



**COUNCIL OF  
THE EUROPEAN UNION**

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| to:              | General Secretariat of the Council |

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| Subject:      | Commission Delegated Regulation (EU) No .../.. of 17.12.2013 amending Annex III to Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences |

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Delegations will find attached Commission document C(2013) 9133 final.

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Encl.: C(2013) 9133 final



Brussels, 17.12.2013  
C(2013) 9133 final

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

**of 17.12.2013**

**amending Annex III to Regulation (EU) No 978/2012 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 and effective implementation of core international conventions on human and labour rights, environmental protection and good governance.

Article 9(1) of Regulation (EU) No 978/2012 of the European Parliament and of the Council (GSP Regulation) establishes the conditions for benefiting from the GSP+. On 28 August 2013, a first list of GSP+ beneficiary countries was adopted by a Commission Delegated Regulation<sup>1</sup> and included as Annex III to the GSP Regulation. If no objection towards that Delegated Regulation is expressed by either the European Parliament or the Council, it will apply from 1 January 2014.

El Salvador, Guatemala and Panama have made a request for GSP+. The Commission has examined their requests and has established that these countries meet the eligibility criteria for GSP+.

Further to a decision to grant GSP+ preferences to El Salvador, Guatemala and Panama, the Commission will keep under review the status of ratification of the relevant conventions and their effective implementation by the beneficiary countries, as well as their cooperation with the relevant monitoring bodies, in accordance with Article 13 of the GSP Regulation.

### **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. The Commission Expert Group on the Generalised Scheme of Preferences was consulted in meetings held on 10 September 2013 and 21 October 2013, and via electronic communication during the months of September 2013 and October 2013.

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

Article 10(4) of the GSP Regulation empowers the Commission to adopt delegated acts to establish and amend its Annex III. The proposed delegated act will amend the list of GSP+ beneficiary countries and add El Salvador, Guatemala and Panama to that list. That proposal should be adopted as soon as possible to allow those countries to benefit from GSP+ at the earliest possible time.

The amendment takes the form of including the three countries mentioned in Annex III to the GSP Regulation.

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<sup>1</sup> C(2013) 5541 final.

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

**of 17.12.2013**

**amending Annex III to 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,

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) No 732/2008<sup>1</sup>, and in particular Article 10(4) thereof,

Whereas:

- (1) Article 9(1) of Regulation (EU) No 978/2012 establishes specific eligibility criteria for the granting of tariff preferences under the special incentive arrangement for sustainable development and good governance (GSP+) to a requesting country. For that purpose, the country should be considered vulnerable. It should have ratified all the conventions listed in Annex VIII to that 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, the country should not have formulated a reservation which is prohibited by that convention or which, for the exclusive purposes of Article 9 of Regulation (EU) No 978/2012, 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 Regulation (EU) No 978/2012.
- (2) A GSP beneficiary country wishing to benefit from GSP+ has to submit a request accompanied by comprehensive information concerning ratification of the relevant conventions, its reservations and the objections to those reservations made by other parties to the convention, and its binding undertakings.
- (3) The Commission has been empowered to adopt a delegated act in accordance with Article 290 TFEU to establish and amend Annex III in order to grant GSP+ to a requesting country by adding it to the list of GSP+ beneficiary countries.
- (4) The Commission received a request from the Republic of El Salvador, the Republic of Guatemala and the Republic of Panama.
- (5) The Commission has examined the requests made in accordance with the provisions of Article 10(1) of Regulation (EU) No 978/2012, and has established that those countries meet the eligibility criteria. They should therefore be granted GSP+ from the date of entry into force of this Regulation and Annex III to Regulation (EU) No 978/2012 be amended accordingly.

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

- (6) The Commission will keep under review the status of ratification of the relevant conventions and their effective implementation by the beneficiary countries, as well as their cooperation with the relevant monitoring bodies, in accordance with Article 13,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following countries and the corresponding alphabetical codes are inserted under columns B and A, respectively, of Annex III to Regulation (EU) No 978/2012

|             |    |
|-------------|----|
| El Salvador | SV |
| Guatemala   | GU |
| Panama      | PA |

*Article 2*

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

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

Done at Brussels, 17.12.2013

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