

Chính sách GSP mới của EU 2014

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Đường lối chính sách chính của GSP 2014 của EU

- Tập trung ưu tiên những nước thực sự cần – các nước kém phát triển và các nền kinh tế nghèo khác không có cách thức để tiếp cận vào thị trường EU. Phản ánh nhu cầu thương mại, tài chính và phát triển của các quốc gia.
- Củng cố GSP + như một công cụ để hỗ trợ các đối tác nghiêm túc thực hiện công ước quốc tế
- Làm cho hệ thống trở nên minh bạch và dễ đoán hơn cho các chủ thể hoạt động kinh tế

Đặc điểm của hệ thống GSP hiện tại

- Gồm 176 quốc gia và vùng lãnh thổ, chia làm 3 nhóm:
 - GSP “tiêu chuẩn”
 - GSP+ (tăng cường các ưu đãi dành cho các nước phê chuẩn và thực hiện các công ước quốc tế liên quan tới quyền con người và người lao động, môi trường và quản lý tốt)
 - Tất cả trừ vũ khí (EBA, miễn thuế đối với tất cả các mặt hàng trừ vũ khí)
 - Thông số thực tế: các nền kinh tế phát triển đặt nhiều áp lực cạnh tranh lên các nước kém phát triển và nghèo, đẩy các nước này ngày càng bị tụt lại sau. Ưu đãi thuế quan cần phải sửa đổi để tập trung giúp đỡ các nhóm nước thực sự cần..

Chính sách GSP mới năm 2014

- GSP năm 2014 sẽ được cấp cho 89 quốc gia có nhu cầu thật sự cần ưu đãi thương mại GSP nhất: - 49 quốc gia nhóm được hưởng chương trình “Tất cả trừ vũ khí” và 40 thuộc nhóm có thu nhập thấp "và" các nước thu nhập trung bình 'thấp hơn, theo phân loại của Ngân hàng Thế giới .
- Các quốc gia này có thể được hưởng lợi từ GSP “tiêu chuẩn” và / hoặc GSP +
- Việt Nam nằm trong danh mục của các quốc gia được hưởng lợi từ GSP “tiêu chuẩn”
- Philippines đã áp dụng để được hưởng GSP +

GSP 2014 (2)

- 20 'High income' or 'upper middle income' partners, as listed by the World Bank (More advanced developing countries no longer need preferences to export; continuing to provide preferences to them increases the competitive pressure on exports from LDCs and other poor countries)
- Partners which are no longer eligible: 33 Overseas countries and territories (do not need GSP)
- Partners which no longer benefit:
 - - 34 Partners which have been granted preferences through other tracks (e.g. bilateral agreements, autonomous arrangements—do not need GSP).
- 20 'thu nhập cao' hoặc đối tác 'thu nhập trung bình trên, như được liệt kê của Ngân hàng Thế giới (cao cấp hơn các nước phát triển không còn cần phải

GSP +

The list of GSP+ countries is open for application since more than year. Vietnam has not applied, Philippines has

The new GSP+ law expands the number of eligible countries

All eligible countries interested in GSP+ under the new law must apply under the new rules to obtain GSP+.

Graduated countries

- **8 High income countries and territories** (according to World Bank): Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Brunei Darussalam, Macao.
- **12 Upper middle income countries (UMIs)***: Latin America (5): Argentina, Brazil, Cuba, Uruguay, Venezuela; ex-USSR (3): Belarus, Russia , Kazakhstan; other (4): Gabon, Libya, Malaysia, Palau

No Longer eligible countries

- 34 Partners with another market access arrangement:
 - Euromed (6): Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia.
 - Cariforum (14): Belize, St. Kitts and Nevis, Bahamas, Dominican Republic, Antigua and Barbuda, Dominica, Jamaica, Saint Lucia, Saint-Vincent and the Grenadines, Barbados, Trinidad and Tobago, Grenada, Guyana, Surinam.
 - Economic Partnership Agreement Market Access Regulation (8): Côte d'Ivoire, Ghana, Cameroon, Kenya, Namibia, Botswana, Swaziland, Fiji.
 - Eastern and Southern Africa (3): Seychelles, Mauritius, Zimbabwe
 - Pacific (1): Papua New Guinea
 - Other (2): Mexico, South Africa

Country Graduation criteria

- With GSP 2014, When a country no longer fulfils criteria to be a beneficiary, it exits GSP Beneficiary list with transition periods
- World Bank lists the country as "high-income" or "upper middle income" three years in a row. At the beginning of the following year, the country is no longer beneficiary of GSP and a transition period of one year is granted for the economic operators to adapt.
- if a preferential market access arrangement (A FTA) is applied (even on a provisional basis), a transition period of two years is granted

Sector graduation criteria

- Current(2013)
- Based on import share in 21 product sections (largely based on the EU's customs categories)
- Preferences are not applied if threshold of 15% of total imports by all GSP beneficiaries is reached
- Lower threshold of 12.5% for textiles
- Graduation applies to standard GSP and GSP+
- New(2014)
- Product sections further split up to improve coherence of product classification
- Thresholds increased to 17.5% (general) and to 14.5% (textiles) to better identify competitive sectors and to neutralize 'over graduation effect' due to decrease in the number of beneficiaries.
- Graduation only applies to standard GSP

Graduated sectors (period 2014 – 2016)

China: (6 newly graduated sectors): S-1a: live animals and animal products excluded fish; S-1b: fish, crustaceans, mollusc and aquatic invertebrates; S-2b: vegetables and fruits; S-2c: coffee, tea, maté and spices; S-2d: cereals, flour, nuts, resins and plaiting; S-4b: prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar.

