

Ursula von der Leyen

President of the European Commission

Josep Borrel

High Representative of the European Union for Foreign Affairs and Security Policy

Frans Timmermans

Executive Vice President of the European Commission for the European Green Deal

Jutta Urpilainen

Commissioner for International Partnerships

Didier Reynders

Commissioner for Justice

The German Presidency of the European Council

Brussels, July 16th, 2020

Regarding: The EU must adopt a negotiation mandate to participate in the UN negotiations for a binding treaty on business and human rights

Dear President of the European Commission,
Dear Commissioners,
Dear President of the European Council,

We strongly welcome the recent commitment by EU Commissioner for Justice and Consumers Didier Reynders to bring forth a proposition for an EU legislation on mandatory corporate human rights and environmental due diligence in 2021. In light of this, we underline that **this is the crucial moment for the EU to engage formally and constructively in the negotiations for a binding treaty on business and human rights at the UN. We thus urge the EU to adopt a negotiation mandate and fully engage in the UN treaty process as soon as possible.**

The EU is emerging as a global frontrunner on human rights and environmental due diligence, with many developing national legislations and several sectoral norms already implemented. The EU now has the substantial policy experience to engage effectively in the treaty process. It also has a duty to do so, as the UN treaty would take the progress at EU level to the global level and act as a powerful instrument to stop corporate human rights violations and environmental abuses around the world. Ultimately, this commitment will help secure a level-playing field for EU companies that are increasingly subject to mandatory corporate human rights due diligence requirements.

The increasing alignment of the EU's legislative agenda and the UN treaty process brings us to a critical moment of convergence that should not be missed. The core claim of the UN treaty, namely to implement mandatory rules on business and human rights at the

global level, reflects the EU's own assessment that voluntary measures have failed to prevent companies from committing human rights violations and environmental harms, or hold them accountable for harm.

The study on due diligence in the supply chain conducted by the BIICL institute for the European Commission emphasised the alignment of the revised draft of the UN treaty with the United Nations Guiding Principles on Business and Human Rights (UNGPs) that the EU officially supports. The revised draft also includes provisions on access to justice that clearly reflect the EU's own initiatives in this area.

The Covid-19 crisis is another stark indication of why we cannot delay addressing the issue at the international level. Commissioner Reynders himself underlined that the crisis has increased workers' vulnerability to and suffering from corporate human rights abuses around the globe. A treaty with global reach is needed to close the gaps in the current patchwork of domestic and regional frameworks that create barriers to justice and prevent victims seeking remedy.

Commissioner Reynders also stressed that corporate accountability must be a key element of the European Green Deal. We welcome this and stress that ecological crises such as climate change, biodiversity loss and deforestation do not stop at borders and are driven also by activities occurring down the supply chains of products consumed in the EU market. Global ambition is needed to address these challenges.

The EU has an obligation enshrined in the EU treaties to uphold the principle of multilateralism, a duty it defends and upholds in related fields like trade and investment. The EU must uphold this value in the human rights and environmental field by engaging in the treaty process, and it must play its role as a global leader by championing the process and encouraging its partner countries to engage in it.

Negotiations at the UN are intensifying, and the intergovernmental working group at the UN will soon publish a second revised draft of the treaty. **We call on the European Commission not to let this moment pass by, and to urgently submit a recommendation to Council to obtain a negotiation mandate to engage in the IGWG negotiations for an 'international legally binding instrument to regulate the activities of transnational corporations and other business enterprises'.**

Yours sincerely,

Manon Aubry, Co-chair of the GUE/NGL

Marie Arena, Chair of the Subcommittee on Human Rights, S&D

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