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*Plenary sitting*

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**A9-0194/2023**

25.5.2023

## REPORT

containing a motion for a non-legislative resolution on the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part  
(11714/2022 – C9-0430/2022 – 2022/0221M(NLE))

Committee on Foreign Affairs

Rapporteur: Gheorghe-Vlad Nistor

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## MOTION FOR A EUROPEAN PARLIAMENT NON-LEGISLATIVE RESOLUTION

**on the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part**

**(11714/2022 – C9-0430/2022 – 2022/0221M(NLE))**

*The European Parliament,*

- having regard to the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part (11714/2022),
- having regard to the request for consent submitted by the Council in accordance with Article 209 and Article 218(6), second subparagraph, point (a)(iii) of the Treaty on the Functioning of the European Union (C9-0430/2022),
- having regard to the draft Framework Agreement on Partnership and Cooperation (PCA) between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part (11732/2022),
- having regard to the joint communications of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 16 September 2021 entitled ‘the EU strategy for cooperation in the Indo-Pacific’ (JOIN(2021)0024) and of 1 December 2021 entitled ‘the Global Gateway’ (JOIN(2021)0030),
- having regard to its resolutions of 7 June 2022 on the EU and the security challenges in the Indo-Pacific<sup>1</sup> and of 5 July 2022 on the Indo-Pacific strategy in the area of trade and investment<sup>2</sup>,
- having regard to the joint leaders’ statement agreed at the EU-Association of Southeast Asian Nations (ASEAN) commemorative summit held in Brussels on 14 December 2022,
- having regard to its resolution of 3 October 2017 on EU political relations with ASEAN<sup>3</sup>,
- having regard to the Cooperation Agreement between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand – member countries of the Association of South-East Asian Nations, signed on

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<sup>1</sup> OJ C 493, 27.12.2022, p. 32.

<sup>2</sup> OJ C 47, 7.2.2023, p. 15.

<sup>3</sup> OJ C 346, 27.9.2018, p. 44.

- 7 March 1980<sup>4</sup>, which constitutes the legal framework for EU-ASEAN relations,
- having regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights of 15 December 1989, aiming at the abolition of the death penalty,
  - having regard to the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 and its Optional Protocol,
  - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and its Optional Protocol,
  - having regard to the International Convention for the Protection of All Persons from Enforced Disappearance of 23 December 2010,
  - having regard to the 1951 UN Refugee Convention and its 1967 Protocol,
  - having regard to the Conventions of the International Labour Organization (ILO Conventions),
  - having regard to the Rome Statute of the International Criminal Court of 17 July 1998,
  - having regard to the International Covenant on Civil and Political Rights of 16 December 1966 and its Optional Protocol,
  - having regard to its resolutions of 11 September 2013 containing its recommendation to the Council, the Commission and the European External Action Service on the negotiations for an EU-Malaysia partnership and cooperation agreement<sup>5</sup>, of 17 December 2015 on Malaysia<sup>6</sup> and of 18 January 2023 on human rights and democracy in the world and the European Union’s policy on the matter – annual report 2022<sup>7</sup>,
  - having regard to Rule 105(2) of its Rules of Procedure,
  - having regard to the letter from the Committee on Agriculture and Rural Development,
  - having regard to the report of the Committee on Foreign Affairs (A9-0194/2023),
- A. whereas the EU and the Indo-Pacific are inextricably linked given the interdependence of their economies and their shared global challenges;
- B. whereas Parliament has expressed a strong commitment to support ASEAN as the central organisation for regional cooperation; whereas Malaysia is a founding member of ASEAN and has played a crucial role in facilitating its overall progress;
- C. whereas in 2022, the EU and ASEAN celebrated their 45th anniversary of diplomatic relations; whereas the EU-ASEAN leaders reiterated in a joint statement issued at the

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<sup>4</sup> OJ L 144, 10.6.1980, p. 2.

<sup>5</sup> OJ C 93, 9.3.2016, p. 89.

<sup>6</sup> OJ C 399, 24.11.2017, p. 137.

