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#### COVER NOTE

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	25 November 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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No. Cion doc.:	C(2015) 8213 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 25.11.2015 amending Annex III to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences

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Delegations will find attached document C(2015) 8213 final.

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Encl.: C(2015) 8213 final



Brussels, 25.11.2015  
C(2015) 8213 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 25.11.2015**

**amending 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+') provides additional tariff preferences to developing countries which are vulnerable due to a lack of diversification and insufficient integration within the international trading system, when exporting to the EU. The GSP+ supports these countries to assume the special burdens and responsibilities resulting from the ratification of 27 core international conventions on human and labour rights, environmental protection and good governance as well as from their effective implementation

Article 9(1) of Regulation (EU) No 978/2012 of the European Parliament and of the Council<sup>1</sup> ('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.

The Kyrgyz Republic has made a request for GSP+ treatment. The Commission has examined the request and has established that the Kyrgyz Republic meets the eligibility criteria for GSP+.

Further to the decision to grant GSP+ preferences to the Kyrgyz Republic, the Commission will keep under review the status of ratification of the relevant conventions and their effective implementation by the Kyrgyz Republic, as well as its 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 9 July 2015 and 6 October 2015.

### **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 the Kyrgyz Republic to that list. The proposal should be adopted as soon as possible to allow the Kyrgyz Republic to benefit from GSP+ at the earliest possible time.

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

COMMISSION DELEGATED REGULATION (EU) .../...

of 25.11.2015

**amending 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,

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>2</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 Regulation (EU) No 978/2012 and the most recent available conclusions of the relevant monitoring bodies should not identify a serious failure to effectively implement any of those conventions. In relation to any of the relevant conventions, the country should not have formulated a reservation which is prohibited by the 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 to Regulation (EU) No 978/2012 in order to grant GSP+ to a requesting country by adding it to the list of GSP+ beneficiary countries.
- (4) On 25 May 2015, the Commission received a GSP+ request from the Kyrgyz Republic.

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<sup>2</sup> OJ L 303, 31.10.2012, p. 1.

- (5) The Commission has examined the request made in accordance with the provisions of Article 10(1) of Regulation (EU) No 978/2012, and has established that the Kyrgyz Republic meets the eligibility criteria. The Kyrgyz Republic should therefore be granted GSP+ from the date of entry into force of this Regulation and Annex III to Regulation (EU) No 978/2012 should be amended accordingly.
- (6) The Commission will keep under review the status of ratification of the relevant conventions and their effective implementation by the Kyrgyz Republic, as well as the Kyrgyz Republic's cooperation with the relevant monitoring bodies, in accordance with Article 13 of Regulation (EU) No 978/2012,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 978/2012 is amended as follows:

In Annex III, the following country and the corresponding alphabetical code is inserted under columns B and A, respectively:

Kyrgyz Republic	KG
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*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, 25.11.2015

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*