



2023/2108(INI)

25.9.2023

AMENDMENTS

1 - 44

Draft opinion
Miguel Urbán Crespo
(PE751.900v02-00)

Shaping the EU's position on the UN binding instrument on business and human rights, in particular on access to remedy and the protection of victims
((2023/2108(INI))

AM_Com_NonLegOpinion

Amendment 1

Malte Gallée

on behalf of the Verts/ALE Group

Draft opinion

Recital A (new)

Draft opinion

Amendment

A. whereas the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights as set out in Article 2 TEU; whereas its actions on the international scene must be guided by those principles and consistent with the principle of Policy Coherence for Development, as enshrined in Article 208 of the Lisbon Treaty;

Or. en

Amendment 2

Malte Gallée

on behalf of the Verts/ALE Group

Draft opinion

Recital A a (new)

Draft opinion

Amendment

A a. whereas the implementation the 2030 Agenda for Sustainable Development and ‘Leaving No One Behind’ imply that economic development goes hand in hand with social justice, good governance and respect for human rights;

Or. en

Amendment 3

Miguel Urbán Crespo

on behalf of The Left Group

Draft opinion
Recital A b (new)

Draft opinion

Amendment

A b. whereas the vast majority of the Global North-listed TNCs, which are often engaged in violations of human rights and/or environmental rights, which mostly occur in developing countries, had institutionalised sustainability committees and are signatories of the Global Compact, fail to disclose violations and hamper access to remedy, showing the very low effectiveness of voluntary and not mandatory programmes for CSR compliance;

Or. en

Amendment 4
Malte Gallée
on behalf of the Verts/ALE Group

Draft opinion
Recital A c (new)

Draft opinion

Amendment

A c. whereas victims of corporate abuse face multiple obstacles to accessing remedies; whereas impunity for human rights abuse by transnational corporations remains largely unaddressed in the absence of a robust and comprehensive regulatory framework at global level;

Or. en

Amendment 5
Miguel Urbán Crespo
on behalf of The Left Group

Draft opinion
Recital A d (new)

Draft opinion

Amendment

A d. whereas TNCs profit maximisation prospects, transaction cost and poor institutional framework are the prime causes to the human rights violations in the host countries;

Or. en

Amendment 6
Miguel Urbán Crespo
on behalf of The Left Group

Draft opinion
Recital A e (new)

Draft opinion

Amendment

A e. whereas the victims of these human rights violations are predominantly poor and vulnerable populations;

Or. en

Amendment 7
György Hölvényi

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Takes into account the UN Guiding Principles for Business and Human Rights (UNGPs), which aim to enhance standards and practices with regard to business and human rights in order to achieve tangible results for affected individuals and communities, and the EU framework on business and

human rights;

Or. en

Amendment 8

Malte Gallée

on behalf of the Verts/ALE Group

Draft opinion

Paragraph -1 (new)

Draft opinion

Amendment

-1. Regrets that UNGPs are not embodied in enforceable instruments; recalls that the poor implementation of UNGPs, as is the case of other internationally recognised standards such as OECD Guidelines for Multinational Enterprises has been largely attributed to their non-binding character;

Or. en

Amendment 9

Malte Gallée

on behalf of the Verts/ALE Group

Draft opinion

Paragraph -1 a (new)

Draft opinion

Amendment

-1a. Notes with concern that there is an asymmetry between the rights and obligations of transnational corporations, particularly in investment protection treaties, where investors are granted broad rights, that are not necessarily matched by binding and enforceable obligations in terms of compliance with human rights, labour and environmental law;

Or. en

Amendment 10
György Hölvényi

Draft opinion
Paragraph 1

Draft opinion

1. ***Underlines the urgent need to approve binding and enforceable international norms to regulate the activities of transnational corporations (TNCs) and their global value chains; stresses that a large proportion of human, labour and environmental rights violations are committed by TNCs based in the Global North, but operating in developing countries;***

