



Plenary sitting

A9-0014/2020

27.1.2020

REPORT

containing a motion for a non-legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, 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 (05931/2019 – C9-0020/2019 – 2018/0358M(NLE))

Committee on International Trade

Rapporteur: Geert Bourgeois

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MOTION FOR A EUROPEAN PARLIAMENT NON-LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion, on behalf of the European Union, 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 (05931/2019 – C9-0020/2019 – 2018/0358M(NLE))

The European Parliament,

- having regard to the draft Council decision (05931/2019),
- having regard to the proposed 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 (05932/2019),
- having regard to the request for consent submitted by the Council in accordance with Articles 207(4) and 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (TFEU) (C9-0020/2019),
- having regard to the negotiating directives of 23 April 2007 for a free trade agreement (FTA) with the member states of the Association of Southeast Asian Nations (ASEAN), which were supplemented in October 2013 to include investment protection,
- having regard to the decision of 22 December 2009 to pursue bilateral FTA negotiations with individual ASEAN member states,
- having regard to the Framework Agreement on Comprehensive Partnership and Cooperation (PCA) between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part, signed in Brussels on 27 June 2012, which entered into force in October 2016¹,
- having regard to its resolution of 6 April 2011 on the future European international investment policy²,
- having regard to Regulation (EU) No 1219/2012 of the European Parliament and of the Council of 12 December 2012 establishing transitional arrangements for bilateral investment agreements between Member States and third countries³,
- having regard to its resolution of 28 June 2016 on a new, forward-looking and innovative future strategy for trade and investment⁴,
- having regard to the Commission communication of 14 October 2015 entitled ‘Trade for all – towards a more responsible trade and investment policy’ (COM(2015)0497),
- having regard to the opinion of the Court of Justice of the European Union of 16 May

¹ OJ L 329, 3.12.2016, p. 8.

² OJ C 296 E, 2.10.2012, p. 34.

³ OJ L 351, 20.12.2012, p. 40.

⁴ OJ C 101, 16.3.2018, p. 30.

2017 in procedure 2/15⁵, pursuant to Article 218(11) TFEU, requested on 10 July 2015 by the Commission,

- having regard to its resolution of 9 June 2016 on Vietnam⁶,
- having regard to its resolution of 14 December 2017 on freedom of expression in Vietnam, notably the case of Nguyen Van Hoa⁷,
- having regard to its resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners⁸,
- having regard to the decision of the European Ombudsman of 26 February 2016 in case 1409/2014/MHZ on the European Commission’s failure to carry out a prior human rights impact assessment of the EU-Vietnam FTA⁹,
- having regard to its resolution of 4 October 2018 on the EU’s input on a UN binding instrument on transnational corporations with respect to human rights¹⁰,
- having regard to the United Nations Commission on International Trade Law (UNCITRAL) Rules on Transparency in Treaty-based Investor-State Arbitration¹¹,
- having regard to the Treaty on European Union (TEU), and in particular Title V thereof on the Union’s external action,
- having regard to the Council conclusions of 20 June 2016 on child labour, which encouraged the Commission to continue exploring ways to use the trade instruments of the EU more effectively, including free trade agreements to combat child labour,
- having regard to the Council conclusions of 20 June 2016 on business and human rights, which stipulated 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’ and that ‘all partnerships in implementing the SDGs should be built on respect for human rights and responsible business conduct’, and which encouraged EU companies ‘to establish operational-level grievance mechanisms, or create joint grievance initiatives between companies’,
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Part Five, Titles I, II and V thereof, and specifically Article 207 in conjunction with Article 218(6)(a)(v),
- having regard to its legislative resolution of ...¹² on the proposal for a Council decision,

⁵ Opinion of the Court of Justice of 16 May 2017, 2/15, ECLI:EU:C: 2017:376.

⁶ OJ C 86, 6.3.2018, p. 122.

⁷ OJ C 369, 11.10.2018, p. 73.

⁸ Texts adopted, P8_TA(2018)0459.

