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*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice on the application of the trade defence legislation and measures of the European Union in
Northern Ireland from 1 January 2021**

(2021/C 248/03)

As recalled in the notice of 18 January 2021 ⁽¹⁾, the trade defence legislation and measures of the European Union ceased to apply in the United Kingdom as of 1 January 2021. However, Article 5(4) of the Protocol on Ireland/Northern Ireland ('IE/Ni Protocol') ⁽²⁾, which applies as from that date ⁽³⁾, provides that the trade defence legislation continues to be applicable to and in the United Kingdom in respect of Northern Ireland. The IE/Ni Protocol is subject to periodic consent of the Northern Ireland Legislative Assembly, the initial period of application extending to 4 years after the end of the transition period ⁽⁴⁾.

The IE/Ni Protocol, as amended by Decision No 3/2020 of the Joint Committee of 17 December 2020 ⁽⁵⁾, provides for the application of certain provisions of EU law concerning trade defence to and in the United Kingdom in respect of Northern Ireland, subject to the Explanatory Notes included in Annex 2 to the IE/Ni Protocol by that Decision. The situation can be summarised as follows.

The United Kingdom in respect of Northern Ireland is not part of the Union or a Member State within the meaning of the Union trade defence legislation. The market of and the economic operators located in Northern Ireland are considered to be the market of and economic operators located in a country not member of the European Union. However, the Union's trade defence measures are applicable on goods brought into Northern Ireland from outside the Union (including from other parts of the UK), in accordance with the provisions of Article 5 of the IE/Ni Protocol, as further specified by Decision No 4/2020 of the Joint Committee of 17 December 2020 ⁽⁶⁾.

Lastly, importers that paid Union anti-dumping or countervailing duties on the importation of goods that were customs cleared in Northern Ireland in accordance with the above mentioned legislation made applicable in respect of Northern Ireland by the IE/Ni Protocol may only ask for a refund of such duties pursuant to Article 11(8) of Regulation (EU) 2016/1036 or Article 21 of Regulation (EU) 2016/1037, respectively.

⁽¹⁾ Notice regarding the application of anti-dumping and anti-subsidy measures in force in the Union following the withdrawal of the United Kingdom and the possibility of a review (OJ C 18, 18.1.2021, p. 41).

⁽²⁾ Read in conjunction with Annex 2, point 5 ('Trade defence instruments'), of that Protocol.

⁽³⁾ Article 185 of the Withdrawal Agreement.

⁽⁴⁾ Article 18(5) of the IE/Ni Protocol.

⁽⁵⁾ Decision No 3/2020 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 17 December 2020 (OJ L 443, 30.12.2020, p. 3).

⁽⁶⁾ Decision No 4/2020 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 17 December 2020 (OJ L 443, 30.12.2020, p. 6).