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| European Parliament  2019-2024 | EP logo RGB_Mute |

<Commission>{INTA}Committee on International Trade</Commission>

<RefProc>2018/0358M</RefProc><RefTypeProc>(NLE)</RefTypeProc>

<Date>{13/11/2019}13.11.2019</Date>

<TypeAM>AMENDMENTS</TypeAM>

<RangeAM>1 - 76</RangeAM>

<TitreType>Draft report</TitreType>

<Rapporteur>Jan Zahradil</Rapporteur>

<DocRefPE>(PE1190682v01-00)</DocRefPE>

<Titre>Conclusion of the Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part</Titre>

<DocAmend>Proposal for a decision</DocAmend>

<DocRef>(COM 05931/2019 – C9‑0020/2019 – 2018/0358M(NLE)))</DocRef>

AM\_Com\_LegReport

<RepeatBlock-Amend><Amend>Amendment <NumAm>1</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Citation 11 a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***-*** ***having regard to the Opinion of the Court of Justice of the European Union of 30 April 2019, pursuant to Article 218(11) TFEU, requested on 7 September 2017 by the Kingdom of Belgium,*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>2</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Citation 13</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| — having regard to its resolution of 14 ***December 2017*** on freedom of expression in Vietnam, notably the case ***of*** Nguyen Van Hoa8 , | — having regard to its resolution of 14 ***December2017*** on freedom of expression in Vietnam, notably the case ***condemning the sentencing*** Nguyen Van Hoa8 ***to seven years in prison because of his "legitimate use of freedom of expression; expressing Europe’s concern about the rise in the number of detentions" (which have risen even more rapidly since 2017); "calling on the Vietnamese authorities to release all citizens detained for peacefully exercising their freedom of expression"; "expressing serious concerns about the extensive application of the national security provisions in Vietnam’s Penal Code and urging the Government of Vietnam to amend it deeply"***, ***"denouncing Vietnam’s use of death penalty", "recalling the importance of Human Rights Dialogue between EU and Vietnam as a key instrument to be used to encourage Vietnam in the implementation of the necessary reforms" ;*** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 8 OJ C 369, 11.10.2018, p. 73. | 8 OJ C 369, 11.10.2018, p. 73. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>3</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Citation 14</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| — having regard to its resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners9 , | — having regard to its resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners9, ***deploring that "Vietnamese authorities continue to imprison, detain, harass and intimidate human rights defenders, journalists, bloggers, human rights lawyers and civil society activists in the country"; reiterating its previous year’s "call on the Vietnamese authorities to end all restrictions and acts of harassments against human rights defenders"; and once again "calling on the authorities of Vietnam to repeal, review or amend all repressive laws and releasing all political prisoners" without any tangible results other than silence and continued repression ;*** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 9 Texts adopted, P8\_TA(2018)0459. | 9 Texts adopted, P8\_TA(2018)0459. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>4</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Citation 18</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| — having regard to the Treaty on European Union (TEU), and in particular Title V thereof on the Union’s external action, | — having regard to the Treaty on European Union (TEU), and in particular Title V thereof on the Union’s external action ***and specifically Article 21***, |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>5</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Citation 20 a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***-*** ***having regard to the Council Conclusions on Child Labour of 20 June 2016 encouraging the Commission to continue exploring ways to use more effectively the trade instruments of the European Union, including Free Trade Agreements to combat child labour;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>6</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Citation 20 b (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***-*** ***having regard to the Council Conclusions “Towards an ever more sustainable Union by 2030” of 9 April 2019 in which the Council underlines the urgent need for accelerating the implementation of the 2030 Agenda both globally and internally, as an overarching priority of the EU, for the benefit of its citizens and for upholding its credibility within Europe and globally;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>7</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Citation 20 c (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***-*** ***having regard to the Council Conclusions on Business and Human Rights of 20 June 2016 that stipulates that “the EU recognises that corporate respect for human rights and its embedding in corporate operations and value and supply chains is indispensable to sustainable development. and achieving the SDGs. All partnerships in implementing the SDGs should be built on respect for human rights and responsible business conduct” and that “the Council encourages EU companies to establish operational-level grievance mechanisms, or create joint grievance initiatives between companies” ;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>8</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital -A (new)</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
|  | ***-A.*** ***whereas, in the mission letter sent to all Commissioners-designate, President-elect von der Leyen insisted that “each Commissioner will ensure the delivery of the United Nations Sustainable Development Goals within their policy area”;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>9</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital B</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| B. whereas the EU ranks fifth out of 80 foreign direct investors in Vietnam; | B. whereas the EU ranks fifth out of 80 foreign direct investors in Vietnam; ***whereas Hong-Kong, which invested in Vietnam more than all EU member states combined in 2018, recently concluded an Investment Agreement with the ASEAN which does not include ISDS or any other type of arbitration-based dispute settlement;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>10</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital C</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| C. whereas Vietnam is a vibrant economy with the fastest growing middle class in ASEAN and has a young and dynamic workforce, a high literacy rate, high education levels, comparatively low wages, good transport connections and a central location within ASEAN; | C. whereas Vietnam is a vibrant economy with the fastest growing middle class in ASEAN and has a young and dynamic workforce, a high literacy rate, high education levels, comparatively low wages ***which will represent, combined to the end of all tariffs, a strong incentive for EU companies to outsource more European manufacturing jobs***, good transport connections and a central location within ASEAN; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>11</NumAm>

