



COMMISSION EUROPÉENNE
SECRÉTARIAT GÉNÉRAL

Secrétariat du GRI

Bruxelles, le 20 avril 2018

SI(2018) 179/2

Annule et remplace en partie la version /1

<p>GRI du 20 avril 2018 point 4.1.1.</p>

NOTE A L'ATTENTION DE MMES ET MM. LES MEMBRES DU GRI

Objet: Non-paper EEAS/Commission services on Business and Human Rights

Suite à la réunion du Groupe, Mmes et MM. les membres du GRI trouveront en annexe une note d'information révisée préparée par le SEAE, sous l'autorité du cabinet de Mme MOGHERINI. L'annexe à la version /1 est inchangée.

Annexe 1

GRI MEETING OF 20 April 2018

NOTE TO THE MEMBERS OF THE GRI

Subject: Non- paper EEAS/Commission services on Business and Human Rights

PURPOSE OF THIS FICHE

This fiche aims to inform GRI Members of the attached non-paper. The purpose of this non-paper is to provide elements for a reflection on the EU's positioning and input ahead of the next session of the open-ended inter-governmental working group on transnational corporations and other business enterprises with respect to human rights. The inter-governmental working group aims at elaborating a legally binding instrument, which is one option to fill the gaps in the implementation of the UN Guiding Principles on business and human rights.

1. BACKGROUND

The EU and its Member States have a proven track record on the implementation of the 2011 UN Guiding Principles on business and human rights. The importance of this issue is reflected inter alia in the European Consensus for Development¹, in the Human Rights and Democracy Action Plan 2015-2019² and in the Trade for All communication³. Nevertheless, the EU should continue to build on this record and work with all partners to fill the gaps.

Ecuador presented draft elements for a legally binding instrument, discussed at the 3rd session of the inter-governmental working group in October 2017, and presented a report to the Human Rights Council session 37 in 2018. It seems likely that a 4th session will take place in October 2018 with the start of negotiations on a draft legally binding instrument.

Since 2016, the EU has participated in the inter-governmental working group sessions further to agreement at the level of the Council Working Party on Human Rights.

¹ https://ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-final-20170626_en.pdf

² https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

³ http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf

On 28 February 2018, the Council Working Party on Human Rights discussed on the way forward and welcomed the EEAS proposal to prepare a non-paper. The European Parliament has voiced support for a stronger EU engagement in several Resolutions⁴.

This paper provides information on the ongoing process and available options, however negotiations on a legally binding instrument can only take place following the relevant procedures under Article 218 TFEU.

2. STATE OF PLAY

The attached non-paper, as submitted to GRI, has been prepared by the EEAS with the informal involvement of relevant European Commission's services (DG DEVCO, DG EMPL, DG FISMA, DG GROW, DG JUST, DG TRADE, FPI, SG, SJ). It was agreed by all services participating in the drafting process and by the HR/VP Cabinet on 17 April 2018.

The EEAS/Commission services' non-paper on business and human rights will be presented to Members States at the Council Working Group on Human Rights (COHOM) for information and possible discussion.

3. RECOMMENDATION TO THE COMMISSION

It is proposed that the Commission takes note of the attached EEAS/Commission services' non-paper on business and human rights.

Official responsible

EEAS:

Attachment: EEAS/Commission services' non-paper on business and human rights

⁴ In its resolution of 14 February 2017 on the revision of the European Consensus on Development, the Parliament asked the EU to support the adoption of a legally binding international instrument to hold companies accountable for their human rights violations. In its resolution of 14 April 2016 on the Private sector and development, the Parliament asked the EU to support such an instrument since it would provide effective remedies for victims in cases where domestic jurisdiction is unable to prosecute companies effectively. The inclusion of a grievance mechanism in such a binding instrument is also called for in Parliament's resolution of 19 May 2015 on Financing for development.