



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 08.12.2003  
COM(2003) 788 final

Proposal for a

**COUNCIL REGULATION**

**repealing Regulation (EC) No 1031/2002 establishing additional customs duties on imports of certain products originating in the United States of America**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

On 7 March 2002, the United States of America adopted a safeguard action on imports of certain steel products, which disturbed the balance of concessions and other obligations resulting from the Marrakesh Agreement establishing the World Trade Organisation between the European Communities and the United States of America.

To restore this balance, the European Communities adopted Council Regulation (EC) No 1031/2002 of 13 June 2002 establishing additional customs duties on imports of certain products originating in the United States of America<sup>1</sup>.

Article 5 of Regulation (EC) No 1031/2002 provides that “[t]he Council, acting by qualified majority on a proposal from the Commission, shall decide on the repeal of this Regulation once the safeguard measure of the United States of America is lifted”.

The safeguard action on imports of certain steel products and all acts based thereon<sup>2</sup> was repealed by the United States of America with effect from 5 December 2003.<sup>3</sup> The condition to repeal Regulation (EC) No 1031/2002 is therefore met.

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<sup>1</sup> OJ No. L 157, 15.6.2002, p. 8.

<sup>2</sup> Memorandum for the Secretary of Treasury, the Secretary of Commerce and the USTR of 5 March 2002 on the “Action Under Section 203 of the Trade Act of 1974 Concerning Certain Steel Products by the President of the United States of America” (United States Federal Register Vol. 67, No. 45 of 7 March 2002, p. 10593); Notices from the Office of the United State Trade Representative, “Exclusion of Particular Products From Actions Under Section 203 of the Trade Act of 1974 With Regard to Certain Steel Products; Conforming Changes and Technical Corrections to the Harmonized Tariff Schedule of the United States” (United States Federal Register Vol. 67, No. 169 of 30 August 2002, p. 56182 and Vol. 68, No. 61 of 31 March 2003, p. 15494).

<sup>3</sup> Proclamation No. [...] “To Provide for the Termination of Action Taken with Regard to Imports of Certain Steel Products” of 4 December 2003.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 1031/2002 of 13 June 2002 establishing additional customs duties on imports of certain products originating in the United States of America<sup>4</sup>, and in particular Article 5 thereof,

Having regard to the proposal from the Commission<sup>5</sup>,

Whereas:

- (1) The safeguard action imposed by the United States of America on imports of certain steel products in Proclamation No. 7529 “To Facilitate Positive Adjustment to Competition from Imports of Certain Steel Products” of 5 March 2002, as published in the United States Federal Register, Vol. 67, No. 45, 7 March 2002, p. 10533, and all acts based thereon was repealed on 4 December 2003. The repeal took effect on 5 December 2003,
- (2) The condition for the repeal of Regulation (EC) No 1031/2002 set out in Article 5 thereof is therefore met,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1031/2002 is hereby repealed as from the day following 5 December 2003.

*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,

*For the Council  
The President*

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<sup>4</sup> OJ L 157, 15.6.2002, p. 8.

<sup>5</sup> OJ C [...] [...], p. [...]9