



2025/214

3.2.2025

COMMISSION DELEGATED REGULATION (EU) 2025/214

of 28 November 2024

**amending Annex II to Regulation (EU) No 978/2012 of the European Parliament and of the Council
as regards Kenya**

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 establishes the criteria for granting tariff preferences under the general arrangement of the Generalised Scheme of Preferences ('GSP').
- (2) Regulation (EU) No 978/2012 provides that a country that benefits from a preferential market access arrangement which provides the same tariff preferences as the GSP, or better, for substantially all trade, shall not benefit from GSP.
- (3) The list of beneficiary countries under the GSP is established in Annex II to Regulation (EU) No 978/2012. Pursuant to that Regulation, the Commission is to review Annex II by 1 January of each year in order to amend the status of the listed countries in accordance with the criteria laid down in Article 4 of that Regulation.
- (4) Pursuant to Article 4(1)(b) of Regulation (EU) No 978/2012, a GSP beneficiary country and economic operators are to be given sufficient time for an orderly adaptation to the country's GSP status revision. Therefore, the decision to remove a beneficiary country from the list of GSP beneficiary countries on the basis of Article 4(1)(b) of Regulation (EU) No 978/2012, shall apply as from two years after the date of application of a preferential market access arrangement.
- (5) A preferential market access arrangement started to apply to Kenya on 1 July 2024. In accordance with Article 4(1)(b) of Regulation (EU) No 978/2012, Kenya should be removed from Annex II to that Regulation. In line with precedents in comparable cases and in order to ensure legal certainty and avoid undue administrative burden, the removal of Kenya from Annex II should apply from 1 January 2027,

HAS ADOPTED THIS REGULATION:

Article 1

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

In Annex II, under the heading 'Beneficiary countries of the general arrangement referred to in point (a) of Article 1(2)', the following alphabetical codes and corresponding countries are removed from columns A and B, respectively:

KE Kenya

⁽¹⁾ OJ L 303, 31.10.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/978/2023-11-28>.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union* and shall take effect on 1 January 2027.

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

Done at Brussels, 28 November 2024.

For the Commission
The President
Ursula VON DER LEYEN
