

NAMUR DECLARATION

DECEMBER 5TH 2016

The heated debates generated in Europe by the signature of the CETA/AECG (Comprehensive Economic and Trade Agreement / Accord économique et commercial global) have revealed that the way the EU negotiates international economic and trade agreements as well as their content are challenged by an increasingly large segment of public opinion.

The propositions in this Declaration aim to meet the legitimate concerns of a growing number of European citizens. Inspired by the values of solidarity, democracy and progress that constitute the European Union, these propositions must, according to the signatories, become the standard in every negotiation of trade and economic treaties in which the EU and its Member States are stakeholders. They will be subject to further developments as debates unfold.

This means that the EU is not in a position today to negotiate a balanced agreement with the United States, given the asymmetry between the partners, especially in terms of the degree of completion of their respective domestic markets and the unresolved extraterritorial issues of US law.

This also implies that the EU, together with its partners who are already engaged in negotiations, will have to seek in good faith ways to ensure the success of the already well advanced, let alone already signed agreements, in the spirit of this Declaration.

1. Respect for democratic procedures

In order to ensure that European economic and trade agreement negotiations respect the civil society's legitimate demands for transparency and the democratic parliamentary control procedures,

- Public analyses and contestation of the potential effects of a new economic and commercial treaty should be conducted before establishing a negotiating mandate, in order to guarantee that it will contribute to sustainable development, the reduction of poverty and inequality, and the fight against climate change;
- The negotiating mandates regarding mixed agreements should be the object of a prior parliamentary debate in the national and European Assemblies (as well as the regional Assemblies with equivalent powers), involving as much as possible representatives of civil society;

- The interim results of the negotiations should be made public and accessible in due course, so that civil society is ensured full knowledge and a parliamentary debate can take place before closing the negotiations;
- The «provisional application» of agreements should not be favoured, so that parliaments keep their full powers in the assent procedure of mixed agreements;

2. Compliance with socio-economic, sanitary and environmental legislation

To ensure that the so-called “new generation” economic and trade treaties do not weaken the laws protecting the socio-economic, sanitary and environmental model of the EU and its Member States in any way, and that they contribute to sustainable development, reduction of poverty and inequalities and the fight against climate change,

- The ratification of the key instruments for the defence of human rights, the core ILO conventions, the recommendations of the BEPS project (base erosion and profit shifting) and the Paris climate agreement shall be obligatory for the parties;
- Quantified fiscal and climate requirements, such as minimum corporate tax rates and verifiable targets for the reduction of greenhouse gas emissions should be included in such treaties;
- Public services and services of general interest, as defined in the Parties’ respective legislation, should be fully excluded from the scope of such treaties;
- The «negative list» method for defining the scope of activities open to competition should be excluded, and the treaties should systematically include clauses allowing the Parties to resume public ownership of a sector without any condition other than those imposed by national legislation;
- Standstill clauses should be included to prevent the Parties from lowering their social, sanitary and environmental norms to promote exports and attract investment. These clauses shall be matched with sanction mechanisms, and Parties’ compliance with their obligations may in no case substantiate a claim for compensation by investors or other private economic operators;
- Fair and effective cooperation mechanisms, should be included, especially regarding the exchange of information in the field of taxation of multinational companies and offshore companies;

- Independent and regular socio-economic, sanitary and environmental evaluation mechanisms of such treaties should be established. The treaties should allow for their suspension (in the event of provisional application) and their periodic review in order to ensure they contribute to sustainable development, the reduction of poverty and inequality and the fight against climate change;

3. Guarantee public interests in the dispute resolution mechanism

To ensure that resolution of disputes between companies and States or other Parties to the treaties offer the highest judicial protection of the public interest,

- The recourse to national and European competent courts should be favoured. International dispute settlement mechanisms should be established only insofar as they have certain advantages (in terms of the uniform application of treaties, speed and qualification of judges), include transparency guarantees and an appeal mechanism ensuring the consistency of decisions;
- The highest standards for international dispute mechanisms should be applied, in particular regarding the conditions for appointing judges, their remuneration, independence and impartiality, during and after the exercise of their mandate;
- Judges should be guaranteed to be fully qualified to interpret and apply the economic and trade agreements in accordance with rules of international law, including human rights, labour and environment laws;
- Equal access to international dispute resolution mechanisms, including through measures for SMEs and individuals aimed at alleviating the financial implications of resorting to such mechanisms.

These principles should enable the European Union to demonstrate that trade does not serve private interests to the detriment of the public interest, but that it contributes to bringing people together, to the fight against climate change and to sustainable development, particularly in the most disadvantaged regions.