⁹ <https://www.ombudsman.europa.eu/en/decision/en/64308>

¹⁰ OJ C 11, 13.1.2020, p. 36.

¹¹ <https://www.uncitral.org/pdf/english/texts/arbitration/rules-on-transparency/Rules-on-Transparency-E.pdf>

¹² Texts adopted, P8_TA(0000)0000.

- having regard to Rule 105(2) of its Rules of Procedure,
 - having regard to the opinions of the Committee on Foreign Affairs and the Committee on Development,
 - having regard to the report of the Committee on International Trade (A9-0014/2020),
- A. whereas the EU is the leading recipient and source of foreign direct investment (FDI) in the world;
 - B. whereas the EU ranks fifth out of 80 foreign direct investors in Vietnam;
 - 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;
 - D. whereas Vietnam's infrastructure and investment needs massively exceed the amount of public funding currently available;
 - E. 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;
 - F. welcoming the fact that the trade, business and investment environment has improved significantly in Vietnam over the last few decades;
 - G. whereas there are currently more than 3 000 international investment treaties in force, and EU Member States are party to some 1 400;
 - H. whereas after the EU-Singapore Investment Protection Agreement, this represents 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 a reference point for future EU engagement with its trading partners;
 - I. whereas the agreement will replace and supersede the existing bilateral investment treaties between 21 EU Member States and Vietnam, which did not include the EU's new approach to investment protection and its enforcement mechanism, the public Investment Court System (ICS);
 - J. whereas the ICS was integrated into the already finalised CETA agreement, which was ratified by Parliament on 15 February 2017 and is awaiting ratification by several Member States, thereby replacing the investor-state dispute settlement (ISDS) system;
 - K. 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 law¹³;

¹³ Opinion of the Court of Justice of 30 April 2019, 1/17.

- L. whereas the Parties have stated their commitment to pursuing a Multilateral Investment Court (MIC) – an initiative strongly and continuously supported by Parliament;
- M. whereas on 20 March 2018 the Council adopted the negotiating directives, which authorised the Commission to negotiate, on behalf of the EU, a convention establishing an MIC; whereas these negotiating directives have been made public;
1. Welcomes the EU’s new approach to investment protection and its enforcement mechanism (ICS), which has reformed the ISDS and enhances the quality of individual approaches of bilateral investment treaties concluded by EU Member States; underlines the fact that the ICS represents a modern, innovative and reformed investment resolution mechanism as regards the procedural shortcomings of the ISDS; notes, moreover, that it marks a significant change in the level of substantive protection afforded to investors and the manner in which investor-state disputes are resolved; expresses concern that the scope of application extends slightly beyond mere non-discrimination between foreign and domestic investors; recalls that the establishment of an independent multilateral investment court would give greater legal certainty to all parties; welcomes Vietnam’s strong commitment to the rules-based multilateral trading system;
 2. Notes that the agreement will ensure a high level of investment protection and legal certainty while safeguarding the Parties’ right to regulate and pursue legitimate public policy objectives, such as public health, public services, and environmental protection; emphasises that the agreement will also ensure transparency and accountability; asks the Commission to take further account of the fight against climate change and respect for the Paris Agreement in safeguarding the Parties’ right to regulate, as has been done with CETA; insists on regular monitoring and reporting back to the European Parliament on the use of this provision by European investors;
 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; considers that this should go hand-in-hand with responsibilities 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;
 4. Underlines that economic development and multilateralism are important tools to improve people’s lives; points out that one of the objectives of the IPA is to strengthen the economic, trade and investment relationship between the EU and Vietnam in accordance with the objective of sustainable development, and to promote trade and investment in full compliance with internationally recognised human rights, environmental and labour standards and agreements;
 5. Recalls that Vietnam is a developing country; emphasises that in order to help achieve the Sustainable Development Goals, in particular SDG 1 on poverty eradication, SDG 8 on decent work and SDG 10 on reduced inequalities, investment must contribute to the creation of quality jobs, support the local economy and fully respect domestic regulations, including tax requirements;
 6. 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 as being in full compliance with EU law, as expressed in its opinion 1/17;

