Council of the European Union
General Secretariat

PUBLIC

Interinstitutional files:
2021/0297 (COD)

Brussels, 11 July 2025

WK 9735/2025 ADD 2

LIMITE

POLCOM
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WORKING DOCUMENT

From:	Presidency
To:	Trade Policy Committee (Generalised System of Preferences)
Subject:	Safeguard and surveillance provisions

RELEVANT RECITALS

(28b) Increased vigilance and even more responsive instruments are needed in the agriculture sector as there may be particular vulnerability due to the effect of imports on producers or on the functioning of its markets, taking also into account considerations arising from its production cycles. Therefore, given the specific nature of the agriculture sector, a special surveillance mechanism and safeguards need to be in place in order to preserve in the best way possible the functioning of the Union market in this sector. The special surveillance mechanism could be initiated on the basis of a request from a Member State or on the Commission's own initiative. The results of the special surveillance mechanism under Article 29 may lead to a possible suspension of tariff preferences in the agriculture sector. Given that the agricultural sector may be particularly vulnerable to disturbance to Union markets, it is necessary to take immediate action.

(28c) In the context of ensuring no disturbance of Union market in the agriculture sector, rice and ethanol products are of particular sensitivity. Therefore, the special surveillance mechanism should be initiated if specific import thresholds are met. When assessing for the purpose of the special surveillance mechanism whether there is a disturbance in the relevant EU markets, a broad set of criteria should be used for rice products.

CHAPTER VI

SAFEGUARD AND SURVEILLANCE PROVISIONS

Section I

General Safeguards

[Omitted]

Section II

Special measures for agricultural and textile products

Article 29

1. Without prejudice to Section I of this Chapter, products from Chapters 1 to 24 of Common Custom Tariff as laid down by Regulation (EEC) No 2658/87, originating in beneficiary countries, may be subject to a special surveillance mechanism, in order to avoid disturbances to Union markets. In relation to specific products, special surveillance shall be launched at the request of a Member State or may be launched by the Commission. The Commission shall launch a special surveillance for the products referred to under paragraph 2 when the relevant triggers are met.

2. The Commission shall launch the special surveillance referred to in Paragraph 1 on the last day of any month when, based on statistical data available for the most recent complete 12-month period:

   a. with respect to products falling under Combined nomenclature codes 100 610, 100 620, and 100 630, such products originate in a beneficiary country and their total import volume into the Union exceeds the relevant share referred to in point 1(a) in Annex Y; or

   b. with respect to products falling under Combined Nomenclature codes 2207 10 00 and 2207 20 00, such products originate in a beneficiary country and their total import volume into the Union exceeds the relevant share referred to in point 1(b) of Annex Y.

3. Where the results of the special surveillance started under paragraphs 1 or 2 of this Article confirm a disturbance to Union markets, the Commission, after consulting the Generalised Preferences Committee, shall adopt an implementing act in accordance with the examination procedure referred to in Article 39(3), in order to apply Common Customs Tariff duties to the products under surveillance. The removal of the tariff preferences shall become applicable from the day following the date of publication of the relevant implementing act in the Official Journal of the European Union.

4. When assessing the disturbance to Union market under paragraphs 1 or 2 of this Article, the Commission shall take into consideration all relevant market developments, including the impact of the total imports concerned on the situation of the Union market. That examination shall include factors such as the impact of imports concerned on the Union price level, the impact of imports from other sources, an upsurge of imports from a beneficiary country, as well as the impact of imports on the overall stability of the relevant product Union market.

5. The Commission assessment shall take no longer than six months. By way of derogation, the period for the assessment may, where necessary, be extended for a total of twelve months. The Commission shall inform the European Parliament and the Council of the results of its assessment.

6. The Common Customs Tariff duties shall be reintroduced for a period of 12 months. By way of derogation, the period of reintroduction of those duties may be prolonged, where such a prolongation is necessary, to counteract the disturbance to the relevant Union markets.

Article 29a

1. Without prejudice to Section I of this Chapter, on 1 January of each year, the Commission, on its own initiative and in accordance with the advisory procedure referred to in Article 39(2), shall adopt an implementing act in order to remove the tariff preferences referred to in Articles 7 and 12 with respect to the products from GSP section S-11a of Annex III or to products from GSP section S-11b of Annex III, where imports of such products originate in a beneficiary country and their total value exceeds the share referred to in point 3 of Annex IV of the value of Union imports of products in GSP section S-11a of Annex III or of products under GSP section S-11b of Annex III from all countries and territories listed in Annex I, column C, during a calendar year.

2. Paragraph 1 shall not apply to EBA beneficiary countries, nor shall it apply to countries with a share for the relevant products referred to in paragraph 1 not exceeding 6 % of the value of total Union imports of the same products.

3. The removal of the tariff preferences shall become applicable two months after the date of publication of the Commission's act to that effect in the Official Journal of the European Union.

Article 30

Without prejudice to Section I of this Chapter, where imports of products listed in Annex I to the TFEU cause, or threaten to cause, serious disturbance to Union markets, in particular to one or more of the outermost regions, or those markets' regulatory mechanisms, the Commission, on its own initiative or at the request of a Member State, after consulting the Generalised Preferences committee, shall adopt an implementing act in order to suspend the preferential arrangements in respect of the products concerned in accordance with the examination procedure referred to in Article 39(3).

Article 31

1. The Commission shall inform the beneficiary country concerned as soon as possible of any decision taken in accordance with Articles 29, 29a or 30 before it becomes applicable.
2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 36, to establish rules related to the procedure for adopting special safeguard measures in relation to Article 29 and 30 in particular with respect to deadlines, and rights of parties.

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