<sup>7</sup> Texts adopted, P9\_TA(2023)0011.

commemorative summit of 14 December 2022 that the EU and ASEAN were strategic partners with a shared interest in a peaceful, stable and prosperous region;

- D. whereas current EU-Malaysia cooperation is based on the 1980 EU-ASEAN Cooperation Agreement; whereas Malaysia has historically been a close partner of the EU;
- E. whereas in 2004, the Council authorised the Commission to negotiate an individual PCA with Malaysia;
- F. whereas the EU and Malaysia started negotiations for a PCA in February 2011 and concluded them on 12 December 2015;
- G. whereas on 5 August 2016, draft Council decisions on the signing and conclusion of the PCA were presented to the Council as an 'EU-only' agreement between the European Union and Malaysia; whereas on 17 March 2017, the Committee of the Permanent Representatives of the Governments of the Member States to the European Union took the view that the PCA should be signed and concluded as a 'mixed' agreement;
- H. whereas, while Malaysia agreed on the PCA being mixed, it preferred not to apply the agreement provisionally;
- I. whereas the EU and Malaysia signed the PCA on 14 December 2022;
- J. whereas the PCA will strengthen cooperation across a wide spectrum of policy fields, including human rights, the non-proliferation of weapons of mass destruction, counter-terrorism, the fight against corruption and organised crime, trade, migration, the environment, energy, climate change, transport, science and technology, employment and social affairs, education, agriculture and culture;
- K. whereas both parties to the EU-Malaysia PCA have reaffirmed their respect for democratic principles and human rights, as laid down in the Universal Declaration of Human Rights and in other relevant international human rights instruments; whereas Malaysia's human rights record remains problematic;
- L. whereas the EU institutions and bodies, including the European External Action Service, must ensure that the human rights obligations of the EU and the Member States are consistently implemented in the EU's common foreign and security policy;
- M. whereas Malaysia's new unity government faces steep challenges in pursuing democratic reforms, including in the area of the rule of law, upholding human rights and overcoming deep societal polarisation;
- N. whereas Malaysia's Sedition Act and Communications and Multimedia Act have been used, in some cases to limit freedom of speech, against members of its Parliament; whereas freedom of expression and assembly in Malaysia are currently under attack, aided by the existence of broad and vaguely worded laws, including the Sedition Act, the Printing Presses and Publications Act, and sections 504 and 505(b) of its Penal Code, which criminalise speech that leads to a breach of 'public tranquillity'; whereas according to different human rights defenders' reports, the Malaysian authorities are

increasingly using criminal investigations to harass journalists, civil society activists, academics and ordinary citizens using social media;

- O. whereas Malaysia is not a signatory to the 1951 UN Refugee Convention; whereas about 185 000 refugees and asylum seekers, including over 100 000 ethnic Rohingya Muslims, are registered with the UN refugee agency (UN High Commissioner for Refugees) but have not been granted legal status; whereas Malaysia has been deporting refugees back to Myanmar, in an apparent violation of the right to asylum and the principle of non-refoulement;
- P. whereas migrant workers constitute approximately 20-30 % of the country's workforce and are often victims of forced labour and human rights abuses; whereas refugees, asylum seekers and stateless people also face a high risk of forced labour as they are denied access to legal employment due to their unrecognised status; whereas recent evidence has been found of the existence of forced labour and child labour in Malaysia;
- Q. whereas Malaysia is not a signatory to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- R. whereas on 3 April 2023, the Malaysian Parliament approved a bill that would cease the mandatory use of the death penalty and limit capital punishment to serious crimes;
- S. whereas the EU and ASEAN are each other's third largest trading partners; whereas the EU is Malaysia's fifth largest trading partner and Malaysia is the EU's third largest trading partner within ASEAN;
- T. whereas negotiations for a free trade agreement between the EU and Malaysia were launched in 2010 but were put on hold after seven rounds in 2012 at Malaysia's request;

#### ***EU Indo-Pacific strategy and strategic partnership with ASEAN***

- 1. Notes that the Indo-Pacific region is of increasing strategic significance for Europe; reiterates its support for the EU strategy for cooperation in the Indo-Pacific;
- 2. Underlines the EU's commitment to a free, open and rules-based Indo-Pacific region; reiterates that the EU's new Indo-Pacific strategy needs to be implemented swiftly to give the EU's partners in the region the opportunity to address common challenges together, to defend the rules-based international order and to stand up for shared EU-ASEAN values and principles; advocates for stronger cooperation with countries in the region, including in particular with ASEAN countries;
- 3. Highlights that ASEAN is a strategic partner for the EU in the Indo-Pacific; welcomes the EU-ASEAN commemorative summit of 14 December 2022; expresses hope that the implementation of the EU-ASEAN joint leaders' statement will result in stronger cooperation with the Southeast Asian countries and with Malaysia in particular; reiterates the political value of strong bilateral relations between ASEAN and the EU in general, and between Malaysia and the EU in particular;
- 4. Reiterates its call for the swift implementation of the EU Global Gateway strategy in coordination with the Indo-Pacific strategy; emphasises the geopolitical centrality of

this approach, which integrates sustainable development-oriented, transformational, resilience-enhancing and values-based dimensions into a Team Europe approach; welcomes the announcement of a EUR 10 billion financial package to accelerate infrastructure investments in ASEAN countries, in particular with regard to the green transition and sustainable connectivity;

