

Resolution on the EU trade agreement with Colombia and Peru

2012/2628(RSP) - 13/06/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 525 votes to 94 against with 67 abstentions a resolution tabled by the Committee on International Trade on the EU trade agreement with Colombia and Peru, which was initialled on 23 March 2011.

Parliament regrets that, although the chapter on trade and sustainable development includes legally binding provisions, there is no binding dispute settlement mechanism for this chapter in the Trade Agreement, and that the use of the measures and sanctions provided in the Trade Agreement's binding general dispute settlement mechanism is excluded in the case of violations of the standards set forth in the chapter on trade and sustainable development, constituting a weakening of the current binding conditions under the EU's GSP+ scheme.

With regard to **human rights**, Parliament notes that both Colombia and Peru have made enormous efforts in recent years to improve the general condition of their citizens' lives, including human and labour rights. Despite these enormous efforts, however, there is still substantial work to be done, especially regarding the **effective implementation of the new legislative framework, which is intended to solve old problems** that have not been completely resolved, relating to longstanding problems of poverty, violence and corruption, internal armed conflict (going back more than 50 years in the case of Colombia), illegal armed groups, drug trafficking, impunity and land dispossession. Colombia remains the country with the highest rate of trade unionist murder in the world, and, despite the latest fundamental improvements in law enforcement, more than 90 % of these crimes still remain unpunished.

Parliament underlines the importance of maintaining constructive dialogue with partner countries on the effective implementation of higher standards on human rights. It strongly welcomes the Reciprocal Dialogue Mechanism on human rights (EU-Colombia Human Rights Dialogue), which was established voluntarily in 2009 between Colombia and the European Union and which is clear proof that the Colombian Government is open to dialogue on human rights with the EU. It regrets, however, that the European Parliament is neither briefed nor debriefed regularly and comprehensively on its agenda and outcome.

It strongly supports the inclusion in the Trade Agreement of a **Chapter on Trade and Sustainable development** and the **creation of domestic mechanisms and dialogue with civil society** and calls on civil society organisations in the Andean Countries and in the EU to participate in the monitoring mechanisms established in the Trade Agreement under the title of Trade and Sustainable Development. In order fully to accomplish the high standards of human rights set out in the Trade Agreement, Parliament suggests that the parties involved **swiftly establish a dedicated domestic advisory group (DAG) on human rights and democratic principles**, which should monitor the implementation of this or other Trade Agreements and work as an effective internal consultation body to the domestic offices that participate in the Committee on Trade of the Trade Agreement. Members call on the parties to the Trade Agreement to: (i) guarantee these DAGs **the same level of binding involvement for civil society** as in the Free Trade Agreement with South Korea, including a formalised and institutionalised complaint mechanism; (ii) ensure the full independence of the DAGs, including as regards their own choice of members of the DAGs.

Parliament calls on the Andean countries to ensure the establishment of a transparent and **binding road map on human, environmental and labour rights**, which should be aimed essentially at safeguarding

human rights, enhancing and improving trade unionists' rights and protecting the environment. It suggests that they take into account the Action Plan related to Labour Rights between Colombia and the US, with particular reference to specified issues, included the following: (i) enforcing legislation which guarantee **freedom of association and the right to bargain collectively, without loopholes**, in particular for workers in the informal sector, and especially through the elimination of the use of cooperatives, collective pacts or other measures that have the purpose or effect of denying workers their trade union rights; (ii) conducting **strict labour inspections which lead to penalties** in the case of discrimination, non-justified dismissals, intimidation and threats against workers; (iii) introducing measures to guarantee the **effective enforcement of legislation to protect the environment and biodiversity**, particularly from the negative effects of deforestation and the extraction of raw materials; (iv) calling on the European Commission to immediately begin assisting Colombia and Peru in the establishment and implementation of the above process, and urging it to produce a regular report to be presented and assessed by the European Parliament; (v) underlining the fact that some of the targets of this road map should **preferably come into effect before the entry into force of the FTA**.

Lastly, Members believe that new European Parliament powers regarding international agreements that are enshrined in the Lisbon Treaty bring new responsibilities. It proposes therefore to hold public hearings both in the European Parliament and in one of the Andean capitals in the last quarter of 2013, following which a written report should be submitted to its Committee on International Trade and Subcommittee on Human Rights on the results of the application of the Trade Agreement to date.