7. 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; welcomes, furthermore, the clarity regarding the grounds on which an investor can issue a challenge, which ensures a more transparent and fairer process;
8. Stresses that third parties such as labour and environmental organisations can contribute to ICS proceedings through *amicus curiae* briefs;
9. Underlines that forum shopping will not be possible and that multiple and parallel proceedings will be avoided;
10. 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;
11. Believes that the establishment of an Appeal Tribunal could improve the quality and consistency of decisions as compared to the current situation;
12. 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 market access under the EU-Vietnam Free Trade Agreement (EUVFTA); stresses that the EVIPA also contains a provision establishing an institutional and legal link to the Framework Agreement on Comprehensive Partnership and Cooperation (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, thereby ensuring that human rights are placed at the core of the EU-Vietnam relationship; underlines that the Parties and investors must respect all the relevant international human rights standards and obligations; stresses the responsibilities of investors as outlined in the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights; points out, in addition, that the provisions of the EVIPA and the EUVFTA must be implemented in a complementary manner, especially with regard to human, environmental and social rights and sustainable development when these are applied under the Parties' right to regulate; stresses the need, moreover, to ensure consistency with development cooperation objectives under Article 208 of the Treaty on the Functioning of the European Union (TFEU);

13. Stresses the significance of truly positive trends in terms of human rights for a swift ratification of this agreement and calls on the Vietnamese authorities to outline concrete measures to improve the situation as a signal of their commitment; recalls its demands concerning the reform of penal legislation, the use of the death penalty, political prisoners and fundamental freedoms; urges the Parties to make full use of the agreements in order to improve the human rights situation in Vietnam and underlines the importance of an ambitious human rights dialogue between the EU and Vietnam; points out that Article 1 of the PCA contains a standard human rights clause which can trigger appropriate measures including, as a last resort, the immediate suspension of the PCA and, by extension, the IPA or elements thereof;
14. Reiterates that Article 35 of the PCA and Article 13 of the FTA, in conjunction with a system of periodic evaluation, provide tools to address human rights concerns related to the implementation of the IPA, but must be accompanied by scrutiny by the EU and its Member States, and by an independent monitoring and complaints mechanism, providing affected citizens and stakeholders with effective recourse to remedy and a tool to address potential negative impacts on human rights;
15. Expresses its concerns regarding the implementation of the new cybersecurity law, notably on localisation and disclosure requirements, online surveillance and control, and the protection of personal data measures, which are not compatible with the EU's values-based and liberalisation trade agenda; welcomes the willingness to engage in an intensive dialogue, including the commitment of the Chairperson of the National Assembly of Vietnam to include both parliaments in the discussion and deliberation of the implementing decrees; calls on the Vietnamese authorities to take concrete measures and welcomes the EU's assistance in this regard;
16. Recalls that Article 8 of the TFEU states that 'in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women'; welcomes the fact that both Vietnam and the EU have signed the WTO Buenos Aires Declaration on Women and Trade and calls on the Parties to strengthen their commitments to gender and trade in this agreement; calls for the conditions of women to be improved so that they may benefit from this agreement, including through capacity-building for women at work and in business, promoting women's representation in decision-making and positions of authority, and improving women's access to, and participation and leadership in, science, technology and innovation;
17. Calls for the EU and Vietnam to cooperate to develop an action plan to fight child labour, including the necessary framework for enterprises;
18. Welcomes the Council's decision to make public the negotiating directives of 20 March 2018 on the MIC, and calls on the Council to make public all previous trade and investment agreement negotiating directives;
19. Highlights the fact 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;
20. Calls on the Commission to take accompanying measures for small and medium-sized

enterprises (SMEs) in order to make the agreement transparent and accessible; encourages the Commission to continue its work on making the ICS more accessible to SMEs; underlines the potential for growth and the significant benefits that are hereby made available to European SMEs, which are of vital interest to European prosperity and innovation;

