

Amendment 1

Klaus Buchner, Yannick Jadot
on behalf of the Verts/ALE Group

Report

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018**Motion for a resolution****Paragraph 1***Motion for a resolution*

1. Considers this agreement to be of major bilateral and global strategic importance *and that it represents a timely signal in support of open, fair, values- and rules-based trade, while promoting high standards, namely in the field of the environment, food safety, consumer protection and labour rights, at a time of serious protectionist challenges to the international order; warns that such protectionism is not an option and that the status quo in trade policy is no longer tenable;*

Amendment

1. Considers this agreement to be of major bilateral and global strategic importance; *notes, however, that in the current context characterised by the urgency of fulfilling the UN 2030 Agenda for Sustainable Development, rising protectionism and citizens' justified concerns about unfair globalisation, the status quo in trade policy is no longer tenable; regrets that the Commission is underestimating such a challenge and considers this FTA a missed opportunity for the EU to adequately reorient its trade policy;*

Or. en

Amendment 2

Klaus Buchner, Yannick Jadot
on behalf of the Verts/ALE Group

Report

A8-0367/2018

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

Motion for a resolution**Paragraph 8***Motion for a resolution*

8. ***Highlights the fact*** that the ***agreement promotes best practices for providing safe and high-quality food and products for consumers; stresses that nothing in the agreement prevents the application*** of the precautionary principle in the EU ***as set out in the Treaty on the Functioning of the European Union; welcomes the inclusion of a clear reference to the precautionary approach in the agreement; stresses that the agreement must under no circumstances jeopardise precise, understandable and EU-compliant food labelling***; calls on both partners to enhance consumer protection, consumer welfare and food safety in the implementation of the agreement and on the Commission to include specific and strong provisions on consumer protection in all future EU trade agreements;

Amendment

8. ***Recalls*** that the ***precautionary principle, though enshrined in the EU Treaties, is not adequately protected because the current multilateral and bilateral trade agreements do not provide full legal recognition; further recalls that the EU has already lost two legal disputes at the WTO invoking the precautionary principle,^{1a} and is concerned about the risk of chilling effects on future EU regulatory measures; regrets that the Commission has failed to set up adequate standards of protection for the precautionary principle in the EPA, and stresses that this should be a key offensive interest of the EU in all current and future trade negotiations***; calls on both partners to enhance consumer protection, consumer welfare and food safety in the implementation of the agreement and on the Commission to include specific and strong provisions on consumer protection in all future EU trade agreements;

^{1a} ***EC-Approval and Marketing of Biotech Products DS291, EC-Hormones DS26.***

Or. en

5.12.2018

A8-0367/3

Amendment 3

Klaus Buchner, Yannick Jadot
on behalf of the Verts/ALE Group

Report

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Stresses that both parties are committed to ensuring high levels of environmental and labour protection and that those high standards should not be regarded as trade barriers, while noting that the agreement also makes it clear that labour and environmental standards cannot be relaxed or lowered to attract trade and investment; recalls Sustainable Development Goal 5 of the UN's 2030 Agenda for Sustainable Development; welcomes the fact that both Japan and the EU have adhered to the Buenos Aires Declaration on Women and Trade and calls on both parties to strongly reinforce commitments on gender and trade in the context of this agreement, including the right to equal pay; ***expects the EU and Japan to take all necessary steps to implement the Sustainable Development Goals in all their activities, including through this agreement; asks the Commission to carry out an ex-post sustainability impact assessment of the implementation of the agreement;***

Amendment

9. Stresses that both parties are committed to ensuring high levels of environmental and labour protection and that those high standards should not be regarded as trade barriers, while noting that the agreement also makes it clear that labour and environmental standards cannot be relaxed or lowered to attract trade and investment; recalls Sustainable Development Goal (***SDG***) 5 of the UN's 2030 Agenda for Sustainable Development; welcomes the fact that both Japan and the EU have adhered to the Buenos Aires Declaration on Women and Trade and calls on both parties to strongly reinforce commitments on gender and trade in the context of this agreement, including the right to equal pay; ***believes that FTAs should not be an end in themselves but should rather be a means to achieve and implement the SDGs and the Paris Agreement;*** asks the Commission to carry out an ex-post sustainability impact assessment ***three years after the start of the implementation of the agreement and regularly thereafter, in order to ensure that the EPA is compatible with the SDGs;***

Or. en

Amendment 4

Klaus Buchner, Yannick Jadot
on behalf of the Verts/ALE Group

Report**A8-0367/2018****Pedro Silva Pereira**

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

Motion for a resolution**Paragraph 10***Motion for a resolution**Amendment*

10. Welcomes the commitment to the effective implementation of the Paris Agreement to combat climate change and of other multilateral environmental agreements, as well as to the sustainable management of forests (including fighting illegal logging) and fisheries (combating illegal, unreported and unregulated fishing); underlines that EU legislation and standards remain applicable to products imported into the EU market and that, in particular, the EU Timber Regulation (Regulation (EU) No 995/2010) prohibits the placing of illegal timber on the EU market and establishes a mandatory due diligence system; calls on both parties to *cooperate closely* under the sustainable development chapter *to exchange best practices and to strengthen the enforcement* of legislation in *these matters, including on the most effective measures to combat illegal logging and on paying particular attention to preventing exports of illegally logged timber from the EU to Japan*;

