



2018/0358M(NLE)

20.12.2018

DRAFT OPINION

of the Committee on Development

for the Committee on International Trade

on a non-legislative resolution on the proposal for a Council decision on the 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
(COM(2018)0693 – C8-0000/2018 – 2018/0358M(NLE))

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SUGGESTIONS

The Committee on Development calls on the Committee on International Trade, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Expresses regret at the fact that no human rights impact assessment was carried out by the EU prior to the launching of negotiations; reaffirms in the strongest possible terms that the parties to the Investment Protection Agreement (IPA) and the investors protected by it must abide by all international human rights standards and obligations, in addition to those arising from domestic laws; calls on the Commission to carry out independent human rights impact assessments and undertake prior consultation with the individuals and communities which could be affected by trade and investment agreements before the conclusion of future agreements;
2. Notes with concern that the protections afforded to investors are outpacing the development of investor responsibilities; underlines, in this regard, the importance of an independent monitoring and complaint mechanism that can be utilised by the populations affected and that has the authority to provide for binding rulings with regard to the negative impact of trade and investment agreements on human rights; calls for the EU and Vietnam to take a leading role in addressing this issue at a multilateral level, by taking an active part in UN negotiations for a legally binding instrument to regulate, in international human rights law, the activities of multinational corporations and other business enterprises;
3. Calls on the Parties to protect civil society organisations (CSOs) and human rights defenders which seek to address the harmful repercussions of trade and investment agreements for human rights and safeguard the environment from any attacks that might ensue;
4. Recalls that Vietnam is a developing country; emphasises that in order to help achieve the Sustainable Development Goals, notably SDG 1 on poverty eradication, SDG 8 on decent work and SDG 10 on reduced inequalities, investment must serve to foster the creation of quality jobs, support local economies and fully respect domestic regulations, including tax requirements;
5. Calls on the Parties to take account of internationally agreed principles and instruments, such as the OECD Guidelines for Multinational Enterprises, the UN Guiding Principles for Business and Human Rights and the UN Principles for Responsible Investment, and to address outstanding issues such as the welfare of farm and wild animals;
6. Expresses serious concern over the environmental damage in Vietnam, in particular pollution, deforestation and unsustainable mining activities, which are destroying waterways and entire regions and disrupting the way of life of local communities; urges regular monitoring and reporting on the impact of EU investor activities on environmental degradation, including consultation with local populations and CSOs;
7. Recognises that the Investment Court System (ICS) marks an improvement from the current bilateral investment treaties between 21 EU Member States and Vietnam; welcomes the use of transparency rules from the UN Commission on International

Trade Law (UNCITRAL) in dispute settlement provisions; emphasises that the protection of legitimate public policy decisions and the right to regulate must not be challenged by investors; insists on regular monitoring and reporting back to the European Parliament on how European investors make use of the ICS.