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signed by Mr Jordi AYET PUIGARNAU, Director

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Accompanying the document
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No 978/2012 applying a scheme of generalised tariff preferences

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COMMISSION STAFF WORKING DOCUMENT

**Report on assessment of the applications for the special incentive arrangement for
sustainable development and good governance**

Accompanying the document

COMMISSION DELEGATED REGULATION

**establishing Annex III of Regulation (EU) No 978/2012 applying a scheme of generalised
tariff preferences**

{C(2013) 5541 final}

COMMISSION STAFF WORKING DOCUMENT

Report on assessment of the applications for the special incentive arrangement for sustainable development and good governance

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establishing Annex III of Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences

1. INTRODUCTION

1. The special incentive arrangement for sustainable development and good governance (GSP+) provides additional tariff preferences to developing countries which are vulnerable due to a lack of diversification and insufficient integration within the international trading system, in order to help them assume the special burdens and responsibilities resulting from the ratification of core international conventions on human and labour rights, environmental protection and good governance as well as from their effective implementation.

Vulnerable countries that, upon formal application, fulfil the eligibility criteria linked to the relevant 27 international conventions should be able to benefit from the additional tariff preferences.

2. The Commission has received requests for GSP+ preferences from Armenia, Bolivia, Cape Verde, Costa Rica, Ecuador, Georgia, Mongolia, Pakistan, Paraguay and Peru.

2. LEGAL BACKGROUND FOR GRANTING THE GSP+

3. In accordance with the eligibility criteria for the GSP+ as set out in Article 9(1) of the European Parliament and the Council Regulation (EU) No 978/2012 (GSP Regulation), GSP+ preferences may be granted to a country which:
 - (a) is considered to be vulnerable;
 - (b) has ratified all the conventions listed in Annex VIII of the GSP Regulation (hereafter the 'relevant conventions') and the most recent available conclusions of the monitoring bodies under those conventions do not identify a serious failure to effectively implement any of those conventions;
 - (c) in relation to any of the relevant conventions, it has not formulated a reservation which is prohibited by any of those conventions or which for the purposes of Article 9 of the GSP Regulation is considered to be incompatible with the object and purpose of that convention;

- (d) accepts without reservation the reporting requirements imposed by each convention and gives binding undertakings referred to in points (d), (e) and (f) of Article 9(1) of the GSP Regulation.
4. The vulnerability criteria are defined in Annex VII of the GSP Regulation:
- (a) in terms of value, the seven largest GSP sections of the country's imports into the Union represent more than the threshold of 75 % in value of its total imports, as an average during the last three consecutive years;
- (b) the country's imports into the Union represent less than the threshold of 2 % in value of the total imports into the Union originating in GSP beneficiary countries, as an average during the last three consecutive years.
5. For the purposes of Article 9 of the GSP Regulation, reservations are considered to be incompatible with the object and purpose of a convention if:
- (a) a process explicitly set out for that purpose under the convention has so determined; or
- (b) in the absence of such a process, the Union where a party to the convention, and/or a qualified majority of Member States party to the convention, in accordance with their respective competences as established in the Treaties, objected to the reservation on the grounds that it is incompatible with the object and purpose of the convention and opposed the entry into force of the convention as between them and the reserving state in accordance with the provisions of the Vienna Convention on the Law of Treaties.
- 3. SERIOUS FAILURE TO EFFECTIVELY IMPLEMENT ANY OF THE CONVENTIONS IN THE CONTEXT OF GSP+**
6. The concept of "serious failure" is for the purpose of granting GSP+ applied in accordance with its specific incentive-based objective, which is to support and enhance the implementation of key international conventions by the beneficiary country. The GSP Regulation stipulates that GSP+ is designed – *inter alia* – to help vulnerable developing countries to assume the special burdens and responsibilities resulting from the ratification and effective implementation of the relevant conventions (see also recital 11 of the GSP Regulation). General approach is that, as developing countries, all applicants will experience problems of implementation. This is normal and should not lead to the exclusion of countries from the scheme. This is the more pertinent as developed countries (including Member States) may also have of shortcomings in their track record. Developing countries naturally face more problems of implementation. GSP+ exists in recognition of the special needs of developing countries in this respect, to which our regime responds positively by providing additional incentives.
7. The concept of "serious failure" to effectively implement comes from the ILO context, where an established practice exists for the application of this benchmark¹.

¹ In particular, for the purposes of GSP, a serious failure to effectively implement ILO conventions occurs when the Committee of Application of Standards, in the context of the yearly meetings of the

Drawing on ILO practices and taking into account the purpose of GSP+ and having regard to the specificities of the conventions on human rights, environment, and good governance, a set of general principles has been used to underpin the “serious failure” benchmark, in a way that is meaningful and that ensures a consistent application across all 27 conventions. Such application is fundamental to respect the principles of non-discrimination and generalised application of preferences.

8. In order to establish whether a serious failure to effectively implement exists, the analysis encompasses the three areas generally used by the relevant conventions’ monitoring bodies when assessing the implementation of conventions. These are: (1) shortcomings detected in the country’s implementation record, (2) positive elements where the country shows progress, and (3) constraints suffered by the country, which limit its ability to achieve effective implementation.
9. After the analysis regarding all GSP+ conventions, the following focuses on those conventions where monitoring bodies have identified salient shortcomings.