5. Welcomes the fact that the EU-ASEAN leaders have reaffirmed their mutual respect for the principles of sovereignty and territorial integrity as espoused in the Charter of the United Nations; reiterates that the Russian war of aggression against Ukraine is a blatant violation of international law; welcomes the fact that Malaysia voted in favour of the UN resolutions in support of Ukraine, including the resolution demanding that Russia immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognised borders; encourages Malaysia to promote respect for international law, to support Ukraine and to take a clear stance against the Russian war of aggression against Ukraine, also within the framework of ASEAN;
6. Notes that Southeast Asia is among the world's most at-risk regions in terms of the impact of global warming; looks forward to the convening of the first ASEAN-EU Ministerial Dialogue on Environment and Climate Change in 2023; notes that the discussion on palm oil has been a challenge in EU-Malaysia relations;

#### ***EU-Malaysia PCA***

7. Welcomes the conclusion of the PCA with Malaysia; considers that this PCA provides a solid legal framework for further enhancing long-standing bilateral political and economic relations and for discussing issues of regional and global concern such as the promotion of democracy, human rights and international justice, the strengthening of the international framework for the non-proliferation of weapons of mass destruction, counter-terrorism and the fight against corruption, among other things;
8. Underlines that a modern and future-oriented PCA needs to provide an ambitious framework regarding the cooperation to fight climate change and the promotion of gender equality and women's rights; calls for the EU to put these aspects at the centre of EU-Malaysia relations when implementing the PCA;
9. Calls on the Malaysian authorities to change the discriminatory nationality and citizenship laws that undermine women's basic human rights and to take effective action to tackle discrimination against women in the workplace, including discrimination in access to employment opportunities and treatment, the absence of maternity leave and unequal wages between men and women;
10. Calls on the parties to commit to supporting the implementation and enforcement of domestic legislation on corporate due diligence and corporate accountability, to agree on more specific obligations in the light of sustainable impact assessments, to exchange relevant information such as the number of investigations, checks and enforcement actions, and to provide training or technical assistance to companies on corporate due diligence and corporate accountability;
11. Emphasises that the parties agree to cooperate in the fields of science, technology and

innovation, as well as in the green technology, energy and transport sectors;

12. Recalls that the PCA confirms the parties' commitment to promoting sustainable development, to cooperating to address the challenges of climate change and globalisation, and to contributing to the internationally agreed development goals, in particular to strengthening the global partnership for development, as renewed in the 2030 Agenda for Sustainable Development; encourages both parties to step up efforts to tackle the effects of climate change by adopting and implementing more effective climate policies on energy transition and decarbonisation;
13. Highlights the parties' commitment to enhance cooperation to address climate change mitigation and adaptation issues under the UN Framework Convention on Climate Change; stresses that the implementation of the applicable multilateral environmental agreements, including the Paris Agreement, should be taken into account in all activities undertaken by the parties under the PCA;
14. Highlights that Malaysia faces increasing environmental degradation in many regions, including deforestation, the loss of biodiversity, and air and water pollution; urges both parties to put an important focus on tackling these issues in their cooperation on the fight against these problems;
15. Welcomes the fact that the PCA supports the promotion of education and cultural cooperation, including people-to-people exchanges;
16. Stresses that Article 1(1) of the PCA provides that human rights and respect for the strengthening of democratic principles, the rule of law and good governance constitute essential elements of the PCA; calls for bilateral cooperation to be strengthened in the promotion and protection of human rights, in particular as regards exchanges of best practices, human rights education, the establishment of a meaningful, broad-based human rights dialogue and cooperation within the relevant UN human rights bodies; commends Malaysia, against this background, for issuing a standing invitation to the special procedures of the UN Human Rights Council on 26 February 2019; encourages Malaysia to invite the UN Special Rapporteur on the situation of human rights defenders for a country visit;
17. Reiterates its call on the Malaysian authorities to repeal the excessively broad Sedition Act and to bring all legislation, including the Prevention of Terrorism Act, the Printing Presses and Publications Act, the Communications and Multimedia Act, the Peaceful Assembly Act, and other relevant provisions of the Penal Code in line with international standards on freedom of expression and assembly, and the protection of human rights; reiterates its calls on the Malaysian authorities to facilitate peaceful assemblies and to guarantee the safety of all participants and their freedom of expression;
18. Reiterates its concerns about the adoption of the National Security Council Act in 2016, which grants extraordinary powers to the National Security Council and the security forces; reiterates its call on the Malaysian authorities to repeal this law, which contravenes international human rights standards; stresses that the need to safeguard national security cannot ignore the obligation to protect civil and political rights;
19. Reiterates its call on the Malaysian authorities to ratify and implement key international



human rights conventions, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Rome Statute of the International Criminal Court;