Amendment

1. ***Believes that advancing the work on the UN binding instrument on business and human rights may offer a positive outlook on the future of business practices and pave the way for sustainable business practices; Stresses the importance of business enterprises in that they can also boost sustainable development through job creation and economic development, which should also be duly taken into account;***

Or. en

Amendment 11
Malte Gallée
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the urgent need to approve binding and enforceable international norms to regulate the activities of transnational corporations (TNCs) and their global value chains; stresses that a large proportion of human, labour and environmental rights violations are committed by TNCs based in the Global North, but operating in developing countries;

Amendment

1. Underlines the urgent need to approve binding and enforceable international norms to regulate ***all business enterprises, including*** the activities of transnational corporations (TNCs) and their global value chains; stresses that a large proportion of human, labour and environmental rights violations are committed by TNCs based in the Global North, but operating in developing countries;

Or. en

Amendment 12
Mónica Silvana González

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the urgent need to approve binding and enforceable international norms to regulate the activities of transnational corporations (TNCs) and their global value chains; stresses that a **large** proportion of human, labour and environmental rights violations are committed by TNCs based in the Global North, but operating in developing countries;

Amendment

1. Underlines the urgent need to approve binding and enforceable international norms to regulate the activities of transnational corporations (TNCs) and their global value chains; stresses that a proportion of human, labour and environmental rights violations are committed by **some** TNCs based in the Global North, but operating in developing countries;

Or. en

Amendment 13
Miguel Urbán Crespo
on behalf of The Left Group

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Recalls that abuses of workers' rights by companies are on the rise worldwide and that according to ITUC Rights Index, 113 countries exclude workers from their right to establish or join a trade union, up from 106 in 2021, 87 % of countries violated the right to strike and four in five countries blocked collective bargaining;

Or. en

Amendment 14

György Hölvényi

Draft opinion
Paragraph 2

Draft opinion

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations ***committed by TNCs, which often go unpunished;***

Amendment

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations;

Or. en

Amendment 15
Petras Auštrevičius

Draft opinion
Paragraph 2

Draft opinion

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished;

Amendment

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, ***often with the complicity of corrupt representatives and authorities of national and local governments,*** which often go unpunished;

Or. en

Amendment 16
Miguel Urbán Crespo
on behalf of The Left Group

Draft opinion
Paragraph 2

Draft opinion

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished;

Amendment

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished, ***as in the emblematic cases of Mariana and Brumadinho (Brazil), Rana Plaza (Bangladesh), Marikana (South Africa) or Chevron-Texaco (Ecuador), among many others;***

Or. en

Amendment 17

Charles Goerens, Barry Andrews, Catherine Chabaud, María Soraya Rodríguez Ramos

Draft opinion
Paragraph 2

Draft opinion

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished;

Amendment

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders and workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished; ***calls to promote and ensure access to justice with special focus on minorities and an effective remedy for victims of human rights violations and abuses;***

Or. en

Amendment 18

Ilan De Basso, Carlos Zorrinho, Karsten Lucke, Mónica Silvana González

Draft opinion

Paragraph 2

Draft opinion

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders **and** workers, are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished;

Amendment

2. Recalls that people in developing countries, especially indigenous and traditional communities, smallholders and other small-scale food producers, women, human rights defenders, workers, **and minorities** are disproportionately affected by the human, labour and environmental rights violations committed by TNCs, which often go unpunished;

Or. en

Amendment 19

György Hölvényi

Draft opinion

Paragraph 2 a (new)

Draft opinion

Amendment

2a. Highlights that in many regions of the world, Micro-Small and Medium Enterprises (MSMEs) are often the driving force of local economies; underlines MSMEs account for 90% of businesses, 60 to 70% of employment and 50% of GDP worldwide; reiterates the importance of ensuring a adequate level playing field and urges the Commission to provide safeguards and exemptions for MSMEs in the negotiations of the instrument;