4. ANALYSIS OF THE APPLICANT COUNTRIES

4.1. ARMENIA

A. Vulnerability

13. Armenia meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

14. In accordance with point (b) of Article 9(1) of the GSP Regulation Armenia has ratified all conventions listed in Annex III of the GSP Regulation.

C. Reservations

15. Armenia has not made any reservations to the conventions.

D. Serious failure to effectively implement

16. The monitoring bodies of four conventions have observed some salient shortcomings regarding Armenia’s effective implementation of the conventions. However these monitoring bodies have confirmed significant elements of progress and have acknowledged objective constraints, which restrict the country’s ability to effectively implement the relevant conventions.

- 16.1 **International Covenant on Civil and Political Rights.** The Human Rights Committee² (HRC) observed such concerns regarding the incompatibility of several provisions of the Constitution of Armenia with the Convention, and the conscription of conscientious objectors to military service. At the same time, there are significant elements of progress. The HRC welcomed Armenia’s efforts to implement the

International Labour Conference, notes the existence of a serious failure to implement a convention and introduces a “special paragraph” to that effect in its Report.

² HRC Report of 19 November 1998.

Convention, including the process to bring domestic legislation fully in line with the country's obligations under the Convention, as well as the establishment of the Commission on Human Rights, and the progress in the release of political prisoners. The HRC acknowledged constraints hampering the country's ability to implement the convention. These constraints are partly attributable to the fact that country is in a period of transition to a market economy. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

- 16.2 **International Covenant on Economic, Social and Cultural Rights.** The Committee on Economic, Social and Cultural Rights³ (CESCR) observed such concerns regarding slow and complicated process required for the adoption of new legislation giving effect to certain rights under the Convention; inadequate efforts to solve the crisis in the housing situation and persistence of abortion as the most commonly used means of family planning. At the same time, there are significant elements of progress. The CESCR welcomed Armenia for efforts made to implement the Convention, including success in ensuring of equal treatment of refugees and Armenian citizens in the exercise of economic, social and cultural rights and maintaining legislation providing for the equality between men and women before the law. Equally, the CESCR acknowledged constraints which hamper the country's ability to implement the convention. These are the serious negative effects of the difficult social, economic and political circumstances faced by Armenia over a decade, in particular natural disasters, armed conflicts and obstacles arising from the trade blockade imposed by a number of its neighbouring countries. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.
- 16.3 **Convention on the Elimination of All Forms of Discrimination Against Women.** The Committee on Elimination of All Forms of Discrimination against Women⁴ (CEDAW) observed such concerns regarding gender segregation within the labour market; persistence of the wage gap; low representation of women in top management positions; lack of systematic effective measures to prevent sexual harassment against women in the workplace. At the same time, there are significant elements of progress. The CEDAW welcomed Armenia for efforts made to implement the Convention, including the revision to the Constitution guaranteeing equality of men and women before the law, the adoption of a series of national plans and programmes regarding human rights, amendments to the Labour Code establishing equal rights of all parties regardless of sex, and prohibiting forced labour and employment of children under 14 years of age. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.
- 16.4 **Convention on the Rights of Child.** The Committee on Rights of the Child⁵ (CRC) noted salient shortcomings regarding the follow-up to previous recommendations of

³ CESCR Report of 8 December 1999

⁴ CEDAW Report of 2 February 2009.

⁵ CRC Report of 26 February 2004.

the CRC; the large number of children living below the absolute poverty line; and persons under 18 years of age engaged in prostitution being prosecuted under the Criminal Code, rather than assisted as victims. At the same time, there are significant elements of progress. The CRC welcomed Armenia for efforts made to implement the Convention, including amendments to the Children's Rights Act which strengthen the protection of the rights of the Convention in national legislation, the adoption of series of national plans and programmes regarding children's rights (including 2004-2015 National Plan of Action for the Protection of Children's Rights and of 2004-2015 Strategic Programme to Overcome Poverty, a state programme for the development of education over the period 2001-2005, the National Strategy to Combat HIV/AIDS, and the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Equally, the CRC acknowledged constraints hampering the country's ability to implement the convention, namely the serious economic, social and political challenges posed by the transition to a market economy, including increased unemployment and poverty, and the unresolved conflict over Nagorny Karabakh. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

17. Armenia has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

18. Armenia meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.2. BOLIVIA

A. Vulnerability

19. Bolivia meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

20. In accordance with point (b) of Article 9(1) of the GSP Regulation Bolivia has ratified all conventions listed in Annex III of the GSP Regulation.

C. Reservations

21. Bolivia has made reservations to two conventions. None of these reservations impinge upon the reporting requirements of the Conventions.

- 21.1 Bolivia has made a reservation to the UN Single Convention on Narcotic Drugs. This reservation is not prohibited by the convention and the process explicitly set out by the convention to assess compatibility of reservations determined that reservation was not incompatible.

21.2 Bolivia has made a reservation to UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Under the GSP Regulation this reservation is permissible, as it:

- (a) is not prohibited by the Convention;
- (b) for GSP+ purposes is not considered to be incompatible with the object and purpose of the Convention as it does not meet criteria of point (c) of Article 9(1). The convention does not set out a process for determination of the incompatibility with the object and purpose of the convention. Therefore provisions of Article 9(1)(c)(ii) are applied to determine whether the reservation is incompatible with the object and purpose of the convention. No Member State objected to the reservation opposing the entry into force of the convention as between them and Bolivia.