27 graduated sectors in total. The only sectors that are not graduated are:

S-2a: vegetable products S-3: animal or vegetable oils, fats and waxes S-4a: meat products

S-4c: tobacco S-5: mineral products

India: (5 newly graduated sectors): S-5: mineral products; S-6a: inorganic and organic chemicals; S-6b: chemicals, other than organic and inorganic chemicals; S-8a: raw hides and skins and leather; S-17b: road vehicles, bicycles, aviation and space, boats and parts thereof. S-11a: textiles, remains graduated.

Indonesia: (2 newly graduated sectors): S-1a: live animals and animal products excluded fish; S-6b: chemicals, other than organic and inorganic chemicals; S-3: animal or vegetable oils, fats and waxes remains graduated.

Graduated sectors (period 2014 – 2016) - *continued*

Thailand (2 newly graduated sectors): S-4a: preparations of meat and fish; S-4b: prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar; S-14: Pearls and precious metals is still graduated.

Ecuador (2 newly graduated sectors): S-2a: vegetable products; S-4a: preparations of meat and fish.

Ukraine (1 newly graduated sector): S-17a: railway and tramway vehicles and products.

Nigeria (1 newly graduated sector): S-8a: raw hides and skins and leather.

Costa Rica (1 newly graduated sector): S-2b: vegetables and fruits.

For Vietnam, sectors 12a (footwear) and 12b (headgear, umbrellas etc.) are no longer graduated

NB: if a country is granted GSP+, the graduation does not occur

Enhanced GSP+:
More incentives to join, more countries eligible

Current

■ **Graduation applies to GSP+**

■ **Entry**

- Vulnerability – import share criterion: country only eligible if it represents less than 1% of imports by all GSP beneficiaries in product section
- Vulnerability – non-diversification criterion: 5 largest product sections must cover at least 75% of total exports from country to EU
- Entry window: every 1.5 years

New

■ **Graduation no longer applies to GSP+**

■ **Entry**

- Vulnerability – import share criterion: threshold increases from 1% to 2%
- Vulnerability – non-diversification criterion: number of sectors to cover at least 75% increases from 5 to 7 (neutral)
- No entry windows: can apply any time

■ **New countries which can now apply: Philippines, Pakistan, Ukraine.**

All eligible countries **need to apply to receive GSP+**, even if they are already beneficiary under the present scheme

Enhanced GSP+: improved mechanisms for implementation of conventions

Current

27 conventions

Entry

- Commitment to ratify and implement conventions, to report and to accept monitoring

Monitoring

- Reporting to Council every 3 years

Withdrawal mechanism

- Onus on EU to show that beneficiary country is in breach of conventions
- Applicable legal benchmark of 'effective implementation' undefined
- Based on reports by international monitoring bodies (e.g. UN, ILO)
- Undefined role for other parties (e.g. civil society)

Enhanced GSP+: improved mechanisms for implementation of conventions (continued)

New

- 27 conventions (Apartheid no longer relevant and falls, UN Framework Convention on Climate Change in)

Entry

- ◆ Binding commitment to ratify conventions, to accept monitoring, and to cooperate
- ◆ Commitment to accept without reservations conventions' reporting requirements
- ◆ Country has not formulated a reservation which is prohibited by any of those conventions
- ◆ No serious problems of implementation

Enhanced monitoring

- ◆ More scrutiny by Council and EP on the basis of Commission report, every 2 years

Withdrawal mechanism

- ◆ Onus on the beneficiaries to prove positive record
- ◆ Applicable legal benchmark of 'effective implementation' defined
- ◆ More sources of information allowed (broader than UN, ILO, ...)
- ◆ Specific role for "third parties" (e.g., civil society)

The reform of EU rules of origin 2003-2010

- The Reform started from the re-thinking of the GSP scheme and the difficulties encountered on certification rules of origin:
- In a number of cases the ECJ held that an importer could rely on certificates of origin issued by third country authorities to avoid payment of customs duties proving good faith even if the certificate was wrongly issued
- Overall it was widely felt that a change was needed to face fragmentation of production

The main changes at horizontal level

- The Reform is far reaching, introducing single step in clothing of chapter 61 and 62 for LDCs, changing the rules for bicycles ,machinery and electronics . In general more lenient RoO , especially for LDCs.
- *Cumulation of origin*: the value requirement is lifted, possibilities of Regional cumulation of origin expanded among certain regional groups,
- Possibility of extended cumulation (South Korea)
- *Procedures in establishing and controlling origin are going to change in 2017*: Certification of origin by the authorities of the beneficiary country is replaced by statements on origin to be given directly by registered exporters.