Basic information

2018/2763(RSP) RSP - Resolutions on topical subjects	Procedure completed
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 EU's input to a UN binding instrument on transnational corporations with respect to human rights **Subject** 6.10.09 Human rights situation in the world 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DEVE Development	MCAVAN Linda (S&D)	20/03/2018
	Shadow rapporteur ZAHRADIL Jan (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	LANGE Bernd (S&D)	19/02/2018

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	THYSSEN Marianne

Key events

Date	Event	Reference	Summary
02/10/2018	Debate in Parliament		
04/10/2018	Decision by Parliament	T8-0382/2018	Summary
04/10/2018	Results of vote in Parliament		
04/10/2018	End of procedure in Parliament		

Technical information	
Procedure reference	2018/2763(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Debate or resolution on oral question/interpellation
Legal basis	Rules of Procedure EP 142-p5
Stage reached in procedure	Procedure completed
Committee dossier	DEVE/8/15948 INTA/8/12677

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B8-0443/2018	01/10/2018	
Motion for a resolution		B8-0472/2018	04/10/2018	
Motion for a resolution		B8-0473/2018	04/10/2018	
Motion for a resolution		B8-0474/2018	04/10/2018	
Text adopted by Parliament, single reading		T8-0382/2018	04/10/2018	Summary

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 EU's input to a UN binding instrument on transnational corporations with respect to human rights

2018/2763(RSP) - 04/10/2018 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution tabled by the Committee on Development 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.

Members recalled that a **system of corporate liability for human rights abuses** is currently being negotiated in the UN, within the UNHRC's open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (OEIGWG), established by the UN General Assembly in 2014. The mandate of the working group is to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. Whilst the EU and its Member States play a role at the OEIGWG, the **Commission has no mandate** from the Council to conduct negotiations on behalf of the EU concerning its participation in the OEIGWG.

Parliament reaffirmed the urgent need to **act in an effective and coherent manner at all levels** in order to effectively address human rights abuses by transnational corporations, to provide for **access to remedies**, and address legal problems resulting from the transnational character of the activities of business enterprises and TNCs and the **growing complexity of global value chains** and the extraterritorial dimension of transnational companies.

In this connection, Parliament noted that **many obstacles persist regarding access to judicial remedy,** particularly in case of transnational corporations, due to, for example, difficulties encountered by victims in identifying the competent court, lack of codification of certain human rights abuses in penal codes, or corruption. It considered it regrettable that a global approach is still lacking to the way in which transnational corporations abide by human rights law and ensure other remedy mechanisms, which may contribute to TNCs' impunity for cases of human rights abuses.

Members warmly welcomed the work initiated in the United Nations through the OEIGWG to create a binding UN instrument on transnational corporations and other business enterprises with respect to human rights, stressing that **corporate social responsibility on a voluntary basis risks is not sufficient** for ensuring full conformity with international standards and obligations, and moreover, creates unfair competition for those who choose to comply with international standards.

They reiterated their call for the EU and its Member States to **engage genuinely and constructively in these negotiations** and in the intergovernmental process aimed at the completion of the OEIGWG's mandate.

The binding treaty should build on the UNGP's framework and encompass:

- the definition of mandatory due diligence obligations for TNCs and other business enterprises, including with respect to their subsidiaries;
- the recognition of the extraterritorial human rights obligations of States;
- the recognition of corporate criminal liability;
- mechanisms for coordination and cooperation among states on investigation;
- prosecution and enforcement of cross-border cases;
- the enforceable obligation for States to adopt regulatory measures requiring companies to apply human rights due diligence policies and procedures.

Parliament urged the EU and its Member States to be actively involved in this intergovernmental process through the **creation of a working group** through the Commission, the EEAS, the Council Working Group on Human Rights (COHOM) and the relevant committees of Parliament, on the basis of the principle of Policy Coherence for Development.