



Brussels, 6 April 2018  
(OR. en)

7678/18

COMER 31  
WTO 56  
DELECT 69

**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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No. Cion doc.: 6345/18 COMER 16 WTO 24 DELACT 34 + ADD 1

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 19.2.2018 amending Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America  
- Intention not to raise objections to a Delegated Act

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1. The Commission has submitted the above delegated act<sup>1</sup> to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 3(3) of Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America<sup>2</sup>.
2. Article 3(3) of Council Regulation (EC) No 673/2005<sup>3</sup> empowers the Commission to adopt delegated acts in accordance with the procedure laid down in Article 4 of the same Regulation, with a view to adjust the annual level of retaliation applied in the WTO dispute settlement on the United States' Continued Dumping and Subsidy Offset Act of 2000 ('CDSOA' or the *Byrd Agreement*).

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<sup>1</sup> doc. 6345/18 + ADD 1

<sup>2</sup> Repealed and replaced by Regulation (EU) 2018/196 of the European Parliament and of the Council of 7 February 2018 on additional customs duties on imports of certain products originating in the United States of America (codification) (OJ L 44 of 16.02.2018).

<sup>3</sup> see foot note 2 above.

3. An *ad valorem* duty of 0,3% additional to the customs duty applicable under Regulation (EU) No 952/2013 shall be imposed on the products originating in the United States listed in Annex I to this Regulation from 1 May 2018.
4. As the Commission notified the delegated act on 19 February 2018, the Council may object to that delegated act within a period of two months, i.e. until 19 April 2018.
5. Within the framework of the Trade Questions Working Party, no objections were raised by delegations by the deadline of 5 April 2018.
6. It is therefore suggested to record that there is no objection to the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 3(3) of Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America, as amended by Regulation (EU) No 38/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures.