



Final Report

JEAN MONNET CHAIR
“PROSOEULAW ABROAD”





At the conclusion of the Jean Monnet Chair ProSoEULaw Abroad, the Chair holder and the academic staff present this final report. The central focus of the Project has been to explore how the European Union can adopt a more proactive and effective role in supporting a rules-based multilateral order. In this context, the key research question addressed was whether the EU can strengthen its responsible global leadership by promoting its values in the wider world. What follows are the project's key findings and some policy proposals, which we hope will be useful for policymakers, practitioners, academics and other interested stakeholders.

Jean Monnet Chair “Reinforcing EU responsible global leadership: promoting human rights and democracy through solidarity for a rules-based multilateral world – ProSoEULaw Abroad” (Project number: 101085367, Call: ERASMUS-JMO-2022-HEI-TCH-RSCH, Topic: ERASMUS-JMO-2022-CHAIR).

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The promotion of the European Union's fundamental values is not a matter of political discretion but a binding legal obligation. Respect for human rights, democracy and the rule of law forms the foundation of the enlargement process, serving both as eligibility conditions and as criteria for accession. Yet candidate countries continue to struggle in aligning their national legal systems and institutions with these standards, often adopting reforms that are formal and temporary rather than substantial and transformative. Safeguard clauses and transitional derogations, such as the Cooperation and Verification Mechanism applied to Bulgaria and Romania, illustrate persistent shortcomings in the enforcement of judicial independence, anti-corruption measures and rule of law standards. These mechanisms have also introduced asymmetries among Member States and fostered a reliance on external monitoring.

Compliance difficulties are not confined to candidate countries but extend to Member States themselves. The weakness of Article 7 TEU undermines the Union's credibility, diminishes the effectiveness of its policies and threatens the stability of its democratic foundations. The Court of Justice of the European Union has confirmed that respect for the values enshrined in Article 2 TEU is a pre-requisite not only for accession but also for continued membership. Regression in the protection of these values risks eroding mutual trust and destabilizing the Union's legal order.



Policy Proposals:

- The Union should reaffirm the binding nature of its fundamental values across both internal and external policies. Establishing a consistent framework would help ensure that compliance is treated as a legal duty rather than as a matter open to political negotiation.
- Strengthening the accession process by shifting the focus from formal alignment with the *acquis* to long-term structural reforms could improve effectiveness. Greater emphasis on institutional capacity-building during pre-accession and negotiation stages would help prevent superficial reforms and post-accession regression. Transitional mechanisms such as the CVM could be designed with clearer objectives and exit strategies, avoiding permanent asymmetries, while post-accession monitoring could ensure continuity in reforms and safeguard judicial independence.
- The consistent application of enforcement mechanisms, including Article 7 TEU, to both candidate countries and Member States would reinforce the principle of non-regression in protecting fundamental values. Ensuring that such mechanisms are applied without selectivity or political motivation would help guarantee that once achieved, EU standards cannot be rolled back.



A key development in the European Union's efforts to uphold and promote its core values has been the conclusion of new-generation trade agreements with third countries and regional organisations. These agreements demonstrate the EU's strategic use of trade also as a means for upholding and promoting its values internationally, as set out in the "Trade for All" strategy of 2014. The partners involved in these agreements vary widely in terms of their size, level of economic development and political systems. They range from highly developed economies, such as Japan and South Korea, to developing countries, such as Vietnam and Kenya. Values also differ among partners; some, such as Canada and New Zealand, share core principles with the EU, while others show more limited convergence.

The EU has adopted a pragmatic, partner-specific approach, aiming to promote values that are mutually accepted within each agreement. While democratic principles are central to agreements with American partners, they are less prominent or absent in some agreements, such as the one with Vietnam. Nevertheless, certain values, particularly sustainable development and labour rights, are systematically embedded in second-generation agreements through dedicated Trade and Sustainable Development chapters. By negotiating with regional organisations rather than individual countries, the EU can apply its norms more consistently and contribute to a rules-based international order.



Policy Proposals

- The implementation and practical impact of existing Trade and Sustainable Development chapters could be enhanced to ensure that commitments to sustainable development, labour rights and human rights are not only formal obligations but are actively monitored and enforced.
- A focus on regional organizations rather than individual states could improve the consistency of EU values promotion. By establishing clearer frameworks for gradual accession by members of a regional organization, the Union could reduce asymmetries and accelerate the uniform application of its core values across multiple countries, while maintaining the flexibility offered by the variable geometry approach.
- Strengthening mechanisms to monitor and enforce compliance with EU values within trade agreements could ensure more effective implementation. Regular reporting, dialogue and evaluation procedures would enable both the EU and its partners to track progress and ensure that principles such as sustainable development, labour rights and human rights are upheld, even when initial alignment with EU norms is limited.



The European Union has long sought to promote its values globally by incorporating human rights clauses into international agreements. Since the 1990s, such provisions have relied on both negative conditionality, through the possibility of suspending trade benefits in cases of severe human rights violations, and positive conditionality, by granting additional advantages when compliance is observed. Within new generation FTAs, the Union has framed sustainable development as a multidimensional goal, encompassing economic growth, social progress and environmental protection. This orientation became explicit in the Lisbon Treaty of 2009, which made sustainable development a specific EU policy objective. Concrete advances include the EU-Cariforum Economic Partnership Agreement of 2008, which pioneered obligations against lowering environmental, labour or social standards. Nevertheless, significant shortcomings remain. Not all EU FTAs are consistently covered by human rights provisions. This raises concerns about unequal standards, often described as “human rights at different speeds.” Further uncertainty emerges from the varying wording of “essential elements” clauses, as well as from differences between agreements already in force and those not yet ratified. Monitoring and enforcement also pose challenges. While some agreements include Human Rights Committees, their authority remains unclear and in many cases their role is confined to political dialogue. Finally, although agreements formally allow the adoption of “appropriate measures” in cases of human rights violations, the practical effectiveness of this enforcement model remains in question.