<RepeatBlock-By><Members>Jan Zahradil, Geert Bourgeois</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital C a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***C a.*** ***whereas Vietnam’s infrastructure and investment needs massively exceed public funds currently available;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>12</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital D</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| D. whereas in 2017, Vietnam received FDI worth 8 % of its GDP – more than double the rate received by economies of a similar scale in the region; | D. whereas in 2017, Vietnam received FDI worth 8 % of its GDP – more than double the rate received by economies of a similar scale in the region ***– among of which China has now become first foreign investor, notably in the manufacturing sector, giving Chinese companies even more capabilities of exporting to Europe***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>13</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital E</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
| E. ***welcoming*** the fact that the trade, business and investment environment has improved significantly in Vietnam over the last few decades; | E. ***notes*** the fact that ***contrary to human rights, rule of law and independence of civil society,*** the trade, business and investment environment has improved significantly in Vietnam over the last few decades; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>14</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital E a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***E a.*** ***whereas in 2016 the Formosa steel plant owned by a Taiwanese company caused a massive environmental disaster by spilling chemical waste into the sea; whereas the environmental and economic impacts were huge undermining the livelihood of many small and artisanal fishermen; whereas the Vietnamese authorities responded to the civil protests that followed by a heavy crack down and arrests to the point of raising serious concerns in the international community; whereas the Vietnamese judicial system does not allow for adequate redress mechanisms for the victims of human rights violations, including in connection to economic activities; whereas the European Commission decided to not conduct a human rights impact assessment on the IPA;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>15</NumAm>

<RepeatBlock-By><Members>Daniel Caspary</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital G</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| G. whereas this is the second ‘standalone investment protection agreement’ concluded between the EU and a third country following discussions by the European institutions on the new architecture of EU FTAs, on the basis of the opinion of the Court of Justice of the European Union (CJEU) 2/15 of 16 May 2017; | G. whereas this is ***- after the EU-Singapore Investment Protection Agreement -*** the second ‘standalone investment protection agreement’ concluded between the EU and a third country following discussions by the European institutions on the new architecture of EU FTAs, on the basis of the opinion of the Court of Justice of the European Union (CJEU) 2/15 of 16 May 2017***, which will serve as reference point for future EU engagement with its trading partners***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>16</NumAm>