Or. en

Amendment 20

György Hölvényi

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Underlines that the freedom to conduct a business is a right enshrined in the article 16 of the Charter of Fundamental Rights; encourages the EU and the Member States to lead the discussion at UN level and other multilateral fora for the establishment of the recognition of the human right to conduct a business at global level;

Or. en

Amendment 21
György Hölvényi

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2c. Calls on the Commission and the Member States to reinforce their support for MSMEs and in this context, highlights the importance to join efforts with the UN in the celebration of Micro-, Small and Medium-sized Enterprises Day on 27 June;

Or. en

Amendment 22
György Hölvényi

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Calls on the Council to adopt an

3. Calls on the Council to adopt an

ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on *TNCs and human rights (LBI)*, in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; notes that the Member States should otherwise engage in the process individually;

ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on human rights, in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; notes that the Member States should otherwise engage in the process individually, *but encourages them to do so; calls on the EU to continue actively participating in the process; recalls, in this regard, the importance of close cooperation between the EU and international institutions;*

Or. en

Amendment 23

Miguel Urbán Crespo

on behalf of The Left Group

Draft opinion

Paragraph 3

Draft opinion

3. Calls on the Council to adopt an ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; notes that the Member States should otherwise engage in the process individually;

Amendment

3. Calls on the Council to adopt an ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; *stresses that to fulfil this purpose, the EU position must be based on the primacy of human rights and necessarily include strong enforcing and monitoring mechanisms, access to justice for those affected by human rights violations, and joint and several liability provisions for TNCs and their value chains that are different and independent from those of the states;* notes that the Member States should otherwise engage in the process individually; *calls the Commission to fully engage in the future negotiations for the*

UN binding treaty on business and human rights, with a broad substantive scope covering all internationally recognised human rights, including fundamental workers' and trade union rights, as defined by relevant international labour standards and based on all relevant UN conventions;

Or. en

Amendment 24

Charles Goerens, Barry Andrews, Catherine Chabaud, María Soraya Rodríguez Ramos

Draft opinion

Paragraph 3

Draft opinion

3. Calls on the Council to adopt an ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; notes that the Member States should otherwise engage in the process individually;

Amendment

3. Calls on the Council to adopt an ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; notes that the Member States should otherwise engage in the process individually; ***calls to establish a strong EU mandate to ensure cooperation with established and potential partners in the area of business and human rights which would in turn strengthen the EU's diplomacy as a credible partner and human rights defender;***

Or. en

Amendment 25

Antoni Comín i Oliveres

Draft opinion

Paragraph 3

Draft opinion

3. Calls on the Council to adopt an ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations; notes that the Member States should otherwise engage in the process individually;

Amendment

3. Calls on the Council to adopt an ambitious mandate for the Commission to fully engage in the negotiations on the UN legally binding instrument on TNCs and human rights (LBI), in accordance with the objectives stipulated by UN Human Rights Council Resolution 26/9 of 14 July 2014, which mandates those negotiations, ***and consolidate the reputation of the EU as an international advocate for human and environmental rights***; notes that the Member States should otherwise engage in the process individually;

Or. en

Amendment 26

Charles Goerens, Barry Andrews, Catherine Chabaud, María Soraya Rodríguez Ramos

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Recalls the proposal by the European Commission for a Directive on corporate sustainability due diligence (CSDDD) which aims to foster sustainable and responsible corporate behaviour and to anchor human rights and environmental considerations in companies operations and corporate governance; underlines that CSDDD proposal should aim for a more comprehensive and inclusive approach;

Or. en

Amendment 27

Malte Gallée

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4

Draft opinion

4. Stresses the importance that the scope of the LBI under negotiation covers ***TNCs and other*** business enterprises of a transnational character, ***as established by Resolution 26/9***;

Amendment

4. Stresses the importance that the scope of the LBI under negotiation covers ***all*** business enterprises, ***including business activities*** of a transnational character ***and state-owned enterprises***;

