Council Regulation (EC) No 171/2005 of 31 January 2005 amending and suspending the application of Regulation (EC) No 2193/2003 establishing additional customs duties on imports of certain products originating in the United States of America

COUNCIL REGULATION (EC) No 171/2005

of 31 January 2005

amending and suspending the application of Regulation (EC) No 2193/2003 establishing additional customs duties on imports of certain products originating in the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 7 May 2003, the Community was authorised by the Dispute Settlement Body of the World Trade Organisation (WTO) to impose countermeasures up to a level of USD 4,043 million in the form of additional 100 % *ad valorem* duties on certain products originating in the United States of America. Consequently, on 8 December 2003 the Community adopted Council Regulation (EC) No 2193/2003[(1)] establishing additional customs duties on imports of certain products originating in the United States of America.

(2) It is considered that, following the adoption of the American Jobs Creation Act of 2004, the application of additional duties should be suspended and only take effect again on 1 January 2006 or 60 days after the Dispute Settlement Body of the WTO confirms, whichever date is later, the incompatibility of certain aspects of the abovementioned Act with WTO law,

HAS ADOPTED THIS REGULATION:

Article 1

The application of Regulation (EC) No 2193/2003 is hereby suspended.

Article 2

1 Regulation (EC) No 2193/2003 shall be applicable again with effect from 1 January 2006 or 60 days after the confirmation by the Dispute Settlement Body of the WTO, whichever date is later, that certain aspects of the American Jobs Creation Act of 2004 of the United States of America are inconsistent with the United States' WTO obligations.

2 Before the expiry of the above deadline, the Commission shall publish a notice in the *Official Journal of the European Union* that such confirmation has been given.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 171/2005. (See end of Document for details)*

Article 3

1 Article 2(1) of Regulation (EC) No 2193/2003 shall be replaced as follows:

1. A 14 % ad valorem duty additional to the customs duty applicable under Regulation (EEC) No 2913/92 shall be imposed on the products originating in the United States of America listed in the Annex to this Regulation..

2 The Annex to Regulation (EC) No 2193/2003 shall be replaced by the Annex set out in the Annex to this Regulation.

Article 4

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

With the exception of Article 3, it shall apply with effect from 1 January 2005.

Article 3 shall apply with effect from the date Regulation (EC) No 2193/2003 becomes applicable again in accordance with Article 2(1).

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

Done at Brussels, 31 January 2005.

For the Council

The President

J. ASSELBORN

ANNEX

ANNEX The products on which additional duties are to apply are identified by their eight-digit CN codes. The two-digit CN Chapters are given for information purposes only. The description of these codes can be found in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff[(2)].

CN Chapters	Description chapter
1	
	0101 90 19 0106 11 00 0106 12 00 0106 19 90 0106 31 00 0106 32 00 0106 39 90 0106 90 00
2	
	0203 22 11 0203 29 55 0203 29 59 0203 29 90 0204 43 10 0208 30 00 0208 40 90 0208 50 00 0208 90 40 0208 90 95 0210 19 81
4	
	0402 21 19 0403 10 91 0403 90 91 0404 10 02 0406 10 20 0406 20 90 0406 90 21 0406 90 69 0406 90 81 0406 90 86 0406 90 87 0408 11 80 0408 91 80 0409 00 00 0410 00 00
5	
	0501 00 00 0502 10 00 0502 90 00 0504 00 00

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 171/2005. (See end of Document for details)*

	0505 10 10 0505 10 90 0505 90 00 0507 90 00 0508 00 00 0509 00 10 0511 91 10 0511 99 10
7	
	0702 00 00 0703 10 19 0706 10 00 0706 90 90 0708 10 00 0708 20 00 0709 20 00 0709 40 00 0709 59 10 0709 59 90 0709 60 10 0709 60 99 0709 90 90 0710 21 00 0710 22 00 0710 29 00 0710 80 51 0710 80 59 0710 80 85 0710 80 95 0710 90 00 0711 40 00 0711 59 00 0711 90 80 0712 31 00 0712 32 00 0712 33 00 0712 90 30 0713 10 90 0713 20 00 0713 31 00 0714 10 99
8	
	0801 11 00 0801 19 00 0801 21 00 0801 32 00 0803 00 19 0803 00 90 0804 20 90 0804 30 00 0804 40 00

	0805 90 00 0807 19 00 0807 20 00 0809 10 00 0809 20 05 0809 30 10 0809 30 90 0809 40 05 0810 40 30 0811 10 11 0811 10 90 0811 20 31 0811 90 50 0811 90 70 0811 90 80 0812 10 00 0813 10 00 0813 40 95 0813 50 99
10	
	1008 10 00 1008 20 00 1008 30 00
11	
	1102 30 00 1103 20 40 1106 20 90 1106 30 10 1107 10 99 1108 19 90
12	
	1205 10 90 1205 90 00 1207 10 90 1207 20 90 1207 40 90 1207 60 90 1207 99 20 1207 99 98 1209 10 00 1209 22 80 1209 23 11 1209 26 00 1211 10 00 1211 20 00 1211 30 00 1211 40 00 1212 99 80 1213 00 00 1214 10 00 1214 90 90