

Brussels, 23. 07. 2014
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Dear Sirs,

Thank you for your letter dated 4 July in which you express your concerns about human rights in relation to the negotiations for a Free Trade Agreement (FTA) with Vietnam.

Fostering human rights in our partner countries is an integral part of the common commercial policy. With respect to your request to carry out a human rights impact assessment for the trade and investment agreement being negotiated with Vietnam, I would like to reiterate that the Commission remains committed to further develop the analysis of the human rights impact of trade agreements. Since 2011, and in line with the EU Action Plan on Human Rights and Democracy adopted in June 2012, the Commission systematically includes an analysis of potential human rights impacts in at least three instances: impact assessments conducted in conjunction with the preparation of proposals for opening new trade negotiations; all Sustainability Impact Assessments (SIAs) carried out during the trade negotiations and all ex-post evaluations.

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The Commission has developed an integrated cost-benefit approach to the assessment of impacts covering all relevant economic, social and environmental perspectives presented together in one single document. This approach is most appropriate in allowing the Commission to draw up balanced assessment of any potential legislative or non-legislative initiative.

As pointed out before, the Council authorised the Commission already in April 2007 to negotiate a free trade agreement with the countries of the Association of South East Asian Nations (ASEAN). A Sustainability Impact Assessment was conducted at the time, focusing also on the social impact of the agreement with special attention paid to working conditions and associated rights. The Commission does not envisage carrying out a specific human rights impact assessment for the EU-Vietnam FTA.

The EU has other effective tools that allow it to contribute to the enhancement of respect for human rights in Vietnam. For example, a Partnership and Cooperation Agreement (PCA) governing the overall relationship between the EU and Vietnam was signed in June 2012. While the ratification process in the 28 Member States is ongoing, certain parts of the PCA are already being implemented, notably cooperation on human rights. In this respect, the institutionalised human rights dialogue established under the EU-Vietnam PCA provides an important forum to raise human rights issues effectively. Vietnam takes an active and constructive part in these exchanges. Three sessions have been held so far, allowing for a substantial and in-depth exchange of views and information on issues of particular concern to the EU. Other foreign policy instruments available to the EU include public statements, diplomatic démarches, interaction with human rights defenders and civil society at large, as well as projects such as those funded through the European Instrument for Democracy and Human Rights.

The Commission also aims for an institutional and legal link between the Free Trade Agreement currently under negotiation with Vietnam and the PCA, which contains clauses on human rights, democracy, the rule of law and security. This linkage would ensure that these fundamental rights and principles are essential elements of our bilateral relations also when it comes to trade between the parties. It would also provide for the right to apply all appropriate measures should there be a breach of these essential element clauses.

Hence, I am convinced that contractual relationships offer a powerful channel to further engage with a partner country and foster reforms on issues of concern. We value the contribution of your respective organisations to assist the EU in the global pursuit of a just world.

Yours faithfully,

A handwritten signature in black ink, consisting of a series of loops and a long vertical stroke extending downwards.

Karel De Gucht