Or. en

Amendment 28

Miguel Urbán Crespo

on behalf of The Left Group

Draft opinion

Paragraph 4

Draft opinion

4. Stresses the importance that the scope of the LBI under negotiation covers TNCs and other business enterprises of a transnational character, as established by Resolution 26/9;

Amendment

4. Stresses the importance that the scope of the LBI under negotiation covers TNCs and other business enterprises of a transnational character, as established by Resolution 26/9; ***urges national and regional Parliaments to regulate all business activities in accordance with the principle of the primacy of human rights***;

Or. en

Amendment 29

Charles Goerens, Barry Andrews, Catherine Chabaud, María Soraya Rodríguez Ramos

Draft opinion

Paragraph 4

Draft opinion

4. Stresses the importance that the scope of the LBI under negotiation covers TNCs and other business enterprises of a transnational character, as established by Resolution 26/9;

Amendment

4. Stresses the importance that the scope of the LBI under negotiation covers TNCs and other business enterprises of a transnational character, as established by Resolution 26/9; ***worries, however, that***

there are still many governance gaps that persist at the international level and calls to continue multilateral engagement to send a consistent signal to existing and potential cooperation partners;

Or. en

Amendment 30

Ilan De Basso, Carlos Zorrinho, Karsten Lucke, Mónica Silvana González

Draft opinion

Paragraph 4

Draft opinion

4. Stresses the importance that the scope of the LBI under negotiation covers TNCs and other business enterprises of a transnational character, as established by Resolution 26/9;

Amendment

4. Stresses the importance that the scope of the LBI under negotiation covers ***all*** TNCs and other business enterprises of a transnational character, as established by Resolution 26/9;

Or. en

Amendment 31

Miguel Urbán Crespo

on behalf of The Left Group

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Believes that the UN binding treaty should cover all business enterprises, regardless of size, sector, operational context, ownership and structure, including state-owned enterprises, financial institutions and investment funds, and activities conducted through affiliates, subsidiaries, agents, suppliers, partnerships, joint venture and beneficial proprietorship; stresses the importance to include parent company-based extraterritorial regulation and access to

justice for victims of transnational corporate human rights violations in the home state of transnational corporations; calls to include a strong international monitoring and enforcement mechanism;

Or. en

Amendment 32
György Hölvényi

Draft opinion
Paragraph 5

Draft opinion

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice, *must include, among other things, free, prior and informed consent for activities developed in indigenous territories, the right to say no, the reversal of the burden of proof, mechanisms to assure extraterritorial jurisdiction, international cooperation obligations to enforce foreign judgments, the right to information and the right to full reparation.*

Amendment

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice;

Or. en

Amendment 33
Antoni Comín i Oliveres

Draft opinion
Paragraph 5

Draft opinion

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice, must include, among other things, free, prior and informed consent for activities developed in indigenous territories, the right to say no,

Amendment

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice, must include, among other things, free, prior and informed consent for activities developed in indigenous territories, *meaningful*

the reversal of the burden of proof, mechanisms to assure extraterritorial jurisdiction, international cooperation obligations to enforce foreign judgments, the right to information and the right to full reparation.

consultation and participation of affected individuals and communities in decision-making processes related to business activities that may affect their lives and livelihoods, the right to say no, the reversal of the burden of proof, mechanisms to assure extraterritorial jurisdiction, international cooperation obligations to enforce foreign judgments, the right to information and the right to full reparation.

Or. en

Amendment 34
Miguel Urbán Crespo
on behalf of The Left Group

Draft opinion
Paragraph 5

Draft opinion

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice, must include, among other things, free, prior and informed consent for activities developed in indigenous territories, the right to say no, the reversal of the burden of proof, mechanisms to assure extraterritorial jurisdiction, international cooperation obligations to enforce foreign judgments, the right to information and the right to full reparation.