21. Underscores the importance that the IPA could have in contributing to raising living standards, promoting prosperity and stability, and helping advance the rule of law, good governance, sustainable development and respect for human rights in Vietnam, while also enabling the EU to foster its objectives of peace and stability in the region; stresses that unequivocally upholding those universal values is a conditional part of any agreement between the EU and a third state;
22. Considers that the approval of this agreement will robustly protect investors and their investments on both sides while safeguarding the governments' rights to regulate, and will create more opportunities for free and fair trade between the EU and Vietnam; calls on the Member States to swiftly ratify the agreement in order to ensure that all stakeholders can reap its benefits as soon as possible, in the light of Vietnam's endeavours to improve the situation of civil and labour rights in accordance with its commitments;
23. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the governments and parliaments of the Member States and the government and parliament of the Socialist Republic of Viet Nam.

5.12.2019

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on International Trade

on the draft Council decision on the conclusion, on behalf of the Union, 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 (2018/0358M(NLE))

Rapporteur for opinion: Isabel Wiseler-Lima

SUGGESTIONS

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

1. Underlines that economic development and multilateralism are important tools to improve people's lives; points out that one of the objectives of the IPA is to strengthen the economic, trade and investment relationship between the EU and Viet Nam in accordance with the objective of sustainable development, and to promote trade and investment in full compliance with internationally recognised human rights, environmental and labour standards and agreements;
2. Regrets that the Commission did not carry out a human rights impact assessment on the EU-Viet Nam IPA, which runs counter to the 2015 decision of the EU Ombudsman, as well as the EU Action Plan on Human Rights and Democracy; calls on the Commission to carry out a human rights impact assessment immediately; points out that the Commission also committed to carrying out an ex post economic, social and environmental impact assessment;
3. Welcomes the enhanced political dialogue between the EU and Viet Nam and the possibility to address human rights concerns in the framework of the institutional mechanisms established under Article 35 of the PCA and Article 13 of the FTA; reiterates that those articles, in conjunction with a system of periodic evaluation, provide tools to address human rights concerns related to the implementation of the IPA, but must be accompanied by scrutiny by the EU and its Member States, and by an independent monitoring and complaints mechanism, providing affected citizens and stakeholders with effective recourse to remedy and a tool to address potential negative impacts on human rights; takes note that even if a Party may unilaterally take

appropriate measures when it considers that the other Party has committed a material breach of the PCA, these measures are fully at the discretion of the Parties and have only been used in very exceptional circumstances;

4. Stresses that under Title VI of the PCA, the Parties agree to cooperate in the promotion and protection of human rights, and in the fields of gender equality, climate change, migration, health, education and training, socio-economic affairs, and a reform of public administration, to ensure that the high standards and values promoted by the EU are reflected in upcoming reforms in Viet Nam, including with regard to the implementation of international human rights instruments to which Viet Nam is a party; notes with concern that the human rights situation has deteriorated since the entry into force of the PCA;
5. Underlines that the Parties and investors must respect all relevant international human rights standards and obligations; stresses the responsibilities of investors, in line with the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights; recalls that businesses have to comply with international human rights and environmental standards; calls for the EU and Viet Nam to cooperate to develop an action plan to fight child labour, including the necessary framework for enterprises;
6. Fully supports a continuous, genuine and results-oriented engagement on human rights between the EU and Viet Nam, including within the framework of the bilateral human rights dialogue and other senior level meetings of relevance for bilateral investment; calls for the strengthening of the annual EU-Viet Nam human rights dialogue with the involvement of independent local civil society organisations and human rights defenders; stresses in that respect that the Commission and the EEAS need to be particularly attentive to the fact that independent civil society has been harshly repressed and largely operates underground for fear of persecution and retaliation; regrets that on at least two occasions Viet Nam has detained activists right before the dialogues; insists on the importance of raising individual cases and following up on their situation during these dialogues; regrets the lack of any tangible results after several rounds of EU-Viet Nam human rights dialogues; calls for information received from relevant international organisations to be considered in the dialogues, which should be geared around concrete deliverables;
7. Underscores the importance that the IPA could have in contributing to raising living standards, promoting prosperity and stability, and helping advance the rule of law, good governance, sustainable development and respect for human rights in Viet Nam, while also enabling the EU to foster its objectives of peace and stability in the region; stresses that unequivocally upholding those universal values is a conditional part of any agreement between the EU and a third state; is concerned about the lack of enforceable human rights obligations for investors;
8. Notes that Investment Court System (ICS) jurisprudence should secure the upholding of human rights standards; notes that the high costs associated with ICS procedures may potentially reduce access to justice and remedy for affected citizens; regrets that civil society may have limited access to and ability to participate in cases due to the lack of guaranteed Amicus Curiae provisions;

