

Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007 (repealed)

CHAPTER I

GENERAL PROVISIONS

Article 1

- 1 The scheme of generalised tariff preferences (hereinafter referred to as the scheme) shall apply in accordance with this Regulation.
- 2 This Regulation provides for the following tariff preferences:
 - a a general arrangement;
 - b a special incentive arrangement for sustainable development and good governance; and
 - c a special arrangement for the least-developed countries.

Article 2

For the purposes of this Regulation:

- (a) 'Common Customs Tariff duties' means the duties specified in Part Two of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, except those duties set up within the framework of tariff quotas;
- (b) 'section' means any of the sections of the Common Customs Tariff as laid down by Regulation (EEC) No 2658/87. Section XI shall be treated as being made up of two separate sections, with Section XI(a) comprising Chapters 50-60 of the Common Customs Tariff, and Section XI(b) comprising Chapters 61-63 of the Common Customs Tariff;
- (c) 'beneficiary countries and territories' means countries and territories listed in Annex I to this Regulation.

Article 3

1 A beneficiary country shall be removed from the scheme when it has been classified by the World Bank as a high-income country during three consecutive years, and when the value of imports for the five largest sections of its imports covered by the GSP into the Community represents less than 75 % of the total GSP-covered imports from that beneficiary country into the Community.

2 When a beneficiary country benefits from a preferential trade agreement with the Community which covers all the preferences provided for by the present scheme to that country, it shall be removed from the list of beneficiary countries.

The Commission shall inform the Committee referred to in Article 27 about the preferences provided by the preferential trade agreement referred to in the first subparagraph.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

3 The Commission shall notify the beneficiary country concerned of its removal from the list of beneficiary countries.

Article 4

The products included in the arrangements referred to in Article 1(2)(a) and (b) are listed in Annex II.

Article 5

1 The tariff preferences provided shall apply to imports of products included in the arrangement enjoyed by the beneficiary country in which they originate.

2 For the purposes of the arrangements referred to in Article 1(2), the rules of origin concerning the definition of the concept of originating products, the procedures and the methods of administrative cooperation related thereto, shall be those laid down in Regulation (EEC) No 2454/93.

3 Regional cumulation within the meaning and provisions of Regulation (EEC) No 2454/93 shall also apply where a product used in further manufacture in a country belonging to a regional group originates in another country of the group, which does not benefit from the arrangements applying to the final product, provided that both countries benefit from regional cumulation for that group.

CHAPTER II

ARRANGEMENTS AND TARIFF PREFERENCES

SECTION 1

General arrangement

Article 6

1 Common Customs Tariff duties on products listed in Annex II as non-sensitive products shall be suspended entirely, except for agricultural components.

2 Common Customs Tariff *ad valorem* duties on products listed in Annex II as sensitive products shall be reduced by 3,5 percentage points. For products from Sections XI(a) and XI(b), this reduction shall be 20 %.

3 Where preferential duty-rates, calculated in accordance with Article 7 of Regulation (EC) No 980/2005, on the Common Customs Tariff *ad valorem* duties applicable on 25 August 2008, provide for a tariff reduction, for the products referred to in paragraph 2 of this Article, of more than 3,5 percentage points, those preferential duty-rates shall apply.

4 Common Customs Tariff specific duties, other than minimum or maximum duties, on products listed in Annex II as sensitive products shall be reduced by 30 %.

5 Where Common Customs Tariff duties on products listed in Annex II as sensitive products include *ad valorem* duties and specific duties, the specific duties shall not be reduced.

6 Where duties reduced in accordance with paragraphs 2 and 4 specify a maximum duty, that maximum duty shall not be reduced. Where such duties specify a minimum duty, that minimum duty shall not apply.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

7 The tariff preferences referred to in paragraphs 1, 2, 3 and 4 shall not apply to products from sections in respect of which those tariff preferences have been removed, for the country of origin concerned, in accordance with Article 13 and Article 20(8) as listed in column C of Annex I.

SECTION 2

Special incentive arrangement for sustainable development and good governance

Article 7

1 Common Customs Tariff *ad valorem* duties on all products listed in Annex II which originate in a country included in the special incentive arrangement for sustainable development and good governance shall be suspended.