20. Calls on the Malaysian Government to promptly ratify and implement all fundamental ILO Conventions, including on Freedom of Association and Protection of the Right to Organise (No 87), on Discrimination (No 111), and on Occupational Safety and Health (No 155); welcomes Malaysia's recent ratification of the 2014 Protocol to the 1930 Forced Labour Convention; urges the Malaysian Government to resolutely act against forced labour, including domestic worker abuses and prohibiting employers from retaining passports without employees' consent; encourages the Malaysian authorities to increase efforts to identify trafficking victims among People's Republic of China (PRC) workers on PRC government-affiliated infrastructure projects;
21. Expresses its concern about the situation of religious and ethnic minorities and indigenous communities in the country; encourages the Malaysian authorities to provide a comprehensive framework for the protection and support of all minority and indigenous groups in the country, with due respect for their fundamental rights, including religious freedom and cultural rights;
22. Condemns the widespread discrimination against the LGBTIQ+ community; calls on the Malaysian Government to swiftly adopt a legal framework to protect the LGBTIQ+ community from discrimination, with full respect for fundamental rights and in line with international standards;
23. Expresses its concern about the situation of refugees in Malaysia, in particular as regards the detention and deportation of refugees and asylum seekers to countries where they face serious human rights violations, including Rohingya refugees; condemns the summary deportation of thousands of Myanmar citizens without assessing their asylum claims or other protection needs in violation of the principle of non-refoulement; calls on the Malaysian authorities to immediately halt forced deportations and to swiftly grant the UN High Commissioner for Refugees access to immigration detention centres; reiterates its call on the Malaysian authorities to sign and ratify the 1951 UN Refugee Convention and its 1967 Protocol;
24. Underlines that cooperation on migration needs to be implemented in full respect of international law; calls for the EU to promote, respect and protect international human rights standards and in particular the principles of non-refoulement and of voluntary return in their cooperation on migration with Malaysia;
25. Commends Malaysia for abolishing the mandatory use of the death penalty; calls on the Malaysian Government to maintain the official moratorium on all executions until the death penalty is fully abolished and all death sentences are commuted;
26. Calls for the Malaysian authorities and the EU to involve civil society, trade unions and human rights defenders in a meaningful way in the implementation of this agreement;
27. Stresses that human rights concerns need to be considered during any negotiations with Malaysia;

28. Stresses that EU free trade agreements provide for the ‘non-execution clause’ leading to the suspension of trade preferences in case of violations of the PCA’s essential elements;
- - ◦
29. Instructs its President to forward its position to the Council, the Commission, the governments and parliaments of the Member States and the Government and Parliament of Malaysia.

3.2.2023

## **LETTER OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT**

Mr David McAllister  
Chair  
Committee on Foreign Affairs  
BRUSSELS

Subject: Opinion on the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Government of Malaysia, of the other part (2022/0221M(NLE))

Dear Mr Chair,

I refer to the consent procedure relating to the Framework Agreements on Partnership and Cooperation with Malaysia [2022/0221(NLE)] and Thailand [2022/0252 (NLE)].

AGRI Coordinators considered the matter at their meeting of 29 November 2022 and agreed with the conclusion on behalf of the EU of the above agreements. This opinion was conveyed to you pursuant to Rule 56.

Coordinators also decided that AGRI would contribute under the same Rule to the accompanying resolutions that are to be drawn up by AFET according to Rule 105(2).

Consequently, I would like to bring to your attention the following essential points concerning the relations with these two trading partners in agri-food. I would be most grateful if you would incorporate them appropriately into your motions for a resolution.

Yours sincerely,

Norbert Lins

## **SUGGESTIONS**

The Committee on Agriculture and Rural Development wishes to stress the following essential points concerning agri-food trade relations with Malaysia and Thailand.

- We note that the European Union's agri-food trade with both Malaysia and Thailand is in constant deficit. Therefore, we would wish to point out that possible new commercial agreements with these countries should improve the agricultural trade balance by facilitating the access of European producers to their markets. In our opinion, any new agreement should also provide legal protection of EU geographical indications.

- We would like to stress that agri-food products imported from Malaysia and Thailand should meet EU economic, environmental, health, safety and quality standards, including those relating to the use of hormones, antibiotics, pesticides and genetically modified organisms. It would also seem essential to us that the Union pay particular attention to social standards in these countries, including the condition of workers in the agricultural sector.

