AMENDMENTS
1 - 76

Draft report
Jan Zahradil
(PE1190682v01-00)

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

Proposal for a decision
Amendment 1
Saskia Bricmont

Motion for a resolution
Citation 11 a (new)

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Motion for a resolution

- having regard to the Opinion of the Court of Justice of the European Union of 30 April 2019, pursuant to Article 218(1) TFEU, requested on 7 September 2017 by the Kingdom of Belgium,

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Amendment 2
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Citation 13

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Motion for a resolution

— having regard to its resolution of 14 December 2017 on freedom of expression in Vietnam, notably the case of Nguyen Van Hoa, having regard to its resolution of 14 December 2017 on freedom of expression in Vietnam, notably the case condemning the sentencing of Nguyen Van Hoa to seven years in prison because of his "legitimate use of freedom of expression; expressing Europe’s concern about the rise in the number of detentions" (which have risen even more rapidly since 2017); "calling on the Vietnamese authorities to release all citizens detained for peacefully exercising their freedom of expression"; "expressing serious concerns about the extensive application of the national security provisions in Vietnam’s Penal Code and urging the Government of Vietnam to amend it deeply";

"denouncing Vietnam’s use of death penalty", "recalling the importance of Human Rights Dialogue between EU and Vietnam as a key instrument to be used to encourage Vietnam in the implementation
Amendment 3
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Citation 14

— having regard to its resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners⁹,

Or. en

Amendment

— having regard to its resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners, deploring that "Vietnamese authorities continue to imprison, detain, harass and intimidate human rights defenders, journalists, bloggers, human rights lawyers and civil society activists in the country"; reiterating its previous year’s "call on the Vietnamese authorities to end all restrictions and acts of harassments against human rights defenders"; and once again "calling on the authorities of Vietnam to repeal, review or amend all repressive laws and releasing all political prisoners" without any tangible results other than silence and continued repression;

Motion for a resolution

— having regard to the Treaty on European Union (TEU), and in particular Title V thereof on the Union’s external action,

Amendment

— having regard to the Treaty on European Union (TEU), and in particular Title V thereof on the Union’s external action and specifically Article 21,

Or. en

Amendment 5
Saskia Bricmont

Motion for a resolution
Citation 20 a (new)

Motion for a resolution

- having regard to the Council Conclusions on Child Labour of 20 June 2016 encouraging the Commission to continue exploring ways to use more effectively the trade instruments of the European Union, including Free Trade Agreements to combat child labour;

Or. en

Amendment 6
Saskia Bricmont

Motion for a resolution
Citation 20 b (new)

Motion for a resolution

- having regard to the Council Conclusions “Towards an ever more sustainable Union by 2030” of 9 April 2019 in which the Council underlines the urgent need for accelerating the implementation of the 2030 Agenda both globally and internally, as an overarching priority of the EU, for the benefit of its citizens and for upholding its credibility within Europe and globally;
Amendment 7
Saskia Bricmont

Motion for a resolution
Citation 20 c (new)

Motion for a resolution

Amendment

- having regard to the Council Conclusions on Business and Human Rights of 20 June 2016 that stipulates that “the EU recognises that corporate respect for human rights and its embedding in corporate operations and value and supply chains is indispensable to sustainable development, and achieving the SDGs. All partnerships in implementing the SDGs should be built on respect for human rights and responsible business conduct” and that “the Council encourages EU companies to establish operational-level grievance mechanisms, or create joint grievance initiatives between companies”;
Amendment 9
Jude Kirton-Darling

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the EU ranks fifth out of 80 foreign direct investors in Vietnam;

Amendment

B. whereas the EU ranks fifth out of 80 foreign direct investors in Vietnam; whereas Hong-Kong, which invested in Vietnam more than all EU member states combined in 2018, recently concluded an Investment Agreement with the ASEAN which does not include ISDS or any other type of arbitration-based dispute settlement;

Amendment 10
Emmanuel Maurel

Motion for a resolution
Recital C

Motion for a resolution

C. whereas Vietnam is a vibrant economy with the fastest growing middle class in ASEAN and has a young and dynamic workforce, a high literacy rate, high education levels, comparatively low wages, good transport connections and a central location within ASEAN;

Amendment

C. whereas Vietnam is a vibrant economy with the fastest growing middle class in ASEAN and has a young and dynamic workforce, a high literacy rate, high education levels, comparatively low wages which will represent, combined to the end of all tariffs, a strong incentive for EU companies to outsource more European manufacturing jobs, good transport connections and a central location within ASEAN;
Amendment 11
Jan Zahradil, Geert Bourgeois
on behalf of the ECR Group

Motion for a resolution
Recital C a (new)

Motion for a resolution Amendment

C a. whereas Vietnam’s infrastructure and investment needs massively exceed public funds currently available;

Amendment

Or. en

Amendment 12
Emmanuel Maurel

Motion for a resolution
Recital D

Motion for a resolution Amendment

D. whereas in 2017, Vietnam received FDI worth 8% of its GDP – more than double the rate received by economies of a similar scale in the region; D. whereas in 2017, Vietnam received FDI worth 8% of its GDP – more than double the rate received by economies of a similar scale in the region – among of which China has now become first foreign investor, notably in the manufacturing sector, giving Chinese companies even more capabilities of exporting to Europe;

Amendment

Or. en

Amendment 13
Emmanuel Maurel

Motion for a resolution
Recital E

Motion for a resolution Amendment

E. welcoming the fact that the trade, business and investment environment has E. notes the fact that contrary to human rights, rule of law and
improved significantly in Vietnam over the
last few decades;

independence of civil society, the trade,
business and investment environment has
improved significantly in Vietnam over the
last few decades;

Amendment 14
Saskia Bricmont

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

E a. whereas in 2016 the Formosa steel
plant owned by a Taiwanese company
caused a massive environmental disaster
by spilling chemical waste into the sea;
whereas the environmental and economic
impacts were huge undermining the
livelihood of many small and artisanal
fishermen; whereas the Vietnamese
authorities responded to the civil protests
that followed by a heavy crack down and
arrests to the point of raising serious
concerns in the international community;
whereas the Vietnamese judicial system
does not allow for adequate redress
mechanisms for the victims of human
rights violations, including in connection
to economic activities; whereas the
European Commission decided to not
conduct a human rights impact
assessment on the IPA;

Amendment 15
Daniel Caspary

Motion for a resolution
Recital G

Motion for a resolution

G. whereas this is the second ‘standalone investment protection agreement’ concluded between the EU and a third country following discussions by the European institutions on the new architecture of EU FTAs, on the basis of the opinion of the Court of Justice of the European Union (CJEU) 2/15 of 16 May 2017;

Amendment

G. whereas this is after the EU-Singapore Investment Protection Agreement - the second ‘standalone investment protection agreement’ concluded between the EU and a third country following discussions by the European institutions on the new architecture of EU FTAs, on the basis of the opinion of the Court of Justice of the European Union (CJEU) 2/15 of 16 May 2017, which will serve as reference point for future EU engagement with its trading partners;

Amendment 16

Bernd Lange, Biljana Borzan, Miroslav Čiž, Monika Beňová, Nicola Danti, Inma Rodríguez-Piñero

Motion for a resolution

Recital H

Motion for a resolution

H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017;

Amendment

H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017; emphasises that the new public Investment Court System was integrated into the already finalised CETA agreement by the European Parliament’s efforts, thereby replacing the old private ISDS-system.

Amendment 17
Jude Kirton-Darling

Motion for a resolution
Recital H

Motion for a resolution

H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017;

Amendment

H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017; whereas this new ‘Investment Court System’ remains untested as neither the relevant provisions in CETA nor the IPA with Singapore are currently in force;

Or. en

Amendment 18
Saskia Bricmont

Motion for a resolution
Recital H

Motion for a resolution

H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017;

Amendment

H. whereas the agreement builds on the investment protection provisions included in the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which was ratified by Parliament on 15 February 2017 and which still awaits ratification by several Member States;

