

Nouvelle décision américaine en application du panel OMC Airbus, ajout de confitures dans les produits agroalimentaires français soumis à droits de douane additionnels [États-Unis]

Le 12 août 2020, le représentant au Commerce (USTR – en charge des négociations commerciales internationales) a annoncé une seconde **décision modificative relative aux droits de douane supplémentaires sur l'importation de certains produits européens**, dans le cadre du contentieux Airbus.

Pour mémoire, en 2006, les Etats-Unis avaient initié, à l'encontre du soutien à Airbus de l'Union européenne et de quatre de ses Etats-membres d'alors (Allemagne, Espagne, France, Royaume-Uni), une procédure devant l'Organisation Mondiale du Commerce. La procédure avait conduit en mai 2018 à la condamnation en appel de l'Union européenne sur une partie des griefs puis, en octobre 2019, à la détermination du préjudice, de 7,5 Mds\$, représentant le plafond des montants cumulés de droits que les Etats-Unis sont autorisés à appliquer chaque année sur des importations de produits en provenance de l'Union européenne ou de certains de ses Etats membres. Le 2 octobre dernier, l'USTR avait **annoncé** des droits de douane supplémentaires sur certains produits européens, appliqués à compter du 18 octobre 2019, y compris certains produits agricoles ou agroalimentaires et publié, le 14 février 2020, une **décision modificative**, qui n'emportait pas de modification pour les droits de douane additionnels sur les produits agroalimentaires français.

Il s'agit de **droits *ad valorem*, de 25 %** (ce droit de 25 % se cumulant avec le droit appliqué en temps normal).

Par exemple, pour un produit relevant de la ligne 0403.90.90 auquel s'applique normalement un taux de droit de 20 %, le taux qui s'appliquera sera de 20 % + 25 % = 45 %).

Le 23 juin 2020, l'USTR avait initié une nouvelle consultation publique sur de possibles modifications de sa décision de février, soit la troisième depuis le début de la procédure. A la différence de la procédure effectuée entre décembre 2019 et février 2020, l'USTR avait décidé d'ajouter de nouvelles lignes tarifaires dans le champ des lignes susceptibles d'être taxées.

La décision modificative du mois d'août 2020, qui constitue l'aboutissement de cette consultation, comporte quelques changements, dont un concerne les produits agricoles ou alimentaires français : **certaines lignes tarifaires, correspondant à des confitures (fraise, framboise, airelles, groseilles et autres baies, abricot, cerise, pêche) et de pâte et purée de fruit (fraise), ont en effet été ajoutées sur la liste : ces produits se verront donc appliquer, à compter du 1^{er} septembre, un droit additionnel de 25 % *ad valorem*.**

Le tableau suivant récapitule les lignes tarifaires concernées pour les produits français, avec le taux additionnel qui s'applique (et la comparaison avec les taux applicables depuis octobre dernier). Il vous est conseillé de vérifier si les lignes tarifaires américaines (attention, la nomenclature peut être différente de la nomenclature européenne) sur lesquels vos produits sont exportés sont incluses ou non dans cette liste.

