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駐歐盟兼駐比利時代表處經濟組 函

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發文日期：中華民國110年6月28日
發文字號：比貿字第1100000421號
速別：普通件
密等及解密條件或保密期限：
附件：如文 (比貿1100000421_Attach1.pdf)

主旨：歐盟公告歐盟貿易防衛法制及措施自本(110)年1月1日起
在北愛爾蘭之適用方式，請查參。

說明：

- 一、依據歐盟本年6月25日第C248號公報辦理。
- 二、查歐盟貿易防衛法制及措施自本年首日起停止在英國之適用，惟依據愛爾蘭/北愛爾蘭議定書第5(4)條，歐盟貿易防衛法制自該日起，仍持續適用於北愛爾蘭。
- 三、另查，英國退出歐盟協議聯合委員會109年12月17日修正前述議定書之決定，就歐盟貿易防衛法特定條文適用北愛爾蘭之方式設立規範。歐盟執委會嗣於本年6月25日就前述適用方式摘要發布公告(如附件)，重點略以：

- (一)北愛爾蘭在歐盟貿易防衛法制下非屬歐盟或其會員國之一部分；北愛爾蘭之市場及位於其境內之業者亦不被視為歐盟之會員國市場及位於歐盟境內之業者。然依據愛爾蘭/北愛爾蘭議定書第5條，歐盟防衛措施適用北愛爾蘭自歐盟境外(包含英國其他地方)進口之貨品。
- (二)業在北愛爾蘭依前述規範於清關時繳交反傾銷或平衡稅



國際貿易局 110/06/29



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之進口商僅得分別依歐盟反傾銷規章第11(8)條及反補貼規章第21條之規定請求退稅。

正本：經濟部國際貿易局

副本：中華民國全國工業總會、駐英國代表處經濟組



V

*(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).