Analysis indicates also that new-generation FTAs address human rights considerations beyond the standard non-execution clauses, linking them to sustainable development objectives. Innovative provisions, such as the active involvement of Māori in the EU–New Zealand FTA, illustrate how human rights protections can be operationalized within trade relations.



Policy Proposals

- Permanent Human Rights Committees could be established within trade agreements, with clearly defined powers extending beyond political dialogue to include monitoring compliance and recommending corrective measures.
- The wording of human rights clauses could be harmonized and clarified across agreements to avoid disparities in their scope and application, while ensuring stronger links with the sustainability commitments already embedded in Trade and Sustainable Development chapters.
- The EU could further promote innovative approaches to human rights in trade, such as the inclusion of mechanisms for minorities and indigenous people rights promotion and protection exemplified by the EU–New Zealand FTA. Such approach could serve as model for both bilateral and multilateral agreements, enhancing the integration of human rights considerations into trade relations while respecting cultural and social specificities.



The EU has increasingly relied on “new generation” FTAs with Trade and Sustainable Development chapters, to promote labour rights, following the failure to include a social clause in the WTO framework. Despite these efforts, TSD chapters remain largely unenforceable. They generally contain obligations of means rather than results, lack direct applicability in domestic courts and cannot be invoked by workers to hold states or employers accountable. The state-centered design of these agreements does not adequately address violations committed by multinational corporations and enforcement mechanisms remain largely cooperative rather than sanction-based. Empirical evidence indicates that while FTAs have a positive effect on ILO ratifications, their impact on actual labour standards violations is limited, due to heterogeneous institutional designs and weak enforcement mechanisms. The complexity of mixed agreements and competence issues, combined with normative ambiguities (e.g., around sustainable development), further limits the practical effect of EU trade agreements in improving labour conditions globally.



Policy Proposals

- Draft FTAs' labour and social provisions to include obligations of result, with consequences for non-compliance, ensuring that commitments to core labour standards and sustainable development can be effectively enforced.
- Introduce mechanisms to hold multinational corporations directly responsible for violations of labour and social standards within partner countries.
- Develop robust and transparent monitoring frameworks, including expert panels with binding powers allowing for the proportional application of sanctions when TSD commitments are violated.



New-generation FTAs operationalize the value of democracy through specific commitments such as transparency measures, anti-corruption initiatives, civil society engagement and decisions based on scientific evidence, contributing to both formal and substantive democratic principles. Agreements respect national sovereignty while fostering voluntary adoption of democratic standards, creating economic incentives for adherence to key democratic and rule of law principles. Civil society participation is a recurring feature in the agreements, though its scope and depth vary across them.



Policy Proposals

- Strengthen civil society mechanisms within FTAs by ensuring dedicated forums with clearly defined roles, regular meetings and balanced representation of stakeholders.
- Integrate obligations of result in democracy-related provisions, linking commitments on transparency, anti-corruption and participatory governance to enforceable consequences in case of non-compliance.
- Develop robust monitoring frameworks, combining expert panels and regular reporting to ensure that procedural and substantive aspects of democracy are effectively implemented.



Recent EU FTAs with forest-rich countries feature environmental sustainability provisions, focusing on forest conservation, sustainable forest management and legal timber trade. Provisions include traceability, certification and cooperation with partner countries, complementing the EU Deforestation Regulation (EUDR) which imposes binding due diligence obligations on EU operators. While FTAs promote dialogue and voluntary commitments, enforcement mechanisms remain limited and trade liberalization goals can sometimes conflict with environmental protection. The Mercosur FTA represents progress by explicitly committing parties to prevent deforestation, enhance forest cover and align with EUDR standards. Overall, the effectiveness of these instruments depends on the alignment of FTAs with binding EU regulations and the active involvement of local and indigenous communities



Policy Proposals

- **Introduce binding obligations in FTAs for sustainable forest management and deforestation-free supply chains, with clear monitoring and accountability mechanisms for partner countries.**
- **Harmonize FTA provisions with the EUDR, ensuring coherent standards, mutual recognition of traceability schemes and joint frameworks for compliance and enforcement.**
- **Strengthen participation and consent mechanisms for forest-dependent and indigenous communities, linking environmental protection with social rights and sustainable livelihoods.**



Although EU second-generation trade agreements are bilateral and therefore have a limited direct impact on the development of international law, their cumulative weight is significant given their growing number and wide geographical coverage. Taken together, these agreements shape a significant proportion of global trade relations and can influence international legal standards. Some agreements, such as the EU–Mercosur agreement, involve a large group of countries that have considerable economic influence, which amplifies their relevance. Given the stagnation of multilateral negotiations within the WTO framework, these agreements can act as laboratories for norms that may eventually shape global trade governance. As WTO rules were conceived in the 1980s and are now outdated, the EU's new-generation agreements provide updated responses to contemporary challenges such as sustainable development, digital trade, data protection, transparency, services, investment, intellectual property and investor–state dispute settlement.