



EUROPEAN UNION

THE EUROPEAN PARLIAMENT

THE COUNCIL

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on the non-application of customs duties on imports of certain
goods

REGULATION (EU) 2026/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

on the non-application of customs duties on imports of certain goods

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 procedure¹,

¹ Position of the European Parliament of 16 June 2026 (not yet published in the Official Journal) and decision of the Council of ...

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. That deep and comprehensive partnership is underpinned by significant mutual investments in each other’s markets, worth approximately EUR 5,3 trillion.

- (2) To avoid disruption of their trade and investment relationship, and to continue improving that relationship, the Union and the United States agreed the Joint Statement on a Tariff Agreement, announced on 21 August 2020 (the ‘2020 Joint Statement’), under which the Union committed to eliminate tariffs on imports of United States live and frozen lobster products and the United States committed in return to reduce by 50 % its tariff rates on certain products exported by the Union worth an average annual trade value of USD 160 million, including certain prepared meals, certain crystal glassware, surface preparations, propellant powders, cigarette lighters and lighter parts. In order to implement the 2020 Joint Statement, on 16 December 2020, the Union adopted Regulation (EU) 2020/2131 of the European Parliament and of the Council² on the elimination of customs duties on an *erga omnes* basis, on a limited number of goods, including live and frozen lobster products originating in the United States, for the period from 1 August 2020 until 31 July 2025.

² Regulation (EU) 2020/2131 of the European Parliament and of the Council of 16 December 2020 on the elimination of customs duties on certain goods (OJ L 430, 18.12.2020, p. 1, ELI: <http://data.europa.eu/eli/reg/2020/2131/oj>).

- (3) On 27 July 2025, the President of the Commission and the President of the United States reached a political agreement which was subsequently reflected in the Joint Statement on a European Union – United States Framework on an Agreement on Reciprocal, Fair and Balanced Trade of 21 August 2025 (the ‘Joint Statement’). In line with that political agreement and the Joint Statement, and in order to secure continued access for Union goods to the United States’ market, the Union should provide for the non-application, for a further period, of the customs duties on imports into the Union of the types of lobster covered by Regulation (EU) 2020/2131. In line with that political agreement and the Joint Statement, the non-application of customs duties should also include imports of processed lobster classified under code 1605 30 90 of the Combined Nomenclature (CN), as laid down in Council Regulation (EEC) No 2658/87³.
- (4) Therefore, the applicable customs duties on imports of the goods covered by this Regulation should be 0 % unless the United States no longer implements the Joint Statement in an effective manner.

³ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1, ELI: <http://data.europa.eu/eli/reg/1987/2658/oj>).

- (5) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to suspend, in whole or in part, the non-application of customs duties on goods covered by this Regulation, in specific circumstances. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴.
- (6) By 31 January 2030, the Commission should present an assessment of the effects of this Regulation. That assessment should cover the changes since 1 August 2025 in trade volumes and values of United States exports to the Union of the goods covered by this Regulation. Where appropriate, that assessment should be accompanied by a legislative proposal to extend the period of application of this Regulation.
- (7) 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 of its publication. For the same reason, this Regulation should apply with retroactive effect from 1 August 2025. Customs duties paid in excess of those applicable pursuant to this Regulation in the period between 1 August 2025 and the date of entry into force of this Regulation should be reimbursed upon request,

HAVE ADOPTED THIS REGULATION:

⁴ 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>).

Article 1

Non-application of customs duties

The applicable customs duties of the Common Customs Tariff established by Regulation (EEC) No 2658/87 on imports into the Union of the goods classified under the Combined Nomenclature (CN) codes listed in the Annex to this Regulation shall be 0 %.

Article 2

Suspension

1. The Commission may adopt an implementing act suspending in whole or in part the application of Article 1 in any of the following circumstances:
 - (a) where the United States fails to implement the Joint Statement on a European Union – United States Framework on an Agreement on Reciprocal, Fair and Balanced Trade, announced on 21 August 2025 (the ‘Joint Statement’), or otherwise undermines the objectives of improving the trade and investment relationship between the Union and the United States and 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 is sufficient indication that the United States will act in the manner referred to in point (a) in the future; or

- (c) where a change of objective circumstances has occurred with regard to those existing on the date of the Joint Statement.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 3(2).

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

Article 3

Committee procedure

1. The Commission shall be assisted by the Trade Barriers Committee established by Regulation (EU) 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.

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 (OJ L 272, 16.10.2015, p. 1, ELI: <http://data.europa.eu/eli/reg/2015/1843/oj>).

Article 4

Reimbursement of customs duties

Upon request by the economic operators concerned, the competent national customs authorities of the Member States shall reimburse any customs duties paid in excess of those applicable pursuant to this Regulation in respect of goods classified under the CN codes listed in the Annex imported into the Union between 1 August 2025 and ... [the date of entry into force of this Regulation].

Article 5

Assessment and reporting

1. By 31 January 2030, the Commission shall present an assessment of the effects of this Regulation. That assessment shall cover the changes since 1 August 2025 in trade volumes and values of United States exports to the Union of the goods classified under the CN codes listed in the Annex.
2. Where appropriate, the assessment referred to in paragraph 1 shall be accompanied by a legislative proposal to extend the period of application of this Regulation.
3. The Commission shall keep the European Parliament and the Council regularly informed, in a timely manner, of relevant developments in the application of this Regulation.

Article 6

Entry into force and application

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 August 2025 until 31 July 2030.

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

Done at ...,

For the European Parliament

The President

For the Council

The President

ANNEX

CN 2025 code ¹	Description
0306 11 90	Frozen rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp. and <i>Jasus</i> spp.), even smoked, whether in shell or not, including ones in shell, cooked by steaming or by boiling in water (excluding crawfish tails)
0306 12 10	Frozen lobsters (<i>Homarus</i> spp.), whole, even smoked or cooked by steaming or by boiling in water
0306 12 90	Frozen lobsters (<i>Homarus</i> spp.), even smoked, whether in shell or not, including lobsters in shell, cooked by steaming or by boiling in water (excluding whole)
0306 32 10	Live lobsters (<i>Homarus</i> spp.)
1605 30 90	Lobster, prepared or preserved (excl. merely smoked; excl. lobster meat, cooked, for the manufacture of lobster butter or of lobster pastes, pâtés, soups or sauces)

¹ The nomenclature codes are taken from the Combined Nomenclature as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as applicable in 2025, and *mutatis mutandis* as amended by subsequent legal acts.