D. Serious failure to effectively implement

22. The monitoring bodies of four conventions have observed some salient shortcomings regarding Bolivia's effective implementation of the conventions. However these monitoring bodies have confirmed significant elements of progress and have acknowledged some objective constraints, which restrict country's ability to effectively implement the relevant conventions.

22.1 **Convention on the Elimination of All Forms of Racial Discrimination.** The Committee on the Elimination of Racial Discrimination (CERD)⁶ observed such concerns regarding discrimination against women on the basis of their ethnic origin. At the same time, there are significant elements of progress. The CERD welcomed the new Constitution of 2009 (which upholds a wide range of human rights) and the adoption of the legislative instruments needed to combat racial discrimination, such as the Act on the Elimination of Racism and All Forms of Discrimination. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

22.2 **International Covenant on Civil and Political Rights.** The Human Rights Committee⁷ (HRC) observed such concerns regarding impossibility for release on bail in certain circumstances and non-respect of presumption of innocence. At the same time, there are significant elements of progress. The HRC welcomed Bolivia's efforts made to implement the Convention, including the promulgation of the new Constitution, the reform of the Penal Code, the adoption of legislation to abolish imprisonment and physical constraint for the enforcement of economic obligations, the new Bail Act, the law against domestic violence, and the reforms in the legislation governing the electoral system. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress it is considered that no serious failure to effectively implement the Convention exists.

22.3 **Convention on the Elimination of All Forms of Discrimination Against Women.** The Committee on Elimination of All Forms of Discrimination against Women⁸

⁶ CERD Report of 8 April 2011.

⁷ HRC Report of 1 May 1997.

⁸ CEDAW Report of 8 April 2008.

(CEDAW) observed such concerns regarding the marginalisation of Afro-Bolivian community; violence against women, including domestic and sexual violence; prioritisation of reconciliation and family integrity over protection from domestic violence in the judicial system; vulnerability of girls in child labour and high rural fertility rates and teenage pregnancies. At the same time, there are significant elements of progress. The CEDAW welcomed Bolivia for efforts made to implement the Convention through the adoption of considerable number of laws, policies, plans and programmes, including the Family and Domestic Violence Act. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

- 22.4 **Convention on the Rights of Child.** The Committee on Rights of the Child⁹ (CRC) observed such concerns regarding situation of the Guarani children in the Chaco region and children engaging in hazardous work in mining. At the same time, there are significant elements of progress. The CRC welcomed positive developments including the adoption of legislative and other measures taken with a view to implementing the Convention (particularly the new Constitution, which includes a section on child rights and the creation of the National Council for Childhood and Adolescence). In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

23. Bolivia has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

24. Bolivia meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.3. CAPE VERDE

A. Vulnerability

25. Cape Verde meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

26. In accordance with point (b) of Article 9(1) of the GSP Regulation Cape Verde has ratified all conventions listed in Annex III of the GSP Regulation.

C. Reservations

27. Cape Verde has not made any reservation to the conventions.

D. Serious failure to effectively implement

⁹ CRC Report of 16 October 2009.

28. The monitoring body of one convention has observed some salient shortcomings regarding Cape Verde's effective implementation of the conventions. However this monitoring body has confirmed significant important elements of progress and have acknowledged some objective constraints, which restrict country's ability to effectively implement the relevant conventions.

28.1 **Convention on the Rights of Child.** The Committee on Rights of the Child¹⁰ (CRC) observed concerns regarding the limited access to health services of children living in rural communities, and particularly on more remote islands; weaknesses in the social security system, poor housing conditions, the lack of adequate sanitary facilities and the lack of easy access for many families and children to clean drinking water. At the same time, there are significant elements of progress. The CRC welcomed improvements in respect for children's rights and the situation of children over the last two decades, including improvement of health indicators. The CRC acknowledged constraints hampering the country's ability to implement the convention, namely the difficult economic conditions and the situation of poverty confronted by a large proportion of the population. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

29. Cape Verde has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

30. Cape Verde meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.4. COSTA RICA

A. Vulnerability

31. Costa Rica meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

32. In accordance with point (b) of Article 9(1) of the GSP Regulation Costa Rica has ratified all conventions listed in Annex VIII of the GSP Regulation.

C. Reservations

33. Costa Rica has not made any reservations to the conventions.

D. Serious failure to effectively implement

34. The monitoring body of one convention has observed some salient shortcomings regarding Costa Rica's effective implementation of the convention. However, this

¹⁰ CRC Report of 7 November 2001.

monitoring body has also confirmed significant elements of progress in implementation of that convention.

- 34.1 **International Covenant on Economic, Social and Cultural Rights:** the Committee on Economic, Social and Cultural Rights (CESCR)¹¹ observed such concerns regarding an increase in sexual and commercial exploitation, sex tourism and trafficking in persons; and regarding increasingly high rate of teenage pregnancies. At the same time, there are significant elements of progress in Costa Rica's implementation of the Convention. In particular, the CESCR welcomed Costa Rica for ratification of relevant international treaties, adoption of a number of legal and institutional measures to promote gender equality, adoption of sustained legislative, policy and institutional measures to improve access to and the quality of education, and adoption of legislation against trafficking of human beings. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

35. Costa Rica has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

36. Costa Rica meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.5. ECUADOR

A. Vulnerability

37. Ecuador meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

38. In accordance with point (b) of Article 9(1) of the GSP Regulation, Ecuador has ratified all conventions listed in Annex III of the GSP Regulation.

