



Plenary sitting

B8-0472/2018

2.10.2018

MOTION FOR A RESOLUTION

further to Questions for Oral Answer B8-0402/2018, B8-0403/2018 and B8-0404/2018

pursuant to Rule 128(5) of the Rules of Procedure

on the EU's input to a UN Binding Instrument on transnational corporations and other business enterprises with transnational characteristics with respect to human rights
(2018/2763(RSP))

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on behalf of the ECR Group

European Parliament resolution on the EU's input to a UN Binding Instrument on transnational corporations and other business enterprises with transnational characteristics with respect to human rights (2018/2763(RSP))

The European Parliament,

- having regard to Articles 2, 3, 21 and 23 of the Treaty on European Union (TEU),
- having regard to Articles 207 and 208 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the EU Strategic Framework on Human Rights and Democracy as adopted by the Foreign Affairs Council on 25 June 2012, and to the Action Plan on Human Rights and Democracy 2015-2019 adopted by the Council on 20 July 2015,
- having regard to the UN Guiding Principles on Business and Human Rights (UNGPs), endorsed by the UN Human Rights Council in its resolution 17/4 of 16 June 2011,
- having regard to the Commission's Trade for All Strategy,
- having regard to the Commission's Sector Guides on Implementing the UNGPs¹,
- having regard to the Interim report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, addressed to the UN General Assembly and focused on means of eliminating religious intolerance and discrimination in the workplace²,
- having regard to the Commission staff working document of 14 July 2015 on Implementing the UN Guiding Principles on Business and Human Rights – State of Play (SWD(2015)0144),
- having regard to its resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility³,
- having regard to the opinion of the European Union Agency for Fundamental Rights (FRA) entitled 'Improving access to remedy in the area of business and human rights at the EU level'⁴,
- having regard to UN Human Rights Council resolution 26/9 of 26 June 2014, whereby it decided 'to establish an open-ended intergovernmental working group on transnational

¹ https://ec.europa.eu/anti-trafficking/publications/european-commission-sector-guides-implementing-un-guiding-principles-business-and-hum-0_en

² <http://www.ohchr.org/Documents/Issues/Religion/A.69.261.pdf>

³ OJ C 101, 16.3.2018, p. 19.

⁴ FRA Opinion - 1/2017 [B-HR].

corporations and other business enterprises with respect to human rights, whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises’,

- having regard to the United Nations Global Compact¹,
- having regard to the OECD Guidelines for Multinational Enterprises,
- having regard to the OECD Due Diligence Guidance for Responsible Business Conduct,
- having regard to the Children’s Rights and Business Principles developed by UNICEF,
- having regard to the Council conclusions on Business and Human Rights adopted on 20 June 2016,
- having regard to the Council of Europe recommendation to Member States on human rights and business, adopted on 2 March 2016,
- having regard to its resolution of 13 March 2018 on gender equality in EU trade agreements²,
- having regard to its resolution of 13 December 2017 on the Annual Report on Human Rights and Democracy in the World 2016 and the European Union’s policy on the matter³,
- having regard to its resolution of 16 November 2017 on the EU-Africa Strategy: a boost for development⁴,
- having regard to its resolution of 27 April 2017 on the EU flagship initiative on the garment sector⁵,
- having regard to its resolution of 14 December 2016 on the Annual Report on human rights and democracy in the world and the European Union’s policy on the matter 2015⁶,
- having regard to its resolution of 30 May 2018 on the Annual Report on the implementation of the Common Commercial Policy⁷,
- having regard to its resolution of 22 November 2016 on increasing the effectiveness of

¹ <https://www.unglobalcompact.org/>

² Texts adopted, P8_TA(2018)0066.

³ Texts adopted, P8_TA(2017)0494.

⁴ Texts adopted, P8_TA(2017)0448.

⁵ OJ C 298, 23.8.2018, p. 100.

⁶ OJ C 238, 6.7.2018, p. 57.

⁷ Texts adopted, P8_TA(2018)0230.