2 Common Customs Tariff specific duties on products referred to in paragraph 1 shall be suspended entirely, except for products for which the Common Customs Tariff duties include *ad valorem* duties. For products with CN code 1704 10 90, the specific duty shall be limited to 16 % of the customs value.

3 For a beneficiary country, the special incentive arrangement for sustainable development and good governance shall not include products from the sections for which, according to column C of Annex I, these tariff preferences have been withdrawn.

Article 8

1 The special incentive arrangement for sustainable development and good governance may be granted to a country which:

- a has ratified and effectively implemented all the conventions listed in Annex III;
- b gives an undertaking to maintain the ratification of the conventions and their implementing legislation and measures, and accepts regular monitoring and review of its implementation record in accordance with the implementation provisions of the conventions it has ratified; and
- c is considered to be a vulnerable country as defined in paragraph 2.

2 For the purposes of this Section a vulnerable country means a country:

- a which is not classified by the World Bank as a high-income country during three consecutive years, and of which the five largest sections of its GSP-covered imports into the Community represent more than 75 % in value of its total GSP-covered imports; and
- b of which the GSP-covered imports into the Community represent less than 1 % in value of the total GSP-covered imports into the Community.

The data to be used are:

- a for the purpose of Article 9(a)(i) — those available on 1 September 2007, as an annual average over three consecutive years;
- b for the purpose of Article 9(a)(ii) — those available on 1 September 2009, as an annual average over three consecutive years.

3 The Commission shall keep under review the status of ratification and effective implementation of the conventions listed in Annex III by examining available information from relevant monitoring bodies. The Commission shall inform the Council if this information indicates that there has been a diversion, by a beneficiary country, from the effective implementation of any of the conventions.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

In time for discussion on the next Regulation, the Commission shall present, to the Council, a summary report on the status of ratification and available recommendations by relevant monitoring bodies.

Article 9

1 Without prejudice to paragraph 3, the special incentive arrangement for sustainable development and good governance shall be granted if the following conditions are met:

- a a country or territory listed in Annex I has made a request to that effect either:
 - (i) by 31 October 2008, to be granted the special incentive arrangement as from 1 January 2009;
 - or
 - (ii) by 30 April 2010, to be granted the special incentive arrangement as from 1 July 2010;
- and
- b an examination of the request shows that the requesting country or territory fulfils the conditions laid down in Article 8(1) and (2).

2 The requesting country shall submit its request to the Commission in writing, and shall provide comprehensive information concerning the ratification of the conventions referred to in Annex III, the legislation and measures to implement the provisions of the conventions effectively, and its commitment to accept and comply fully with the monitoring and review mechanism envisaged in the relevant conventions and related instruments.

3 Those countries which were granted the special incentive arrangement for sustainable development and good governance under Regulation (EC) No 980/2005 shall also submit a request, in accordance with paragraphs 1 and 2 of this Article. Countries granted the special incentive arrangement for sustainable development and good governance on the basis of a request under paragraph 1(a)(i) shall not be required to submit a request under paragraph 1(a)(ii).

Article 10

1 The Commission shall examine the request accompanied by the information referred to in Article 9(2). When examining the request the Commission shall take account of the findings of the relevant international organisations and agencies. It may ask the requesting country any questions which it considers relevant, and may verify the information received with the requesting country or with any other relevant sources.

2 After having examined the request the Commission shall decide in accordance with the procedure referred to in Article 27(4) whether to grant the requesting country the special incentive arrangement for sustainable development and good governance.

3 The Commission shall notify the requesting country of a decision taken in accordance with paragraph 2. Where a country is granted the special incentive arrangement, it shall be informed of the date on which that decision enters into force. The Commission shall publish a notice in the *Official Journal of the European Union*, listing the countries benefiting from the special incentive arrangement for sustainable development and good governance:

- a by 15 December 2008, for a request under Article 9(1)(a)(i); or
- b by 15 June 2010 for a request under Article 9(1)(a)(ii).

