



Ombudsman: Sustainability assessment should have been completed before EU-Mercosur trade deal agreed by negotiators

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The European Commission should have concluded an updated sustainability impact assessment (SIA) before the EU-Mercosur trade deal was agreed, an inquiry by European Ombudsman Emily O'Reilly [has found \[Link\]](#). The Ombudsman urged that, in future trade negotiations, such assessments be finished ahead of the final agreement.

"The EU projects its values through its trade deals. Concluding a trade agreement before its potential impact has been fully assessed risks undermining those values and the public's ability to debate the merits of the deal. It also risks weakening European and national parliaments' ability to comprehensively debate the trade agreement," said Ms O'Reilly.

The Ombudsman's inquiry followed a complaint by five civil society organisations, which were concerned that the Commission conducted the trade negotiations without an up-to-date assessment of its potential economic, social, human rights and environmental impact.

An agreement on the EU-Mercosur trade deal was reached by the negotiators in June 2019. Neither the final assessment, the Commission's formal response to it, nor the last round of stakeholder consultations were taken into account in the negotiations.



The Ombudsman found that it was the Commission's responsibility to ensure the assessment was finalised in good time and that its failure to do so was maladministration.

"The EU-Mercosur trade deal could have profound implications, positive and negative, for both sides. The European Commission should have been in a position to demonstrate that it had taken the potential impact on the environment and other issues fully into account before the deal was reached.

Not finalising the necessary assessment leaves the EU open to criticism that it is not taking seriously all concerns raised and this may affect how the deal is perceived at a point when it needs to be ratified by the European Parliament and in all Member States," said the Ombudsman.

Background

The EU started negotiations with Mercosur in 1999 and an 'agreement in principle' was reached in June 2019. A first SIA was concluded and published in 2009 and the Commission started a second SIA in 2017.

The Ombudsman's inquiry showed that since the introduction of the SIA, the EU-Mercosur agreement is the only time where no final SIA report was issued before the end of negotiations.

The Commission said it intends to publish the final sustainability impact assessment and its own response to it before submitting the text of the EU-Mercosur trade deal for ratification.

The Ombudsman has previously inquired into how the impact of EU trade agreements is assessed. In 2015, the Ombudsman [found \[Link\]](#) that the Commission should have carried out a human rights assessment before the EU-Vietnam trade agreement was concluded.

The Ombudsman's decision can be found [here. \[Link\]](#)