

COMMISSION REGULATION (EC) No 632/2006

of 24 April 2006

replacing Annexes I and II to Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

(1) As a result of the United States' failure to bring the Continued Dumping and Subsidy Offset Act (CDSOA) in compliance with its obligations under the WTO agreements, Regulation (EC) No 673/2005 imposed a 15 % *ad valorem* additional customs duty on imports of certain products originating in the United States of America as from 1 May 2005. In conformity with the WTO authorisation to suspend the application of concessions to the United States, the Commission shall adjust the level of suspension annually to the level of nullification or impairment caused by the CDSOA to the Community at that time.

(2) The CDSOA disbursements for the most recent year for which data are available relate to the distribution of anti-dumping and countervailing duties collected during the Fiscal Year 2005 (1 October 2004-30 September 2005). On the basis of the data published by the United States' Customs and Border Protection, the level of nullification or impairment caused to the Community is calculated at USD 36,91 million.

(3) Since the level of nullification or impairment and consequently of suspension has increased, the first eight products of the list in Annex II to Regulation (EC) No 673/2005 should be added to the list in Annex I to that Regulation.

(4) The effect of a 15 % *ad valorem* additional import duty on imports from the United States of the products in the amended Annex I represents, over one year, a value of trade that does not exceed USD 36,91 million.

(5) Articles 6(1) and 6(2) of Regulation (EC) No 673/2005 contain specific exemptions from the additional import duty. Since the applicability of those exemptions is dependent on certain conditions being met before the entry into force or on the date of application of Regulation (EC) No 673/2005, the exemptions cannot in practice apply for imports of the eight products now added to the list in Annex I. Specific provisions should therefore be adopted to make these exemptions effective for imports of those products.

(6) To avoid circumvention of the additional duty, this Regulation should enter into force on the day of its publication.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on trade retaliation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 673/2005 is replaced by Annex I to this Regulation.

Article 2

Annex II to Regulation (EC) No 673/2005 is replaced by Annex II to this Regulation.

Article 3

1. Products classified under the CN codes 6301 40 10, 6301 30 10, 6301 30 90, 6301 40 90, 4818 50 00, 9009 11 00, 9009 12 00 and 8467 21 99 for which an import licence with an exemption from, or a reduction of duty, was issued before the date of entry into force of this Regulation shall not be subject to the additional duty.

⁽¹⁾ OJ L 110, 30.4.2005, p. 1.

2. Products classified under the CN codes 6301 40 10, 6301 30 10, 6301 30 90, 6301 40 90, 4818 50 00, 9009 11 00, 9009 12 00 and 8467 21 99 for which it can be demonstrated that they are already en route to the Community on the date of application of this Regulation, and whose destination cannot be changed, shall not be subject to the additional duty.

Article 4

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

It shall apply from 1 May 2006.

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

Done at Brussels, 24 April 2006.

For the Commission
Peter MANDELSON
Member of the Commission

ANNEX I

The products on which additional duties are to apply are identified by their eight-digit CN codes. The description of products classified under 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⁾.

4820 10 90

4820 50 00

4820 90 00

4820 30 00

4820 10 50

6204 63 11

6204 69 18

6204 63 90

6104 63 00

6203 43 11

6103 43 00

6204 63 18

6203 43 19

6204 69 90

6203 43 90

0710 40 00

9003 19 30

8705 10 00

6301 40 10

6301 30 10

6301 30 90

6301 40 90

4818 50 00

9009 11 00

9009 12 00

8467 21 99

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 486/2006 (OJ L 88, 25.3.2006, p. 1).

ANNEX II

The products in this Annex are identified by their eight-digit CN codes. The description of products classified under these codes can be found in Annex I to Regulation (EEC) No 2658/87.

4803 00 31
4818 30 00
4818 20 10
9403 70 90
6110 90 10
6110 19 10
6110 19 90
6110 12 10
6110 11 10
6110 30 10
6110 12 90
6110 20 10
6110 11 30
6110 11 90
6110 90 90
6110 30 91
6110 30 99
6110 20 99
6110 20 91
9608 10 10
6402 19 00
6404 11 00
6403 19 00
6105 20 90
6105 20 10
6106 10 00
6206 40 00
6205 30 00
6206 30 00
6105 10 00
6205 20 00
9406 00 11
9406 00 38
6101 30 10
6102 30 10
6201 12 10
6201 13 10
6102 30 90
6201 92 00
6101 30 90
6202 93 00
6202 11 00
6201 13 90
6201 93 00
6201 12 90
6204 42 00
6104 43 00
6204 49 10
6204 44 00
6204 43 00
6203 42 31
6204 62 31