10. Welcomes the commitment to the effective implementation of the Paris Agreement to combat climate change and of other multilateral environmental agreements, as well as to the sustainable management of forests (including fighting illegal logging) and fisheries (combating illegal, unreported and unregulated fishing); underlines that EU legislation and standards remain applicable to products imported into the EU market and that, in particular, the EU Timber Regulation (*EUTR*) (Regulation (EU) No 995/2010) prohibits the placing of illegal timber on the EU market and establishes a mandatory due diligence system; calls on both parties to *immediately start close cooperation* under the sustainable development chapter *aiming at the adoption by Japan* of legislation *that is equivalent to EUTR without delay*; *regrets the decision of the Commission not to request the end of whaling in the framework of the negotiations*;

Or. en

Amendment 5

Klaus Buchner, Yannick Jadot
on behalf of the Verts/ALE Group

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Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution**Paragraph 13***Motion for a resolution*

13. Recalls that the Court of Justice of the European Union has stated, in paragraph 161 of Opinion 2/15 on the EU-Singapore Free Trade Agreement, that ***trade and sustainable development*** chapters have a direct and immediate effect on trade and that a breach of sustainable development provisions authorises the other party to terminate or suspend the liberalisation provided for in the other provisions of the Free Trade Agreement; ***welcomes the inclusion of a review clause in the chapter on trade and sustainable development and calls on both parties to make good and timely use of this clause in order to uphold the commitments made and improve the enforceability and effectiveness of labour and environmental provisions, including the consideration of, among various enforcement methods, a sanctions-based mechanism as a last resort; calls on both parties not to wait until the review clause is triggered to take steps towards effective implementation, so as to ensure that this EPA is a front-running agreement providing the highest protection possible; calls on the Commission to monitor the commitments undertaken in the trade and sustainable development chapter and to cooperate with Japan on their implementation,***

Amendment

13. Recalls that the ***purpose of Trade and Sustainable Development (TSD) chapters is to make sure that trade agreements are a means to achieve sustainable development goals, and believes that, in order not to contradict that purpose, such chapters must be fully enforceable, like any other parts of an FTA; recalls that the*** Court of Justice of the European Union has stated, in paragraph 161 of Opinion 2/15 on the EU-Singapore Free Trade Agreement, that ***TSD*** chapters have a direct and immediate effect on trade and that a breach of sustainable development provisions authorises the other party to terminate or suspend the liberalisation provided for in the other provisions of the Free Trade Agreement; ***calls on the Commission to immediately activate the review clause of the EPA TSD chapter, as well as to review its general approach to all FTAs, in order to introduce the suspension of trade preferences or other kinds of sanctions in case of breaches of commitments;***

*building on the Commission's 15-point
non-paper on trade and sustainable
development implementation;*

Or. en

5.12.2018

A8-0367/6

Amendment 6

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Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Underlines ***the fact*** that the ***EPA reasserts the*** right of Member State authorities to ***fully*** define, provide and regulate public services at local, regional or national level ***and*** that a negative list ***as provided for in this agreement does not prevent governments from bringing any privatised services back into the public sector or from freely developing new public utilities; believes that as a principle, the use of a positive list approach as per the WTO General Agreement on Trade and Services (GATS) is preferable; notes the commitment made by both parties in the EPA to protecting public water management as part of the general public services exemption;***

Amendment

14. Underlines that ***FTAs should maintain*** the right of ***the*** Member State's authorities to define, provide and regulate public services at local, regional or national level; ***believes*** that a negative list ***constrains the right to regulate because it requires national authorities to determine at the time of the negotiation all future regulatory needs, and that ratchet and standstill clauses forbid in principle the restoration of less favourable levels of liberalisation; asks the Commission to revert to a positive list approach in all current and future negotiations;***

Or. en

5.12.2018

A8-0367/7

Amendment 7

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Report

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EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Believes that the current ‘public utility’ clause does not provide full and adequate protection of the right to regulate public services, as Parliament has already acknowledged in previous resolutions^{1b}; urges the Commission to consider revising its approach with a view to excluding services of general interest and services of general economic interest from all FTAs, on the basis of a ‘public services’ clause explicitly built on the principles of the EU Treaties;

^{1b} European Parliament resolution of 3 February 2016 containing the European Parliament’s recommendations to the Commission on the negotiations for the Trade in Services Agreement (TiSA) – Texts adopted, P8_TA(2016)0041.