Or. en

Amendment 19
Jude Kirton-Darling

Motion for a resolution
Recital I
Motion for a resolution

I. whereas the agreement will replace and supersede the existing bilateral investment treaties between 21 EU Member States and Vietnam, which do not include the EU’s new approach to investment protection and its enforcement mechanism, the Investment Court System (ICS);

Amendment

I. whereas the agreement will replace and supersede the existing bilateral investment treaties between 22 EU Member States and Vietnam, which do not include the EU’s new approach to investment protection and its enforcement mechanism, the Investment Court System (ICS); whereas 6 EU member states currently have no investment treaty with Vietnam (CY, HR, IE, MT, PT, SI) and would therefore be subject to an arbitration-based dispute settlement with Vietnam for the first time as a result of the EVIPA;

Amendment 20
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Recital I a (new)

Motion for a resolution

I a. whereas the EU’s ICS (International Court System) still remains an investment arbitration system;

Amendment

I a. whereas the EU’s ICS (International Court System) still remains an investment arbitration system;

Or. en

Amendment 21
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Recital I b (new)

Motion for a resolution

I b. whereas the last decades have seen billion-dollars investor lawsuits against the alleged damage to corporate profit of legislation and government measures in
the interest of the public;

Amendment 22
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Recital I c (new)

Motion for a resolution

I c. whereas, according to UNCTAD, the new ISDS cases in 2018 were initiated against 41 countries and as in previous years, the majority of new cases were brought against developing and transiting-economy countries, mostly by developed-country investors;

Amendment

J. whereas on 30 April 2019 the CJEU ruled that the mechanism for the resolution of disputes between investors and States provided for by CETA is compatible with EU law; whereas the CJEU drew such conclusion on the basis of the fact that, since the EU legislation is anchored in the Treaties’ principles of proportionality and necessity to achieve public policy objectives, there is a presumption of compatibility with investment protection obligations and that ICS has no jurisdiction to declare the level of protection of a public interest established by EU measures incompatible
14 Opinion of the Court of Justice of 30 April 2019, 1/17.

Amendment 24
Jude Kirton-Darling

Motion for a resolution
Recital K

Motion for a resolution

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament;

Amendment

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament; whereas this approach was only fully supported by 7.8% of all respondents to the public consultation organised by the Commission in 2017;

Amendment 25
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Recital K

Motion for a resolution

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament;

Amendment

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament's previous legislature;

Or. en
Amendment 26
Saskia Bricmont

Motion for a resolution
Recital K

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament;

Amendment

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC);

Or. en

Amendment 27
Daniel Caspary

Motion for a resolution
Recital K

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly supported by Parliament;

Amendment

K. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly and continuously supported by Parliament;

Or. en

Amendment 28
Iuliu Winkler, Enikő Győri, Massimiliano Salini

Motion for a resolution
Paragraph 1

1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute

Amendment

1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute
settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved;

Amendment 29
Jude Kirton-Darling

Motion for a resolution
Paragraph 1

1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved;

Amendment 30
Bernd Lange, Biljana Borzan, Miroslav Čiž, Monika Beňová, Nicola Danti
Motion for a resolution
Paragraph 1

1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved;

Amendment

1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved; regrets, however, that the scope of application still extends slightly beyond mere non-discrimination between foreign and domestic investors.

Amendment 31
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Paragraph 1

1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved;

Amendment

1. Notes that EU’s new approach to investment protection and its enforcement mechanism (ICS), which has replaced the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents an investment resolution mechanism quite similar to the previous one, given the fact that like ISDS, it provides to investors a parallel and privileged justice system and does not provide any sanction mechanism against investors who don’t comply with human rights obligations or social and environmental standards;
Amendment 32
Saskia Bricmont

Motion for a resolution
Paragraph 1

1. **Welcomes** the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has **replaced** the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism; notes that **it marks significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved**;

Amendment

1. **Notes** the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has **reformed** the investor-to-state dispute settlement (ISDS); underlines the fact that ICS represents a modern, innovative and reformed investment resolution mechanism as regards its procedural shortcomings; notes however that it **perpetrates the asymmetry and imbalance between investors’ rights and obligations since only rights are protected like under the older ISDS**;

