

To:

**Valdis Dombrovskis**, Executive Vice President / European Commissioner for Trade

**Josep Borrell**, High Representative of the European Union for Foreign Affairs and Security Policy/ Vice-President of the European Commission



cc: Sabine Weyand, Director-General of DG Trade

**12 October, 2021**

## **Modernisation of the association agreement between the European Union and Chile**

Dear Executive Vice President, dear High Representative,

We are writing to express our strong concern about the speed with which the ongoing negotiations on the modernization of the EU-Chile Association Agreement are taking place.

We understand that negotiators from both parties aim to agree on a deal by November 2021, just before the forthcoming presidential and parliamentary elections in Chile. Beyond the electoral cycle, Chile is also undertaking a deep overhaul of its institutional framework and policy objectives. Agreeing on a deal before this democratic process is concluded is, from our point of view, seriously problematic.

After the massive social mobilisations that started in October 2019, an overwhelming majority of Chileans voted in favour of replacing the previous constitution inherited from the Pinochet dictatorship. A constitutional convention was elected in May 2021 with the sole democratic mandate of drafting a new constitution. This Convention is legally required to deliver a final draft by end of June 2022, which will be subject to a referendum by September 2022 at the latest.

A broad and transversal majority of the constitutional convention aims at integrating profound reforms in policy areas that are highly relevant for the ongoing negotiations, such as on energy and raw materials, investment protection, sustainable development, services, water resources, agriculture, fisheries, public procurement, among many others.

In such context, it is crucial that the Commission does not conclude the ongoing EU-Chile negotiations until the Chilean constitutional process is completed. The EU has the duty to respect the Chilean democratic will and process, and to act with a view towards prudence and legal certainty. Agreeing on a deal with an administration and leaving the signature and ratification to the next one is not the most appropriate and pragmatic way forward, irrespective of the outcome of Chile's electoral process. This is even more the case in the current Chilean context, having also in mind that fundamental democratic legitimacy concerns have been raised against the current government in terms of compliance with international

human rights norms and standards<sup>1</sup>, and more recently following the Pandora papers revelations.

Extending by a few months the ongoing negotiations would be fully consistent with the negotiating mandate provided to the Commission, as adopted in November 2017 by the Council. Notably, the negotiating mandate explicitly stipulates that the negotiations should *'adjust to the new reality of the EU-Chile partnership'*. Furthermore, the Modernised Agreement *'should be based on respect for democratic principles, the rule of law, human rights and fundamental freedoms'*.

An extension would be an opportunity to further reflect the common cultural heritage and the strong historical, political and economic ties which unite the two sides. It would also be a chance to further align the ongoing negotiations with the principles and priorities put forward explicitly in the Commission's Trade Policy Review, such as the need to strengthen the enforcement of trade and sustainable development commitments.

We call therefore on the Commission to urgently consider such extension until the constitutional process in Chile is finalised and to provide a swift reply to our request.

Yours sincerely,

Anna Cavazzini, MEP  
Alviina Alametsä, MEP  
Maria Arena, MEP  
Malin Björk, MEP  
Saskia Bricmont, MEP  
Reinhard Bütikofer, MEP  
Leila Chaibi, MEP  
Antoni Comín, MEP  
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Viola von Cramon-Taubadel, MEP  
Pascal Durand, MEP  
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Claude Gruffat, MEP  
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Massimiliano Smeriglio, MEP  
Jordi Solé, MEP  
Ivan Štefanec, MEP  
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<sup>1</sup> see report from the Office of the UN High Commissioner for Human Rights of December 2019 available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25423&LangID=E>