## Basic information

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| **1997/0041(CNS)**<br><br>CNS - Consultation procedure<br>Regulation | Procedure completed |
| Generalised tariff preferences GSP: exclusion of the Union of Myanmar /Burma of the GSP for agricultural goods<br><br>Repealed by 2012/0251(COD)<br>Amended by 2007/0289(CNS)<br><br>**Subject**<br><br>6.30.01 Generalised scheme of tariff preferences (GSP), rules of origin<br><br>**Geographical area**<br><br>Burma<br>Myanmar | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| AFET Foreign Affairs, Security and Defense Policy | THEORIN Maj Britt (PSE) | 28/01/1997 |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| BUDG Budgets | | |
| RELA External Economic Relations | SAINJON André (ARE) | 28/01/1997 |
| DEVE Development and Cooperation | ROCARD Michel (PSE) | 26/02/1997 |

### Council of the European Union

| Council configuration | Meetings | Date |
|---|---|---|
| General Affairs | 1996 | 1997-03-24 |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 17/02/1997 | Legislative proposal published | COM(1997)0058 | Summary |
| 21/02/1997 | Committee referral announced in Parliament | | |

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|---|---|---|---|
| 10/03/1997 | Vote in committee | | |
| 10/03/1997 | Committee report tabled for plenary, 1st reading/single reading | A4-0085/1997 | |
| 24/03/1997 | Act adopted by Council after consultation of Parliament | | Summary |
| 24/03/1997 | End of procedure in Parliament | | |
| 27/03/1997 | Final act published in Official Journal | | |

## Technical information

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| **Procedure reference** | 1997/0041(CNS) |
| **Procedure type** | CNS - Consultation procedure |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Regulation |
| **Amendments and repeals** | Repealed by 2012/0251(COD)<br>Amended by 2007/0289(CNS) |
| **Legal basis** | EC Treaty (before Amsterdam) E 000 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | AFET/4/08687 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee report tabled for plenary, 1st reading/single reading | | A4-0085/1997<br>OJ C 115 14.04.1997, p. 0014 | 10/03/1997 | |
| Text adopted by Parliament, 1st reading/single reading | | T4-0132/1997<br>OJ C 115 14.04.1997, p. 0223-0227 | 14/03/1997 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(1997)0058<br>OJ C 080 13.03.1997, p. 0018 | 17/02/1997 | Summary |
| Follow-up document | COM(2012)0525 | 17/09/2012 | Summary |

## Additional information

| Source | Document | Date |
|---|---|---|
| European Commission | EUR-Lex | |

Final act

Regulation 1997/0552
OJ L 085 27.03.1997, p. 0008

Summary

# Generalised tariff preferences GSP: exclusion of the Union of Myanmar /Burma of the GSP for agricultural goods

1997/0041(CNS) - 17/09/2012 - Follow-up document

In accordance with Council Regulation (EC) No 552/97, the Commission presents a report with respect to forced labour in Myanmar/Burma. The latter is a beneficiary country of the special arrangement for the least developed countries (Everything but Arms - 'EBA arrangement'), provided for under Council Regulation (EC) No 732/2008.

Myanmar/Burma's access to the tariff preferences granted by Regulation (EC) No 3281/94 and Regulation (EC) No 1256/96 was temporarily withdrawn by Council Regulation (EC) No 552/97, as amended by Regulation (EC) 732/2008. The latter is the current legal basis for the application and administration of the Union's generalised scheme of tariff preferences.

The Regulation provides that the application of Regulation (EC) No 552/97 shall be brought to an end in the light of a Commission report on forced labour in Myanmar/Burma, showing that certain practices mentioned in Regulation (EC) No 732/2008 no longer exist.