Or. en

Amendment 33
Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová

Motion for a resolution
Paragraph 2

2. **Notes** that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability;

Amendment

2. **Notes** that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability; **asks the Commission to further take into account the fight against climate change and the respect of the Paris Agreement in safeguarding the right**
of the parties to regulate, as it has been done with CETA;

Or. en

Amendment 34
Iuliu Winkler, Enikő Győri

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability;

Amendment

2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises that the agreement will ensure transparency and accountability; 
welcomes the EU’s new approach to Investment Protection and its enforcement mechanism of ICS which enhances the quality of individual approaches of bilateral investment treaties concluded by EU MS;

Or. en

Amendment 35
Saskia Bricmont

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; emphasises

Amendment

2. Notes that the agreement will ensure a high level of investment protection and legal certainty; regrets that a similar level of ambition has not been reached for the enforcement of sustainable development provisions; further notes that, contrary to CETA,
that the agreement will ensure transparency and accountability;

EVIPA is deprived of a joint interpretative instrument providing additional guarantees to the right to regulate of the Parties, which was taken into account by the CJEU to draw its conclusions on CETA;

Amendment 36
Jude Kirton-Darling

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection; 

Amendment

2. Notes that the agreement is presented as a means to ensure high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and environmental protection but also notes that this system - including the 'right to regulate' clause - remains entirely untested and subject to substantial public criticism;

Amendment 37
Daniel Caspary

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health and

Amendment

2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the right of the Parties to regulate and pursue legitimate public policy objectives, such as public health,
environmental protection; emphasises that the agreement will ensure transparency and accountability;
Motion for a resolution
Paragraph 3

Motion for a resolution

3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement properly protects EU investors from illegitimate expropriation;

Amendment

3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment contrary to Vietnamese citizens, will be protected from denial of justice in criminal or civil proceedings, manifest arbitrariness, targeted discriminations such as gender, race or religious belief, abusive treatment such as coercion or abuse of power contrary to Vietnamese citizens, and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement, while protecting EU investors from "indirect expropriation", can weaken the Parties' right to regulate and pursue legitimate public policy goals such as public health, education, labour rights, safety and environmental protection;

Or. en

Amendment 40
Bernd Lange, Biljana Borzan, Miroslav Čič, Monika Beňová, Nicola Danti, Inma Rodríguez-Piñero

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement properly protects EU investors from illegitimate expropriation;

Amendment

3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement properly protects EU investors from illegitimate expropriation; regrets that protection against discriminatory measures does not go hand-in-hand with obligations for investors to exercise due
diligence with regard to sustainable business practices in compliance with human rights and international labour conventions as well as environmental standards.

Amendment 41
Saskia Bricmont

Motion for a resolution
Paragraph 3

3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment and will suffer no discrimination in relation to Vietnamese investors; notes that the agreement properly protects EU investors from illegitimate expropriation;

3. Stresses that the agreement guarantees that EU investors in Vietnam will get fair and equitable treatment which is a higher standard of protection than national treatment; notes that the agreement properly protects EU investors from illegitimate expropriation;

Amendment 42
Jude Kirton-Darling

Motion for a resolution
Paragraph 4

4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a
Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests; is concerned about the inability of Vietnamese judges to comply with all those requirements given the situation of the judiciary system and of the rule of law in the country; recalls that the independence of the judges is one of the
criteria taken up by the CJEU to draw its conclusions on the compatibility of CETA;

Amendment 44
Bernd Lange, Biljana Borzan, Miroslav Čiž, Monika Beňová, Nicola Danti, Inma Rodríguez-Piñero

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests;

Amendment

4. Recalls that the ICS plans to establish a Permanent Investment Tribunal of First Instance and an Appeal Tribunal, whose members will have to possess comparable qualifications to those held by judges of the International Court of Justice, and will have to demonstrate expertise in public international law and not just commercial law, in addition to satisfying strict rules of independence, impartiality, integrity and ethical behaviour through a binding code of conduct designed to prevent direct or indirect conflicts of interests; stresses that the European Court of Justice sees the ICS in full compliance with EU law as expressed in opinion 1/17 of the Court.

