, the human and administrative resources necessary to adjust and impose the additional customs duty would not be used. Therefore, the impact on Union's own resources will be very limited.