

ADOPTED TEXT no. 339

'Small Act'

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NATIONAL ASSEMBLY
CONSTITUTION OF 4 OCTOBER 1958
FOURTEENTH LEGISLATURE
2013-2014 ORDINARY SESSION
22 May 2014

EUROPEAN RESOLUTION

*on the free trade draft agreement
between the **European Union** and the **United States of America***

The National Assembly has adopted the resolution with the following content:
See numbers: **1876**, **1930** and **1938**.

.....

Single article

The National Assembly,

In the light of Articles 1 and 88-4 of the Constitution,

In the light of Article 151-5 of the National Assembly Rules of Procedure,

In the light of the Constitutional Act no. 2005-205 of 1 March 2005 on the Environment Charter,

In the light of Articles 8, 22, 31, 35, 36, 37 and 38 of the Charter of Fundamental Rights of the European Union,

In the light of Article 3 of the Treaty on European Union,

In the light of Articles 16, 31, 32, 39, 146, 147, 151, 167, 168, 169, 173, 179, 191 and 207 of the Treaty on the Functioning of the European Union and its protocol no. 26 on services of general interest,

In the light of the agreements recognised as fundamental pursuant to the International Labour Organisation declaration on fundamental principles and rights at work, of 18 June 1998,

In the light of the United Nations framework agreement on climate change, of 9 May 1992, and the Kyoto Protocol, of 11 December 1997,

In the light of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), of 20 October 2005,

In the light of the Charter of the United Nations and in particular its Article 57 on the specialised agencies such as the United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), and the Food and Agriculture Organization of the United Nations (FAO),

In the light of the report of the World Trade Organization (WTO) and of the Organization for Economic Cooperation and Development (OECD), 'Implications of global value chains for trade, investment, development and jobs', of 6 August 2013,

In the light of the guiding principles of the United Nations Human Rights Council on

business and human rights and the OECD guiding principles for multinational companies, of 25 May 2011,

In the light of the guidance on social responsibility – ISO standard 26000 – of the International Organization for Standardization,

In the light of the European resolutions of the National Assembly no. 155 on respect for cultural exception and the diversity of cultural expressions of 12 June 2013 and no. 156 on the negotiation mandate of the free trade agreement between the United States of America and the European Union of 15 June 2013,

In the light of the mixed nature of the negotiation mandate entrusted to the European Commission,

Considering that the ongoing transatlantic negotiations with a view to the signature of a free trade agreement between the European Union and the United States of America are taking place under conditions that do not meet democratic requirements as regards the transparency of negotiations;

Considering that the system set in place by the National Security Agency (NSA) seriously and gravely infringes the individual and collective rights and freedoms of European citizens;

Considering that it is necessary, concomitantly with the holding of negotiations between the European Union and the United States, to strengthen mutual trust and ensure for each citizen full respect for privacy and protection of personal data;

Considering that the collective preferences of Europeans, in particular with respect to genetically modified organisms, regulations on chemicals, chlorinated chickens and the consumption of hormone treated beef, are some of the red lines laid down by the National Assembly and recognised by the French Government and the European Parliament;

Considering that the European Union and the United States have given the mutual commitment, in the framework of the negotiation mandate, that their trade or investments shall in no case lead to a downward adjustment of the quality of their respective legislations and domestic norms, in particular as regards the environment, health or workplace safety;

Considering that, as regards the fight against climate change, energy transition, conservation of biodiversity, development of sustainable agriculture and the protection of human

rights, privacy and the rights of living organisms, the collective preferences of European citizens must in no case be threatened;

Considering that, pursuant to Article 218 of the Treaty on the Functioning of the European Union, a Member State, the European Parliament, Council or Commission may refer matters to the Court of Justice of the European Union to obtain its opinion as to the compatibility of the envisaged agreement with the treaties of the European Union; that, in the event of a negative opinion of the Court, the agreement cannot enter into force until the treaties are amended and, consequently, pursuant notably to Article 169 of the Treaty on the Functioning of the European Union aimed at protecting health, safety and economic interest of consumers, any trade agreement infringing in particular these aims could be declared incompatible with the treaties;

Considering that the introduction of an investor-State dispute settlement mechanism, in the framework of the draft transatlantic agreement, is not justified considering the high degree of independence and impartiality of the courts of the parties concerned;

Considering that it lies with the French Government to assume its responsibilities and defend the national interests by asking the European Commission, mandated to conduct these negotiations on behalf of the European Union, to exercise its utmost vigilance at each of the negotiation stages;

Considering the prerogatives of all the democratic institutions legally empowered to exercise control over the negotiations and sanction, by their votes of approval or ratification, their final outcome;

1. Recalls that, pursuant to Article 1 of the Constitution, France is a 'democratic' and 'social' Republic;

2. Recalls that, pursuant to its Article 10, the Environment Charter 'shall inspire France's actions at both European and international levels';

3. Calls on the Government to intervene with the Council of the European Union to defend all the red lines laid down by European resolution no. 156 of the National Assembly on the negotiation mandate of the free trade agreement between the United States of America and the European Union, and consult, where applicable, through its representatives, the sovereign people, so that it can take a solemn decision on these topics as a whole;

4. Asks for better information of the representatives of the Nation by the Government as regards the state of the negotiations, which shall be the subject of a ratification vote, and asks that Parliament shall be appropriately and closely involved in their follow-up through regular information on the issues examined in the framework of the trade policy committee of the Council of the European Union;

5. Calls on the European Commission to ensure transparency of the negotiations so that suitable information of citizens is fully guaranteed; invites, moreover, the Government to ensure that the representatives of the Nation are kept appropriately informed of any document whose content, owing to its particularly important nature, should be brought to their knowledge;

6. Calls for close cooperation between national parliaments, on the one hand, and between the French Parliament and the European Parliament, on the other hand; asks that the national parliaments of the European Union be involved, through their respective delegations, in the 'legislators' transatlantic dialogue';

7. Asks that the negotiators and their possible conflicts of interest be identified;

8. Welcomes the organisation, by the European Commission, of a public consultation on the investor-State dispute settlement mechanism, which has led to the suspension of negotiations on this point;

9. Asks that the goal of reducing non-tariff barriers should not challenge the collective preferences of Europeans, especially as regards ethics, work, health, environmental and food safety, agriculture, human rights, rights of living organisms and the protection of privacy, in order to protect the citizens, consumers, and workers of the European Union and guarantee, in particular, the quality of the products they are offered, in accordance with the provisions of European law on genetically modified organisms, the use of growth hormones, cloning or the chemical decontamination of meat;

10. Asks the European Commission to ensure, in the negotiations, compliance with the precautionary principle and defence of the cultural exception and of the diversity of cultural expressions as well as of the system of intellectual and industrial protection, including geographical indications.

Debated at a public sitting, in Paris, 22 May 2014.

The President,

Signed: CLAUDE BARTELONE