

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**

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, in particular those established under the auspices of the World Trade Organization 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 ⁽¹⁾, and in particular paragraphs 3 and 4 of Article 7 thereof,

Whereas:

- (1) On 20 June 2018, the Commission adopted Implementing Regulation (EU) 2018/886 ⁽²⁾ on 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.
- (2) In particular, the Commission, on behalf of the Union, imposed additional customs duties on the products listed in Annex I and Annex II of Implementing Regulation (EU) 2018/886, to the effect that:
 - (a) the additional ad valorem duties of a rate of 10 % and 25 % on imports of the products listed in Annex I, 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) the additional ad valorem duties of a rate of 10 %, 25 %, 35 % and 50 % on imports of the products listed in Annex II, 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 WTO Agreement, if that is earlier, until the United States ceases to apply its safeguard measures to the Union.
- (3) Following the adoption of Implementing Regulation (EU) 2018/724 ⁽³⁾, the Commission, on behalf of the Union, suspended, in the WTO, the application of import duty concessions to the trade with the United States under GATT 1994 in respect of products included in Annex I and Annex II to Implementing Regulation (EU) 2018/724. Such step allowed for an application of additional customs duties on the importation of products originating in the United States as listed in Annex I and Annex II of Implementing Regulation (EU) 2018/886.
- (4) Recital 7 of Implementing Regulation (EU) 2018/886 provides that the Commission, on behalf of the Union, may amend that Regulation, should it deem that appropriate, to account for any modification of or amendment to the United States' safeguard measures.
- (5) On 17 May 2021, the Union and the United States published a Joint Statement where they both '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'. In this context, the Union should suspend the application of the additional ad valorem duties on products listed in Annex II to Implementing Regulation (EU) 2018/886 as an important step towards the reciprocal elimination of restrictive measures and with the objective to provide the time and conditions necessary for politically resolving the matter.

⁽¹⁾ OJ L 189, 27.6.2014, p. 50; amended by Regulation (EU) 2015/1843 and by Regulation (EU) 2021/167 of the European Parliament and the Council (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) 2018/724 of 16 May 2018 on certain commercial policy measures concerning certain products originating in the United States of America (OJ L 122, 17.5.2018, p. 14).

- (6) The period of the suspension should last until 30 November 2021, which is considered as a sufficient period for the purposes stated in the preceding recital.
- (7) In accordance with Article 7(4) of Regulation (EU) No 654/2014, the Commission may adopt immediately applicable implementing acts suspending commercial policy measures on grounds of urgency, when this suspension is related to the modification of the third country's measure concerned. The immediate application of this Regulation is justified in light of the objective to provide the time and conditions necessary for resolving the matter, as stated in recital (5), and to that end, it is necessary to suspend the impending application of Annex II, so that additional ad valorem duties on products listed in Annex II do not apply during the period necessary for attaining the objectives at stake.
- (8) This Regulation does not affect the suspension, in the WTO, of the application of import duty concessions to the trade with the United States under GATT 1994 in respect of both products included in Annex I and Annex II to Implementing Regulation (EU) 2018/724, as modified through Implementing Regulation (EU) 2018/886. This suspension of WTO obligations remains applicable, while this Regulation suspends the application of additional import duties.
- (9) In accordance with Article 8 of Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽⁴⁾, at the latest 14 days after its adoption, the Commission will submit this Regulation to the Trade Barriers Committee, established by Regulation (EU) 2015/1843 of the European Parliament and of the Council ⁽⁵⁾, for its opinion,

HAS ADOPTED THIS REGULATION:

Article 1

The EU suspends the application of additional ad valorem duties of a rate of 10 %, 25 %, 35 % and 50 % on imports of the products listed in Annex II to Implementing Regulation (EU) 2018/886 ranging to and including 30 November 2021.

The duties provided for in Annex II of Implementing Regulation (EU) 2018/886 shall thus apply with effect from and including 1 December 2021.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 28 May 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽⁵⁾ 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).