<RepeatBlock-By><Members>Bernd Lange, Biljana Borzan, Miroslav Číž, Monika Beňová, Nicola Danti, Inma Rodríguez-Piñero</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital H</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017; | H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017; ***emphasises that the new public Investment Court System was integrated into the already finalised CETA agreement by the European Parliament's efforts, thereby replacing the old private ISDS-system.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>17</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital H</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017; | H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017; ***whereas this new ‘Investment Court System’ remains untested as neither the relevant provisions in CETA nor the IPA with Singapore are currently in force;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>18</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital H</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017; | H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017 ***and which still awaits ratification by several Member States***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>19</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital I</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| I. whereas the agreement will replace and supersede the existing bilateral investment treaties between ***21*** EU Member States and Vietnam, which do not include the EU’s new approach to investment protection and its enforcement mechanism, the Investment Court System (ICS); | I. whereas the agreement will replace and supersede the existing bilateral investment treaties between ***22*** EU Member States and Vietnam, which do not include the EU’s new approach to investment protection and its enforcement mechanism, the Investment Court System (ICS); ***whereas 6 EU member states currently have no investment treaty with Vietnam (CY, HR, IE, MT, PT, SI) and would therefore be subject to an arbitration-based dispute settlement with Vietnam for the first time as a result of the EVIPA;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>20</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital I a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***I a.*** ***whereas the EU's ICS (International Court System) still remains an investment arbitration system;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>21</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital I b (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***I b.*** ***whereas the last decades have seen billion-dollars investor lawsuits against the alleged damage to corporate profit of legislation and government measures in the interest of the public;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>22</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital I c (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***I c.*** ***whereas, according to UNCTAD, the new ISDS cases in 2018 were initiated against 41 countries and as in previous years, the majority of new cases were brought against developing and transiting-economy countries, mostly by developed-country investors;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>23</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital J</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| J. whereas on 30 April 2019 the CJEU ruled that the mechanism for the resolution of disputes between investors and States provided for by CETA is compatible with EU law14 ; | J. whereas on 30 April 2019 the CJEU ruled that the mechanism for the resolution of disputes between investors and States provided for by CETA is compatible with EU law14 ; ***whereas the CJEU drew such conclusion on the basis of the fact that, since the EU legislation is anchored in the Treaties’ principles of proportionality and necessity to achieve public policy objectives , there is a presumption of compatibility with investment protection obligations and that ICS has no jurisdiction to declare the level of protection of a public interest established by EU measures incompatible with CETA;*** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 14 Opinion of the Court of Justice of 30 April 2019, 1/17. | 14 Opinion of the Court of Justice of 30 April 2019, 1/17. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>24</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital K</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament; | K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament; ***whereas this approach was only fully supported by 7.8% of all respondents to the public consultation organised by the Commission in 2017;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>25</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital K</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by ***Parliament***; | K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by ***Parliament's previous legislature***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>26</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital K</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) ***– an initiative strongly supported by Parliament***; | K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC); |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>27</NumAm>

<RepeatBlock-By><Members>Daniel Caspary</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Recital K</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament; | K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly ***and continuously*** supported by Parliament; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>28</NumAm>

<RepeatBlock-By><Members>Iuliu Winkler, Enikő Győri, Massimiliano Salini</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 1</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved; | 1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved; ***recalls that the establishment of an independent multilateral investment court would give greater legal certainty to all parties; welcome the strong commitment of Viet Nam to the rules-based multilateral trading system;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>29</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 1</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 1. ***Welcomes*** the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a ***modern, innovative and*** reformed investment resolution mechanism; notes that it ***marks significant change*** in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved; | 1. ***Takes note of*** the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a reformed investment resolution mechanism; notes that it ***introduces some changes*** in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved ***although it fails to address the main flaws of ISDS in that ICS remains at odds with the principles of legal equality and legal certainty which are both cornerstones of the rule of law***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>30</NumAm>

<RepeatBlock-By><Members>Bernd Lange, Biljana Borzan, Miroslav Číž, Monika Beňová, Nicola Danti</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 1</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved; | 1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved; ***regrets, however, that the scope of application still extends slightly beyond mere non-discrimination between foreign and domestic investors*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>31</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 1</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 1. ***Welcomes the*** EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents ***a modern, innovative and reformed*** investment resolution mechanism***; notes that it marks significant change in the level of substantive protection afforded*** to investors ***and the manner in which investor-state disputes are resolved***; | 1. ***Notes that*** EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents ***an*** investment resolution mechanism ***quite similar to the previous one, given the fact that like ISDS, it provides*** to investors ***a parallel and privileged justice system and does not provide any sanction mechanism against investors who don't comply with human rights obligations or social and environmental standards***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>32</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 1</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 1. ***Welcomes*** the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has ***replaced*** the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it ***marks significant change in the level of substantive protection afforded to*** investors ***and the manner in which investor-state disputes are resolved***; | 1. ***Notes*** the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has ***reformed*** the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism ***as regards its procedural shortcomings***; notes ***however*** that it ***perpetrates the asymmetry and imbalance between*** investors***’ rights and obligations since only rights are protected like under the older ISDS***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>33</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 2</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability; | 2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability; ***asks the Commission to further take into account the fight against climate change and the respect of the Paris Agreement in safeguarding the right of the parties to regulate, as it has been done with CETA;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>34</NumAm>