4 Where the requesting country is not granted the special incentive arrangement, the Commission shall give the reasons, if that country so requests.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

5 The Commission shall conduct all relations with a requesting country concerning the request acting in accordance with the procedure referred to in Article 27(4).

6 The special incentive arrangement for sustainable development and good governance granted under Council Regulation (EC) No 980/2005 shall continue to be granted from 1 January 2009 to any country still subject to an investigation initiated under Article 18(2) of that Regulation, until the date of conclusion of such investigation under this Regulation.

SECTION 3

Special arrangement for the least-developed countries

Article 11

1 Without prejudice to paragraphs 2 and 3, the Common Customs Tariff duties on all products from Chapters 1 to 97 of the Harmonised System except those from Chapter 93 thereof, originating in a country which according to Annex I benefits from the special arrangement for the least-developed countries, shall be suspended entirely.

2 The Common Customs Tariff duties on the products under tariff heading 1006 shall be reduced by 80 % until 31 August 2009, and suspended entirely with effect from 1 September 2009.

3 The Common Customs Tariff duties on the products under tariff heading 1701 shall be reduced by 80 % until 30 September 2009, and suspended entirely with effect from 1 October 2009.

4 For the period from 1 October 2009 to 30 September 2012 the importer of products under tariff heading 1701 shall undertake to purchase such products at a minimum price not lower than 90 % of the reference price (on a cif basis) set in Article 3 of Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽²⁾ for the relevant marketing year.

5 Until Common Customs Tariff duties on the products under tariff headings 1006 and 1701 are entirely suspended in accordance with paragraphs 2 and 3, a global tariff quota at zero duty shall be opened for every marketing year for products under tariff heading 1006 and subheading 1701 11 10 respectively, originating in the countries benefiting from this special arrangement. The tariff quotas for the marketing year 2008/2009 shall be equal to 6 694 tonnes, husked rice equivalent, for products under tariff heading 1006 and 204 735 tonnes, white sugar equivalent, for products under subheading 1701 11 10.

6 For the period from 1 October 2009 to 30 September 2015, imports of products under tariff heading 1701 shall require an import licence.

7 The Commission shall adopt detailed rules for implementing the provisions referred to in paragraphs 4, 5 and 6 of this Article in accordance with the procedure referred to in Article 195 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽³⁾.

8 When a country is excluded by the UN from the list of the least-developed countries, it shall be withdrawn from the list of the beneficiaries of this arrangement. The removal of a country from the arrangement and the establishment of a transitional period of at least three years shall be decided by the Commission, in accordance with the procedure referred to in Article 27(4).

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

Article 12

Article 11(3) and (5) that refer to products under tariff subheading 1701 11 10 shall not apply to products originating in countries benefiting from the preferences referred to in this section and released for free circulation in the French overseas departments.

SECTION 4

Common provisions

Article 13

1 The tariff preferences referred to in Articles 6 and 7 shall be removed, in respect of products originating in a beneficiary country of a section, when the average value of Community imports from that country of products included in the section concerned and covered by the arrangement enjoyed by that country exceeds 15 % of the value of Community imports of the same products from all beneficiary countries and territories over three consecutive years, on the basis of the most recent data available on 1 September 2007. For each of the Sections XI(a) and XI(b), the threshold shall be 12,5 %.

2 The sections removed in accordance with paragraph 1 are listed in column C of Annex I. The sections thus removed shall remain so for the period of application of this Regulation as referred to in Article 32(2).

3 The Commission shall notify a beneficiary country of the removal of a section.

4 Paragraph 1 shall not apply to a beneficiary country in respect of any section which represents more than 50 % in value of all GSP-covered imports into the Community originating from that country.

5 The statistical source to be used for the purpose of this Article shall be Eurostat's external trade statistics.

Article 14

1 Where the rate of an *ad valorem* duty for an individual import declaration reduced in accordance with this Chapter is 1 % or less, that duty shall be suspended entirely.

