

Information gathering under Article 9 of Regulation (EU) No 654/2014 regarding the US tariff increase on imports of certain derivative aluminium products and certain derivative steel products and possible EU commercial policy measures in response

The Commission seeks information and views regarding the EU's economic interests in accordance with Article 9 of Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014. The Commission expects to receive input from private stakeholders affected by the US tariff increase on imports of certain derivative aluminium products and certain derivative steel products and by possible EU commercial policy measures concerning certain products, in response.

The information gathering should provide the Commission with input to assist it in assessing the necessity and the parameters of any possible commercial policy measures.

Your input is important in this process and we thank you in advance for your contribution. The Word document can be used to fill in your comments directly under the relevant points.

Context

On 24 January 2020 the United States of America ("United States") adopted safeguard measures in the form of a tariff increase on imports of certain derivative aluminium articles and certain derivative steel articles (at rates of 10% and 25% respectively) effective from 8 February 2020 and with an unlimited duration¹.

Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 (the Enforcement Regulation)² provides for the legal basis for the EU to suspend concessions or other obligations under international trade agreements, with the intention of rebalancing concessions or other obligations in the trade relations with third countries, when the treatment accorded to goods from the EU is altered in a way that affects the EU's interests.

The Enforcement Regulation applies, in particular, for the rebalancing of concessions or other obligations, which is foreseen in Article 8 of the WTO Agreement on Safeguards.

Where action is necessary to safeguard the EU's interests in such cases, the EU may take appropriate commercial policy measures in response, on the basis of objective criteria.

As envisaged in Article 5 of the Enforcement Regulation, the commercial policy measures may consist of, *inter alia*, the suspension of tariff concessions and the imposition of new or increased customs duties.

These commercial policy measures must be substantially equivalent to the level of concessions or other obligations affected by the third country's measure and must be

¹ Proclamation 9980 of January 24, 2020, Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States, Federal Register vol. 85, no. 19, January 29, 2020.

² Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (OJ L 189, 27.6.2014, p. 50–58; 2014R0654 — EN — 05.11.2015 — 001.001).

determined on the basis of the following criteria, where relevant, in light of available information and of the EU's general interest:

- a) effectiveness in inducing compliance of third countries with international trade rules;
- b) potential to provide relief to economic operators within the EU, affected by third country measures;
- c) availability of alternative sources of supply for the goods concerned, in order to avoid or minimise any negative impact on downstream industries, contracting authorities or entities, or final consumers within the EU;
- d) avoidance of disproportionate administrative complexity and costs in the application of the measures;
- e) any specific criteria that may be established in international trade agreements.

Possible Commercial Policy Measures

If action is necessary to safeguard the EU's interests and to preserve the EU's procedural rights of rebalancing of concessions or other obligations under Article 8 of the WTO Agreement on Safeguards, the Commission is required to take the respective steps under the Enforcement Regulation and the WTO Agreement on Safeguards.

In this regard, the Commission is currently assessing the necessity and the parameters of possible commercial policy measures.

The Commission is considering the following commercial policy measures, as envisaged in Article 5 of the Enforcement Regulation: suspension of tariff concessions under Article 8 of the WTO Agreement on Safeguards and imposition of increased customs duties on certain products from the United States.

The Commission services have identified products originating in the United States that could potentially be subject to a possible suspension of concessions and additional import duties. These products, or a subset of them, may be affected only if necessary and in a proportionate manner, in line with the requirements of the Enforcement Regulation described above.

The additional import duties on these products, or on a subset of them, may be applied in two phases, in line with the timing requirements of Article 8 of the WTO Agreement on Safeguards³.

A. The first phase could comprise the following products:

CN2020	Descriptions below are given for information purposes only
96138000	Lighters (excluding gas fuelled pocket lighters, and fuses and primers for propellant powders and explosives)
72285069	Bars and rods of alloy steel, other than stainless steel, not further worked than cold-formed or cold-finished, of circular cross-section, of a diameter of < 80 mm (excl. of high-speed steel, silico-manganese steel, tool steel, articles of subheading 7228.50.40, semi-finished products, flat-rolled products and hot-rolled bars and rods in irregularly wound coils)

³ According to this provision, the right of suspension may or may not be exercised for the first three years of the application of the third country's measure if certain conditions are present.

