

23 June 2023

Open letter to Heads of states and governments, Foreign Ministers, Trade Ministers, and Ministers of the Interior of the EU member states on GSP reform

Your excellencies,

We are writing with great concern to urge the Council of the European Union to seriously reconsider and abandon its deplorable efforts to include cooperation on readmissions as a condition for developing countries to benefit from the [next Generalised Scheme of Preferences \(GSP\)](#).

Since its establishment in 1971, the [EU GSP system](#) has had the sole goal of fostering sustainable development in low- and middle-income countries – and so it should remain. The Council’s current attempts to include cooperation on readmissions among the conditions for countries to retain their GSP benefits now risk jeopardizing the continuation of the scheme, which expires at the end of 2023. Interinstitutional negotiations (trilogue) to improve and extend the scheme until 2034 are in fact stalled, as the [European Parliament](#) – a co-legislator on the file – is rightly rejecting the Council’s proposal.

Besides causing uncertainty for business operators, as well as for current and future beneficiary countries alike, this impasse sends a very dangerous political message to governments and civil society across the globe: that the EU does not care about sustainable development, human rights, labour and environmental standards, or at least not as much as it cares about forcing the return at any cost of a few thousand people that it deems to be illegally present on its soil.

This is yet another example of how the Council’s prioritization of migration-related issues has poisoned other unrelated areas of EU policy-making, leading to a negotiating position on the GSP reform that is at once legally questionable, strategically wrong, and counter-productive. Here is why:

1. Ever since its June [2002 conclusions](#) the Council has undertaken the questionable commitment of using “closer economic cooperation, trade expansion, development assistance and conflict prevention [as] means of promoting economic prosperity in the countries concerned and thereby reducing the underlying causes of migration flows”. The Council should recognize that **the GSP scheme can play a key role in tackling several of those “underlying causes” of migration**, in as much as it contributes to sustainable economic growth, jobs creation, amelioration of the human and labour rights situation, and environmental protection in the beneficiary countries. Council should therefore

focus on the amelioration of the scheme – looking at ways to improve the beneficiary countries’ compliance with their obligations, and the related monitoring – instead of jeopardizing the scheme’s continuation or its appeal, as would be the case if the readmissions-benefits link were to come to fruition.

2. As EU Commission [figures](#) show, the volume of GSP-related trade varies sharply among GSP beneficiary countries – and with that the political leverage the EU has vis-à-vis those countries. While in some cases it plays a key role for a country’s economy, in others GSP-related trade is so negligible that **several governments would hardly be intimidated by the prospect of losing the benefits** if unpalatable migration strings were attached to the GSP. This should be all the more concerning at a time of growing geopolitical competition with China and other major players. Trade has always been also a tool to strengthen political ties and partnership with other countries, and in that regard the Council’s opening to severing those ties over readmission concerns would be a serious strategic blunder.
3. The Council’s proposed readmission-benefits conditionality would likely be **incompatible with World Trade Organization (WTO) rules**. Specifically, the WTO’s [Enabling Clause](#) allows GSP schemes to include conditionalities as long as they are designed "to respond positively to the development, financial and trade needs of developing countries", none of which is the case when it comes to readmissions. Such a step would also run counter to the EU’s claim to base international relations and global trade on reliable rules that apply to all. As the [WTO states](#), “[a] law reserving the right for unilateral measures to be taken contrary to [WTO] rules and procedures, may ... constitute an ongoing threat and produce a “chilling effect” causing serious damage in a variety of ways.” Council should also consider that any implementation of such a clause would in fact open the door to litigation.

We hope the ongoing stalemate in the GSP reform trilogue will be used for a deeper and more holistic reflection both within and among EU member states’ governments. Council should drop its current position, realize that the GSP’s only and indirect link to migration should be the scheme’s effectiveness in tackling some of migration’s root causes, and support the adoption of a GSP scheme that squarely and solely serves its sustainable development goals.

Yours sincerely,

1. 11.11.11 - Coalition for International Solidarity, Belgium
2. ACAT Germany (Action by Christians for the Abolition of Torture)
3. ACAT Italia (Azione dei Cristiani per l’Abolizione della Tortura)

4. Anti-Slavery International
5. AOI Cooperazione e solidarietà internazionale
6. ARCI
7. ARCS (ARCI Culture Solidali)
8. AWO Bundesverband e.V.
9. BAfF e.V. (Bundesweite Arbeitsgemeinschaft der Psychosozialen Zentren für Flüchtlinge und Folteropfer)
10. Both ENDS
11. Brot für die Welt
12. Bundesarbeitsgemeinschaft PRO ASYL e.V.
13. Bundesfachverband unbegleitete minderjährige Flüchtlinge e.V.
14. Caritas Europa
15. CCFD-Terre Solidaire (France)
16. CCME (Churches´Commission for Migrants in Europe)
17. Centre for Research on Multinational Corporations (SOMO)
18. CIES Onlus
19. Civil Rights Defenders
20. Clean Clothes Campaign - International Office
21. CNCD-11.11.11 (Belgium)
22. Coordinamento Nazionale Comunità di Accoglienza (CNCA)
23. CSW (Christian Solidarity Worldwide)
24. Danish Refugee Council (DRC)
25. Der Paritätische Gesamtverband
26. ECRE (European Council on Refugees and Exiles)
27. EU-COMAR (European Coalition of Migrants and Refugee)
28. Fairwatch - Italy
29. Fédération Etorquinekin Diakité
30. Human Rights Watch
31. International Federation for Human Rights (FIDH)
32. International Federation of ACAT (FIACAT)

33. Italian Council for Refugees (CIR)
34. Jesuit Refugee Service (JRS) Europe
35. KULU-Women and Development, (KULU) Denmark
36. Ligue des droits de l'Homme (LDH)
37. Minority Rights Group
38. Misereor e.V.
39. Paris d'Exil
40. PowerShift e.V.
41. Protection International
42. Quaker Council for European Affairs
43. Senzaconfine
44. Società Italiana Medicina delle Migrazioni
45. Terre des hommes Germany
46. Transnational Institute
47. UNIRE (Italian National Union of Refugees and Exiles)
48. Urgewald
49. Védegylet Egyesület/Protect the Future Association Hungary
50. World Organisation against Torture (OMCT)
51. Woord en Daad
52. YAMBI