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

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.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

CHAPTER III

TEMPORARY WITHDRAWAL AND SAFEGUARD PROVISIONS

SECTION 1

Temporary withdrawal

Article 15

1 The preferential arrangements provided for in this Regulation may be withdrawn temporarily, in respect of all or of certain products originating in a beneficiary country, for any of the following reasons:

- a the serious and systematic violation of principles laid down in the conventions listed in Part A of Annex III, on the basis of the conclusions of the relevant monitoring bodies;
- b the export of goods made by prison labour;
- c serious shortcomings in customs controls on the export or transit of drugs (illicit substances or precursors), or failure to comply with international conventions on money-laundering;
- d serious and systematic unfair trading practices which have an adverse effect on the Community industry and which have not been addressed by the beneficiary country. For those unfair trading practices which are prohibited or actionable under the WTO Agreements, the application of this Article shall be based on a previous determination to that effect by the competent WTO body;
- e the serious and systematic infringement of the objectives of regional fishery organisations or arrangements of which the Community is a member concerning the conservation and management of fishery resources.

2 Without prejudice to paragraph 1, the special incentive arrangement referred to in Section 2 of Chapter II may be withdrawn temporarily, in respect of all or of certain products included in this arrangement and originating in a beneficiary country, in particular if the national legislation no longer incorporates those conventions referred to in Annex III which have been ratified in fulfilment of the requirements of Article 8(1) and (2) or if that legislation is not effectively implemented.

3 The preferential arrangements provided for in this Regulation shall not be withdrawn pursuant to paragraph 1(d) in respect of products which are subject to anti-dumping or countervailing measures under Regulations (EC) No 384/96⁽⁴⁾ or (EC) No 2026/97⁽⁵⁾, for the reasons which justify those measures.

Article 16

1 The preferential arrangements provided for in this Regulation may be withdrawn temporarily, in respect of all or of certain products originating in a beneficiary country, in cases of fraud, irregularities or systematic failure to comply with or to ensure compliance with the rules concerning the origin of the products and with the procedures related thereto, or failure to provide the administrative cooperation as required for the implementation and policing of the arrangements referred to in Article 1(2).

2 The administrative cooperation referred to in paragraph 1 requires, *inter alia*, that a beneficiary country:

- a communicate to the Commission and update the information necessary for the implementation of the rules of origin and the policing thereof;

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

- b assist the Community by carrying out, at the request of the customs authorities of the Member States, subsequent verification of the origin of the goods, and communicate its results in time;
- c assist the Community by allowing the Commission, in coordination and close cooperation with the competent authorities of the Member States, to conduct Community administrative and investigative cooperation missions in that country, in order to verify the authenticity of documents or the accuracy of information relevant for granting the benefit of the arrangements referred to in Article 1(2);
- d carry out or arrange for appropriate inquiries to identify and prevent contravention of the rules of origin;
- e comply with or ensure compliance with the rules of origin in respect of regional cumulation, within the meaning of Regulation (EEC) No 2454/93, if the country benefits therefrom;
- f assist the Community in the verification of conduct where there is the presumption of origin-related fraud. The existence of fraud may be presumed where imports of products under the preferential arrangements provided for in this Regulation massively exceed the usual levels of the beneficiary country's exports.

3 The Commission may suspend the preferential arrangements provided for in this Regulation, in respect of all or of certain products originating in a beneficiary country, where it considers that there is sufficient evidence that temporary withdrawal would be justified for the reasons referred to in paragraphs 1 and 2, provided that it has first:

- a informed the Committee referred to in Article 27;
- b called on the Member States to take such precautionary measures as are necessary, in order to safeguard the Community's financial interests and/or secure compliance by the beneficiary country with its obligations; and
- c published a notice in the *Official Journal of the European Union* stating that there are grounds for reasonable doubt about the application of the preferential arrangements and/or compliance by the beneficiary country with its obligations, which may call into question its right to continue to enjoy the benefits granted by this Regulation.

The Commission shall inform the beneficiary country concerned of any decision taken in accordance with this paragraph, before it becomes effective. The Commission shall also notify the Committee referred to in Article 27.

4 Any Member State may refer a decision taken in accordance with paragraph 3 to the Council within one month. The Council, acting by a qualified majority, may take a different decision within one month.

5 The period of suspension shall not exceed six months. On conclusion of the period, the Commission shall decide either to terminate the suspension after informing the Committee referred to in Article 27 or to extend the period of suspension in accordance with the procedure referred to in paragraph 3 of this Article.

