AMENDMENTS
1 - 15

Draft recommendation
Jan Zahradil
(PE642.857v01-00)

on the draft Council decision on the conclusion of the Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam

Proposal for a decision
AM_Com_LegConsent
Amendment 1
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Citation 6 a (new)

_Draft legislative resolution_  

**Amendment**

- having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part;

Or. en

Amendment 2
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Citation 6 b (new)

_Draft legislative resolution_  

**Amendment**

- having regard to the Treaty on European Union (TEU), and in particular Title V thereof on the Union’s external action, especially the Article 21.1 stating that “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity;

Or. en

Amendment 3
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

**Draft legislative resolution**
*Citation 6 c (new)*

*Draft legislative resolution*  
**Amendment**

- having regard to its resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners

**Amendment 4**  
*Saskia Bricmont, Heidi Hautala* on behalf of the Verts/ALE Group

**Draft legislative resolution**  
*Citation 6 d (new)*

*Draft legislative resolution*  
**Amendment**

- having regard to the European Parliament resolution on the annual report on human rights and democracy in the world and the European Union’s policy on the matter 2015 where the Parliament “reiterates its strong call for the systematic introduction of human rights clauses in all international agreements, including trade and investment agreements concluded and to be concluded between the EU and third countries; sees a need, moreover, for ex ante monitoring mechanisms before any framework agreement is concluded, and on which such conclusion is made conditional as a fundamental part of the agreement, and for ex post monitoring mechanisms that enable tangible action to be taken in response to infringements of these clauses, such as appropriate sanctions as stipulated in the human rights clauses of the agreement, including (temporary) suspension of the agreement”;
Amendment 5
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital A (new)

A. whereas the Communist Party of Vietnam will hold its 13th National Congress in January 2021 where a socioeconomic development strategy for 2021-2030 will be discussed and adopted; whereas this strategy should reflect the commitments under the Free Trade Agreement, especially the Trade and Sustainable Development chapter and the Partnership and Cooperation Agreement;

Amendment

Amendment 6
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital B (new)

B. whereas Vietnam has officially rejected all recommendations to take concrete steps to improve its human rights record during its latest UN scrutiny in the Universal Periodic Review in March 2019;

Or. en
Amendment 7
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital C (new)

Draft legislative resolution
Amendment

C. whereas no human rights impact assessment was ever carried out prior to the launching of negotiations in spite of repeated demands from the European Parliament and serious concerns regarding the protection of human rights in Vietnam, notably following the decision of the European Ombudsman of 26 February 2016, which concluded that the refusal of the European Commission to carry out a prior human rights impact assessment of the EU/Vietnam Free Trade Agreement is unjustified and constitutes a case of maladministration;

Or. en

Amendment 8
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital D (new)

Draft legislative resolution
Amendment

D. 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” and highlighted “a zero-tolerance approach to child labour”;

Or. en
Amendment 9
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital E (new)

Draft legislative resolution
Amendment

E. whereas the European External Action Service warned in May 2019, the month before the signature of the EU-Vietnam FTA/IPA against “an extensive enforcement of the national security provisions of the 2015 Penal Code and [the] continuation of the negative trend, of prosecuting and sentencing Vietnamese citizens, including for peacefully expressing their opinions online [which are] direct breach of the international obligations, which Vietnam has itself signed up to under the Vietnamese Constitution, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, and which the European Union expects full respect for”;

Or. en

Amendment 10
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital F (new)

Draft legislative resolution
Amendment

F. whereas the EP remains deeply concerned by the situation of political prisoners and detainees including Le Dinh Luong, Tran Huynh Duy Thuc, Ngo Hao, Luu Van Vinh, Ho Duc Hoa, Tran Anh Kim, Nguyen Van Tuc, Nguyen Trung Ton, Nguyen Trung Truc, Truong Minh Duc, Le Thanh Tung, Nguyen Bac
Amendment 11
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital G (new)

Draft legislative resolution Amendment

G. whereas the announced reform of the Labour Code risks of remaining uneffective because of the limitations posed by the Penal Codes;

Or. en

Amendment 12
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital H (new)

Draft legislative resolution Amendment

H. whereas the absence of freedom of speech and a draconian implementation of the Penal and Criminal Codes will render meaningless the Domestic Advisory Group while it is a major instrument for a proper implementation and follow-up of the Agreement;

Or. en

Amendment 13
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group
Draft legislative resolution
Recital I (new)

Draft legislative resolution

Amendment

I. whereas the FLEGT Voluntary Partnership Agreement the EU and Vietnam entered into force in June 2019, whereby Vietnam has committed to stop imports of illegally logged timber; whereas the ratification of the FTA would liberalise all trade in FLEGT VPA timber products while new national legislation needed for a proper implementation of the VPA would not have been adopted yet; whereas this situation could result in additional pressure on the import control system under the EU Timber Regulation;

Or. en

Amendment 14
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Recital J (new)

Draft legislative resolution

Amendment

J. whereas Vietnam was issued a yellow card in 2017 under the Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing; whereas this unsustainable practice represents a breach of Article 13.9 of the Trade and Sustainable Development chapter; whereas Vietnam is currently cooperating with the EU on the matter on the basis of 9 recommendations that go with the yellow card and has recently adopted a new framework fishery law together with its implementing decrees;
Amendment 15
Saskia Bricmont, Heidi Hautala
on behalf of the Verts/ALE Group

Draft legislative resolution
Paragraph 1

Draft legislative resolution

1. **Gives** its consent to the conclusion of the agreement;

Amendment

1. **Withholds** its consent to the conclusion of the agreement until the following conditions could deem to be fulfilled after an evaluation carried out by the Commission in liaison with UN and ILO experts and presented to the European Parliament:

   a. a Human rights impact assessment of the EU-Viet Nam FTA / IPA;

   b. The release of all political prisoners and detainees in the country and, pending their release, as an immediate confidence-building measure, allow access to prisoners and detainees by families, legal counsel, and outside observers from the EU as well as international humanitarian and human rights group;

   c. a firm commitment that a reform of the penal code and the criminal procedure code will be engaged under an agreed and verifiable timeframe in a way to: 1) bring the criminal legislation in conformity with the country’s obligations under the International Covenant on Civil and Political Rights (ICCPR) and Criminal Code in order to guarantee freedom of speech, of association; 2) guarantee the effective implementation of the reformed Labour Code and the ILO Conventions due to be ratified in 2020 and 2023;

   d. significant progress regarding the eradication of child labour and human
trafficking;
e. the effectiveness of the Vietnamese legislation under adoption in accordance with the FLEGT Vietnam-EU Voluntary Partnership Agreement (VPA);
f. adaptation to domestic legislation to ensure sustainable fishery;
g. the appointment of independent Vietnamese stakeholders to the Domestic Advisory Groups;

Or. en