<RepeatBlock-By><Members>Iuliu Winkler, Enikő Győri</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 2</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability; | 2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability; ***welcomes the EU’s new approach to Investment Protection and its enforcement mechanism of ICS which enhances the quality of individual approaches of bilateral investment treaties concluded by EU MS;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>35</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 2</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
| 2. Notes that the agreement will ensure a high level of investment protection and legal certainty ***while safeguarding*** the right of the Parties ***to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability***; | 2. Notes that the agreement will ensure a high level of investment protection and legal certainty***; regrets that a similar level of ambition has not been reached for the enforcement of sustainable development provisions; further notes that, contrary to CETA, EVIPA is deprived of a joint interpretative instrument providing additional guarantees to*** the right ***to regulate*** of the Parties***, which was taken into account by the CJEU to draw its conclusions on CETA***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>36</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 2</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
| 2. Notes that the agreement ***will*** ensure ***a*** high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection***; emphasises that the agreement will ensure transparency and accountability***; | 2. Notes that the agreement ***is presented as a means to*** ensure high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection ***but also notes that this system - including the 'right to regulate’ clause - remains entirely untested and subject to substantial public criticism***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>37</NumAm>

<RepeatBlock-By><Members>Daniel Caspary</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article> Paragraph 2</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
| 2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability; | 2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health***, public services*** and environmental protection; emphasises that the agreement will ensure transparency and accountability; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>38</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 3</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 3. Stresses that the agreement guarantees that EU investors in Vietnam will get ***fair and equitable*** treatment ***and will suffer no discrimination in relation to Vietnamese*** investors; notes that the agreement ***properly protects*** EU investors from illegitimate expropriation; | 3. Stresses that the agreement guarantees that EU investors in Vietnam will get ***special*** treatment ***not accessible to domestic*** investors; notes that the agreement ***contains provisions to protect*** EU investors from illegitimate expropriation***, which already exist in Vietnamese domestic legislation***; ***notes that Chapter II of the Vietnamese Law on Investment gives foreign investors similar investment protection available to local investors, such as protection of assets and properties, investment capital, income and other investor's lawful rights and interest; notes that the Vietnamese law already prohibits expropriation by administrative measures, and provides for a right to fair compensation in cases of expropriation for national defence or security purposes (article 18.1, Law No. 15/2008/QH12); recognises that there are substantial problems in accessing remedy in the Vietnamese judicial system for foreign and domestic investors;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>39</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 3</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
| 3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement ***properly protects*** EU investors from ***illegitimate*** expropriation; | 3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment ***contrary to Vietnamese citizens, will be protected from denial of justice in criminal or civil proceedings, manifest arbitrariness, targeted discriminations such as gender, race or religious belief, abusive treatment such as coercion or abuse of power contrary to Vietnamese citizens,*** and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement***, while protecting*** EU investors from ***"indirect*** expropriation***", can weaken the Parties' right to regulate and pursue legitimate public policy goals such as public health, education, labour rights, safety and environmental protection***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>40</NumAm>

<RepeatBlock-By><Members>Bernd Lange, Biljana Borzan, Miroslav Číž, Monika Beňová, Nicola Danti, Inma Rodríguez-Piñero</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 3</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement properly protects EU investors from illegitimate expropriation; | 3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement properly protects EU investors from illegitimate expropriation; ***regrets that protection against discriminatory measures does not go hand-in-hand with obligations for investors to exercise due diligence with regard to sustainable business practices in compliance with human rights and international labour conventions as well as environmental standards.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>41</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 3</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment ***and will suffer no discrimination in relation to Vietnamese investors***; notes that the agreement properly protects EU investors from illegitimate expropriation; | 3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment ***which is a higher standard of protection than national treatment***; notes that the agreement properly protects EU investors from illegitimate expropriation; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>42</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 4</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests; | 4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests; ***notes that the European Association of Judges has stated that "neither the appointment, nor the term of office nor the retainer fee [provided for by the ICS model] meet with [the] requirements" of the 2010 Council of Europe's "Magna Carta of Judges"; recalls the United Nation's 1985 resolution on "Basic Principles on the Independence of the Judiciary" which states: "Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals";*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>43</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 4</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests; | 4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests;***is concerned about the inability of Vietnamese judges to comply with all those requirements given the situation of the judiciary system and of the rule of law in the country; recalls that the independence of the judges is one of the criteria taken up by the CJEU to draw its conclusions on the compatibility of CETA;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>44</NumAm>