6 Member States shall communicate to the Commission all relevant information that may justify the suspension of preferences or its extension.

Article 17

1 Where the Commission or a Member State receives information that may justify temporary withdrawal and where the Commission or a Member State considers that there are sufficient grounds for an investigation, it shall inform the Committee referred to in Article 27 and request consultations. The consultations shall take place within one month.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

2 Following the consultations, the Commission may decide, within one month and in accordance with the procedure referred to in Article 27(5), to initiate an investigation.

Article 18

1 Where the Commission decides to initiate an investigation, it shall publish a notice in the *Official Journal of the European Union* announcing the investigation, and notify the beneficiary country concerned thereof. The notice shall provide a summary of the information received, and state that any relevant information should be sent to the Commission. It shall specify the period, which may not exceed four months from the date of publication of the notice, within which interested parties may make their views known in writing.

2 The Commission shall provide the beneficiary country concerned with every opportunity to cooperate in the investigation.

3 The Commission shall seek all information it considers necessary, including the available assessments, comments, decisions, recommendations and conclusions of the relevant supervisory bodies of the UN, the ILO and other competent international organisations. These shall serve as the point of departure for the investigation into whether temporary withdrawal is justified for the reason referred to in Article 15(1)(a). The Commission may verify the information received with economic operators and the beneficiary country concerned.

4 The Commission may be assisted by officials of the Member State on whose territory verification might be sought, if that Member State so requests.

5 Where information requested by the Commission is not provided within the period specified in the notice announcing the investigation, or the investigation is significantly impeded, findings may be made on the basis of the facts available.

6 The investigation shall be completed within one year. The Commission may extend this period, in accordance with the procedure referred to in Article 27(5).

Article 19

1 The Commission shall submit a report on its findings to the Committee referred to in Article 27.

2 Where the Commission considers that the findings do not justify temporary withdrawal, it shall decide, in accordance with the procedure referred to in Article 27(5), to terminate the investigation. In that case, the Commission shall publish a notice in the *Official Journal of the European Union*, announcing the termination of the investigation and setting out its main conclusions.

3 Where the Commission considers that the findings justify temporary withdrawal for the reason referred to in Article 15(1)(a), it shall decide, in accordance with the procedure referred to in Article 27(5), to monitor and evaluate the situation in the beneficiary country concerned for a period of six months. The Commission shall notify the beneficiary country concerned of this decision and shall publish a notice in the *Official Journal of the European Union*, announcing that it intends to submit a proposal to the Council for temporary withdrawal, unless, before the end of the period, the beneficiary country concerned makes a commitment to take the measures necessary to conform, in a reasonable period of time, with the conventions referred to in Part A of Annex III.

4 Where the Commission considers temporary withdrawal to be necessary, it shall submit an appropriate proposal to the Council, which shall decide within two months by a qualified majority. In the case referred to in paragraph 3, the Commission shall submit its proposal at the end of the period referred to in that paragraph.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

5 Where the Council decides on temporary withdrawal, such decision shall enter into force six months after it is taken, unless the Council, following an appropriate proposal by the Commission decides before then that the reasons justifying it no longer prevail.

SECTION 2

Safeguard clause

Article 20

1 Where a product originating in a beneficiary country is imported on terms which cause, or threaten to cause, serious difficulties to a Community producer of like or directly competing products, normal Common Customs Tariff duties on that product may be reintroduced at any time at the request of a Member State or on the Commission's initiative.

2 The Commission shall take a formal decision, within a reasonable period of time, to initiate an investigation. Where the Commission decides to initiate an investigation, it shall publish a notice, in the *Official Journal of the European Union*, announcing the investigation. The notice shall provide a summary of the information received, and state any relevant information to be sent to the Commission. It shall specify the period, which shall not exceed four months from the date of publication of the notice, within which interested parties may make their views known in writing.

3 The Commission shall seek all information which it deems necessary, and may verify the information received with the beneficiary country concerned and any other relevant source. It may be assisted by officials of the Member State on whose territory verification might be sought, if that Member State so requests.