The relevant provisions state that that the preferential arrangements granted under the Regulation may be withdrawn temporarily, in respect of all or of certain products originating in a beneficiary country, for the serious and systematic violation of principles laid down in the conventions listed in the text, on the basis of the conclusions of the relevant monitoring bodies. The International Labour Organization's (ILO) Convention concerning Forced or Compulsory Labour, No. 29, (1930) is listed in the text.

In this report, the Commission considers the information provided by the ILO and concludes that **the progress made by Myanmar/Burma towards complying with the ILO recommendations justifies that violations of the principles laid down in ILO Convention No 29 should no longer be categorised as 'serious and systematic'.**

**Conclusions of ILO monitoring bodies:** in 1997, the ILO Commission of Inquiry made certain recommendations in view of the Government's flagrant and persistent failure to comply with the Convention. These include ensuring that in actual practice forced labour is no longer imposed by the authorities, in particular the military, with penalties being imposed for the exaction of forced labour. At its 88th Session (June 2000), the ILC adopted a resolution under its Constitution on measures to secure the compliance of Myanmar/Burma with the recommendations of the Commission of Inquiry.

**Observations of the Committee of Experts on the Application of Conventions and Recommendations:** in 2012 the Committee of Experts on the Application of Conventions and Recommendations (CEACR) welcomed the positive developments in Myanmar/Burma, such as submission to Parliament of the draft legislation repealing the Towns Act and the Village Act of 1907. However, the Committee observed that, in spite of the efforts made towards the implementation of the recommendations of the Commission of Inquiry, the Government still has

- to ensure that, in actual practice, forced labour is no longer imposed by the authorities, in particular by the military;
- to ensure that penalties for the exaction of forced labour under the Penal Code are strictly enforced against civil and military authorities.

**Report of the ILO Liaison Officer**: in 2012, the ILO Liaison Officer confirmed that the previous legislation has been repealed and new legislation has been adopted, including legislation confirming the exaction of forced labour as a criminal offence. Perpetrators, and in particular military personnel, accused of the use of forced labour are now prosecuted and punished under the law. Whilst there has been a noticeable reduction in the use of forced labour, the problem persists and complaints continue to be received. This has been recognized by the Government through their initiation of a joint strategy with the ILO for the full elimination of all forms of forced labour by 2015, if not before, and by their agreement to detailed action planning for the implementation of that strategy.

**Conclusions of the ILO Committee on Application of Standards:** on 4 June 2012, the Committee on the Application of Standards (CAS) welcomed:

- the progress achieved towards complying with the 1998 recommendations of the Commission of Inquiry;
- the elaborate and detailed Action Plan developed between the Government and the ILO; and
- **measures taken to combat forced labour**.

**Resolution of the International Labour Conference**: on 13 June 2012, the ILC decided:

- to lift with immediate effect the limitation of ILO technical cooperation or assistance to the Government of Myanmar/Burma;
- to lift the measure enunciated in the 1999 resolution to allow the Government of Myanmar/Burma to participate in ILO meetings; and

- to suspend for one year the recommendation contained in the 2000 resolution requesting its members to review their relationships with Myanmar/Burma to ensure forced labour is not being used in those relationships, with immediate effect.

The ILC will review the recommendation again in 2013 in the light of information available to it in respect of the elimination of forced labour in Myanmar /Burma.

Under these circumstances, the Commission **recommends that the** access to generalized tariff preferences should be reinstated to Myanmar/Burma.

The Commission should continue to monitor the developments in Myanmar/Burma with respect to forced labour and react to them in accordance with the procedures in force, including, if necessary, with renewed withdrawal procedures.

# Generalised tariff preferences GSP: exclusion of the Union of Myanmar /Burma of the GSP for agricultural goods

1997/0041(CNS) - 24/03/1997

The preferences shall be withdrawn until it has been established that the practices in question have been brought to an end.

