

Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004

TITLE II

TARIFF PREFERENCES

Section 5

Common provisions

Article 11

Tariff preferences on products which are subject to anti-dumping or countervailing measures under Regulations (EC) No 384/96⁽¹⁾ or (EC) No 2026/97⁽²⁾, imposed after the entry into force of this Regulation and based on the injury margin, shall be limited to the tariff preferences reflected by the import prices from which that injury margin was derived.

Article 12

1 The tariff preferences referred to in Articles 7 and 10 shall be removed in respect of products originating in a beneficiary country, of a sector which has met, during three consecutive years, either of the following criteria:

- a — the country's development index, as defined in Annex II, is higher than – 2, and
 - Community imports from that country of all products of the sector concerned and included in the arrangements enjoyed by that country exceed 25 % of Community imports of the same products from all countries and territories listed in Annex I;
- b — the country's development index, as defined in Annex II, is higher than – 2, and
 - the specialisation index of the sector concerned is higher than the threshold corresponding to that country's development index, as defined in Annex II, and
 - Community imports from that country of all products of the sector concerned and included in the arrangements enjoyed by that country exceed 2 % of Community imports of the same products from all countries and territories listed in Annex I.

2 Where a sector, in respect of which tariff preferences had been removed according to column D of Annex I or to a decision taken subsequently in accordance with this Article, has not met, during three consecutive years, either of the criteria set out in paragraph 1, the tariff preferences shall be re-established.

[^{F13} On the basis of the most recent data available on 1 September of each year, the Commission shall establish which sectors meet the conditions laid down in paragraphs 1 and 2. However, paragraphs 1 and 2 shall not apply to beneficiary countries whose exports to the Community account for less than 1 % in value of total Community imports of products covered

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2501/2001, Section 5. (See end of Document for details)

by the Community preference scheme in at least one of the three years referred to in paragraphs 1 and 2. Similarly, tariff preferences removed pursuant to column D of Annex 1 shall be restored.]

4 The Commission shall publish a notice in the *Official Journal of the European Communities*, listing the sectors which meet the criteria set out in paragraph 1 in respect of the most recent year for which data are available.

5 Upon the entry into force of this Regulation, and before the end of each year, the Commission shall decide, in accordance with the procedure referred to in Article 38, to remove tariff preferences in respect of sectors which meet the condition set out in paragraph 1 and to re-establish tariff preferences for sectors which meet the condition set out in paragraph 2.

[^{F26} The first decision taken in accordance with paragraph 5 shall apply as follows:
— it shall apply with respect to the removal of tariff preferences by 50 % as from 1 November 2003 and by 100 % as from 1 May 2004, in accordance with the procedure laid down in paragraph 1; and
— it shall apply as from 1 January 2003 with respect to the re-establishment of tariff preferences, in accordance with the procedure laid down in paragraph 2.

Subsequently, decisions taken in accordance with paragraph 5 shall enter into force on 1 January of the second year following the one during which they were taken.]

7 The Commission shall notify a decision taken in accordance with paragraph 5 to the beneficiary country concerned and inform it of the date on which that decision enters into force.

[^{F38} Where a beneficiary country records a decrease of at least 3 % of its real Gross Domestic Product, expressed in its national currency and in respect of the most recent 12-month period for which data are available, paragraph 1 shall not apply to the decisions taken in accordance with paragraph 5.]

Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2211/2003 of 15 December 2003 amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 and extending it to 31 December 2005.
- F2** Substituted by Council Regulation (EC) No 814/2003 of 8 May 2003 amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004.
- F3** Inserted by Council Regulation (EC) No 814/2003 of 8 May 2003 amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004.

Article 13

1 Where the rate of an *ad valorem* duty reduced in accordance with the provisions of this Title is 1 % or less, that duty shall be entirely suspended.

2 Where the rate of a specific duty reduced in accordance with the provisions of this Title is EUR 2 or less per individual euro amount, that duty shall be entirely suspended.

3 Subject to paragraphs 1 and 2, the final rate of preferential duty calculated in accordance with this Regulation shall be rounded down to the first decimal place.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2501/2001, Section 5. (See end of Document for details)

- (1) [OJ L 56, 6.3.1996, p. 1](#). Regulation as last amended by Regulation (EC) No 2238/2000 ([OJ L 257, 11.10.2000, p. 2](#)).
- (2) [OJ L 288, 21.10.1997, p. 1](#).

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 2501/2001, Section 5.