Commission Delegated Regulation (EU) 2020/128 of 25 November 2019 amending Annex II to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences

COMMISSION DELEGATED REGULATION (EU) 2020/128

of 25 November 2019

amending Annex II 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[(1)], and in particular Article 5(3) thereof,

Whereas:

(1) Article 4 of the Regulation (EU) No 978/2012 of the European Parliament and of the Council establishes the criteria for granting tariff preferences under the general arrangement of the Generalised Scheme of Preferences ('GSP').

(2) Article 4(1)(a) of Regulation (EU) No 978/2012 provides that a country that has been classified by the World Bank as a high-income or an upper-middle income country for three consecutive years immediately prior to the updating of list of beneficiary countries should no longer benefit from GSP.

(3) The list of beneficiary countries under the GSP referred to in point (a) of Article 1(2) of Regulation (EU) No 978/2012 is established in Annex II to that Regulation. Pursuant to Article 5(2) of Regulation (EU) No 978/2012, the Commission should review Annex II by 1 January each year in order to amend the status of the listed countries in accordance with the criteria laid down in Article 4.

(4) Pursuant to point (a) of Article 5(2) of Regulation (EU) No 978/2012 a GSP beneficiary country and economic operators should be given sufficient time for an orderly change to the country's GSP status. Accordingly, the GSP arrangement should continue for one year after the date of entry into force of a change in a country's status pursuant to Article 4(1)(a) of Regulation (EU) No 978/2012.

(5) Nauru, Samoa and Tonga have been classified by the World Bank as upper-middle income countries in 2017, 2018 and 2019. Accordingly, they no longer qualify for GSP beneficiary status under Article 4(1)(a) and should be removed from Annex II of Regulation (EU) No 978/2012. The GSP arrangement for those countries should continue for one year after the date of entry into force of the decision to remove those countries from Annex II of Regulation (EU) No 978/2012. Therefore, in the interest of simplicity and legal certainty, Nauru, Samoa and Tonga should be removed from Annex II with application from 1 January 2021,

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/128. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EU) No 978/2012, the following countries and the corresponding alphabetical codes are removed from columns A and B, respectively:

NR	Nauru
WS	Samoa
TO	Tonga

Article 2

This Regulation shall enter into force on 1 January 2020.

Article 1 shall apply from 1 January 2021.

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

Done at Brussels, 25 November 2019.

For the Commission

The President

Jean-Claude JUNCKER