

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2882

of 18 December 2023

suspending commercial policy measures concerning certain products originating in the United States of America imposed by Implementing Regulations (EU) 2018/886 and (EU) 2020/502

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (WTO) ⁽¹⁾, and in particular Article 7(3) thereof,

Whereas:

- (1) On 20 June 2018, the Commission adopted Commission Implementing Regulation (EU) 2018/886 ⁽²⁾ on certain commercial policy measures concerning certain products originating in the United States of America (the United States) that provides for the application of additional customs duties on imports into the Union of a number of products originating in the United States as follows:
 - (a) at the first stage, the additional ad valorem duties of a rate of 10 % and 25 % on imports of the products listed in Annex I to that Regulation, as specified therein, entered into force on 21 June 2018 and were set to apply until the United States ceases to apply its safeguard measures to products from the Union;
 - (b) at the second stage, further additional ad valorem duties of a rate of 10 %, 25 %, 35 % and 50 % on imports of the products listed in Annex II to that Regulation, as specified therein, would apply from 1 June 2021 or upon the adoption by, or notification to, the WTO Dispute Settlement Body of a ruling that the United States' safeguard measures are inconsistent with the relevant provisions of the Agreement establishing the World Trade Organization ('WTO'), if that is earlier, until the United States ceases to apply its safeguard measures to products from the Union.
- (2) On 7 April 2020, the Commission adopted Commission Implementing Regulation (EU) 2020/502 ⁽³⁾ that provides for the application of additional customs duties on imports into the Union of certain products originating in the United States, as follows:
 - (a) at the first stage, the additional ad valorem duties of a rate of 20 % and 7 % on imports of the products listed in Article 1(2)(a), of that Regulation, entered into force on 8 May 2021 and were set to apply until the United States ceases to apply its safeguard measures to products from the Union;

- (b) at the second stage, a further additional ad valorem duty of 4,4 % on imports of the product specified in Article 1(2) (b), of that Regulation, should be applied as from 8 February 2023 or upon the adoption by, or notification to, the WTO Dispute Settlement Body of a ruling that the United States' safeguard measures are inconsistent with the relevant provisions of the WTO Agreement, if that is earlier, until the United States' safeguard measures cease to apply.
- (3) On 31 May 2021, following a EU-US Joint Statement published on 17 May 2021 in which the EU and US agreed 'to chart a path that ends the WTO disputes following the U.S. application of tariffs on imports from the EU under section 232', the Commission adopted Commission Implementing Regulation (EU) 2021/866 ⁽⁴⁾, which suspended the application of the additional ad valorem duties on products originating in the United States of America listed in Annex II to Implementing Regulation (EU) 2018/886 until 30 November 2021.
- (4) On 31 October 2021, the European Union and the United States announced that they would negotiate within two years an arrangement – known as the Global Arrangement on Sustainable Steel and Aluminium – to address non-market excess capacity and emissions intensity of the steel and aluminium industries. Such an arrangement, once concluded, would have implied the elimination of the US tariffs on imports of EU steel and aluminium products. On 31 October 2021, the US also announced the establishment of Tariff Rate Quotas ('TRQs') on imports into the US of EU steel and aluminium products until 31 December 2023. Following such announcement, on 26 November 2021, the Commission adopted Commission Implementing Regulation (EU) 2021/2083 ⁽⁵⁾ which suspended the application of the additional ad valorem duties imposed by Implementing Regulations (EU) 2018/886 and (EU) No 2020/502 until 31 December 2023.
- (5) At the Summit of 20 October 2023, although the European Union and the United States did not conclude the negotiations on the Global Arrangement on Sustainable Steel and Aluminium, they recognised that they had made substantial progress in identifying the sources of non-market excess capacity and reaching a better understanding of the tools to address the emissions intensity of the steel and aluminium industries.
- (6) After the conclusion of the EU-US Summit of 20 October 2023, the United States informed the Commission that it intended to prolong the existing TRQs on imports into the US of EU steel and aluminium products for an additional period of time.
- (7) The Commission, on behalf of the Union, may amend Implementing Regulations (EU) 2018/886 ⁽⁶⁾ and (EU) 2020/502 ⁽⁷⁾, should it deem it appropriate in view of any modification of or amendment to the United States' safeguard measures.
- (8) Accordingly, the Union should suspend the application of the additional ad valorem duties imposed by Implementing Regulations (EU) 2018/886 and (EU) No 2020/502 for a period until 31 March 2025.
- (9) This suspension is considered necessary in light of the prolongation of the TRQs by the United States and to allow the Union and the United States to advance their ongoing cooperation, including with a view to eliminating their respective tariffs.

- (10) The Commission should keep the suspension under review in light of developments, such as those that could worsen the situation for the Union exports that remain subject to the safeguard measures of the United States, including the TRQs.
- (11) The suspension is without prejudice to the Union's position that the safeguard measures by the United States remain incompatible with the WTO Agreement.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Trade Barriers Committee, established by Regulation (EU) 2015/1843 of the European Parliament and of the Council ⁽⁸⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The application of the additional ad valorem duties of a rate of 10 %, 25 %, 35% and 50 % on imports of the products listed in Annex I and Annex II to Implementing Regulation (EU) 2018/886 shall be suspended from 1 January 2024 until 31 March 2025.

Article 2

The application of the additional ad valorem duties of a rate of 20 %, 7 % and 4,4 % on imports of the products listed in Article 1(2), points (a) and (b), of Implementing Regulation (EU) 2020/502 shall be suspended from 1 January 2024 until 31 March 2025.

Article 3

This Regulation shall enter into force on 1 January 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 December 2023.

For the Commission

The President

Ursula VON DER LEYEN

⁽¹⁾ OJ L 189, 27.6.2014, p. 50 amended by Regulation (EU) 2021/167 of the European Parliament and the Council of 10 February 2021 (OJ L 49, 12.2.2021, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) 2018/886 of 20 June 2018 on certain commercial policy measures concerning certain products originating in the United States of America and amending Implementing Regulation (EU) 2018/724 (OJ L 158, 21.6.2018, p. 5).

⁽³⁾ Commission Implementing Regulation (EU) 2020/502 of 6 April 2020 on certain commercial policy measures concerning certain products originating in the United States of America (OJ L 109, 7.4.2020, p. 10).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/866 of 28 May 2021 suspending commercial policy measures concerning certain products originating in the United States of America imposed by Implementing Regulation (EU) 2018/886 (OJ L 190, 31.5.2021, p. 94).

⁽⁵⁾ Commission Implementing Regulation (EU) 2021/2083 of 26 November 2021 suspending commercial policy measures concerning certain products originating in the United States of America imposed by Implementing Regulation (EU) 2018/886 and (EU) No 2020/502 (OJ L 426, 29.11.2021, p. 41).

⁽⁶⁾ Recital 7 of Implementing Regulation (EU) 2018/886.

⁽⁷⁾ Recital 19 of Implementing Regulation (EU) 2020/502.

⁽⁸⁾ Regulation (EU) 2015/1843 of the European Parliament and of the Council of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (codification) (OJ L 272, 16.10.2015, p. 1).

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