Amendment 45
Iuliu Winkler, Enikő Győri

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Welcomes the transparency rules applying to proceedings before the

Amendment

5. Welcomes the transparency rules applying to proceedings before the
tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are effectively heard by the investment tribunals;

tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are effectively heard by the investment tribunals; \textit{additionally welcomes the clarity regarding the grounds on which an investor can challenge, which ensures additional transparency and fairness of the process;}

\textit{Or. en}

\textbf{Amendment 46}

\textbf{Jude Kirton-Darling}

\textbf{Motion for a resolution}

\textbf{Paragraph 5}

\textit{Motion for a resolution}

5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are \textit{effectively} heard by the investment tribunals;

\textit{Amendment}

5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency can help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are heard by the investment tribunals \textit{although with no guarantee that these concerns will be properly taken into account in any ICS Tribunal ruling;}

\textit{Or. en}

\textbf{Amendment 47}

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Saskia Bricmont

Motion for a resolution
Paragraph 5

5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system, as well as ensuring that all human rights and sustainable development aspects are effectively heard by the investment tribunals;

Amendment

5. Welcomes the transparency rules applying to proceedings before the tribunals, which include provisions guaranteeing that case documents will be publicly available, hearings will be held in public, and interested parties will be allowed to make submissions; believes that increased transparency will help to instil public trust in the system; regrets that human rights and other sustainable development aspects are not covered by ICS as substantive investors’ obligations;

Or. en

Amendment 48
Saskia Bricmont

Motion for a resolution
Paragraph 6

6. Stresses that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs;

Amendment

6. Stresses that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs but without proper legal standing in front of the tribunal; underlines that the investment court still constitutes a separate system for foreign investors only; demands that investor rights should be balanced by an equivalent legal mechanism accessible by trade unions and other stakeholders to enforce the investors obligations;

Or. en
Amendment 49
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Paragraph 6

6. Stresses that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs;

Amendment

6. Stresses that third parties (such as labour and environmental organisations) theoretical contributions to ICS proceedings through amicus curiae briefs are not sufficient to guarantee equal status to civil society actors compared to that guaranteed to investors;

Amendment 50
Jude Kirton-Darling

Motion for a resolution
Paragraph 6

6. Stresses that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs;

Amendment

6. Notes that third parties such as labour and environmental organisations can contribute to ICS proceedings through amicus curiae briefs;

Amendment 51
Saskia Bricmont

Motion for a resolution
Paragraph 6 a (new)

6 a. Regrets that a global approach to corporations’ compliance with human rights law and the availability of remedy mechanisms are lacking; warmly
welcomes the work initiated in the UN by the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights on the establishment of a binding UN instrument; calls for a binding treaty to include mechanisms for coordination among states on investigating and prosecuting cross-border cases, and proposes companies are accountable for human rights violations in the forum where the harm was caused, or the forum where the parent company or subsidiary is incorporated; urges the EU and Member States to engage genuinely and constructively in the negotiations;

Or. en

Amendment 52
Saskia Bricmont

Motion for a resolution
Paragraph 6 b (new)

6 b. Regrets the lack of provisions on investors’ obligations, including binding corporate social responsibility standards; calls on the Commission to propose legislation laying down mandatory and enforceable due diligence standards in sectors other than conflict minerals and timber, such as the garment industry;

Or. en

Amendment 53
Saskia Bricmont

Motion for a resolution
Paragraph 8
Motion for a resolution

8. Recalls that the agreement represents an improvement on the investment protection provisions in CETA, as it incorporates provisions on obligations for former judges, a code of conduct to prevent conflicts of interests, and a fully functioning Appeal Tribunal at the time of its conclusion;

Amendment

8. Recalls that the agreement represents an improvement on the investment protection provisions in CETA, as it incorporates provisions on obligations for former judges, a code of conduct to prevent conflicts of interests, and a fully functioning Appeal Tribunal at the time of its conclusion; stresses however that, contrary to CETA, EVIPA is deprived of a Joint Interpretative Instrument providing additional protection to the right to regulate;