4 In examining whether there are serious difficulties, the Commission shall take account, *inter alia*, of the following factors concerning Community producers, where the information is available:

- a market share;
- b production;
- c stocks;
- d production capacity;
- e bankruptcies;
- f profitability;
- g capacity utilisation;
- h employment;
- i imports;
- j prices.

5 The investigation shall be completed within six months from the date of publication of the notice referred to in paragraph 2. The Commission may, in the case of exceptional circumstances and after consultation of the Committee referred to in Article 27, extend this period in accordance with the procedure referred to in Article 27(5).

6 The Commission shall take a decision within one month, in accordance with the procedure referred to in Article 27(5). Such decision shall enter into force within one month from the date of its publication in the *Official Journal of the European Union*.

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

7 Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may, after informing the Committee referred to in Article 27, take any preventive measure which is strictly necessary.

8 The Commission, on 1 January of each year during the period of application of this Regulation as referred to in Article 32(2), on its own initiative or at the request of a Member State and after informing the Committee referred to in Article 27, shall remove the preferences referred to in Article 6 and 7 with respect to the products from Section XI(b) where imports of those products, as referred to in Article 13(1), originating in a beneficiary country:

- a increase by at least 20 % in quantity (by volume), as compared with the previous calendar year; or
- b exceed 12,5 % of the value of Community imports of products from Section XI(b) from all countries and territories listed in Annex I during any period of twelve months.

This provision shall not apply to countries benefiting from the special arrangement for the least-developed countries referred to in Article 11, nor to countries with a share of imports into the Community, as defined in Article 13(1), not exceeding 8 %. The removal of the preferences shall take effect two months after the date of publication of the Commission's decision to this effect in the *Official Journal of the European Union*.

Article 21

Where imports of products included in Annex I to the Treaty cause, or threaten to cause, serious disturbance to Community markets, in particular to one or more of the outermost regions, or these markets' regulatory mechanisms, the Commission, on its own initiative or at the request of a Member State, may suspend the preferential arrangements in respect of the products concerned after consulting the management committee for the relevant common market organisation.

Article 22

1 The Commission shall inform the beneficiary country concerned as soon as possible of any decision taken in accordance with Article 20 or 21 before it becomes effective. The Commission shall also notify the Council and the Member States thereof.

2 Any Member State may refer a decision taken in accordance with Article 20 or 21 to the Council within one month. The Council, acting by qualified majority, may adopt a different decision within one month.

SECTION 3

Surveillance measures in the agricultural sector

Article 23

1 Without prejudice to Article 20, products from Chapters 1 to 24 of the Common Customs Tariff originating in beneficiary countries, may be subject to a special surveillance mechanism, in order to avoid disturbances to the Community's market. The Commission, on its own initiative or at the request of a Member State, shall decide on the products to which this surveillance mechanism shall be applied.

2 In the case of application of Article 20 to products from Chapters 1 to 24 of the Common Customs Tariff originating in beneficiary countries, the periods mentioned in Article 20(2) and (5) shall be reduced to two months in the following cases:

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Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

- a when the beneficiary country concerned does not ensure compliance with the rules of origin or does not provide the administrative cooperation referred to in Article 16; or
- b when imports of products from Chapters 1 to 24 under the preferential arrangements granted under this Regulation massively exceed the usual levels of exports from the beneficiary country concerned.

SECTION 4

Common provision

Article 24

Nothing in this Chapter shall affect the application of safeguard clauses adopted as part of the Common Agricultural Policy under Article 37 of the Treaty, or as part of the Common Commercial Policy under Article 133 of the Treaty, or any other safeguard clauses which may be applied.

CHAPTER IV

PROCEDURAL PROVISIONS

Article 25

The Commission shall, in accordance with the procedure referred to in Article 27(5), adopt amendments to the Annexes to this Regulation made necessary:

- (a) by amendments to the Combined Nomenclature;
- (b) by changes in the international status or classification of countries or territories;
- (c) by the application of Article 3(2);
- (d) if a country has reached the thresholds set out in Article 3(1);
- (e) for the establishment of the list of beneficiary countries in accordance with Article 10.

