2023/2780

15.12.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2780

of 14 December 2023

amending Implementing Regulation (EU) 2022/1039 as regards the extension of the suspension of certain tariff preferences granted to certain GSP beneficiary countries

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 8(3) thereof,

After consulting the Generalised Preferences Committee, within the meaning of Article 39 of Regulation (EU) No 978/2012,

Whereas:

(1) Pursuant to Article 8(1) of Regulation (EU) No 978/2012, the tariff preferences of the general arrangement of the generalised scheme of preferences (GSP) are to be suspended in respect of products of a GSP section originating in a GSP beneficiary country when the average value of Union imports of such products over three consecutive years from that GSP beneficiary country exceeds the thresholds listed in Annex VI to that Regulation.

(2) Pursuant to Article 8(3) of Regulation (EU) No 978/2012, the Commission is to review that list, every three years, and adopt an implementing act to suspend or re-establish the tariff preferences.

(3) In accordance with Article 8(2) of Regulation (EU) No 978/2012, based on trade statistics concerning calendar years 2018-2020 as available on 1 September 2021 and taking into account imports from GSP beneficiary countries listed in Annex II to Regulation (EU) No 978/2012 as applicable on that date, Commission Implementing Regulation (EU) 2022/1039 ([2]) establishes the list of product sections for which the tariff preferences were suspended from 1 January 2023 until 31 December 2023.

(4) At the time of adoption of Implementing Regulation (EU) 2022/1039, Regulation (EU) No 978/2012 was set to expire on 31 December 2023. Therefore, the tariff preferences were suspended in respect of the GSP beneficiary countries concerned for the revised list of products of GSP sections set out in the Annex to that regulation from 1 January 2023 until 31 December 2023.

(5) In order to ensure continuity of the application of the scheme until the legislative procedure following the Commission proposal for a revised GSP Regulation adopted on 22 September 2021 is concluded, by Regulation (EU) 2023/2663 of the European Parliament and of the Council ([3]) the period of application of Regulation (EU) No 978/2012 has been extended until 31 December 2027.

(6) Accordingly, the suspension of certain tariff preferences provided for under Implementing Regulation (EU) 2022/1039 should be extended to the standard three-year period set out in Article 8, paragraph 3 of Regulation (EU) No 978/2012.

(7) To ensure the continued application of Regulation (EU) No 978/2012, if the publication of this Regulation takes place after 31 December 2023, it should apply retroactively from 1 January 2024,

([1]) OJ L 303, 31.10.2012, p. 1.

([2]) Commission Implementing Regulation (EU) 2022/1039 of 29 June 2022 laying down rules for the application of Regulation (EU) No 978/2012 of the European Parliament and of the Council as regards the suspension for the year 2023 of certain tariff preferences granted to certain GSP beneficiary countries (OJ L 173, 30.6.2022, p. 58).

([3]) Regulation (EU) 2023/2663 of the European Parliament and of the Council of 22 November 2023 amending Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences (OJ L, 2023/2663, 27.11.2023 ELI: http://data.europa.eu/eli/reg/2023/2663/oj).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) 2022/1039

In Article 2 of Implementing Regulation (EU) 2022/1039 the date '31 December 2023' is replaced by the date '31 December 2025'.

Article 2

Entry into force

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

This Regulation shall apply from the day following that of its publication in the *Official Journal of the European Union* or from 1 January 2024, whichever date is earlier.

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

Done at Brussels, 14 December 2023.

For the Commission
The President
Ursula VON DER LEYEN