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From: General Secretariat of the Council

To: Delegations

No. prev. doc.: 9480/26

Subject: Proposal for a Regulation of the European Parliament and of the Council
on the non-application of customs duties on imports of certain goods
- Letter to the Chair of the European Parliament Committee on
International trade (INTA)

Following the approval by the Permanent Representatives Committee at its meeting of 27 May 2026, delegations are informed that the Presidency has sent the letter in ANNEX to the Chair of the European Parliament INTA Committee.



SGS 26 / 2037

Brussels, 27 May 2026

Mr Bernd Lange
Chair, European Parliament Committee on International Trade (INTA)
European Parliament
60, rue Wiertz / Wiertzstraat 60
B-1047 Bruxelles / Brussel

Subject: Proposal for a Regulation of the European Parliament and of the Council on the non-application of customs duties on imports of certain goods (2025/0260 (COD))

- First reading agreement

Dear Mr Lange,

Following the informal negotiations on this proposal between the representatives of the three institutions held on 19/20 May 2026, where a provisional agreement was reached on a final compromise text, I am pleased to inform you that today the Permanent Representatives Committee agreed with the final compromise text as set out in the Annex to this letter.

I am therefore now in a position to confirm that, should the European Parliament adopt its position at first reading in accordance with Article 294, paragraph 3 of the Treaty, in the form set out in the Annex to this letter (subject to the revision by the lawyers-linguists of both institutions), the Council would, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position. The act is then adopted in the wording which corresponds to the European Parliament's position.

On behalf of the Council, I also wish to thank you for the close cooperation which should enable us to reach agreement on this file at first reading.

Yours sincerely,


C. RAFTI
Chair of the
Permanent Representatives Committee

Copy: Mr Maroš ŠEFČOVIČ, Member of the European Commission

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2025/0260 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the non-application of customs duties on imports of certain goods

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union and the United States of America (the ‘United States’) have the largest and deepest bilateral trade and investment relationship in the world and have highly integrated economies. The total two-way trade between them was worth more than EUR 1.6 trillion in 2024. This deep and comprehensive partnership is underpinned by significant mutual investment with mutual investments in each other's markets worth around EUR 5.3 trillion.

- (2) To avoid disruption and continue improving the trade and investment relationship with the United States, *the Union and the United States agreed the Joint Statement on a Tariff Agreement, announced on 21 August 2020, under which the Union committed to eliminate tariffs on imports of United States live and frozen lobster products and the United States committed in return to reduce by 50 % its tariff rates on certain products exported by the Union worth an average annual trade value of USD 160 million, including certain prepared meals, certain crystal glassware, surface preparations, propellant powders, cigarette lighters and lighter parts. In order to implement that 2020 Joint Statement*, on 16 December 2020 the Union adopted Regulation (EU) 2020/2131 of the European Parliament and of the Council¹ on the elimination of customs duties on **an erga omnes basis, on a limited number of goods, including live and frozen lobster products originating in the United States, for the period from 1 August 2020 until 31 July 2025.**¹
- (3) In line with the political agreement between the Union and the United States of 27 July 2025 and the Joint Statement of 21 August 2025 on a European Union – United States Framework on an Agreement on Reciprocal, Fair and Balanced Trade² (the ‘Joint Statement’) and to secure continued access for Union goods to the United States market, the Union should provide for non-application, for a further period, of the customs duties on imports into the Union of the types of lobster covered by Regulation (EU) 2020/2131. In line with the political agreement, the non-application of customs duties should also include imports of processed lobster classified under Combined Nomenclature (CN) code 1605 30 90.
- (4) Accordingly, the customs duties on imports of the goods classified under the CN codes listed in the Annex should apply at a level of 0 % **unless** the United States is **no longer** effectively implementing the Joint Statement.

¹ Regulation (EU) 2020/2131 of the European Parliament and of the Council of 16 December 2020 on the elimination of customs duties on certain goods (OJ L 430, 18.12.2020, p. 1–4, ELI: <http://data.europa.eu/eli/reg/2020/2131/oj>).

² Joint Statement on a United States-European Union framework on an agreement on reciprocal, fair and balanced trade - European Commission, link: https://policy.trade.ec.europa.eu/news/joint-statement-united-states-european-union-framework-agreement-reciprocal-fair-and-balanced-trade-2025-08-21_en.

