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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 18 January 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2019) 16 final - ANNEX 1

Subject: ANNEX to the Recommendation for a Council Decision authorising the
opening of negotiations of an agreement with the United States of America
on the elimination of tariffs for industrial goods

Delegations will find attached document COM(2019) 16 final - ANNEX 1.

Encl.: COM(2019) 16 final - ANNEX 1



Brussels, 18.1.2019
COM(2019) 16 final

ANNEX

ANNEX

to the

Recommendation for a Council Decision

**authorising the opening of negotiations of an agreement with the United States of
America on the elimination of tariffs for industrial goods**

ANNEX

DIRECTIVES FOR THE NEGOTIATION OF AN AGREEMENT WITH THE UNITED STATES OF AMERICA ON THE ELIMINATION OF TARIFFS FOR INDUSTRIAL GOODS

Nature and Scope of the Agreement

1. The Agreement should contain provisions on the elimination of tariffs for industrial goods¹, between the Parties, thus providing for the reciprocal elimination of tariffs.
2. The Agreement should be fully consistent with World Trade Organisation (WTO) rules and obligations.

Objectives

3. The objective of the Agreement is to increase trade between the European Union and the United States with a view to generating new economic opportunities that create jobs and growth as a result of increased market access due to the reciprocal tariff elimination for industrial goods.

Content of the Agreement

Duties and other requirements regarding imports and exports

4. The goal of the Agreement should be to eliminate all duties for industrial goods on a reciprocal basis, with the objective of achieving a substantial elimination of tariffs upon entry into force and a phasing out of such tariffs in a short time frame. Account should be taken of the particular sensitivities for certain goods in line with the Joint Statement of 25 July 2018. All customs duties, taxes, fees, or charges on exports and quantitative restrictions or authorisation requirements on exports to the other Party which are not justified by exceptions under the Agreement should be abolished upon the application of the Agreement. The Agreement should be without prejudice to either Party's right to take appropriate safeguard, anti-dumping or countervailing measures in accordance with the WTO Agreement.

Rules of origin

5. Negotiations should aim at reconciling the European Union's and the United States' approaches to rules of origin including the origin procedures in a manner that facilitates trade between the Parties and that takes into account the latest developments in the preferential rules of origin of the European Union and the interests of the European Union economic operators.

Institutional framework

6. The Agreement should set up an institutional structure to monitor the implementation of the Agreement.

Dispute settlement

7. The Agreement should include an appropriate dispute settlement mechanism to ensure that the Parties observe mutually agreed rules.

Final provisions

¹ Industrial goods encompass all goods other than those included in Annex I of the WTO Agreement on Agriculture.

8. The Agreement should include a provision allowing the European Union to suspend unilaterally the application of substantially equivalent concessions or obligations, if the United States adopts against the European Union any measures, under Section 232 of the Trade Expansion Act, Section 301 of the 1974 Trade Act or under any other similar United States law.
9. The Agreement should be equally authentic in all official European Union languages and shall include a language clause to that effect.

Conduct of the negotiations

10. The Commission shall suspend the negotiations with the United States, if the United States does not respect the commitment made on 25 July 2018 to abstain during the course of the negotiations from adopting new measures, against the European Union under Section 232 of the Trade Expansion Act of 1962. The Commission may also suspend negotiations if the United States adopts trade restrictions against European Union exports on the basis of Section 301 of the 1974 Trade Act or under any other similar United States law.
11. Prior to the conclusion of negotiations, the Commission will confirm that the United States has removed any measures on exports of steel and aluminium originating in the European Union pursuant to Section 232 of the US Trade Expansion Act of 1962.