Article 26

1 Within six weeks of the end of each quarter, Member States shall send the Eurostat their statistical data on products placed under the customs procedure of release for free circulation during that quarter under the tariff preferences provided for in this Regulation according to Council Regulation (EC) No 1172/95⁽⁶⁾ and Commission Regulation (EC) No 1917/2000⁽⁷⁾. These data, supplied by reference to the Combined Nomenclature codes and, where applicable, the TARIC codes, shall show, by country of origin, the values, quantities and any supplementary units required in accordance with the definitions in Council Regulation (EC) No 1172/95 and Commission Regulation (EC) No 1917/2000.

2 In accordance with Article 308(d) of Regulation (EEC) No 2454/93, Member States shall forward to the Commission, at its request, details of the quantities of products released for free circulation under the tariff preferences provided for in this Regulation, during the previous months. These data shall include the products referred to in paragraph 3.

3 The Commission shall, in close cooperation with Member States, monitor the imports of products with CN codes 0603, 0803 00 19, 1006, 1604 14, 1604 19 31, 1604 19 39, 1604 20

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

70, 1701, 1704, 1806 10 30, 1806 10 90, 2002 90, 2103 20, 2106 90 59, 2106 90 98 and 6403, in order to determine whether the conditions referred to in Articles 20 and 21 are fulfilled.

Article 27

1 Without prejudice to Article 11(7), the Commission shall be assisted by a Generalised Preferences Committee (hereinafter referred to as the Committee).

2 The Committee may examine any matter relating to the application of this Regulation, raised by the Commission or at the request of a Member State.

3 The Committee shall examine the effects of the scheme, on the basis of a report from the Commission covering the period since 1 January 2006. This report shall cover all of the preferential arrangements referred to in Article 1(2), and shall be presented in time for the discussion on the next Regulation.

4 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

5 Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

CHAPTER V

AMENDMENTS TO REGULATIONS (EC) No 552/97, (EC) No 1933/2006, (EC) No 1100/2006 and (EC) No 964/2007

Article 28

Regulation (EC) No 552/97 is hereby amended as follows:

1. in Article 1, the words: ‘Regulation (EC) No 3281/94 and Regulation (EC) No 1256/96’ shall be replaced by the words ‘Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011⁽⁸⁾’.
2. in Article 2, the words ‘Article 9(1), first indent, of Regulation (EC) No 3281/94 and Article 9(1), first indent, of Regulation (EC) No 1256/96’ shall be replaced by the words ‘Article 15(1)(a) of Regulation (EC) No 732/2008’.

Article 29

In Regulation (EC) No 1933/2006, the words in Article 1 ‘Regulation (EC) No 980/2005’ shall be replaced by the words ‘Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011⁽⁹⁾’.

Article 30

Regulation (EC) No 1100/2006 is hereby amended as follows:

1. in the first indent of Article 1, the words ‘Article 12(5) of Regulation (EC) No 980/2005’ shall be replaced by the words ‘Article 11(5) of Council Regulation

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

(EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011⁽¹⁰⁾

2. in the second indent of Article 1, the words ‘Article 12(4) and (5) of Regulation (EC) No 980/2005’ shall be replaced by the words ‘Article 11(3) and (5) of Regulation (EC) No 732/2008’;
3. in Article 3(1), the first and second subparagraphs shall be replaced by the following:

‘The following global tariff quotas at zero duty, expressed as “white-sugar” equivalent, shall be opened for imports of raw cane-sugar for refining of CN code 1701 11 10, originating in a country which, according to Annex I to Regulation (EC) No 732/2008, benefits from the special arrangement for least developed countries:

 - 178 030,75 tonnes for the marketing year from 1 October 2007 to 30 September 2008,
 - 204 735 tonnes for the marketing year from 1 October 2008 to 30 September 2009.