(5) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to suspend the non-application of the customs duties in specific circumstances. Those powers should be exercised in accordance with the examination procedure provided for in Regulation (EU) No 182/2011 of the European Parliament and of the Council³.

(5a) By 31 January 2030, the Commission should present an assessment of the effects of this Regulation. That assessment should also provide details of changes since 1 August 2025 in trade volumes and values of the United States' exports to the Union of the goods classified under the CN codes listed in the Annex. Where appropriate, that assessment should be accompanied by a legislative proposal for extension of the period of application of this Regulation.

(6) In view of the importance of avoiding disruption of the trade and investment relationship between the Union and the United States, this Regulation should enter into force on the day following that of its publication. For the same reason, this Regulation should apply with retroactive effect from 1 August 2025. Customs duties paid in excess of those applicable pursuant to this Regulation in the period between 1 August 2025 and the date of entry into force of this Regulation should be reimbursed upon request,

HAVE ADOPTED THIS REGULATION:

Article 1

Non-application of customs duties

The applicable customs duties of the Common Customs Tariff on imports into the Union *of the* goods classified under the Combined Nomenclature (CN) codes listed in the Annex shall be 0 %.

³ 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, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

Article 2

Suspension

1. The Commission may adopt an implementing act suspending in whole or in part the application of Article 1 in the following circumstances:
 - (a) where the United States fails to implement the Joint Statement or otherwise undermines the objectives of improving the trade and investment relationship between the Union and the United States and the objectives pursued by the Joint Statement, or undermines access of Union economic operators to the United States market, or otherwise disrupts the trade and investment relationship between the Union and the United States;
 - (b) where there are sufficient indications that the United States will act in the manner referred to in point (a) in the future; *or*
 - (c) where a change of objective circumstances has occurred with regard to those existing at the time the Joint Statement was issued.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 3(2).

2. The implementing act referred to in paragraph 1 shall apply for as long as the circumstances referred to in paragraph 1 persist.

Article 3

Committee procedure

1. The Commission shall be assisted by the Trade Barriers Committee established by Article 7 of Regulation (EU) No 2015/1843 of the European Parliament and of the Council⁴. *That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

⁴ 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

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 4

Reimbursement of customs duties

At the request of the economic operators concerned, the national customs authorities of the Member States concerned shall reimburse any customs duties paid in excess of those applicable pursuant to this Regulation for imports into the Union between 1 August 2025 and the date of entry into force of this Regulation, of goods classified under the CN codes listed in the Annex.

Article 4a

Evaluation and reporting

1. *By 31 January 2030, the Commission shall present an assessment of the effects of this Regulation. That assessment shall provide details of changes since 1 August 2025 in trade volumes and values of the United States' exports to the Union of the goods classified under the CN codes listed in the Annex.*
2. *Where appropriate, the assessment referred to in paragraph 1 shall be accompanied by a legislative proposal for extension of the period of application of this Regulation.*
3. *The Commission shall keep the European Parliament and the Council informed, regularly and in a timely manner, of relevant developments in the application of this Regulation.*

those established under the auspices of the World Trade Organization (OJ L 272, 16.10.2015, p. 1, ELI: <http://data.europa.eu/eli/reg/2015/1843/oj>).

Article 5

Entry into force and application

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

It shall apply from 1 August 2025 *until 31 July 2030*.

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

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEX

CN 2025 code ⁵	Description
0306 11 90	Frozen rock lobster and other sea crawfish 'Palinurus Spp., Panulirus Spp. and Jasus Spp.', even smoked, whether in shell or not, including ones in shell, cooked by steaming or by boiling in water (excluding crawfish tails)
0306 12 10	Frozen lobsters 'Homarus Spp.', whole, even smoked or cooked by steaming or by boiling in water
0306 12 90	Frozen lobsters 'Homarus Spp.', even smoked, whether in shell or not, including lobsters in shell, cooked by steaming or by boiling in water (excluding whole)
0306 32 10	Live lobsters 'Homarus Spp.'
1605 30 90	Lobster, prepared or preserved (excl. merely smoked; excl. lobster meat, cooked, for the manufacture of lobster butter or of lobster pastes, pâtés, soups or sauces)

⁵ The nomenclature codes are taken from the Combined Nomenclature as defined in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff which are valid at the time of publication of this Regulation and mutatis mutandis as amended by subsequent legislation.