<RepeatBlock-By><Members>Bernd Lange, Biljana Borzan, Miroslav Číž, Monika Beňová, Nicola Danti, Inma Rodríguez-Piñero</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 4</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests; | 4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests; ***stresses that the European Court of Justice sees the ICS in full compliance with EU law as expressed in opinion 1/17 of the Court.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>45</NumAm>

<RepeatBlock-By><Members>Iuliu Winkler, Enikő Győri</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 5</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are effectively heard by the investment tribunals; | 5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are effectively heard by the investment tribunals; ***additionally welcomes the clarity regarding the grounds on which an investor can challenge, which ensures additional transparency and fairness of the process;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>46</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 5</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency ***will*** help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are ***effectively*** heard by the investment tribunals; | 5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency ***can*** help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are heard by the investment tribunals ***although with no guarantee that these concerns will be properly taken into account in any ICS Tribunal ruling***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>47</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 5</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system***, as well as ensuring that all*** human rights and sustainable development aspects are ***effectively heard by the investment tribunals***; | 5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system***; regrets that*** human rights and ***other*** sustainable development aspects are ***not covered by ICS as substantive investors’ obligations***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>48</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 6</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 6. Stresses that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs; | 6. Stresses that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs ***but without proper legal standing in front of the tribunal***; ***underlines that the investment court still constitutes a separate system for foreign investors only; demands that investor rights should be balanced by an equivalent legal mechanism accessible by trade unions and other stakeholders to enforce the investors obligations;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>49</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 6</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 6. Stresses that third parties such as labour and environmental organisations ***can contribute*** to ICS proceedings through amicus curiae briefs; | 6. Stresses that third parties ***(***such as labour and environmental organisations***) theoretical contributions*** to ICS proceedings through amicus curiae briefs ***are not sufficient to guarantee equal status to civil society actors compared to that guaranteed to investors***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>50</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 6</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 6. ***Stresses*** that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs; | 6. ***Notes*** that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>51</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 6 a (new)</Article>

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|  | |
| Motion for a resolution | Amendment |
|  | ***6 a.*** ***Regrets that a global approach to corporations’ compliance with human rights law and the availability of remedy mechanisms are lacking; warmly welcomes the work initiated in the UN by the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights on the establishment of a binding UN instrument; calls for a binding treaty to include mechanisms for coordination among states on investigating and prosecuting cross-border cases, and proposes companies are accountable for human rights violations in the forum where the harm was caused, or the forum where the parent company or subsidiary is incorporated; urges the EU and Member States to engage genuinely and constructively in the negotiations;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>52</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 6 b (new)</Article>

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|  | |
| Motion for a resolution | Amendment |
|  | ***6 b.*** ***Regrets the lack of provisions on investors’ obligations, including binding corporate social responsibility standards; calls on the Commission to propose legislation laying down mandatory and enforceable due diligence standards in sectors other than conflict minerals and timber, such as the garment industry;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>53</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 8</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
| 8. Recalls that the agreement represents an improvement on the investment protection provisions in CETA, as it incorporates provisions on obligations for former judges, a code of conduct to prevent conflicts of interests, and a fully functioning Appeal Tribunal at the time of its conclusion; | 8. Recalls that the agreement represents an improvement on the investment protection provisions in CETA, as it incorporates provisions on obligations for former judges, a code of conduct to prevent conflicts of interests, and a fully functioning Appeal Tribunal at the time of its conclusion; ***stresses however that, contrary to CETA, EVIPA is deprived of a Joint Interpretative Instrument providing additional protection to the right to regulate;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>54</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 10. ***Notes*** that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a ***separate*** trade and sustainable development (TSD) chapter***, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses*** that the EVIPA ***also*** contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; | 10. ***Regrets*** that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a trade and sustainable development (TSD) chapter***; notes*** that the EVIPA contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; ***regrets that the EVIPA places no obligations on investors to be eligible to the protection it affords, beyond disqualifying fraudulent investments; also regrets that this new system does not provide any access to remedy to the victims of human rights abuses resulting from operations of foreign investors; calls for an accompanying comprehensive EU framework on investor obligations, including mandatory due diligence provisions and respect for OECD Guidelines for multinationals;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>55</NumAm>

