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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	12303/25 + ADD 1 + ADD 1 COR 1 + COR 1
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the adjustment of customs duties on the import of certain goods originating in the United States of America and opening of tariff quotas for imports of certain goods originating in the United States of America - Mandate for negotiations with the European Parliament

I. INTRODUCTION

1. On 27 July 2025, the European Union and the United States reached a political agreement as regards their trade relationship. On 21 August 2025, they issued a Joint Statement which announced the European Union and United States Framework on an Agreement on Reciprocal, Fair and Balanced Trade¹ (“Joint Statement”).

¹ https://policy.trade.ec.europa.eu/news/joint-statement-united-states-european-union-framework-agreement-reciprocal-fair-and-balanced-trade-2025-08-21_en

2. To advance the implementation of the Union's political commitments under the Joint Statement, on 28 August 2025, the Commission submitted to the Council and the European Parliament a proposal for a Regulation of the European Parliament and of the Council on the adjustment of customs duties on the import of certain goods originating in the United States of America and opening of tariff quotas for imports of certain goods originating in the United States². The objective of the proposal is to provide for the non-application of customs duties on all industrial goods originating in the United States and provide the preferential market access treatment for certain seafood and agricultural goods originating in the United States.
3. The draft Regulation is based on Article 207 of the Treaty on the Functioning of the European Union (TFEU).
4. In the European Parliament, the Committee on International Trade (INTA) has the lead responsibility, with AGRI and BUDG Committees being involved. MEP Bernd LANGE (S&D, DE, INTA) was appointed rapporteur, and his report was debated in INTA on 4 November 2025. INTA Committee is expected to adopt the mandate for negotiations early 2026.

II. WORK WITHIN THE COUNCIL

5. On 4 September 2025, the Commission presented the proposal to the Trade Policy Committee (Deputies) and a first exchange of views took place. Subsequently, the Committee examined the proposal at its meetings on 25 September, 16 October, 6 November and 20 November 2025.
6. In light of the comments submitted by the Member States, the Presidency proposed a compromise text with the following main elements:
 - a) strengthening of the safeguard measures (new Article 3a),
 - b) broadening the reference concerning the use of non-preferential rules of origin (Article 5),
 - c) addition of new provisions on monitoring of the economic effects in the Union of the trade liberalisation measures and a review clause (new Article 5a).

² ST 12303/25 + COR1 + ADD1 +ADD1 COR1.

7. At its meeting on 20 November 2025, the Trade Policy Committee (Deputies) concluded the technical work on the compromise text presented by the Presidency, as set out in the Annex.
8. Changes compared to the Commission proposal are marked in bold and underlined and/or strikethrough. No modifications were proposed concerning the Annexes containing the proposed list of goods³.

III. CONCLUSIONS

9. In light of the above, the Permanent Representatives Committee is therefore invited to confirm agreement on the text of the mandate for negotiations with the European Parliament, as set out in the Annex to this note and in doc. 12303/25 ADD1 + ADD 1 COR1, to enable the Presidency to conduct those negotiations.
10. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2020⁴, and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of the mandate thus agreed will be made public unless the Permanent Representatives Committee objects.

³ ST 12303/25 ADD1 COR1

⁴ Document 9493/20.

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the adjustment of customs duties on the import of certain goods originating in the United States of America and opening of tariff quotas for imports of certain goods originating in the United States of America

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 in each other's markets worth around EUR 5.3 trillion.

- (2) On 21 August 2025 the Union and the United States issued a Joint Statement on a European Union – United States Framework Agreement on Reciprocal, Fair, and Balanced Trade (the ‘Joint Statement’)¹. In the Joint Statement, the United States committed to modify certain tariffs applicable to Union imports in line with that political agreement, reducing the applicable rate to an all-inclusive tariff ceiling of 15%. The United States Executive Order (14326) of 31 July 2025 reflects that commitment from 7 August 2025. From 1 September 2025, the United States ~~will also~~is applying only the Most Favoured Nation (MFN) tariff to certain Union products such as unavailable natural resources (including cork), all aircraft and aircraft parts, generic pharmaceuticals and their ingredients and chemical precursors. The Union and the United States committed to consider other sectors and products that are important for their economies and value chains for inclusion in the list of products for which only the MFN tariffs would apply.
- (3) The Union and the United States intend the Joint Statement to be a first step in a process that can be further expanded over time to cover additional areas and continue to improve market access and increase their trade and investment relationship.
- (4) The Union has committed to eliminate tariffs on all United States industrial goods and to provide preferential market access for a wide range of United States seafood and agricultural goods, including tree nuts, dairy products, fresh and processed fruits and vegetables, processed foods, planting seeds, soybean oil, and pork and bison meat. The Union and the United States have committed to negotiate rules of origin that would apply to these trade benefits.
- (5) Accordingly, the Union should adjust the customs duties on imports of certain goods and open tariff quotas for imports of certain goods originating in the United States, adopting preferential tariff measures as referred to in Article 56 of Regulation (EU) No 952/2013 of the European Parliament and of the Council².