Amendment 54

Jude Kirton-Darling

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights;

Amendment

10. Regrets that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a trade and sustainable development (TSD) chapter; notes that the EVIPA contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; regrets that the EVIPA places no obligations on investors to be eligible to the protection it affords, beyond disqualifying fraudulent investments; also regrets that this new system does not provide any access to remedy to the victims of human rights abuses resulting from operations of foreign investors; calls for an accompanying comprehensive EU framework on investor obligations, including mandatory due diligence provisions and respect for OECD
Amendment 55
Jytte Guteland, Inma Rodríguez-Piñero, Evin Incir

Motion for a resolution
Paragraph 10

10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights;

Amendment
10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights; underlines that the Parties and investors must respect all relevant international human rights standards and obligations; stresses the responsibilities of investors according to the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights;

Amendment 56
Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment
10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights;

Amendment 57
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Paragraph 10

10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights;

Amendment

10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights;

Or. en
Amendment 58
Saskia Bricmont

Motion for a resolution
Paragraph 10

10. Notes that the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment by virtue of the EU-Vietnam Free Trade Agreement (EUVFTA) that liberalises it; stresses that the EVIPA also contains a provision establishing a legal link to the PCA, as well as specific references in its preamble to the TSD values and principles as enshrined in the EUVFTA and to the Universal Declaration of Human Rights;

Amendment

10. Notes that since the EU-Vietnam Investment Protection Agreement (EVIPA) does not contain a separate trade and sustainable development (TSD) chapter, as the latter applies to investment market access under the EU-Vietnam Free Trade Agreement (EUVFTA); is of the view that TSD chapters’ rules, principles and references to the international commitments of the Parties could have contributed to strengthening their right to regulate;

Or. en

Amendment 59
Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn

Motion for a resolution
Paragraph 10 a (new)

10 a. Notes with concern that the Vietnamese penal code still allows for serious human rights violations, which have intensified since the entry into force of the PCA; calls on a Vietnam to revise the penal code in line with international standards and welcomes the European Union's assistance in this respects; regrets that the Commission has failed to undertake a comprehensive human rights impact assessment of the EVIPA; calls on the Commission to carry out such an
Amendment 60
Saskia Bricmont

Motion for a resolution
Paragraph 10 a (new)

10 a. Is concerned that human rights violations stemming from foreign investors’ activities cannot be addressed under the IPA and that no concrete action can be taken in the framework of that agreement; requests therefore the addition of a monitoring mechanism as well as a grievance mechanism under the IPA through an additional Protocol to the IPA, whereby potential and actual violations can at least be prevented or remedied through mediation;

Amendment 61
Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová

Motion for a resolution
Paragraph 10 b (new)

10 b. Points out that a new Vietnamese Cyber Security Law, that entered into force at the beginning of 2019, has attracted a lot of criticism, as an intensified crackdown on human rights activists in the country has been documented, linked to the provisions of this new law which gives the authorities licence to censor content, control
information and silence online dissidents; notes with regret that the legislation also raises concerns for EU economic interests, including forced data localisation provisions which are at odds with the EU's liberalisation agenda in this respect; calls on Vietnam to revise this law in line with international standards and welcomes the European Union's assistance in this respect;

Amendment 62
Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová

Motion for a resolution
Paragraph 10 c (new)

10 c. Underlines the need for close monitoring of the implementation of the agreement and the human rights developments in Vietnam; Calls for a joint parliamentary scrutiny board, basing itself on the monitoring Group for Vietnam in the European Parliament and its equivalent in the Vietnamese National Assembly, which will be tasked to monitor the implementation of the agreement and the human rights developments in Vietnam;

Amendment 63
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Paragraph 11 a (new)
11 a. Believes that an arbitration International Court should fit the following qualifications:

- falling under the auspices of an independent multilateral body such as the United Nations,
- being transparent in its appointments and proceedings,
- applying human rights, labour and environmental treaties.