<RepeatBlock-By><Members>Jytte Guteland, Inma Rodríguez-Piñero, Evin Incir</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; | 10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; ***underlines that the Parties and investors must respect all relevant international human rights standards and obligations; stresses the responsibilities of investors according to the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>56</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; | 10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; ***points out that the provisions of the EVIPA and the EUVFTA must be implemented in a complementary manner, especially with regard to human, environmental and social rights and sustainable development;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>57</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; | 10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal ***but very limited*** link to the PCA, as well as specific references in its preamble***, which lacks any binding value,*** to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>58</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment ***by virtue of*** the EU-Vietnam Free Trade Agreement (EUVFTA) ***that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific*** references ***in its preamble*** to the ***TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights***; | 10. Notes that ***since*** the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment ***market access under*** the EU-Vietnam Free Trade Agreement (EUVFTA)***; is of the view that TSD chapters’ rules, principles and*** references to the ***international commitments of the Parties could have contributed to strengthening their right to regulate***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>59</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10 a (new)</Article>

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| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***10 a.*** ***Notes with concern that the Vietnamese penal code still allows for serious human rights violations, which have intensified since the entry into force of the PCA; calls on a Vietnam to revise the penal code in line with international standards and welcomes the European Union's assistance in this respects; regrets that the Commission has failed to undertake a comprehensive human rights impact assessment of the EVIPA; calls on the Commission to carry out such an assessment;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>60</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10 a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***10 a.*** ***Is concerned that human rights violations stemming from foreign investors’ activities cannot be addressed under the IPA and that no concrete action can be taken in the framework of that agreement; requests therefore the addition of a monitoring mechanism as well as a grievance mechanism under the IPA through an additional Protocol to the IPA, whereby potential and actual violations can at least be prevented or remedied through mediation;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>61</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10 b (new)</Article>

|  |  |
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|  | |
| Motion for a resolution | Amendment |
|  | ***10 b.*** ***Points out that a new Vietnamese Cyber Security Law, that entered into force at the beginning of 2019, has attracted a lot of criticism, as an intensified crackdown on human rights activists in the country has been documented, linked to the provisions of this new law which gives the authorities licence to censor content, control information and silence online dissidents; notes with regret that the legislation also raises concerns for EU economic interests, including forced data localisation provisions which are at odds with the EU's liberalisation agenda in this respect; calls on Vietnam to revise this law in line with international standards and welcomes the European Union's assistance in this respect;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>62</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 10 c (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***10 c.*** ***Underlines the need for close monitoring of the implementation of the agreement and the human rights developments in Vietnam; Calls for a joint parliamentary scrutiny board, basing itself on the monitoring Group for Vietnam in the European Parliament and its equivalent in the Vietnamese National Assembly, which will be tasked to monitor the implementation of the agreement and the human rights developments in Vietnam;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>63</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 11 a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***11 a.*** ***Believes that an arbitration International Court should fit the following qualifications :*** |
|  | ***- falling under the auspices of an independent multilateral body such as the United Nations,*** |
|  | ***- being transparent in its appointments and proceedings,*** |
|  | ***- applying human rights, labour and environmental treaties.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>64</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 12</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam; ***considers that this constitutes an important step in increasing the legitimacy and acceptance of the international investment regime;*** | 12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>65</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 12</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam***; considers that this constitutes an important step in increasing the legitimacy and acceptance of the international*** investment ***regime***; | 12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam ***and create new obligations for the 6 EU Member States that do not have a bilateral*** investment ***treaty in place with Vietnam***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>66</NumAm>