¹ [Joint Statement on a United States-European Union framework on an agreement on reciprocal, fair and balanced trade - European Commission](https://policy.trade.ec.europa.eu/news/joint-statement-united-states-european-union-framework-agreement-reciprocal-fair-and-balanced-trade-2025-08-21_en), 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

² Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

- (6) The adjusted customs duties and the tariff quotas should apply for as long as the United States is effectively implementing the Joint Statement.
- (7) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to suspend the application of this Regulation in specific circumstances. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council³.
- (7a) A safeguard mechanism should be established with the aim to protect the EU's domestic industry in case of an increase of imports of goods that causes or threatens to cause serious injury.**
- (8) The origin of a good should be determined in accordance with the applicable Union legislation, notably, ~~the~~ **Article 59 rules on non-preferential origin as referred to in Title II, Chapter 2, Section 1** of Regulation (EU) No 952/2013, until rules on preferential origin as referred to in Article 64(2) and (3) of that Regulation have been adopted to implement the outcome of the negotiations on rules of origin referred to in the Joint Statement.
- (8a) The Commission should monitor and assess the trade and economic impact of this Regulation on the Union's domestic market taking also into account input from Member States.**
- (8b) By 31 December 2028, the Commission shall review the implementation of this Regulation. The Commission should submit a report on the implementation of this Regulation, including on its economic impact on the Union domestic market.**
- (9) 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,

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>).

HAVE ADOPTED THIS REGULATION:

Article 1

Adjustment of customs duties

1. 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 Annex I and originating in the United States shall be 0%.
2. The ad valorem component of the Common Customs Tariff shall not be applied ~~on~~to imports into the Union of the goods classified under the CN codes listed in Annex II and originating in the United States. The specific duty on originating goods applied in a situation where the import price falls below the entry price shall be maintained.

Article 2

Opening of tariff quotas

1. Tariff quotas of the Union ('quotas') shall be opened for imports into the Union of the goods classified under the CN codes listed in Annex III and originating in the United States.
2. Within the quotas referred to in paragraph 1 of this Article, the preferential duties referred to in Article 56(2), point (e), of Regulation (EU) No 952/2013 shall be the duty rates set out in the column 'in-quota rate' and up to the ~~aggregate~~import volume quota volumes indicated ~~set~~out in Annex III to this Regulation. ~~Aggregate~~Import quota volumes for each quota shall run for twelve-months periods starting on the date of entry into force of this Regulation.
3. The import volume quotas set out in Annex III to this Regulation shall be managed by the Commission and the Member States in accordance with the management system for tariff

quotas provided for in Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447⁴.

Article 3

Suspension

1. The Commission may adopt an implementing act suspending in whole or in part the application of Article 1 or Article 2 in the following circumstances:
 - (a) where the United States fails to implement the Joint Statement or otherwise undermines 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;
 - (c) ~~where the adjustment of the customs duties referred to in Article 1, or the opening of tariff quotas referred to in Article 2, results in the importation of a good originating in the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the domestic industry of the Union;~~
 - (d) where a change of objective circumstances has occurred with regard to ~~those~~the circumstances 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 4(2).

⁴ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

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

Article 3a

Safeguard measures

1. Where there is sufficient evidence that the adjustment of the customs duties referred to in Article 1, or the opening of tariff quotas referred to in Article 2, results in the importation of a specific good originating in the United States in such an increased quantity, in absolute terms or relative to domestic production of the Union, and under such conditions as to cause or threaten to cause serious injury to the domestic industry of the Union, the Commission may adopt an implementing act suspending in whole or in part the application of Article 1 or 2. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 4(2).
 - 1a. Upon a duly substantiated request of [three] or more Member States on behalf of the Union industry, the Commission shall examine whether the conditions referred to in paragraph 1 are met. The Commission shall inform the Member States of the outcome of that examination.
2. The implementing act referred to in paragraph 1 shall apply for as long as the circumstances which had led to its adoption persist.

Article 4

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 Council⁵. **That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 5

Rules of origin

For the purposes of this Regulation, the origin of a good shall be determined in accordance with ~~Article 59~~ **rules on non-preferential origin as referred to in Title II, Chapter 2, Section 1** of Regulation (EU) No 952/2013, until rules on preferential origin as referred to in Article 64(2) and (3) of that Regulation have been adopted.

Article 5a

Monitoring and review

1. **The Commission shall monitor the economic effects in the Union of the trade liberalisation measures provided for in Articles 1 and 2.**
2. **By 31 December 2028, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Regulation, assessing in particular its economic impact on the Union domestic market.**

⁵ 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 those established under the auspices of the World Trade Organization (codification) (OJ L 272, *ELI*: <http://data.europa.eu/eli/reg/2015/1843/oj>).

Article 6

Entry into force

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

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

Done at Brussels,

For the European Parliament

For the Council

The President

The President

[No modifications are proposed concerning the Annexes set out in doc. ST 12303/25 ADD1 COR1]