Ligne tarifaire		Droit additionnel en application de la décision	
		d'octobre	du 12 août
0403.10.50	Yogurt, in dry form, whether or not flavored or containing add fruit or cocoa, not subject to gen nte 15 or add. US nte 10 to Ch.4	25%	25%
0403.90.85	Fermented milk o/than dried fermented milk or o/than dried milk with added lactic ferments	25%	25%
0403.90.90	Curdled milk/cream/kephir & other fermented or acid. milk/cream subject to add US note 10 to Ch.4	25%	25%
0403	<i>Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavored or containing added fruit, nuts or cocoa</i>		
0405.20.20	Butter substitute dairy spreads, over 45% butterfat weight, subject to quota pursuant to chapter 4 additional US note 14	25%	25%
0405.20.30	Butter substitute dairy spreads, over 45% butterfat weight, not subj to gen note 15 and in excess of quota in ch. 4 additional US note 14	25%	25%
0405.20.80	Other dairy spreads, not butter substitutes or of a type provided for in chapter 4 additional US note 1	25%	25%
0405	<i>Butter and other fats and oils derived from milk; dairy spreads</i>		
0406.10.28	Fresh (unripened/uncured) cheddar cheese, cheese/subs for cheese cont or proc from cheddar cheese, not subj to Ch4 US note 18, not GN15	25%	25%
0406.10.54	Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, subj to Ch4 US nte 21, not GN15	25%	25%
0406.10.58	Fresh (unripened/uncured) Italian-type cheeses from cow milk, cheese/substitutes cont or proc therefrom, not subj to Ch4 US note 21 or GN15	25%	25%
0406.10.68	Fresh (unripened/uncured) Swiss/emmentaler cheeses exc eye formation, gruyere-process cheese and cheese cont or proc. from such, not subj ..	25%	25%
0406.20.51	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, subject to add US note 21 to Ch.4	25%	25%
0406.20.53	Romano, reggiano, provolone, provoletti, sbrinz and goya, made from cow's milk, grated or powdered, not subj to Ch4 US nte 21 or GN15	25%	25%
0406.20.69	Cheese containing or processed from american-type cheese (except cheddar), grated or powdered, subject to add US note 19 to Ch. 4	25%	25%
0406.20.77	Cheese containing or processed from Italian-type cheeses made from cow's milk, grated or powdered, subject to add US note 21 to Ch. 4	25%	25%
0406.20.79	Cheese containing or processed from Italian-type cheeses made from cow's milk, grated or powdered, not subject to add US note 21 to Ch. 4	25%	25%
0406.20.87	Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or powdered, not subject to add US note 23 to Ch. 4	25%	25%
0406.20.91	Cheese (including mixtures), nesoi, o/0.5% by wt of butterfat, w/cow's milk, grated or powdered, not subject to add US note 16 to Ch. 4	25%	25%
0406.30.05	Stilton cheese, processed, not grated or powdered, subject to add US note 24 to Ch. 4	25%	25%

0406.30.18	Blue-veined cheese (except roquefort), processed, not grated or powdered, not subject to gen. note 15 or add. US note 17 to Ch. 4	25%	25%
0406.30.28	Cheddar cheese, processed, not grated or powdered, not subject to gen note 15 or in add US note 18 to Ch. 4	25%	25%
0406.30.34	Colby cheese, processed, not grated or powdered, subject to add US note 19 to Ch. 4	25%	25%
0406.30.38	Colby cheese, processed, not grated or powdered, not subject to gen note 15 or add US note 19 to Ch. 4	25%	25%
0406.30.55	Processed cheeses made from sheep's milk, including mixtures of such cheeses, not grated or powdered	25%	25%
0406.30.69	Processed cheese cont/procd fr american-type cheese (ex cheddar), not grated/powdered, subject to add US note 19 to Ch. 4, not GN15	25%	25%
0406.30.79	Processed cheese cont/procd from Italian-type, not grated/powdered, not subject to add US note 21 to Ch. 4, not GN15	25%	25%
0406.30.85	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch4 US note 23, not GN15	25%	25%
0406.40.44	Stilton cheese, nesoi, in original loaves, subject to add. US note 24 to Ch. 4	25%	25%
0406.40.48	Stilton cheese, nesoi, not in original loaves, subject to add. US note 24 to Ch. 4	25%	25%
0406.90.32	Goya cheese from cow's milk, not in original loaves, nesoi, not subject to gen. note 15 or to add. US note 21 to Ch. 4	25%	25%
0406.90.43	Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, not from cow's milk, not subject to gen. note 15	25%	25%
0406.90.52	Colby cheese, nesoi, subject to add. US note 19 to Ch. 4 and entered pursuant to its provisions	25%	25%
0406.90.54	Colby cheese, nesoi, not subject to gen. note 15 or to add. US note 19 to Ch. 4	25%	25%
0406.90.68	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/romano/reggiano/parmesan/provolone/etc, f/cow milk, not subj. Ch4 US note 21, not GN15	25%	25%
0406.90.72	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, subj. to add. US note 17 to Ch.4, not GN15	25%	25%
0406.90.74	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from blue-veined cheese, not subj. to add. US note 17 to Ch.4, not GN15	25%	25%
0406.90.78	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from cheddar cheese, not subj. to add. US note 18 to Ch.4, not GN15	25%	25%
0406.90.82	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from Am. cheese except cheddar, subj. to add. US note 19 to Ch.4, not GN15	25%	25%
0406.90.92	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/ or from swiss, emmentaler or gruyere, not subj. Ch4 US note 22, not GN15	25%	25%
0406.90.94	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt, not subject to add. US note 23 to Ch. 4, not GN15	25%	25%
0405	Cheese and curd		
04	Dairy produce; birds eggs; natural honey; edible products of animal origin, not elsewhere specified or included		