# Generalised tariff preferences GSP: exclusion of the Union of Myanmar /Burma of the GSP for agricultural goods

1997/0041(CNS) - 14/03/1997 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mrs Maj Britt THEORIN (PSE, S), Parliament approved the Commission proposal to withdraw access to generalized tariff preferences for agricultural goods from the Union of Myanmar because of the systematic use of forced labour. Amendments were made, however, to the Commission text: Parliament asked the Commission to keep the situation regarding the use of forced labour in Myanmar under continuous review. If evidence is to be provided on this practice the Commission should conduct an investigation, report its findings to the Generalized Preferences Committee and inform the European Parliament. If the Commission considers that the use of forced labour has ceased it should submit a proposal to bring the application of the Regulation to an end to the Council which, after consulting the European Parliament, shall decide on it by qualified majority.

# Generalised tariff preferences GSP: exclusion of the Union of Myanmar /Burma of the GSP for agricultural goods

1997/0041(CNS) - 17/02/1997 - Legislative proposal

OBJECTIVE: the regulation seeks to withdraw temporarily access to the Community's generalized tariff preferences scheme in the agricultural sector from the Union of Myanmar because of its use of forced labour. SUBSTANCE: pursuant to Article 9 of Council Regulation 1256/96/EC applying for the period 1 July 1996 to 30 June 1999 multiannual schemes of generalized tariff preferences for certain agricultural products from developing countries, these preferences may be temporarily withdrawn in whole or in part in cases where a beneficiary country (here the Union of Myanmar) practices any form of slavery or forced labour. Following a complaint made by the International Confederation of Free Trade Unions (ICFTU) and the European Trade Union Confederation (ETUC) to the Commission and the examination of the complaint by the Commission and an enquiry it conducted it appears that this country practises forced labour on a large scale. This complaint was initially lodged in the context of the non-respect by the Union of Myanmar of Article 9 of Regulation 3281/94/EC (scheme of generalized preferences for industrial products) and has now been extended to the GSP for agricultural goods (see COM(96)711 - CNS96317). This type of labour, formally prohibited by ILO Convention No 29, was imposed systematically and under coercion and violent reprisals for military operations and civilian and military infrastructure building projects. The Commission is therefore requesting in this proposal the withdrawal of access to generalized tariff preferences for agricultural goods from the Union of Myanmar.

# Generalised tariff preferences GSP: exclusion of the Union of Myanmar /Burma of the GSP for agricultural goods

1997/0041(CNS) - 24/03/1997 - Final act

OBJECTIVE: the regulation seeks to withdraw temporarily access to the Community's generalized tariff preferences scheme from the Union of Myanmar because of its use of forced labour. COMMUNITY MEASURE: Council Regulation 552/97/EC temporarily withdrawing access to generalized tariff preferences from the Union of Myanmar. SUBSTANCE: pursuant to Articles 9 of Council Regulations 3281/94/EC and 1256/96/EC applying multiannual schemes of generalized tariff preferences in the industrial and agricultural sectors, these preferences may be temporarily withdrawn in whole or in part in cases where a beneficiary country (here the Union of Myanmar) practices any form of slavery or forced labour. Following a complaint made by the International Confederation of Free Trade Unions (ICFTU) and the European Trade Union Confederation (ETUC) to the Commission and the examination of the complaint by the Commission and an enquiry it conducted it appears that this country practises forced labour on a large scale. This type of labour, formally prohibited by ILO Convention No 29, was imposed systematically and under coercion and violent reprisals for military operations and civilian and military infrastructure building projects. This country also refused to cooperate in the inquiry launched by the Commission to verify the practice of forced labour. The Council is therefore withdrawing temporarily the generalized tariff preferences applicable to industrial and

agricultural products originating in Myanmar until such time that it has been established that this type of practice has been brought to an end. This withdrawal will not apply to goods where there is proof that they were dispatched to the Community before this date. The Council, acting by a qualified majority, on a proposal from the Commission will cease this withdrawal when it is established, on the basis of a Commission report, that these practices underlying the withdrawal have ceased. ENTRY INTO FORCE: 24/03/1997