



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 September 2013

13255/13

**SPG 11
WTO 185
DELECT 43**

COVER NOTE

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

date of receipt: 28 August 2013

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

No Cion doc.: C(2013) 5541 final

Subject: Commission Delegated Regulation (EU) No .../.. of 28.8.2013 establishing
Annex III to Regulation (EU) No 978/2012 of the European Parliament and of
the Council applying a scheme of generalised tariff preferences

Delegations will find attached Commission document C(2013) 5541 final.

Encl.: C(2013) 5541 final



Brussels, 28.8.2013
C(2013) 5541 final

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

of 28.8.2013

**establishing Annex III to Regulation (EU) No 978/2012 of the European Parliament and
of the Council applying a scheme of generalised tariff preferences**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The European Union (EU) has granted trade preferences to developing countries through the Generalised Scheme of Tariff Preferences (GSP scheme) since 1971. It is part of its common commercial policy, in accordance with the general provisions governing the EU's external action. The special incentive arrangement for sustainable development and good governance (GSP+) is granted to those developing countries which, due to a lack of diversification and insufficient integration within the international trading system, are vulnerable, 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.

Article 9(1) of the European Parliament and the Council Regulation (EU) No 978/2012 (GSP Regulation) establishes the conditions for benefiting from the GSP+. A list of GSP+ beneficiary countries is included in Annex III of the GSP Regulation.

Armenia, Bolivia, Cape Verde, Costa Rica, Ecuador, Georgia, Mongolia, Pakistan, Paraguay and Peru have made a request for GSP+. The Commission has examined these requests and has established that those countries meet eligibility criteria for GSP+.

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 10(4) of the GSP Regulation empowers the Commission to adopt delegated acts to establish its Annex III. The proposed delegated act will establish a list of GSP+ beneficiary countries.

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

of 28.8.2013

establishing Annex III to Regulation (EU) No 978/2012 of the European Parliament and of the Council 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 Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No732/2008¹, and in particular Article 10(4) thereof,

Whereas:

- (1) Article 9(1) of Regulation (EU) No 978/2012 (GSP Regulation) establishes specific eligibility criteria for the granting of tariff preferences under the special incentive arrangement for sustainable development and good governance (GSP+) to the requesting country. For this purpose, the country should be considered vulnerable. It should have ratified all the conventions listed in Annex VIII of the GSP Regulation and the most recent available conclusions of the relevant monitoring bodies do not identify a serious failure to effectively implement any of those conventions. In relation to any of the conventions, it should not have formulated a reservation which is prohibited by that convention or which, for the exclusive purposes of Article 9 of the GSP Regulation, is considered to be incompatible with the object and purpose of that convention. It should accept without reservation the reporting requirements imposed by each convention and give the binding undertakings referred to in points (d), (e) and (f) of Article 9(1) of the GSP Regulation.
- (2) Each requesting country wishing to benefit from GSP+ had to submit a request accompanied by comprehensive information concerning ratification of the relevant conventions, its reservations and the objections to these reservations made by other parties to the convention and its binding undertakings.
- (3) The Commission received requests from Armenia, Bolivia, Cape Verde, Costa Rica, Ecuador, Georgia, Mongolia, Pakistan, Paraguay and Peru.
- (4) The Commission has been empowered to adopt a delegated act in accordance with Article 290 TFEU to establish Annex III in order to grant GSP+ by adding the requesting country to the list of GSP+ beneficiary countries.

¹ OJ L 303, 31.10.2012, p. 1.

- (5) The Commission has examined the requests made in accordance with the provisions of Article 10(1) of the GSP Regulation, and has established the list of GSP+ beneficiary countries which meet the eligibility criteria. Accordingly, the GSP+ should be granted to those countries from 1 January 2014,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EU) No 978/2012 is established as laid down in the Annex to this Regulation.

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 from 1 January 2014.

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

Done at Brussels, 28.8.2013

For the Commission
The President
José Manuel BARROSO

ANNEX

"ANNEX III

Beneficiary countries² of the special incentive arrangement for sustainable development and good governance referred to in point (b) 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
AM	Armenia
BO	Bolivia
CR	Costa Rica
CV	Cape Verde
EC	Ecuador
GE	Georgia
MN	Mongolia
PE	Peru
PK	Pakistan
PY	Paraguay

Beneficiary countries of the special incentive arrangement for sustainable development and good governance referred to in point (b) 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

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² 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.