C. Reservations

39. Ecuador has made reservations to two Conventions: the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Basel Convention on the Control of Transboundary Movements of hazardous Wastes and Their Disposal. None of these reservations impinge upon the reporting requirements of the Conventions.

40. Under the GSP Regulation, these reservations are permissible, as they:

(a) are not prohibited by the Convention;

¹¹ CESCR Report of 4 January 2008.

- (b) for GSP+ purposes are not considered to be incompatible with the object and purpose of the Conventions as they do not meet criteria of point (c) of Article 9(1). The conventions do not set out a process for determination of the incompatibility with the object and purpose of the convention. Therefore provisions of Article 9(1)(c)(ii) are applied to determine whether the reservations are incompatible with the object and purpose of the convention. No Member State objected to the reservations opposing the entry into force of the convention as between them and Ecuador.

D. Serious failure to effectively implement

41. The monitoring bodies of four conventions have observed some salient shortcomings regarding Ecuador's effective implementation of the conventions. However these monitoring bodies have confirmed significant elements of progress.

41.1 **International Covenant on Economic, Social and Cultural Rights.** The Committee on Economic, Social and Cultural Rights¹² (CESCR) observed such concerns regarding the non-consultation of indigenous peoples and nationalities concerning natural resources development activities; sexual violence and exploitation against girls and women, with limited results yielded by judicial investigations; and the incidence of child malnutrition. The elements of progress detected by the CESCR were in any case significant, with substantial efforts made to implement the Convention, including the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and of a number of other international instruments; improvements in social indicators for human development and poverty reduction, as well as increases in allocations for economic and social expenditure. In conclusion, in view of the relatively limited number of salient shortcomings and of the significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

41.2 **Convention on the Elimination of All Forms of Discrimination against Women.** The Committee on Elimination of All Forms of Discrimination against Women¹³ (CEDAW) noted a high level of sexual abuse and harassment against girls in schools, as well as expulsion or rejection because of pregnancy and violence. On the other hand, there were significant efforts made to implement the Convention, in particular through the adoption of laws, policies, plans and programmes, including the Code of Childhood and Adolescence. In view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

41.3 **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.** The Committee against Torture¹⁴ (CAT) observed concerns on the assassination of forensic expert specializing in the investigation of cases of torture and summary executions; the deterioration in the situation on the northern border with Colombia, with presence of groups involved in organized crime and increased military presence; the abuse and sexual violence against female refugees and asylum-seekers. CAT reports nevertheless significant elements of progress, with important efforts made to implement the Convention, including acceptance of procedure of

¹² CESCR Report of 13 December 2012.

¹³ CEDAW Report of 07 November 2009.

¹⁴ CAT Report of 14 December 2011.

presentation of periodic reports; ratification of several international instruments; efforts made to alter policies and procedures in order to ensure greater protection for human rights and apply the Convention, the reform of the Criminal Code with the definition of the offence of sexual exploitation of minors. The report acknowledged that there are constraints impeding implementation, such as the tension at the border with Colombia, which emanates created by the domestic fighting in that country and not by deficiencies of the Ecuadorian government. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

- 41.4 **Convention on the Rights of Child.** The Committee on Rights of the Child¹⁵ (CRC) had salient concerns on the continuation of the legal minimum age for contracting marriage for girls at 12 years and for boys at 14 years; on the fact that segments of rural and semi-urban population still lack access to services; on unwanted pregnancies as result of rape and prohibition of some types of emergency contraception. But elements of progress are highlighted, including the adoption of legislative and policy measures taken with a view to implementing the Convention, such as the new Constitution; the reform of the Code on Children and Adolescents and of the Penal Code, which criminalizes exploitation of children; the reform of the Labour Code, which includes norms to prevent and eradicate economic exploitation of children. In conclusion, in view of the relatively limited number of salient shortcomings and of the significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

42. Ecuador has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

43. Ecuador meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.6. GEORGIA

A. Vulnerability

44. Georgia meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

45. In accordance with point (b) of Article 9(1) of the GSP Regulation Georgia has ratified all conventions listed in Annex VIII of the GSP Regulation.

C. Reservations

¹⁵ CRC Report of 2 March 2010.

46. Georgia has made a reservation and a declaration to two conventions. The reservation and the declaration do not impinge upon the reporting requirements of the conventions.
- 46.1 Georgia has made a reservation to the UN Convention against Corruption. Under the GSP Regulation this reservation is permissible, as it:
- (a) is not prohibited by the Convention;
 - (b) for GSP+ purposes is not considered to be incompatible with the object and purpose of the Convention as it does not meet criteria of point (c) of Article 9(1). The convention does not set out a process for determination of the incompatibility with the object and purpose of the convention. Therefore provisions of Article 9(1)(c)(ii) are applied to determine whether the reservation is incompatible with the object and purpose of the convention. No Member State objected to the reservation opposing the entry into force of the convention as between them and Georgia.
- 46.2 Georgia has made a declaration to the Convention on Biological Diversity. Under the GSP Regulation this declaration is permissible, as it is not prohibited by the Convention and for GSP+ purposes is not considered to be incompatible with the object and purpose of the Convention as it does not meet criteria of point (c) of Article 9(1).