- We would therefore want to point out that any new trade agreement concluded with Malaysia and Thailand should include provisions on sustainability, labour rights and gender equality similar to those contained in the commercial agreement concluded with New Zealand in June 2022.

### ***Trade relations with Malaysia***

- We would like to underline the importance of Parliament resolution of 17 December 2015 on Malaysia (P8\_TA(2015)0465), and stress the fact that the United States prohibits the import of certain Malaysian agricultural products because of the persistence of forced labour practices in that country.

- We are acutely aware that the cultivation of oil palm and its resulting activities contribute positively to the economic development of Malaysia and form a major source of income for its farmers. Furthermore, we also know that palm and palm kernel oils, fatty acids and waxes account for around 95% of EU agri-food imports from Malaysia in value. However, we would wish to stress the relevance of Parliament resolution of 4 April 2017 on palm oil and deforestation of rainforests (P8\_TA(2017)0098).

- We would also like to remind that in 2021, Malaysia brought a complaint against the EU at the WTO about the phasing out of palm oil-based transportation fuels required by the RED II Directive, on the grounds that this would constitute a barrier to trade. The same country also filed a complaint against France and Lithuania for restricting palm oil-based biofuels. We would also recall that in January 2023, Malaysia threatened to stop exporting palm oil to the EU following the adoption of the Regulation on the marketing of products associated with

deforestation and forest degradation.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	24.5.2023
<b>Result of final vote</b>	+: 55 -: 4 0: 1
<b>Members present for the final vote</b>	Alviina Alametsä, Alexander Alexandrov Yordanov, François Alfonsi, Petras Auštrevičius, Traian Băsescu, Susanna Ceccardi, Włodzimierz Cimoszewicz, Katalin Cseh, Michael Gahler, Kinga Gál, Giorgos Georgiou, Sunčana Glavak, Raphaël Glucksmann, Klemen Grošelj, Sandra Kalniete, Dietmar Köster, Andrius Kubilius, Ilhan Kyuchyuk, David Lega, Miriam Lexmann, Nathalie Loiseau, Antonio López-Istúriz White, Thierry Mariani, Pedro Marques, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Matjaž Nemec, Gheorghe-Vlad Nistor, Demetris Papadakis, Kostas Papadakis, Giuliano Pisapia, Nacho Sánchez Amor, Isabel Santos, Jacek Saryusz-Wolski, Mounir Satouri, Andreas Schieder, Jordi Solé, Sergei Stanishev, Dominik Tarczyński, Hermann Tertsch, Anders Vistisen, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Tomáš Zdechovský, Bernhard Zimniok, Željana Zovko
<b>Substitutes present for the final vote</b>	Katarina Barley, Adam Bielan, Vladimír Bilčík, Mercedes Bresso, Pierrette Herzberger-Fofana, Arba Kokalari, Andrey Kovatchev, Georgios Kyrtos, Karsten Lucke, Ramona Strugariu
<b>Substitutes under Rule 209(7) present for the final vote</b>	Javier Moreno Sánchez

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

55	+
ECR	Adam Bielan, Jacek Saryusz-Wolski, Dominik Tarczyński, Hermann Tertsch, Charlie Weimers
ID	Susanna Ceccardi
NI	Kinga Gál
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Vladimír Bilčík, Michael Gahler, Sunčana Glavak, Sandra Kalniete, Arba Kokalari, Andrey Kovatchev, Andrius Kubilius, David Lega, Miriam Lexmann, Antonio López-Istúriz White, David McAllister, Vangelis Meimarakis, Francisco José Millán Mon, Gheorghe-Vlad Nistor, Isabel Wiseler-Lima, Tomáš Zdechovský, Željana Zovko
Renew	Petras Auštrevičius, Katalin Cseh, Klemen Grošelj, Georgios Kyrtos, Ilhan Kyuchyuk, Nathalie Loiseau, Ramona Strugariu, Salima Yenbou
S&D	Katarina Barley, Mercedes Bresso, Włodzimierz Cimoszewicz, Raphaël Glucksmann, Dietmar Köster, Karsten Lucke, Pedro Marques, Sven Mikser, Javier Moreno Sánchez, Matjaž Nemec, Demetris Papadakis, Giuliano Pisapia, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder, Sergei Stanishev
Verts/ALE	Alviina Alametsä, François Alfonsi, Pierrette Herzberger-Fofana, Mounir Satouri, Jordi Solé

4	-
ID	Thierry Mariani, Anders Vistisen, Bernhard Zimniok
NI	Kostas Papadakis

1	0
The Left	Giorgos Georgiou

Key to symbols:

+ : in favour

- : against

0 : abstention