

DECLARATION OF THE EU DOMESTIC ADVISORY GROUP UNDER THE EU TRADE AGREEMENT WITH COLOMBIA, ECUADOR AND PERU

The EU Domestic Advisory Group under the EU multiparty trade agreement (MTA) with Colombia, Ecuador and Peru met on 17 October 2022 to prepare for the joint meetings with its Andean counterparts in November and to provide input to the European Commission ahead of the meeting of the Committee on Trade and Sustainable Development under the agreement.

During their meeting, the EU DAG representatives declared the following:

Respect for labour standards and the conventions of the International Labour Organisation (ILO)

1. It is of great importance to monitor and establish proposals for solutions regarding reported abuses and complaints that are included in the DAGs' joint statement in 2020, especially regarding:
 - a) The serious situation in Colombia, linked to the killing of social and trade union activists and the violation of the commitments made in the peace agreement.
 - b) Abuses in the area of labour rights, such as freedom of association, decent work, living wage, living incomes and occupational health and safety, in sectors of interest for trade with Europe, such as mining in Colombia and Peru, but also the agro-industry such as palm oil, sugar cane and bananas and forestry for the production of paper products. In this regard, the EU DAG representatives welcome the decision of the Ecuadorian Provincial Court of Pichincha, which recognises the banana sector trade union ASTAC and bans the prohibition of sectoral trade unions in general, and they expect it to be fully enforced nationally as it can have a positive impact in Ecuador regarding labour conditions and rights for smallholder farmers and producers.
 - c) Monitoring compliance with the implementation of the various ILO conventions on issues such as freedom of association, eradication of forced labour and child labour. Moreover, concerns about the promotion of “collective agreements” (pactos colectivos) persist in Colombia. The EU DAG representatives request that the authorities of the respective parties respond to the specific cases raised by different civil society organisations and establish an individualized road map for the work on each of them.

Respect for environmental standards

2. The EU DAG representatives emphasise that practices encouraging trade and investment by lowering levels of protection granted by environmental laws are not acceptable. They are concerned that, with a view to the economic recovery from COVID-19, measures are put in place that weaken procedures that ensure environmental protection and safeguard collective rights.

3. They underline the need to deliver on the Paris Agreement, the United Nations Sustainable Development Goals and the 2030 Agenda, with a special focus on information campaigns and support measures for relevant stakeholders both in the EU and in the Andean countries, and pay heed to the requirements laid down in their respective regional systems for safeguarding the environment. In this respect, they particularly emphasise the need to ratify and implement the Escazu agreement. They welcome very much the recent ratification of the Escazú agreement by the Colombian government as well as its ratification by Ecuador in 2020. They therefore call on the Peruvian government to do the same.
4. Participants call on the European Commission and the governments of the states that are parties to this trade agreement to explore synergies between the implementation of the Paris Agreement, the European Green Deal and the Fit for 55 Package and the implementation of the MTA, including its Trade and Sustainable Development Chapter. They also call on the European Commission to implement accompanying measures for stakeholders – particularly smallholders – to help them implement new EU requirements in terms of environmental and social sustainability (e.g. deforestation regulation, CSDDD).

A level playing field, capacity-building and technical barriers to sustainable trade

5. Fair production conditions and respect for the conventions set out in Title IX are key to ensuring that trade takes place on a level playing field and promotes sustainable and inclusive economic growth in all parties to the agreement.
6. It is important for the EC and the Andean countries to cooperate to advance in a favourable framework for investment and trade in goods and services that lead to sustainable development.
7. In view of the upcoming EU legislation on mandatory supply chain due diligence, it will be key that the EU and its Member States coordinate their development policy to work with governments and economic actors from both parties to comply with their obligations resulting from the new legislation. Technical assistance and capacity building projects to assist relevant national and local authorities in their efforts to monitor, implement and enforce environmental, labour and social legislation will be key in this regard. Support for economic and social actors, such as trade unions, societal organisations and companies, especially SMEs, as well as smallholders, will also be essential. A database of enterprises active in EU partner countries which respect human rights, environmental and labour standards could be helpful in this regard.
8. EU development policy in the Andean region should foster compliance with EU requirements through technical assistance and capacity-building projects in cooperation with EU economic operators, and by promoting best agricultural practices.

Civil society participation

9. The participants reaffirm the need to strengthen and support the work of domestic advisory groups to enable real effective monitoring. In this regard, they call on the parties to consider the proposals made in the EU DAG non-paper.

The participants call on the Andean governments to ensure the good functioning of the DAGs, provide them with necessary assistance and financial and technical resources in their respective countries and to allow for a meaningful dialogue in these DAGs. They consider it important to make sure that real and effective spaces exist in Peru, Colombia and Ecuador where the civil society organisations of these countries can have an open dialogue with their national authorities and to make sure that said civil society organisations have sufficient time, room, resources and liberty to do so. Where such dialogue seems insufficient, well-functioning complaint mechanisms should be available and lead to adequate responses.

10. The participants call for the annual joint meetings of the four parties' DAGs to be formally recognised and for their conclusions and declaration to be included in the minutes of the meeting. The agenda of the annual meeting of the Sub-committee on Trade and Sustainable Development should include an exchange between representatives of all four DAGs, the three Andean parties and the European Commission.
11. The DAG requests to be regularly informed of the measures taken to achieve the priorities for the implementation of the TSD chapter for Peru, Colombia and Ecuador adopted by the European Commission in 2019, as well as on the status of the projects related to Fair Trade that were requested by the governments of Colombia and Ecuador during the meetings of the TSD subcommittee in 2020. Moreover, the DAG requests a briefing on the implementation of the recommendations of the Ex-Post Evaluation of the FTA, with emphasis on the recommendations on its social impact and TSD implementation.
12. The participants call on the European Commission to provide a formal response to the issues raised in this declaration.
13. The Participants welcome the [communication](#) "The power of trade partnerships: together for green and just economic growth" that was published in June this year by the European Commission, and in which the Commission puts forward how to further strengthen the implementation and enforcement of TSD chapters of the EU's trade agreements. They call on all parties to implement the proposed action points.

Single Entry Point

14. The participants take note that one complaint relating to TSD infringements has been lodged through the Single Entry Point, notably against Peru and Columbia. They understand that this

complaint alleges a failure in law as well as in practice, resulting in a violation of workers associational rights and undue discrimination as a result of outsourcing.

15. The DAG welcomes the updated Operational Guidelines and the additional clarity they provide. Without detriment to the necessary flexibility an effective SEP will require, future updates will be welcome to further clarify what the evidentiary standards are, how the SEP will collect evidence on allegations, and as to the role of the relevant DAGs in the investigation and follow-up process.

16. The DAG notes that the complainants have proposed as a remedy a roadmap, which should be specific, concrete, time-bound, and mutually agreed with the trading partner. It notes that implementation roadmaps mirror the intention of the European Commission as per the communication "The power of trade partnerships: together for green and just economic growth". The DAG recognizes that such roadmaps can become a key tool to increase adherence to the TSD chapter commitments and supports their development in cooperation with the respective trading partners.