<RepeatBlock-By><Members>Iuliu Winkler, Enikő Győri, Massimiliano Salini, Christophe Hansen</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 13</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 13. Encourages the Commission to continue its work on making the ICS more accessible to small and medium-sized enterprises (SMEs); | 13. Encourages the Commission to continue its work on making the ICS more accessible to small and medium-sized enterprises (SMEs); ***underlines the potential for growth and significant benefits that are hereby made available to European Small and Medium-sized Enterprises, considering this sector of the economy of vital interest for European prosperity and innovation;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>67</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 13</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 13. Encourages the Commission to continue its work on making the ICS more accessible to ***small and medium-sized enterprises (SMEs)***; | 13. ***Calls on the Commission to take accompanying measures for small and medium-sized enterprises (SMEs) with this agreement in order to make it transparent and accessible;*** encourages the Commission to continue its work on making the ICS more accessible to ***SMEs***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>68</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 13</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 13. Encourages the Commission to continue its work on making the ICS more accessible to small and medium-sized enterprises (SMEs); | 13. Encourages the Commission to continue its work on making the ICS more accessible to small and medium-sized enterprises (SMEs) ***and calls on the Commission to include access to remedy for human rights abuses victims and Civil Society Organisations***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>69</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 13</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 13. ***Encourages the Commission to continue its work on making the ICS more*** accessible to small and medium-sized enterprises (SMEs); | 13. ***Recalls that ICS and arbitration systems are hardly*** accessible to small and medium-sized enterprises (SMEs); |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>70</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 13 a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***13 a.*** ***Calls on both Parties to undertake to develop programmes of cooperation activities to improve capacity and conditions for women to benefit from opportunities created by the agreement, including encouraging capacity building and skills enhancement of women at work and in business, fostering women's representation in decision making and positions of authority; improving women's access to, and participation and leadership in, science, technology and innovation; conducting gender-based analysis and gender-focused statistics relating to investments;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>71</NumAm>

<RepeatBlock-By><Members>Jude Kirton-Darling</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 14</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| ***14.*** ***Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate;*** | ***deleted*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>72</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 14</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 14. Considers that the approval of this agreement will ***robustly*** protect investors and their investments ***on both sides while safeguarding the governments’ rights to regulate***; | 14. Considers that the approval of this agreement will protect investors and their investments***; on the other hand, is of the view that, following the CJEU ruling on CETA important questions remain answered such as (i) the effects of ICS judges not being bound by the ECJ ruling and that fact that they may therefore draw conclusions contradicting the CJEU interpretation; (ii) the consequences in case ICS judges call into question the level of protection set by the EU and on that basis award damages; (iii) how to ensure the ICS judges will comply with the CJEU interpretation***; ***Therefore believes that a protocol clarifying such questions in the form of an interpretative instrument should be included in the agreement before ratification;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>73</NumAm>

<RepeatBlock-By><Members>Daniel Caspary</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article> Paragraph 14</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 14. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate; | 14. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate; ***calls upon Member States for a swift ratification of the agreement in order to ensure that all its benefits are available to all stakeholders at the earliest time possible;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>74</NumAm>

<RepeatBlock-By><Members>Emmanuel Maurel, Helmut Scholz</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 14</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
| 14. Considers that the approval of this agreement will ***robustly protect*** investors and ***their investments on both sides while safeguarding the*** governments’ rights to regulate; | 14. Considers that the approval of this agreement will ***give a privileged status to*** investors and ***may jeopardize*** governments’ rights to regulate; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>75</NumAm>

<RepeatBlock-By><Members>Karin Karlsbro, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 14 a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***14 a.*** ***Welcomes the agreement which will create more free and fair trade opportunities between the EU and Vietnam; urges the European Parliament to give it consent to the agreement, given that Vietnam takes steps to improve the civil and labour rights situation as to move in the direction of its commitments;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>76</NumAm>

<RepeatBlock-By><Members>Saskia Bricmont</Members>

</RepeatBlock-By>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 14 a (new)</Article>

|  |  |
| --- | --- |
|  | |
| Motion for a resolution | Amendment |
|  | ***14 a.*** ***Withholds its consent until the Investment Protection Agreement is completed by the addition of an independent monitoring mechanism as well as a grievance mechanism;*** |

Or. <Original>{EN}en</Original>

</Amend></RepeatBlock-Amend>