Or. en

Amendment 64
Saskia Bricmont

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam; considers that this constitutes an important step in increasing the legitimacy and acceptance of the international investment regime;

Amendment

12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam;

Or. en

Amendment 65
Jude Kirton-Darling

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam; considers that this constitutes an important step in increasing the

Amendment

12. Highlights that the agreement will replace the existing 21 bilateral investment treaties between EU Member States and Vietnam and create new obligations for the 6 EU Member States that do not have
legitimacy and acceptance of the international investment regime; a bilateral investment treaty in place with Vietnam;
Amendment 68
Jude Kirton-Darling

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Encourages the Commission to continue its work on making the ICS more accessible to small and medium-sized enterprises (SMEs);

Amendment

13. Encourages the Commission to continue its work on making the ICS more accessible to small and medium-sized enterprises (SMEs) and calls on the Commission to include access to remedy for human rights abuses victims and Civil Society Organisations;

Or. en

Amendment 69
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Encourages the Commission to continue its work on making the ICS more accessible to small and medium-sized enterprises (SMEs);

Amendment

13. Recalls that ICS and arbitration systems are hardly accessible to small and medium-sized enterprises (SMEs);

Or. en

Amendment 70
Karin Karlsbro, Marie-Pierre Vedrenne, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

13 a. Calls on both Parties to undertake
to develop programmes of cooperation activities to improve capacity and conditions for women to benefit from opportunities created by the agreement, including encouraging capacity building and skills enhancement of women at work and in business, fostering women's representation in decision making and positions of authority; improving women's access to, and participation and leadership in, science, technology and innovation; conducting gender-based analysis and gender-focused statistics relating to investments;

Amendment 71
Jude Kirton-Darling

Motion for a resolution
Paragraph 14

14. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate;

Amendment
deleted

Or. en

Amendment 72
Saskia Bricmont

Motion for a resolution
Paragraph 14

14. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate;

Amendment
14. Considers that the approval of this agreement will protect investors and their investments; on the other hand, is of the view that, following the CJEU ruling on
regulate;

CETA important questions remain answered such as (i) the effects of ICS judges not being bound by the ECJ ruling and that fact that they may therefore draw conclusions contradicting the CJEU interpretation; (ii) the consequences in case ICS judges call into question the level of protection set by the EU and on that basis award damages; (iii) how to ensure the ICS judges will comply with the CJEU interpretation. Therefore believes that a protocol clarifying such questions in the form of an interpretative instrument should be included in the agreement before ratification;

Amendment 73
Daniel Caspary

Motion for a resolution
Paragraph 14

14. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate;

Amendment

14. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate; calls upon Member States for a swift ratification of the agreement in order to ensure that all its benefits are available to all stakeholders at the earliest time possible;

Amendment 74
Emmanuel Maurel, Helmut Scholz

Motion for a resolution
Paragraph 14

14. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments’ rights to regulate;

Amendment

14. Considers that the approval of this
agreement will *robustly protect* investors and *their investments on both sides while safeguarding the* governments’ rights to regulate; agreement will *give a privileged status to* investors and *may jeopardize* governments’ rights to regulate;

**Amendment 75**
Karin Karlsbro, Barbara Ann Gibson, Samira Rafaela, Jordi Cañas, Urmas Paet, Elsi Katainen, Svenja Hahn, Dita Charanzová

**Motion for a resolution**
**Paragraph 14 a (new)**

*Motion for a resolution*  
14 a. Welcomes the agreement which will create more free and fair trade opportunities between the EU and Vietnam; urges the European Parliament to give it consent to the agreement, given that Vietnam takes steps to improve the civil and labour rights situation as to move in the direction of its commitments;

**Amendment**

*Or. en*

**Amendment 76**
Saskia Bricmont

**Motion for a resolution**
**Paragraph 14 a (new)**

*Motion for a resolution*  
14 a. Withholds its consent until the Investment Protection Agreement is completed by the addition of an independent monitoring mechanism as well as a grievance mechanism;

**Amendment**

*Or. en*