9. Recommends that Parliament give its consent to the agreement only if the recommendations of this resolution are legally and effectively enacted.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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
References	2018/0358M(NLE)
Committee responsible	INTA
Opinion by Date announced in plenary	AFET 24.10.2019
Rapporteur Date appointed	Isabel Wiseler-Lima 30.9.2019
Discussed in committee	14.10.2019 2.12.2019
Date adopted	4.12.2019
Result of final vote	+: 48 -: 8 0: 6
Members present for the final vote	Alexander Alexandrov Yordanov, Maria Arena, Traian Băsescu, Phil Bennion, Fabio Massimo Castaldo, Susanna Ceccardi, Włodzimierz Cimoszewicz, Gina Dowding, Tanja Fajon, Michael Gahler, Giorgos Georgiou, Raphaël Glucksmann, Klemen Grošelj, Bernard Guetta, Márton Gyöngyösi, Sandra Kalniete, Andrius Kubilius, Ilhan Kyuchyuk, David Lega, Nathalie Loiseau, Jaak Madison, Thierry Mariani, David McAllister, Vangelis Meimarakis, Sven Mikser, Javier Nart, Urmas Paet, Demetris Papadakis, Tonino Picula, Manu Pineda, Kati Piri, Diana Riba i Giner, Catherine Rowett, Nacho Sánchez Amor, Isabel Santos, Jacek Saryusz-Wolski, Radosław Sikorski, Sergei Stanishev, Hermann Tertsch, Idoia Villanueva Ruiz, Viola Von Cramon-Taubadel, Irina Von Wiese, Witold Jan Waszczykowski, Charlie Weimers, Isabel Wiseler-Lima
Substitutes present for the final vote	Andrea Cozzolino, Arnaud Danjean, Loucas Fourlas, Jytte Guteland, Andrzej Halicki, Martin Horwood, Katrin Langensiepen, Hannah Neumann, Juozas Olekas, Kris Peeters, Bert-Jan Ruissen, Mick Wallace, Javier Zarzalejos, Bernhard Zimniok
Substitutes under Rule 209(7) present for the final vote	Heidi Hautala, Gilles Lebreton, Geoffrey Van Orden

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

48	+
ID	Bernhard Zimniok
NI	Fabio Massimo Castaldo, Márton Gyöngyösi
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Arnaud Danjean, Loucas Fourlas, Michael Gahler, Andrzej Halicki, Sandra Kalniete, Andrius Kubilius, David Lega, David McAllister, Vangelis Meimarakis, Kris Peeters, Radosław Sikorski, Isabel Wiseler-Lima, Javier Zarzalejos
RENEW	Phil Bennion, Klemen Grošelj, Bernard Guetta, Martin Horwood, Ilhan Kyuchyuk, Nathalie Loiseau, Javier Nart, Urmas Paet, Irina Von Wiese
S&D	Maria Arena, Włodzimierz Cimoszewicz, Andrea Cozzolino, Tanja Fajon, Raphaël Glucksmann, Jytte Guteland, Sven Mikser, Juozas Olekas, Demetris Papadakis, Tonino Picula, Kati Piri, Nacho Sánchez Amor, Isabel Santos, Sergei Stanishev
VERTS/ALE	Gina Dowding, Heidi Hautala, Katrin Langensiepen, Hannah Neumann, Diana Riba i Giner, Catherine Rowett, Viola Von Cramon-Taubadel