The quotas shall bear the order numbers 09.4361 and 09.4362, respectively.’;
4. Article 3(2) shall be amended as follows:
 - (a) the first subparagraph shall be replaced by the following:
 2. For imports, other than those referred to in paragraph 1, of products of tariff heading 1701 originating in least developed countries, the Common Customs Tariff (CCT) duties, as well as the additional duties referred to in Article 27 of Regulation (EC) No 318/2006 and subject to Article 36 of Regulation (EC) No 951/2006, shall be reduced in accordance with Article 11(3) of Regulation (EC) No 732/2008 by 50 % on 1 July 2007, by 80 % on 1 July 2008, and suspended entirely with effect from 1 October 2009.;
 - (b) in point (c) of the third subparagraph, the word ‘June’ shall be replaced by the word ‘September’;
 - (c) point (d) of the third subparagraph is deleted;
5. in Article 5(7)(d), the words ‘the approved operator's pledge’ shall be replaced by the words ‘the applicant's pledge’;
6. in Article 5(8)(a), the words ‘Annex I to Regulation (EC) No 980/2005’ shall be replaced by the words ‘Annex I to Regulation (EC) No 732/2008’;
7. in the first indent of Article 5(8)(c), the words ‘Article 12(5) of Regulation (EC) No 980/2005’ shall be replaced by the words ‘Article 11(5) of Regulation (EC) No 732/2008’;
8. in the second indent of Article 5(8)(c), the words ‘Article 12(4) of Regulation (EC) No 980/2005’ shall be replaced by the words ‘Article 11(3) of Regulation (EC) No 732/2008’;
9. In Article 10(2), the words ‘Article 12(4) of Regulation (EC) No 980/2005’ shall be replaced by the words ‘Article 11(3) of Regulation (EC) No 732/2008’.

Article 31

Regulation (EC) No 964/2007 is hereby amended as follows:

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

1. in the first subparagraph of Article 1(1), the words ‘Article 12(5) of Regulation (EC) No 980/2005’ are replaced by the words ‘Article 11(5) of Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011⁽¹⁾’.
2. In the second subparagraph of Article 1(1), the words ‘Annex I to Regulation (EC) No 980/2005’ are replaced by the words ‘Annex I to Regulation (EC) No 732/2008’.

CHAPTER VI

FINAL PROVISIONS

Article 32

1 This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

2 It shall apply from 1 January 2009 until 31 December 2011. However, the expiry date shall not apply to the special arrangement for the least-developed countries, nor, to the extent that they are applied in conjunction with that arrangement, to any other provisions of this Regulation.

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

Done at Brussels, 22 July 2008.

For the Council

The President

B. KOUCHNER

Status: Point in time view as at 22/07/2008.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed). (See end of Document for details)

- (1) [OJ L 256, 7.9.1987, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 360/2008 ([OJ L 111, 23.4.2008, p. 9](#)).
- (2) [OJ L 58, 28.2.2006, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 1260/2007 ([OJ L 283, 27.10.2007, p. 1](#)).
- (3) [OJ L 299, 16.11.2007, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 510/2008 ([OJ L 149, 7.6.2008, p. 61](#)).
- (4) Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ([OJ L 56, 6.3.1996, p. 1](#)). Regulation as last amended by Regulation (EC) No 2117/2005 ([OJ L 340, 23.12.2005, p. 17](#)).
- (5) Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidized imports from countries not members of the European Community ([OJ L 288, 21.10.1997, p. 1](#)). Regulation as last amended by Regulation (EC) No 461/2004 ([OJ L 77, 13.3.2004, p. 12](#)).
- (6) Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries ([OJ L 118, 25.5.1995, p. 10](#)). Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1](#)).
- (7) Commission Regulation (EC) No 1917/2000 of 7 September 2000 laying down certain provisions for the implementation of Council Regulation (EC) No 1172/95 as regards statistics on external trade ([OJ L 229, 9.9.2000, p. 14](#)). Regulation as last amended by Regulation (EC) No 1949/2005 ([OJ L 312, 29.11.2005, p. 10](#)).
- (8) [OJ L 211, 6.8.2008, p. 1](#)’;
- (9) [OJ L 211, 6.8.2008, p. 1](#)’.
- (10) [OJ L 211, 6.8.2008, p. 1](#)’;
- (11) [OJ L 211, 6.8.2008, p. 1](#)’;

Status:

Point in time view as at 22/07/2008.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 732/2008 (repealed).