Or. en

Amendment 8

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Report

A8-0367/2018

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

Motion for a resolution**Paragraph 17***Motion for a resolution*

17. Stresses that the agreement **preserves** the sovereign right to regulate the financial and banking sectors for prudential and supervisory reasons; **calls on both partners to use** the financial regulatory **forum to improve the global financial system**;

Amendment

17. Stresses that the agreement **should preserve** the sovereign right to regulate the financial and banking sectors for prudential and supervisory reasons, **and recalls that the provisions in the financial services chapter are based on GATS dating back to 1995; is concerned that the EU has included those financial products that were at the origin of the financial crisis in the list of services to be liberalised (i.e. credit-default swaps, asset-backed securities and derivative products such as futures and options); regrets that this FTA has missed the opportunity to make liberalisation of trade in financial services compatible with the post-crisis regulatory patterns by using a positive list for financial services, as also recommended by Parliament on the basis of the work of its PANA Committee^{1c}; regrets the inclusion of a very ambitious provision on new financial services, confirming the intention to further liberalise and expand the financial sector, in contradiction with the post-crisis approach of instead limiting financial innovation;**

^{1c} *European Parliament recommendation of 13 December 2017 to the Council and the Commission following the inquiry into*

money laundering, tax avoidance and tax evasion – Texts adopted, P8_TA-PROV(2017)0491.

Or. en

5.12.2018

A8-0367/9

Amendment 9

Klaus Buchner, Yannick Jadot
on behalf of the Verts/ALE Group

Report

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Stresses that regulatory cooperation is voluntary and that it by no means *limits* the right to regulate; recalls that corresponding provisions must be implemented in full respect of the prerogatives of the co-legislators; *welcomes the fact* that the *regulatory cooperation* chapter *clearly states* that the principles established in the TFEU, such as the precautionary principle, must be fully respected;

Amendment

19. Stresses that regulatory cooperation is voluntary and that it *should* by no means *limit* the right to regulate; recalls that corresponding provisions must be implemented in full respect of the prerogatives of the co-legislators; *highlights the provision in the chapter on regulatory cooperation* that *regulatory measures cannot constitute a disguised barrier to trade, which entails a weighing and balancing between what is proportionate and necessary on the one hand and what can be a legitimate policy objective on the other hand; is concerned that regulatory cooperation within the framework of FTAs risks making the delicate balance between regulating the public interest and eliminating trade barriers lean towards the latter; regrets that the chapter's provision* that the principles established in the TFEU, such as the precautionary principle, must be fully respected *only applies to regulatory cooperation, despite the fact that the most critical provisions are in the chapters on sanitary and phytosanitary measures (SPS) and on technical barriers to trade (TBT);*

Or. en

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A8-0367/10

Amendment 10

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Report

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EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Calls for transparency on the functioning of the regulatory cooperation committee and for the adequate involvement of all stakeholders, notably trade unions and civil society organisations, which should be regarded as a prerequisite for continuing to build public trust in the agreement and its implications; stresses that Parliament should be kept informed *on a regular basis* about the decisions taken in the regulatory cooperation committee;

Amendment

20. Calls for transparency on the functioning of the regulatory cooperation committee and for the adequate involvement of all stakeholders, notably trade unions and civil society organisations, which should be regarded as a prerequisite for continuing to build public trust in the agreement and its implications; stresses that Parliament should be kept *systematically* informed about the decisions taken in the regulatory cooperation committee, *as well as before and after every meeting of the EPA regulatory cooperation forum*;

Or. en

5.12.2018

A8-0367/11

Amendment 11

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Report

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Notes that negotiations continue on a separate investment agreement, ***which Parliament will monitor closely***; notes that the ***Commission has introduced an investment court system in agreements with other partners, pending the establishment of a multilateral investment court; reiterates that the old, private investor-state dispute settlement (ISDS) mechanism is unacceptable and that there is no mandate to return to it;***

Amendment

21. Notes that negotiations continue on a separate investment agreement; notes that the Investment Court System (***ICS***) ***will perpetuate high levels of investment protection without corresponding investor obligations, on the basis of substantive investor rights which systemically weaken the Parties' right to regulate and pursue legitimate public policy objectives; underlines that ICS fails to reform the most problematic substantive provisions of foreign investment protection, in particular the principles of 'indirect expropriation', 'legitimate expectation' and 'fair and equitable treatment';***

Or. en

5.12.2018

A8-0367/12

Amendment 12

Klaus Buchner, Yannick Jadot

on behalf of the Verts/ALE Group

Report

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Calls on the Commission to call a halt to the investment protection agreement negotiations;

Or. en

5.12.2018

A8-0367/13

Amendment 13

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Report

Pedro Silva Pereira

EU-Japan Economic Partnership Agreement (resolution)
(2018/0091M(NLE))

A8-0367/2018

Motion for a resolution

Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Notes the improvements with regards to transparency, access to documents and involvement of civil society in trade negotiations that have occurred during the present legislative term; requests that full access to consolidated negotiating texts be systematically provided to all Members of the European Parliament, and calls on the Commission to always push for and prioritise the disclosure and publication of those documents in all negotiations;

Or. en