8	-
ECR	Bert-Jan Ruissen, Jacek Saryusz-Wolski, Hermann Tertsch, Geoffrey Van Orden, Witold Jan Waszczykowski, Charlie Weimers
GUE/NGL	Manu Pineda, Mick Wallace

6	0
GUE/NGL	Giorgos Georgiou, Idoia Villanueva Ruiz
ID	Susanna Ceccardi, Gilles Lebreton, Jaak Madison, Thierry Mariani

Key to symbols:

- + : in favour
- : against
- 0 : abstention

3.12.2019

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on International Trade

on the draft Council decision on the conclusion, on behalf of the Union, of the Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part (2018/0358M(NLE))

Rapporteur for opinion: Tomas Tobé

SUGGESTIONS

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

1. Recalls that Vietnam is a developing country; emphasises that in order to help achieve the Sustainable Development Goals, in particular SDG 1 on poverty eradication, SDG 8 on decent work and SDG 10 on reduced inequalities, investment must contribute to the creation of quality jobs, support the local economy and fully respect domestic regulations, including tax requirements;
2. Welcomes the commitment shown by the Parties to the EU-Vietnam Investment Protection Agreement (IPA) to enhancing the contribution of trade and investment to the goal of sustainable development in its economic, social and environmental dimensions; acknowledges that the Investment Court System marks an improvement from the existing Bilateral Investment Treaties between 21 EU Member States and Vietnam with regard to the independence of judges;
3. Reaffirms in the strongest possible terms that the Parties to the IPA and the investors protected by it must respect all international human rights standards and obligations, in addition to those arising from domestic laws;
4. Welcomes the use of the transparency rules of the UN Commission on International Trade Law (UNCITRAL) for dispute settlement; emphasises that the protection of legitimate public policy decisions and the right to regulate must not be challenged by investors; insists on regular monitoring and reporting back to the European Parliament on the use of this provision by European investors;

5. Notes that protections afforded to investors could possibly outpace the development of investor responsibilities as the IPA guarantees enforceable rights to foreign investors through the arbitration clause, but does not provide a sanction mechanism for non-compliance with social and environmental standards; reiterates the need to ensure a fair balance in the IPA of investors' rights and duties, in terms of corporate, social and environmental standards and human rights in general; underlines, in this regard, the importance of establishing an independent monitoring and complaint mechanism that can be seized by affected populations and that has the authority to make binding rulings with regard to the negative impact that trade and investment agreements may have; stresses the need to keep the European Parliament informed of action taken through this mechanism in response to complaints concerning investors with registered offices in any of the Member States;
6. Calls on the Parties to take account of internationally agreed principles and instruments such as the OECD Guidelines for Multinational Enterprises, the UN Guiding Principles on Business and Human Rights, and the UN-backed Principles for Responsible Investment;
7. Recalls that the provisions of both the IPA and the EU-Vietnam Free Trade Agreement must be implemented in a complementary manner, especially with regard to human, environmental and social rights and sustainable development; stresses the need, moreover, to ensure consistency with development cooperation objectives under Article 208 of the Treaty on the Functioning of the European Union (TFEU).

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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	
References	2018/0358M(NLE)	
Committee responsible	INTA	
Opinion by Date announced in plenary	DEVE 24.10.2019	
Rapporteur Date appointed	Tomas Tobé 4.9.2019	
Discussed in committee	5.9.2019	8.10.2019
Date adopted	3.12.2019	
Result of final vote	+: 17	-: 7
	0: 0	
Members present for the final vote	Hildegard Bentele, Dominique Bilde, Charles Goerens, Mónica Silvana González, Pierrette Herzberger-Fofana, György Hölvényi, Martin Horwood, Rasa Juknevičienė, Beata Kempa, Pierfrancesco Majorino, Lukas Mandl, Norbert Neuser, Michèle Rivasi, Louis Stedman-Bryce, Marc Tarabella, Tomas Tobé, Miguel Urbán Crespo, Chrysoula Zacharopoulou, Bernhard Zimniok	
Substitutes present for the final vote	Alessandra Basso, Stéphane Bijoux, Marlene Mortler, Caroline Roose, Patrizia Toia	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

17	+
ECR	Beata Kempa
ID	Bernhard Zimniok
PPE	Hildegard Bentele, György Hölvényi, Rasa Juknevičienė, Lukas Mandl, Marlene Mortler, Tomas Tobé
RENEW	Stéphane Bijoux, Charles Goerens, Martin Horwood, Chrysoula Zacharopoulou
S&D	Mónica Silvana González, Pierfrancesco Majorino, Norbert Neuser, Marc Tarabella, Patrizia Toia

7	-
GUE/NGL	Miguel Urbán Crespo
ID	Alessandra Basso, Dominique Bilde
NI	Louis Stedman-Bryce
VERTS/ALE	Pierrette Herzberger-Fofana, Michèle Rivasi, Caroline Roose

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	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		
References	2018/0358M(NLE)		
Date of consultation / request for consent	17.1.2019		
Committee responsible Date announced in plenary	INTA 24.10.2019		
Committees asked for opinions Date announced in plenary	AFET 24.10.2019	DEVE 24.10.2019	
Rapporteurs Date appointed	Geert Bourgeois 23.9.2019		
Previous rapporteurs	Jan Zahradil		
Discussed in committee	2.10.2019	6.11.2019	3.12.2019
Date adopted	21.1.2020		
Result of final vote	+: -: 0:	27 7 5	
Members present for the final vote	Nikos Androulakis, Anna-Michelle Asimakopoulou, Tiziana Beghin, Geert Bourgeois, Anna Cavazzini, Ellie Chowns, Miroslav Číž, Arnaud Danjean, Nicola Danti, Emmanouil Fragkos, Barbara Ann Gibson, Enikő Györi, Roman Haider, Christophe Hansen, Heidi Hautala, Danuta Maria Hübner, Karin Karlsbro, Jude Kirton-Darling, Maximilian Krah, Danilo Oscar Lancini, Bernd Lange, Emmanuel Maurel, Samira Rafaela, Luisa Regimenti, Inma Rodríguez-Piñero, Massimiliano Salini, Helmut Scholz, Liesje Schreinemacher, Sven Simon, Mihai Tudose, Kathleen Van Brempt, Marie-Pierre Vedrenne, Jörgen Warborn, James Wells, Iuliu Winkler, Jan Zahradil		
Substitutes present for the final vote	Saskia Bricmont, Angelika Winzig		
Substitutes under Rule 209(7) present for the final vote	Jordi Cañas		
Date tabled	27.1.2020		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

27	+
ECR	Geert Bourgeois, Emmanouil Fragkos, Jan Zahradil
ID	Maximilian Krah
PPE	Anna-Michelle Asimakopoulou, Arnaud Danjean, Enikő Győri, Christophe Hansen, Danuta Maria Hübner, Massimiliano Salini, Sven Simon, Jörgen Warborn, Iuliu Winkler, Angelika Winzig
RENEW	Jordi Cañas, Barbara Ann Gibson, Karin Karlsbro, Samira Rafaela, Liesje Schreinemacher, Marie-Pierre Vedrenne
S&D	Nikos Androulakis, Miroslav Číž, Nicola Danti, Bernd Lange, Inma Rodríguez-Piñero, Mihai Tudose, Kathleen Van Brempt

7	-
GUE/NGL	Emmanuel Maurel, Helmut Scholz
S&D	Jude Kirton-Darling
VERTS/ALE	Saskia Bricmont, Anna Cavazzini, Ellie Chowns, Heidi Hautala

5	0
ID	Roman Haider, Danilo Oscar Lancini, Luisa Regimenti
NI	Tiziana Beghin, James Wells

Key to symbols:

+ : in favour

- : against

0 : abstention