Amendment

5. Underlines that such an LBI, to effectively protect victims and guarantee access to justice, must include, among other things, free, prior and informed consent for activities developed in indigenous territories, the right to say no, the reversal of the burden of proof, mechanisms to assure extraterritorial jurisdiction, *such as the jurisdiction of necessity (forum necessitatis) and to forbid declining of jurisdiction (forum non conveniens)*, international cooperation obligations to enforce foreign judgments, the right to information and the right to full reparation.

Or. en

Amendment 35
Ilan De Basso, Carlos Zorrinho, Karsten Lucke, Mónica Silvana González

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. *Stresses that the right to full reparation refers to both the process of providing remedy to victims, their families or affected communities for a negative human, labour or environmental rights violation suffered and the substantive outcomes that can counteract, or make good, the negative impact of violations; highlights that reparation must be adequate, effective and prompt, and should be proportional to the gravity of the violations and the harm suffered, in all cases adapted to the specific context and condition of the rightsholder;*

Or. en

Amendment 36
Miguel Urbán Crespo
on behalf of The Left Group

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. *Stresses the importance of the role of human rights defenders, groups and organisations and trade union activists, and the importance of explicitly including in the treaty the recognition of the right to defend human, environment and workers' rights, explicitly referencing the right of defenders to be protected and free from intimidation and reprisals;*

Or. en

Amendment 37
Antoni Comín i Oliveres

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Stresses that the LBI Instrument should ensure a strong social justice dimension and promote transparency by requiring businesses to disclose relevant information about their operations, impacts on human rights, and measures taken to address them;

Or. en

Amendment 38

Antoni Comín i Oliveres

Draft opinion

Paragraph 5 b (new)

Draft opinion

Amendment

5b. Underlines the need to push for the establishment of adequate mechanisms for monitoring, oversight, and implementation of the LBI, including national focal points, reporting requirements, and periodic reviews to ensure compliance;

Or. en

Amendment 39

Ilan De Basso, Carlos Zorrinho, Karsten Lucke, Mónica Silvana González

Draft opinion

Paragraph 5 b (new)

Draft opinion

Amendment

5b. Calls on the UN Member States to ensure that the negotiations leading to the LBI are conducted in a transparent fashion, with meaningful engagement of stakeholders impacted by the treaty,

*including international organisations,
trade unions and other workers’
representatives and civil society
representatives;*

Or. en

Amendment 40
Miguel Urbán Crespo
on behalf of The Left Group

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Believes that in establishing human rights, environmental and climate-related due diligence obligations globally, the agreement strengthens the effectiveness of the upcoming EU CSDDD globally and create similarly high standards worldwide; is convinced, moreover, that the UN treaty could make important provisions for improved legal protection for people affected, complementing the EU directive;

Or. en

Amendment 41
Ilan De Basso, Carlos Zorrinho, Karsten Lucke, Mónica Silvana González

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Stresses the need to adopt a gender-sensitive approach throughout the process, as human rights violations are not gender neutral and should not be treated as such; calls on the EU and its Member States to mainstream a meaningful gender approach in their

negotiating position;

Or. en

Amendment 42
Antoni Comín i Oliveres

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Highlights the need to define clear obligations for businesses in relation to the eradication of child labour and forced labour from their supply chains and operations;

Or. en

Amendment 43
Ilan De Basso, Carlos Zorrinho, Karsten Lucke, Mónica Silvana González

Draft opinion
Paragraph 5 d (new)

Draft opinion

Amendment

5d. Recalls that the promotion of decent work objectives, such as sustainable business conduct, social dialogue, freedom of association, collective bargaining and social protection, is imperative for the eradication of human rights violations;

Or. en

Amendment 44
Ilan De Basso, Carlos Zorrinho, Karsten Lucke, Mónica Silvana González

Draft opinion
Paragraph 5 e (new)

5e. Recalls that due diligence is a key component of the UN Guiding Principles' second pillar regarding corporate responsibility and respect for human rights; stresses that effective due diligence practices can also help strengthen access to remedy; reminds that implementation of due diligence procedures should not automatically exempt TNCs from their liability;

Or. en