D. Failure to effectively implement

47. The monitoring bodies of three conventions have observed some salient shortcomings regarding Georgia's effective implementation of the conventions. However these monitoring bodies have confirmed significant elements of progress and have acknowledged objective constraints, which restrict country's ability to effectively implement the relevant conventions.
- 47.1 **International Covenant on Economic, Social and Cultural Rights.** The Committee on Economic, Social and Cultural Rights (CESCR)¹⁶ observed such concerns regarding widespread and rampant corruption; deplorable situation of internally displaced persons (IDPs); high unemployment rate and extremely low level of salaries; inadequate or lacking legislation and policies on domestic violence, rape or sexual harassment and de facto impunity with which such acts are committed; constantly increasing level of poverty and inadequacy of measures undertaken to combat it; insufficiency of hospitals' equipment; and situation of persons with mental illnesses. At the same time, there are significant elements of progress. In particular, the CESCR welcomed Georgia for measures adopted to create jobs, acceleration of economic growth, efforts to provide basic services to IDPs, including through special legislation, and also for efforts to comply with its obligations under international human rights instruments, notably the adoption of various plans of action on a number of human rights topics such as children's rights, women's rights and combating violence. The CESCR acknowledged tangible constraints hampering the country's ability to implement the Convention, in particular negative effects arising from the process of transition to a market-oriented economy. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of

¹⁶ CESCR Report of 19 December 2002.

progress, and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

47.2 **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.** The Committee against Torture (CAT)¹⁷ observed such concerns regarding high number of sudden deaths of persons in custody. As regards elements of progress, the CAT welcomed Georgia for significant efforts made to implement the Convention, in particular extensive legislative reforms aiming to combat impunity and intimidation and adoption of legislative provisions on the right to compensation for victims as well as operating of a 24-hour hotline for torture-related complaints. The CAT acknowledged important constraints which impede the country's ability to implement the Convention, in particular continued internal conflicts. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

47.3 **Convention on the Rights of the Child.** The Committee on Rights of the Child (CRC)¹⁸ observed such concerns regarding the number of children customarily placed in institutions; high rates of neonatal deaths and overall poor state of prenatal and post-natal health care; lack of sufficient protection of the rights of children in isolated refugee communities; plight of street children; lowering of the minimum age for criminal responsibility from 14 to 12; and unavailability of disaggregated data and analytic information in important areas of the Convention. As regards elements of progress, the CRC welcomed Georgia in particular for a number of legislative and programmatic measures undertaken to implement the Convention, as well as for various measures to improve health care for children, progress achieved with regard to birth registration rates, progress achieved as regards deinstitutionalization and alternative care, enactment of legislation on general education and increased allocation of resources to education, legal prohibition of corporal punishment in school, preparation of an action plan for the implementation of the national strategy on IDPs and various measures to address the problem of trafficking in persons. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

48. Georgia has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

49. Georgia meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.7. MONGOLIA

A. Vulnerability

¹⁷ CAT Report of 25 July 2006.

¹⁸ CRC Report of 23 June 2008.

50. Mongolia meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

51. In accordance with point (b) of Article 9(1) of the GSP Regulation Mongolia has ratified all conventions listed in Annex VIII of the GSP Regulation.

C. Reservations

52. Mongolia has made declarations to four conventions: the UN Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. None of these declarations impinge upon the reporting requirements of the conventions.

53. Under the GSP Regulation these declarations are permissible, as they are not prohibited by the Convention and for GSP+ purposes are not considered to be incompatible with the object and purpose of the Conventions as they do not meet criteria of point (c) of Article 9(1).

D. Failure to effectively implement

54. The monitoring bodies of four conventions have observed some salient shortcomings regarding Mongolia's effective implementation of the conventions. However these monitoring bodies have confirmed significant elements of progress and have acknowledged objective constraints, which restrict country's ability to effectively implement the relevant conventions.

- 54.1 **International Covenant on Economic, Social and Cultural Rights.** The Committee on Economic, Social and Cultural Rights (CESCR)¹⁹ observed such concerns regarding the extent and depth of poverty, especially amongst women and children; adverse effects of the prevailing traditional values and practices and of poverty on women; deteriorating health situation; and high incidence of school drop-out. At the same time, there are significant elements of progress. The CESCR welcomed Mongolia for efforts made to implement the Convention, including cooperation with international institutions on economic development and poverty reduction, various educational initiatives undertaken, on-going democratisation process, cooperation with international institutions on human rights, progress in establishing a human rights national framework and enactment of legislation to implement human rights standards. The CESCR acknowledged tangible constraints which hamper the country's ability to implement the Convention, in particular great difficulties in the process of transition to a market economy, effects of the Asian economic crisis further aggravating Mongolia's economic situation, as well as extreme climatic conditions prevailing in Mongolia. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and the constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

¹⁹ CESCR Report of 1 September 2000.

