



2018/0358M(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, 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