



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 December 2012**

**17975/12**

**SPG 28  
WTO 406  
DELECT 55**

**COVER NOTE**

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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 18 December 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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No Cion doc.: C(2012) 9454 final

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Subject: Commission Delegated Regulation (EU) No .../.. of 18.12.2012 amending  
Annex II of Regulation (EU) No 978/2012 applying a scheme of generalised  
tariff preferences

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Delegations will find attached Commission document C(2012) 9454 final.

Encl.: C(2012) 9454 final



Brussels, 18.12.2012  
C(2012) 9454 final

**COMMISSION DELEGATED REGULATION (EU) No .../..**

**of 18.12.2012**

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

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

By providing preferential access to the EU market, the EU generalised scheme of preferences (GSP) has assisted, since 1971, developing countries in their efforts to reduce poverty and promote good governance and sustainable development by helping them to generate additional revenue through international trade. The European Parliament and the Council Regulation (EU) No 978/2012 (GSP Regulation) focuses the GSP preferences on the countries most in need in order to better reflect the current global economic and trade landscape. Article 4(1)(a) of the GSP Regulation provides that a country which has been classified by the World Bank as a high or an upper-middle income country during three consecutive years shall not benefit from the GSP general arrangement. A list of beneficiary countries of the GSP general arrangement is included in Annex II of the GSP Regulation. The Commission is required to review by 1 January of each year following the entry into force of the GSP Regulation the list and to amend Annex II accordingly.

The Republic of Azerbaijan and the Islamic Republic of Iran have been classified by the World Bank as upper-middle income countries in 2010, 2011 and 2012. Accordingly they no longer fulfil the criteria to benefit from the GSP general arrangement.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission, appropriate and transparent consultations, including at expert level, have been carried out on this delegated act.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Article 5(3) of the GSP Regulation empowers the Commission to adopt delegated acts to amend its Annex II. The proposed amendment will remove the Republic of Azerbaijan and the Islamic Republic of Iran from the list of beneficiary countries of the GSP general arrangement.

In order to ensure transparency for operators it is suggested to replace Annex II of the GSP Regulation by a new updated Annex.

**COMMISSION DELEGATED REGULATION (EU) No .../..**

**of 18.12.2012**

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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 207 thereof,

Having regard to the European Parliament and Council Regulation (EU) No 978/2012 of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008<sup>1</sup>, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 4 of Regulation (EU) No 978/2012 (GSP Regulation) establishes criteria for the granting of tariff preferences under the general arrangement of the Generalised Scheme of Preferences (GSP). Accordingly, a country that has been classified by the World Bank as a high or an upper-middle income country for three consecutive years should not benefit from such preferences.
- (2) The list of beneficiary countries of the general arrangement of the GSP is established in Annex II of the GSP Regulation.
- (3) The Commission has been empowered to adopt a delegated act in accordance with Article 290 TFEU to review Annex II by 1 January of each year following the entry into force of the GSP Regulation as provided in its Article 5(2).
- (4) The Republic of Azerbaijan and the Islamic Republic of Iran have been classified by the World Bank as upper-middle income countries in 2010, 2011 and 2012.
- (5) The Republic of Azerbaijan and the Islamic Republic of Iran should be removed from the list of the beneficiary countries of a general arrangement of the GSP and Annex II of the GSP Regulation should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II of Regulation (EU) No 978/2012 is replaced by the Annex to this Regulation.

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<sup>1</sup> OJ L 303, 31.10.2012, p. 1.

*Article 2*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from one year after the date of entry into force of this Regulation.

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

Done at Brussels, 18.12.2012

*For the Commission*  
*The President*  
*José Manuel BARROSO*

## ANNEX

### **Beneficiary countries<sup>1</sup> of the general arrangement referred to in point (a) of Article 1(2)**

*Column A:* alphabetical code, in accordance with the nomenclature of countries and territories for the Union external trade statistics

*Column B:* name

A	B
AF	Afghanistan
AM	Armenia
AO	Angola
BD	Bangladesh
BF	Burkina Faso
BI	Burundi
BJ	Benin
BO	Bolivia
BT	Bhutan
CD	Congo, Democratic Republic of
CF	Central African Republic

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<sup>1</sup> This list includes countries for which preferences may have been temporarily withdrawn or suspended. The Commission or the competent authorities of the country concerned will be able to provide an updated list.

CG	Congo
CK	Cook Islands
CN	China, People's Republic of
CO	Colombia
CR	Costa Rica
CV	Cape Verde
DJ	Djibouti
EC	Ecuador
ER	Eritrea
ET	Ethiopia
FM	Micronesia, Federated States of
GE	Georgia
GM	Gambia
GN	Guinea
GQ	Equatorial Guinea
GT	Guatemala
GW	Guinea-Bissau
HN	Honduras
HT	Haiti
ID	Indonesia
IN	India
IQ	Iraq

KG	Kyrgyz Republic
KH	Cambodia
KI	Kiribati
KM	Comoros
LA	Lao People's Democratic Republic
LK	Sri Lanka
LR	Liberia
LS	Lesotho
MG	Madagascar
MH	Marshall Islands
ML	Mali
MM	Burma/Myanmar
MN	Mongolia
MR	Mauritania
MV	Maldives
MW	Malawi
MZ	Mozambique
NE	Niger
NG	Nigeria
NI	Nicaragua
NP	Nepal



NR	Nauru
NU	Niue
PA	Panama
PE	Peru
PH	Philippines
PK	Pakistan
PY	Paraguay
RW	Rwanda
SB	Solomon Islands
SD	Sudan
SL	Sierra Leone
SN	Senegal
SO	Somalia
ST	São Tomé and Príncipe
SV	El Salvador
SY	Syrian Arab Republic
TD	Chad
TG	Togo
TH	Thailand
TJ	Tajikistan
TL	Timor-Leste

TM	Turkmenistan
TO	Tonga
TV	Tuvalu
TZ	Tanzania
UA	Ukraine
UG	Uganda
UZ	Uzbekistan
VN	Vietnam
VU	Vanuatu
WS	Samoa
YE	Yemen
ZM	Zambia

**Beneficiary countries of the general arrangement referred to in point (a) of Article 1(2) which have been temporarily withdrawn from that arrangement, in respect of all or of certain products originating in these countries**

*Column A:* alphabetical code, in accordance with the nomenclature of countries and territories for the Union external trade statistics

*Column B:* name

A	B
MM	Burma/Myanmar