- 54.2 **Convention on the Elimination of All Forms of Discrimination against Women.** The Committee on Elimination of All Forms of Discrimination against Women (CEDAW)²⁰ observed such concerns regarding insufficient measures to address the discriminatory practices and stereotypical attitudes about the roles of women, and continuous reflection of those stereotypes in legislation, policies and programmes; remaining high incidence of domestic violence; and dismissal of most cases of trafficking in persons. At the same time, the CEDAW welcomed Mongolia for several significant elements of progress and tangible efforts made to implement the Convention, including the adoption of a number of legislative, administrative and other measures to eliminate discrimination against women, as well as efforts made to improve women's health. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.
- 54.3 **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.** The Committee against Torture (CAT)²¹ observed such concerns regarding inefficient judiciary action on perpetrators of torture; and continued use of statements and confessions obtained under torture and ill-treatment in courts. As regards elements of progress, the CAT welcomed Mongolia for significant efforts made to implement the Convention, including ratification of several international instruments and reform of its internal legislation, adoption of measures and policies in order to ensure better protection of human rights and efforts in combating violence against women and trafficking of people. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.
- 54.4 **Convention on the Rights of the Child.** The Committee on Rights of the Child (CRC)²² observed such concerns regarding: social exclusion of children with disabilities; increasing number of children vulnerable to addictions and behavioral disorders; number of suicides among children; and increasing number of street children in urban and suburban settlements and newly formed slums. At the same time, the CRC welcomed Mongolia for significant elements of progress and in particular undertaking of a number of legislative and other measures with a view to implement the Convention, limiting of the legally allowed duration of pre-trial detention for children and reducing of the mandatory minimum sentences for first time offenders, efforts made in combating children trafficking, efforts undertaken to prevent children from living in the streets, investments made to provide free compulsory education and cover dormitory expenses, various measures undertaken in the area of health and decrease in infant and child mortality, and efforts made to increase the social budget. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

55. Mongolia has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

²⁰ CEDAW Report of 7 November 2008.

²¹ CAT Report of 20 January 2011.

²² CRC Report of 29 January 2010.

F. Conclusions

56. Mongolia meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.8. PAKISTAN

A. Vulnerability

57. Pakistan meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

58. In accordance with point (b) of Article 9(1) of the GSP Regulation Pakistan has ratified all conventions listed in Annex III of the GSP Regulation.

C. Reservations

59. Pakistan has made reservations to six conventions. None of these reservations impinge upon the reporting requirements of the Conventions.

59.1 Pakistan has made reservations to the International Covenant on Civil and Political Rights, to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Convention against Corruption. Under the GSP Regulation these reservations are permissible, as they:

(a) are not prohibited by the Convention;

(b) for GSP+ purposes are not considered to be incompatible with the object and purpose of the Convention as they do not meet criteria of point (c) of Article 9(1). The conventions do not set out a process for determination of the incompatibility with the object and purpose of the convention. Therefore provisions of Article 9(1)(c)(ii) are applied to determine whether the reservations are incompatible with the object and purpose of the convention. No Member State objected to the reservations opposing the entry into force of the convention as between them and Pakistan.

59.2 Pakistan has made a reservation to the UN Single Convention on Narcotic Drugs. This reservation is not prohibited by the convention and the process explicitly set out by the convention to assess compatibility of reservations determined that reservation was not incompatible.

D. Serious failure to effectively implement

60. The monitoring bodies of two conventions have observed some salient shortcomings regarding Pakistan's effective implementation of the conventions. However these monitoring bodies have confirmed significant elements of progress and have acknowledged objective constraints, which restrict country's ability to effectively implement the relevant conventions.

- 60.1 **Convention on the Elimination of All Forms of Discrimination against Women.** The Committee on Elimination of All Forms of Discrimination against Women (CEDAW)²³ in its Report (2013) observed such concerns regarding: illicit trade and sale of small arms and their use against women; persistence of practices such as child and forced marriages; abduction of women and girls belonging to religious minorities; attacks on school buses targeting children, including girls. At the same time the CEDAW welcomed Pakistan for efforts to implement the Convention, including the enactment and revision of numerous legal provisions aimed at eliminating discrimination against women; granting land titles to women; ratification of several international human rights treaties; ruling against the legality of parallel justice systems; assistance to internally displaced population and hosting of the world's largest refugee population. CEDAW acknowledged constraints hampering the country's ability to implement the convention, namely natural disasters, devolution of powers to the provinces and increasing violent attacks and threats by non-State actors. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and serious constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.
- 60.2 **Convention on the Rights of Child.** The Committee on Rights of the Child²⁴ (CRC) observed such concerns regarding: discrimination against women and girls; violations of the right to life, survival and development; honour killings; certain customs and rituals; abandonment of children; inadequacy of health-care services; early and forced marriages; internally displaced persons in Pakistan in recent years; child and forced labour due to growing poverty; very low minimum age of criminal responsibility and high number of children in prison. At the same time, there are significant elements of progress, and the CRC welcomed Pakistan *inter alia* for efforts to implement the Convention including ratification of ILO Convention No 138 concerning Minimum Age for Admission to Employment; legislative measures to ensure the implementation of the Convention; adoption of a comprehensive National Plan of Action for Children; establishment of a Child Protection Monitoring and Data Collection System; amendment to the Penal Code that facilitates the prosecution of perpetrators of honour killings; initiation of programmes to assist disadvantaged families; projects to develop quality care standards for residential childcare institutions and the adoption of the National Policy for the Protection of Orphans and Vulnerable Children in the earthquake-affected areas; adoption of the National Plan of Action against Child Sexual Abuse; measures taken to address early and forced marriages; efforts against the madrasas involved in militancy and sectarianism; hosting of the world's largest and longest-lasting refugee population, including children; rapid return of internally displaced families to areas of origin; amendment to the Employment of Children Act enhancing the list of hazardous processes and occupations for children, prohibition of slavery and all forms of forced labour, including bonded labour, in the legislation and carrying out of several action programmes to combat the worst forms of child labour. Equally, the CRC acknowledged constraints which limit the country's ability to implement the convention, namely serious economic challenges due to soaring increases in food and oil prices and inflationary pressures, catastrophic drought conditions and natural disasters hampering the economy and threatening the right to survival and

²³ CEDAW Report of 1 March 2013.

²⁴ CRC Report of 15 October 2009.

development of the child, the armed conflict and terrorist activities that are taking place in some regions and have displaced large population, and the high number of refugees hosted by the country. In conclusion, in view of the relatively limited number of salient shortcomings, significant elements of progress, and serious constraints impeding implementation, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

61. Pakistan has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

62. Pakistan meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.9. PARAGUAY

A. Vulnerability

63. Paraguay meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

64. In accordance with point (b) of Article 9(1) of the GSP Regulation, Paraguay has ratified all conventions listed in Annex III of the GSP Regulation.

C. Reservations

65. Paraguay has made a reservation to one Convention. This reservation does not impinge upon the reporting requirements of that Convention.

- 65.1 Paraguay has made a reservation to UN Convention against Corruption. Under the GSP Regulation this reservation is permissible, as it:

- (a) is not prohibited by the Convention;
- (b) for GSP+ purposes it is not considered to be incompatible with the object and purpose of the Convention as it does not meet criteria of point (c) of Article 9(1). The convention does not set out a process for determination of the incompatibility with the object and purpose of the convention. Therefore provisions of Article 9(1)(c)(ii) are applied to determine whether the reservations are incompatible with the object and purpose of the convention. No Member State objected to the reservations opposing the entry into force of the convention as between them and Paraguay.

D. Serious failure to effectively implement

66. The monitoring bodies of six conventions have observed some salient shortcomings regarding Paraguay's effective implementation of the conventions. However these monitoring bodies have also confirmed significant elements of progress.

- 66.1 **International Convention on the Elimination of All Forms of Racial Discriminations.** The Committee on the Elimination of Racial Discrimination (CERD)²⁵ observed such concerns on discrimination against indigenous women on the basis of their ethnic origin, gender, occupational status and poverty. Nevertheless, the CERD highlighted significant elements of progress, such as the extension of the constitutional recognition to indigenous people, the drawing up of a national action plan on human rights in collaboration with the Office of the United Nations High Commissioner, the recognition in the Constitution of the status of the Office of the Ombudsman and the establishment of the Department for Indigenous Peoples and the Department for Action against Discrimination. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.
- 66.2 **International Covenant on Civil and Political Rights.** The Human Rights Committee²⁶ (HRC) observed such concerns regarding the persistent trafficking of women and children for purposes of sexual exploitation and the high proportion of inmates in pre-trial detention, and the difficulties in proper access to public defence. On the other hand, several elements of progress were detected, including legislative reforms to bring Paraguay's laws into line with the Covenant, in particular the adoption of the new Criminal Code, the new Code of Criminal Procedure and the Children's Code; efforts to speed up proceedings on cases involving persons held in pre-trial detention have been welcomed; the ratification by Paraguay of the Statute of the International Criminal Court and other international instruments were welcomed. In conclusion, in view of the relatively limited number of salient shortcomings and of the significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.
- 66.3 **International Covenant on Economic, Social and Cultural Rights.** The Committee on Economic, Social and Cultural Rights²⁷ (CESCR) observed concerns regarding ill-treatment of children working in domestic services, large number of forced evictions of peasant and indigenous families and abuses suffered by patients. Important elements of progress were nevertheless underlined. The CESCR welcomed Paraguay for the adoption of the new Penal Code and the new Code of Criminal Procedure, the Code on Children and Adolescents and the Domestic Violence Act; for the activities related to the rights to education, work and health. In conclusion, in view of the relatively limited number of salient shortcomings and of the significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.
- 66.4 **Convention on the Elimination of All Forms of Discrimination against Women.** The Committee on Elimination of All Forms of Discrimination against Women²⁸ (CEDAW) observed such concerns regarding persistence of unpaid domestic child labour, despite being forbidden by law, and the high levels of vulnerability in relation to the right to adequate food and to safe drinking water. CEDAW's report highlighted nevertheless significant elements of progress, including the adoption of the Public Policy for Social Development 2010-2020, which recognizes the right to

²⁵ CERD Report of 12 September 2011.

²⁶ HRC Report of 24 February 2006.

²⁷ CESCR Report of 4 January 2008.

²⁸ CEDAW Report of 2 February 2009.

live a life without violence; and the establishment of strategic lines for the prevention, sanction and elimination of violence against women. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

66.5 **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.** The Committee against Torture²⁹ (CAT) underlined shortcomings as regards the use of pre-trial detention for children aged between 16 and 18 years and the poor material and medical conditions in prison psychiatric wards. At the same time, the report underlined significant elements of progress, including the many initiatives to review Paraguay's legislation to comply with CAT recommendation and improve the implementation of the Convention, like the establishment of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, the establishment of the National Commission for Prison Reform. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

66.6 **Convention on the Rights of Child.** The Committee on Rights of the Child³⁰ (CRC) had salient concerns regarding the lack of reliable, disaggregated data in important areas of the Convention such as birth certificates, child abuse, child labour; on discrimination for indigenous population which resulted in various inequalities for the children; on the persistence of the unpaid domestic child labour; on the very high number of working children among indigenous children. Areas of significant improvement were nevertheless identified, including efforts to further improve data collection mechanisms; setting of the rights of the indigenous set as a priority in the platform of the government; existence of a bill against all forms of discrimination; adoption of legislative measures taken with a view to implement the Convention such as the act against domestic violence, the Child and Adolescents Code, the Indigenous Education Act and the ratification of several international instruments. In conclusion, in view of the relatively limited number of salient shortcomings and of the significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

67. Paraguay has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

68. Paraguay meets eligibility criteria of Article 9(1) of the GSP Regulation.

4.10. PERU

A. Vulnerability

²⁹ CAT Report of 14 December 2011.

³⁰ CRC Report of 10 February 2010.

69. Peru meets vulnerability criteria in accordance with point (a) of Article 9(1) of the GSP Regulation.

B. Ratification

70. In accordance with point (b) of Article 9(1) of the GSP Regulation, Peru has ratified all conventions listed in Annex III of the GSP Regulation.

C. Reservations

71. Peru has made reservations to two Conventions. None of these reservations impinge upon the reporting requirements of the Conventions.

72. Peru has made reservations to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the UN Convention against Corruption. Under the GSP Regulation these reservations are permissible, as they:

- (a) are not prohibited by the Convention;
- (b) for GSP+ purposes are not considered to be incompatible with the object and purpose of the Convention as they do not meet criteria of point (c) of Article 9(1). The conventions do not set out a process for determination of the incompatibility with the object and purpose of the convention. Therefore provisions of Article 9(1)(c)(ii) are applied to determine whether the reservations are incompatible with the object and purpose of the convention. No Member State objected to the reservations opposing the entry into force of the convention as between them and Peru.

D. Serious failure to effectively implement

73. The monitoring bodies of four conventions have observed some salient shortcomings regarding Peru's effective implementation of the conventions. However these monitoring bodies have confirmed significant elements of progress.

- 73.1 **International Convention on the Elimination of All Forms of Racial Discriminations.** The Committee on the Elimination of Racial Discrimination (CERD)³¹ observed such concerns on the violence triggered by conflicts between projects aimed at the exploitation of natural resources and the rights of indigenous peoples. CERD underlined on the other hand significant elements of progress, such as the establishment of the National Institute for the Development of the Andean, Amazonian and Afro-Peruvian Peoples (INDEPA), and the Peruvian efforts to combat racial discrimination. In conclusion, in view of the relatively limited number of salient shortcomings and of the significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

- 73.2 **Convention on the Elimination of All Forms of Discrimination against Women.** The Committee on Elimination of All Forms of Discrimination against Women³² (CEDAW) observed such concerned regarding the fact that investigation and prosecution for all acts of violence against women are not taking place and remedies

³¹ CERD Report of 3 September 2009.

³² CEDAW Report of 2 February 2007.

for individual victims are not readily available. At the same time, the report recognises elements of progress, like the efforts made to implement the Convention through the adoption of laws, policies, plans and programmes, including the Prevention and Punishment of Sexual Harassment Act, the National Equal Opportunity Plan for Men and Women, the National Plan of Action for Children and Adolescents and the restructuring of the national machinery for the advancement of women. In conclusion, in view of the relatively limited number of salient shortcomings and of the significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

73.3 **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.** The Committee against Torture³³ (CAT) observed such concerns over illegal abortions as one of the main causes of high maternal mortality; the slow progress of establishing accountability for the estimated 70,000 deaths or enforced disappearances during the internal armed conflict from 1980 to 2000; the increasing number of children affected by the worst forms of child labour; the harassment and violent attacks against the lesbian, gay, bisexual, and transgender (LGBT) community. CAT underlines nevertheless elements of progress, including efforts to revise domestic legislation in areas of relevance to the Convention, for example, adoption of the new Code of Criminal Procedure and the Refugee Law. Peru has made efforts to amend internal policies, programmes and administrative measures to give effect to the Convention, including establishment of the Special Commission on Refugees (CEPR) and adoption of the National Human Rights Plan of Action 2012-2016. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

73.4 **Convention on the Rights of Child.** The Committee on Rights of the Child³⁴ (CRC) observed such concerns on the high level of employment of children and adolescents, especially in the informal sector, marginalized from education and victims of exploitation and abuse. Nevertheless, the report welcomed Peru for the introduction of legislative and other measures in the area of child labour, e.g. via the activities of labour inspectors and has adopted the National Plan of Action on the Prevention and Eradication of Child Labour. In conclusion, in view of the relatively limited number of salient shortcomings and significant elements of progress, it is considered that no serious failure to effectively implement the Convention exists.

E. Binding undertakings

74. Peru has submitted the binding undertaking as provided in point (b) of Article 1(2) of Commission Delegated Regulation (EU) No 155/2013.

F. Conclusions

75. Peru meets eligibility criteria of Article 9(1) of the GSP Regulation.

³³ CAT Report of 16 November 2012.

³⁴ CRC Report of 14 March 2006.