0711.20.18	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, subject to add. US note 5 to Ch. 7	25%	25%
0711.20.28	Olives, n/pitted, green, in saline sol., in contain. > 8 kg, drained wt, for repacking or sale, not subject to add. US note 5 to Ch. 7	25%	25%
0711.20.38	Olives, n/pitted, nesoi	25%	25%
0711.20.40	Olives, pitted or stuffed, provisionally preserved but unsuitable in that state for immediate consumption	25%	25%
07	Edible vegetables and certain roots and tubers		
0805.10.00	Oranges, fresh or dried	25%	25%
0805.21.00	Mandarins and other similar citrus hybrids including tangerines, satsumas, clementines, wilkings, fresh or dried	25%	25%
0805.22.00	Clementines, fresh or dried, other	25%	25%
0805.50.20	Lemons, fresh or dried	25%	25%
0812.10.00	Cherries, provisionally preserved, but unsuitable in that state for immediate consumption	25%	25%
0813.40.30	Cherries, dried	25%	25%
08	Edible fruit and nuts; peel of citrus fruit or melons		
1602.41.90	Prepared or preserved pork hams and cuts thereof, not containing cereals or vegetables, nesoi	25%	25%
1602.42.20	Pork shoulders and cuts thereof, boned and cooked and packed in airtight containers	25%	25%
1602.42.40	Prepared or preserved pork shoulders and cuts thereof, other than boned and cooked and packed in airtight containers	25%	25%
1602.49.10	Prepared or preserved pork offal, including mixtures	25%	25%
1602.49.40	Prepared or preserved pork, not containing cereals or vegetables, nesoi	25%	25%
1602.49.90	Prepared or preserved pork, nesoi	25%	25%
1602	Other prepared or preserved meat, meat offal or blood		
1605.53.05	Mussels, containing fish meats or in prepared meals	25%	25%
1605.56.05	Products of clams, cockles, and arkshells containing fish meat; prepared meals	25%	25%
1605.56.10	Razor clams, in airtight containers, prepared or preserved, nesoi	25%	25%
1605.56.15	Boiled clams in immediate airtight containers, the contents of which do not exceed 680 g gross weight	25%	25%
1605.56.20	Clams, prepared or preserved, excluding boiled clams, in immediate airtight containers, nesoi	25%	25%
1605.56.30	Clams, prepared or preserved, other than in airtight containers	25%	25%
1605.56.60	Cockles and arkshells, prepared or preserved	25%	25%
1605.59.05	Products of molluscs nesoi containing fish meat; prepared meals of molluscs nesoi	25%	25%
1605.59.60	Molluscs nesoi, prepared or preserved	25%	25%
1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved		
16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates		
2005.70.08	Olives, green, not pitted, in saline, not ripe, in containers holding o/8 kg for repkg, not subject to add. US note 4 to Ch. 20	25%	25%
2005.70.16	Olives, green, in saline, place packed, stuffed, in containers holding n/o 1 kg, aggregate quantity n/o 2700 m ton/yr	25%	25%
2005.70.23	Olives, green, in saline, place packed, stuffed, not in containers holding 1 kg or less	25%	25%
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:		
2007.99.05	Lingonberry And Raspberry Jams (kg)		25%

2007.99.10	Strawberry Jams (kg)		25%
2007.99.15	Currant and other berry jams, nesoi		25%
2007.99.20	Apricot jam		25%
2007.99.25	Cherry jam		25%
2007.99.35	Peach jam		25%
2007.99.60	Strawberry pastes and purees, being cooked preparations		25%
2007	<i>Jams, fruit jellies, marmalades, fruit or nut pureé and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter</i>		
20	Preparations of vegetables, fruit, nuts or other parts of plants		
2204.21.50	Wine other than Tokay (not carbonated), not over 14% alcohol, in containers not over 2 liters	25%	25%
22	Beverages, spirits and vinegar		