- development cooperation¹,
- having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries²,
 - having regard to its resolution of 5 July 2016 on the fight against trafficking in human beings in the EU's external relations³,
 - having regard to the study commissioned by its Subcommittee on Human Rights on 'Implementation of the UN Guiding Principles on Business and Human Rights'⁴,
 - having regard to the questions to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, to the Commission and to the Council on the EU's input to a UN Binding Instrument on transnational corporations and other business enterprises with transnational characteristics with respect to human rights (O-000074/2018 – B8-0402/2018, O-000075/2018 – B8-0403/2018 and O-000078/2018 – B8-0404/2018),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights; whereas its external action must be guided by these principles;
- B. whereas free trade and investment have proven to contribute significantly to wealth creation and poverty reduction;
- C. whereas States should set out clearly the expectation that all business enterprises respect basic human rights throughout their operations;
- D. whereas the UN Global Compact calls on corporations to embrace, support and enact, within their sphere of influence, a set of core values in the areas of human rights, labour standards, the environment and the fight against corruption, making a commitment to those values and integrating them into their business operations on a voluntary basis;
- E. whereas corporations are one of the major players in economic globalisation, financial services and international trade, and are required to comply with all applicable laws and international treaties in force and to respect human rights;
- F. whereas the EU has played a leading role in negotiating and implementing a number of initiatives for global responsibility which go hand in hand with the promotion and respect of international standards in relation to business and human rights;
- G. whereas a system of corporate liability for human rights violations is currently being

¹ OJ C 224, 27.6.2018, p. 36.

² OJ C 215, 19.6.2018, p. 125.

³ OJ C 101, 16.3.2018, p. 47.

⁴ [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578031/EXPO_STU\(2017\)578031_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578031/EXPO_STU(2017)578031_EN.pdf) or http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU%282017%29578031

negotiated in the UN;

- H. whereas there is still no consensus on three main issues: the question of monitoring mechanisms and remedies; the development of extraterritorial clauses establishing State responsibility for transnational corporations (TNCs) incorporated under their laws; and the actual extent of the due diligence obligation designated by the UNGPs;
1. Acknowledges that globalisation and increasing internationalisation of business activities and supply chains make the role that corporations play in ensuring respect for human rights more important and create a situation in which international norms and rules are crucial to avoid human rights violations in third countries;
 2. Firmly believes that the private sector is an important partner in achieving the Sustainable Development Goals (SDGs) and in mobilising additional resources for development; stresses that, given their increasing role in development cooperation, private sector actors must align with development effectiveness principles and abide by the principles of corporate accountability throughout the whole life cycle of projects;
 3. Considers that there is a need to maintain States at the centre of any future system and highlights that, taking into account that the major supporters of the treaty are also those with a poor human rights record, the process could result in a struggle to assign blame, resulting in a gridlock;
 4. Supports the full implementation of the UNGPs, and calls on all States to elaborate and adopt national action plans for the swift, effective and comprehensive implementation of the said principles;
 5. Recognises that the UNGPs have already provided for a due diligence obligation for TNCs, which needs to be further clarified in order to become descriptive and operational; insofar as corporations already have a wide set of responsibilities under national laws, considers that further analysis should be carried out with a view to effectively tackling the loopholes that allow transnational corporations to avoid liability;
 6. Reaffirms the urgent need to act in an effective and coherent manner at all levels, including national, European and international, in order to effectively address human rights violations by transnational corporations and legal problems resulting from the extraterritorial dimension;
 7. Notes that several countries are not taking part in the process; stresses that for such a binding treaty to be effective globally, a large majority of States need to ratify and respect it;
 8. Considers that EU adhesion to the UN legally binding instrument will require that said instrument go no further than what is legally established within the EU;
 9. Calls on the UN member states to ensure that the negotiations leading to the treaty are conducted in a transparent and accountable manner, with consultation of a broad range of stakeholders potentially impacted by the treaty;
 10. Calls for the EU to ensure that any revision or future strategy document linked to the

EU Strategic Framework and Action Plan on Human Rights and Democracy includes clear objectives and measurable benchmarks for the EU's participation in the UN treaty negotiations;

11. Decides to continue to follow closely the intergovernmental working group negotiation process;
12. Instructs its President to forward this resolution to the Council, the Commission and the European External Action Service.