B. The second phase could comprise the following products:

CN2020	Descriptions below are given for information purposes only
39263000	Fittings for furniture, coachwork and the like, of plastics (excluding building components for permanent mounting on parts of buildings)
95044000	Playing cards

Information gathering procedure

In assessing the necessity and the parameters of possible commercial policy measures, the Commission seeks input from private stakeholders affected by the US tariff increase on certain derivative aluminium products and certain derivative steel products originating in the EU (at rates of 10% and 25%, respectively) or by possible EU commercial policy measures, as outlined above, on the products identified above.

Private stakeholders are invited to provide any views and information they consider relevant to EU economic interests affected by the announced US measures or to products which could be subject to possible EU commercial policy measures in response, as well as any other relevant input.

To receive full consideration, written comments should be as detailed as possible and include supporting documents.

Information received pursuant to Regulation (EU) No 654/2014 will be used only for the purpose for which it was requested.

Neither the European Parliament, nor the Council, nor the Commission, nor Member States, nor their respective officials shall reveal any information of a confidential nature received pursuant to Regulation (EU) No 654/2014, without specific permission from the supplier of such information.

The supplier of information may request that information supplied be treated as confidential. In such cases, it must be accompanied by a non-confidential summary which presents the information in a generalised form or a statement of the reasons why the information cannot be summarised. If it appears that a request for confidentiality is not justified and if the supplier is unwilling either to make the information public or to authorise its disclosure in generalised or summary form, the information in question may be disregarded. The confidential treatment will not preclude the disclosure of general information by the institutions of the EU and the authorities of the Member States. Such disclosure must take into account the legitimate interest of the parties concerned in not having their business secrets divulged.

Information received pursuant to Regulation (EU) No 654/2014 may be subject to a request for access to documents under EU Regulation 1049/2001 on public access to European Parliament, Council and Commission documents⁴. In such cases, the request will be assessed

⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

against the conditions set out in Regulation 1049/2001 and in accordance with applicable data protection rules.

Deadline

Please fill in the form and submit it at the latest **by 13 March 2020, 12:00 midday (UTC+01:00), Brussels time**, to the following e-mail address:

TRADE-REG-654-2014-INFOGATHERING@ec.europa.eu

For more information:

TRADE-REG-654-2014-INFOGATHERING@ec.europa.eu

INFORMATION GATHERING FORM

Please fill in this form and submit it at the latest **by 13 March 2020, 12:00 midday (UTC+01:00), Brussels time**, to the following e-mail address:

TRADE-REG-654-2014-INFOGATHERING@ec.europa.eu

1. Name:
2. Organisation:
3. Contact details:
4. Language of the submission:
5. Your views and information regarding the EU economic interests in certain derivative aluminium products and certain derivative steel products originating in the EU that are affected by the tariff increase, introduced by the United States of America on 24 January 2020 and applicable as from 8 February 2020:
6. Your views and information regarding the EU economic interests in the products which could be subject to possible EU commercial policy measures in response to the US tariff increase on certain derivative aluminium products and certain derivative steel products, listed as follows:

CN2020	Descriptions below are given for information purposes only
First phase:	
96138000	Lighters (excluding gas fuelled pocket lighters, and fuses and primers for propellant powders and explosives)
72285069	Bars and rods of alloy steel, other than stainless steel, not further worked than cold-formed or cold-finished, of circular cross-section, of a diameter of < 80 mm (excl. of high-speed steel, silico-manganese steel, tool steel, articles of subheading 7228.50.40, semi-finished products, flat-rolled products and hot-rolled bars and rods in irregularly wound coils)
Second phase:	
39263000	Fittings for furniture, coachwork and the like, of plastics (excluding building components for permanent mounting on parts of buildings)
95044000	Playing cards

7. Any other relevant input: