



**2018/0356M(NLE)**

5.12.2019

# **OPINION**

of the Committee on Foreign Affairs

for the Committee on International Trade

on the draft Council decision on the conclusion of the Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam (2018/0356M(NLE))

Rapporteur for opinion: Isabel Wiseler-Lima

PA\_NonLeg

## 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. Recalls that Parliament gave its consent to the EU-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation (PCA) on 17 December 2015<sup>1</sup>, which defines future relations and aims to enhance further cooperation on global and regional challenges; notes with concern that the human rights situation in the country has deteriorated since the entry into force of the PCA;
2. Regrets that the Commission did not carry out a human rights impact assessment on the EU-Vietnam Free Trade Agreement, though requested to do so by Parliament, which runs counter to the decision of the European Ombudsman of 2015 and to the commitments made in the EU Action Plan on Human Rights and Democracy, and calls on it to carry out such an assessment immediately; points out that the Commission also committed to carrying out an *ex post* economic, social and environmental impact assessment;
3. Underlines the strategic importance of Vietnam as a crucial partner of the EU in South-East Asia and among the ASEAN countries, specifically, but not exclusively, in relation to climate change negotiations, good governance, sustainable development, economic and social progress and the fight against terrorism; stresses the need for Vietnam to become a partner in the advancement of human rights and democratic reform; notes that Vietnam holds the ASEAN chairmanship for 2020; stresses the need for the EU and Vietnam to fully respect and implement the Paris Agreement;
4. Welcomes the agreement between the EU and the Government of Vietnam establishing a framework for the participation of Vietnam in EU crisis management operations, which was signed on 17 October 2019; underlines that Vietnam has become the second partner country in Asia to sign a Framework Participation Agreement with the EU; stresses that the agreement constitutes a significant step forward in relations between the EU and Vietnam;
5. Acknowledges Vietnam's efforts to undertake a reform agenda, notably on the environmental and labour rights of the sustainable development chapter of the Free Trade Agreement (FTA); calls on the Vietnamese Government to take all appropriate legislative and non-legislative measures to effectively guarantee and implement the highest attainable human rights standards, including, but not limited to, environmental and labour standards; welcomes the ratification of six out of eight core ILO Conventions, namely No 29 on forced labour, Nos 100 and 111 on non-discrimination, Nos 138 and 182 on child labour and most recently No 98 on the right to organise and collective bargaining; urges the Vietnamese Government to quickly ratify and fully implement the outstanding conventions; calls for an effectively enforceable mechanism that applies to the trade and sustainable development (TSD) chapter and for a clear, public and binding timeline for the ratification of ILO Convention Nos 87 on Freedom of Association and Protection of the Right to Organise and 105 on the Abolition of

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<sup>1</sup> Texts adopted, P8\_TA(2015)0467.

Forced Labour;

6. Remains concerned about human rights violations in Vietnam, including the sentencing, political intimidation, intrusive surveillance, harassment, assault, kidnapping and unfair trials of political activists, journalists, bloggers, dissidents and human rights defenders, the curtailing of religious freedom and freedom of expression and association, and the application of the death penalty; calls on Vietnam to introduce a moratorium on the death penalty and take immediate steps towards abolition; deeply regrets that the number of political prisoners and journalists, bloggers and human rights, labour, religious and environmental activists detained has increased in recent years; calls for the release of all those detained for merely exercising their freedom of expression and for all charges against them to be dropped;
7. Highlights that human rights constitute a cornerstone of the TSD chapter of the FTA; is concerned that the FTA focuses on only a certain range of rights, mainly the core ILO conventions; calls, therefore, for human rights to be included in a more comprehensive way, accompanied by a mechanism to ensure their effective enforcement; calls for a periodic, independent evaluation of the impact of the agreement;
8. Calls on Vietnam to implement the recommendations made during the most recent Universal Periodic Review; calls on the authorities of Vietnam to bring its legislation into conformity with international human rights standards and obligations, including the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a party, notably by revising its Penal Code, its law on cybersecurity and its law on belief and religion; calls on the Vietnamese Government to bring legislation regulating public gatherings and demonstrations into conformity with the rights of freedom of assembly and association;
9. Underlines that Article 13 of the FTA embodies a cooperative approach based on common values and interests, taking into account the differences in the Parties' respective levels of development; welcomes the possibility of first resolving matters that fall under Article 13 on trade and sustainable development through exchange in the Committee on Trade and Sustainable Development; regrets that in the event that such matters are not resolved, the second mechanism, which allows a Party to request an independent Panel of Experts, may remain subordinate to the Parties' own procedures and subject to their willingness to use it; calls for the EU and Vietnam to set up an independent monitoring mechanism on human rights and an independent complaints mechanism, providing affected citizens and local stakeholders with effective recourse to remedy, and a tool to address potential negative impacts on human rights, notably through the application of the state-to-state dispute settlement mechanism to the TSD chapter;
10. Highlights that the FTA creates an institutional and legally binding link to the PCA; 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 suspension of the PCA, or parts thereof, without delay; recalls that in case 1409/2014/MHZ on the EU-Vietnam FTA, the European Ombudsman found that the preamble of the EU-Vietnam FTA and other traditional tools, such as the 'essential element' clause of the PCA and the human rights dialogue, were insufficient to ensure adequate respect for EU obligations,

especially when the third country's legislation was not in line with international human rights standards; calls for the establishment of a mechanism to monitor the implementation of the human rights clause on the basis of periodic assessments and for a procedure setting out clear and credible consequences that follow from breaches of the agreement;

11. Notes with concern that Vietnamese independent civil society has been harshly repressed and that many of its representatives operate underground for fear of persecution and retaliation; encourages the Commission to step up technical assistance and available funding to develop Vietnam's independent civil society in order to support the country's compliance with its international human rights obligations and the monitoring of the proper implementation of Article 13 of the FTA; calls on the Commission to guarantee that the domestic advisory groups (DAGs) provided for in the TSD chapter include truly independent representatives of civil society and to clarify the mechanisms in place to ensure that they can properly and safely play their role in scrutinising the implementation of the FTA without fear of reprisals;
12. Underlines the need for Parliament and its competent interparliamentary delegation to closely follow and monitor developments in Vietnam and the implementation of all sections of the FTA in order to allow for a response to developments on the ground; calls on the European External Action Service (EEAS) and the Commission to cooperate closely with Parliament in preparation for the annual human rights dialogues, the associated briefings and in the updating of the EU human rights country strategy for Vietnam;
13. Strongly believes that improvements are necessary in Vietnam in the areas of the rule of law, good governance, sustainable development and respect for human rights;
14. Calls on the Commission and the EEAS to formally report to Parliament on Vietnam's commitment to making progress on a series of human rights issues, as referred to in its resolution of 17 December 2015<sup>2</sup>;
15. Considers that consent should be given to the agreement only if the Vietnamese authorities release their political prisoners; stresses the need to commit to and agree with the Commission on a clear timeline for taking effective legislative and non-legislative measures to address the concerns set out in this resolution; calls on the Commission to address these concerns.

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<sup>2</sup> European Parliament non-legislative resolution of 17 December 2015 on the draft Council decision on the conclusion, on behalf of the Union, of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part (OJ C 399, 24.11.2017, p. 141).

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Conclusion of the Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam	
<b>References</b>	2018/0356M(NLE)	
<b>Committee responsible</b>	INTA	
<b>Opinion by</b> Date announced in plenary	AFET 24.10.2019	
<b>Rapporteur</b> Date appointed	Isabel Wiseler-Lima 30.9.2019	
<b>Discussed in committee</b>	14.10.2019	2.12.2019
<b>Date adopted</b>	4.12.2019	
<b>Result of final vote</b>	+: 47	-: 7
	0: 8	
<b>Members present for the final vote</b>	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	
<b>Substitutes present for the final vote</b>	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	
<b>Substitutes under Rule 209(7) present for the final vote</b>	Heidi Hautala, Gilles Lebreton, Geoffrey Van Orden	

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

47	+
NI	Fabio Massimo Castaldo, Márton Gyöngyösi
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Arnaud Danjean, Loucas Furlas, 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

7	-
ECR	Bert-Jan Ruissen, Jacek Saryusz-Wolski, Geoffrey Van Orden, Witold Jan Waszczykowski
GUE/NGL	Mick Wallace
ID	Gilles Lebreton, Thierry Mariani

8	0
ECR	Hermann Tertsch, Charlie Weimers
GUE/NGL	Giorgos Georgiou, Manu Pineda, Idoia Villanueva Ruiz
ID	Susanna Ceccardi, Jaak Madison, Bernhard Zimniok

**Key to symbols:**

+ : in favour

- : against

0 : abstention