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.

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).

[1] OJ L 328, 17.12.2003, p. 3.

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 [1].

CN Chapters	Description chapter				
1					
	0101 90 19	0106 12 00	0106 31 00	0106 39 90	
	0106 11 00	0106 19 90	0106 32 00	0106 90 00	
2					
	0203 22 11	0203 29 90	0208 30 00	0208 90 40	
	0203 29 55	0204 43 10	0208 40 90	0208 90 95	
	0203 29 59		0208 50 00	0210 19 81	
4					
		0404 10 02	0406 90 69	0408 11 80	
	0402 21 19	0406 10 20	0406 90 81	0408 91 80	
	0403 10 91	0406 20 90	0406 90 86	0409 00 00	
	0403 90 91	0406 90 21	0406 90 87	0410 00 00	
5					
	0501 00 00	0504 00 00	0505 90 00	0509 00 10	
	0502 10 00	0505 10 10	0507 90 00	0511 91 10	
	0502 90 00	0505 10 90	0508 00 00	0511 99 10	
7					
	0702 00 00	0709 40 00	0710 21 00	0710 90 00	
	0703 10 19	0709 59 10	0710 22 00	0711 40 00	0712 90 30
	0706 10 00	0709 59 90	0710 29 00	0711 59 00	0713 10 90
	0706 90 90	0709 60 10	0710 80 51	0711 90 80	0713 20 00
	0708 10 00	0709 60 99	0710 80 59	0712 31 00	0713 31 00
	0708 20 00		0710 80 85	0712 32 00	0714 10 99
	0709 20 00	0709 90 90	0710 80 95	0712 33 00	
8					
	0801 11 00	0804 30 00	0807 20 00	0811 10 11	0813 10 00
	0801 19 00	0804 40 00	0809 10 00	0811 10 90	0813 40 95
	0801 21 00		0809 20 05	0811 20 31	0813 50 99
	0801 32 00		0809 30 10	0811 90 50	
	0803 00 19		0809 30 90	0811 90 70	
	0803 00 90	0805 90 00	0809 40 05	0811 90 80	
	0804 20 90	0807 19 00	0810 40 30	0812 10 00	
10					
	1008 10 00	1008 20 00	1008 30 00		
11					
	1102 30 00	1106 20 90	1107 10 99		
	1103 20 40	1106 30 10	1108 19 90		

[1] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1989/2004 (OJ L 344, 20.11.2004, p. 5).

CN Chapters	Description chapter				
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	
15					
	1501 00 11 1502 00 90 1504 10 10 1504 10 99 1505 00 10 1505 00 90	1507 10 90 1507 90 90 1508 10 90 1511 10 10 1511 90 99 1512 11 91	1513 19 30 1513 19 99 1514 19 90 1514 99 90 1515 30 10 1515 30 90	1515 40 00 1515 50 19 1515 50 99 1515 90 40 1515 90 91 1520 00 00	1521 10 00 1522 00 99
16					
	1602 31 19 1602 41 10 1603 00 10	1604 14 11 1604 14 16 1604 30 10	1605 20 10 1605 20 91 1605 20 99	1605 40 00 1605 90 30	
17					
	1701 11 90 1701 99 10 1702 20 90	1702 40 10 1702 90 99 1704 10 19	1704 90 65 1704 90 71 1704 90 75	1704 90 81 1704 90 99	
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	1901 10 00 1901 20 00 1901 90 91 1902 19 10 1902 19 90 1902 20 91	1902 20 99 1902 30 10 1902 30 90 1904 10 10 1904 10 90 1904 20 99	1904 30 00 1904 90 80 1905 10 00 1905 31 11 1905 31 19 1905 31 30	1905 31 91 1905 31 99 1905 32 11 1905 32 19 1905 32 99 1905 90 10	1905 90 20 1905 90 30 1905 90 45
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21					
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CN Chapters	Description chapter				
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	2301 20 00		2306 49 00	2307 00 90	
	2303 10 90	2306 30 00	2306 50 00	2309 90 41	
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	3301 23 10	3301 29 31	3307 41 00		
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	3401 20 10	3406 00 11	3406 00 19	3406 00 90	
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	3501 10 50	3501 10 90	3501 90 90	3503 00 80	3507 10 00
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	4105 10 90	4107 11 19	4107 91 10	4113 10 00	4115 10 00
	4105 30 99	4107 11 90	4107 91 90	4113 20 00	4115 20 00
	4106 31 10	4107 12 19		4113 90 00	
	4106 31 90		4107 99 10	4114 10 10	
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	4202 11 90	4202 31 00	4202 92 15	4203 29 99	4206 90 00
	4202 12 91	4202 32 10	4202 92 98	4203 30 00	
	4202 19 90	4202 32 90	4203 10 00	4203 40 00	
	4202 21 00	4202 91 10	4203 21 00	4204 00 10	
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	4303 90 00				
44					
	4401 10 00	4407 10 38	4408 39 31	4411 29 90	4418 20 10
	4401 21 00	4407 10 91	4408 39 35	4412 22 10	4418 20 50
	4401 22 00	4407 24 90	4408 39 55	4412 22 91	4418 20 80
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	4402 00 00	4407 29 69	4409 10 11	4412 29 20	4418 30 99
	4403 10 00	4407 29 83	4409 10 18	4412 29 80	4418 50 00
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	4403 20 99	4407 91 31	4409 20 98	4412 92 99	4419 00 90
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	4403 49 10	4407 99 30	4410 29 00	4412 99 80	4420 90 91
	4403 49 95	4407 99 50	4410 31 00	4414 00 10	4420 90 99
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	4404 20 00	4408 31 21	4410 39 00	4415 20 20	
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	4407 10 33	4408 39 21	4411 21 10	4418 10 90	

CN Chapters	Description chapter				
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	4802 40 10	4804 21 90	4806 20 00	4810 31 00	4818 10 90
	4802 40 90	4804 29 10	4806 40 10	4810 92 10	4818 40 11
	4802 61 80	4804 29 90	4806 40 90	4810 92 90	4818 40 13
	4803 00 10	4804 41 10	4808 10 00	4810 99 90	4818 40 19
	4804 11 90	4805 12 00	4809 20 10	4811 10 00	4820 10 10
	4804 19 11	4805 19 10	4809 20 90	4813 10 00	4820 20 00
	4804 19 15	4805 19 90	4809 90 00	4814 30 00	4820 40 10
	4804 19 19	4805 24 00	4810 14 20	4814 90 90	
	4804 19 31	4805 25 00	4810 14 80	4816 20 00	
	4804 19 90	4805 93 20	4810 19 10	4816 30 00	
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CN Chapters	Description chapter				
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CN Chapters	Description chapter				
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73					
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76					
	7601 20 10 7601 20 99 7602 00 11 7602 00 19 7604 10 90 7604 21 00	7604 29 10 7605 11 00 7606 11 93 7606 12 10 7607 11 10	7607 19 10 7608 20 30 7608 20 91 7610 10 00 7612 10 00 7612 90 10	 7614 10 00 7614 90 00 7615 11 00 7615 19 10 7615 19 90	7615 20 00
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CN Chapters	Description chapter				
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84					
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CN Chapters	Description chapter				
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	8509 10 90	8516 60 80	8520 32 99	8528 12 56	8548 10 99
	8509 40 00	8516 60 90	8520 33 11	8528 12 58	
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	8510 10 00	8516 72 00	8520 33 90	8528 12 66	
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	8514 20 80	8516 79 70	8522 90 93	8528 12 81	
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	9502 10 90	9503 49 30	9503 90 34	9505 10 10	9506 62 90
	9502 91 00	9503 49 90	9503 90 35	9505 10 90	9506 69 10
	9502 99 00	9503 50 00	9503 90 37	9505 90 00	9506 70 10
	9503 10 10	9503 60 10		9506 12 00	9506 70 30
	9503 10 90	9503 60 90		9506 19 00	9506 99 10
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	9503 30 10	9503 80 10	9503 90 55	9506 40 90	9507 30 00’