

QUESTIONNAIRE 2 COMMUNITY MEMBERS AND CONSUMERS¹

STAKEHOLDER TYPE: RIGHTS-HOLDERS

About the modernisation of the Chile-EU trade agreement

In 2003, Chile was the first South American country to have a trade agreement with the EU, as part of the EU-Chile Association Agreement. Since then, the global economy has changed profoundly, and trade agreements have also become much broader and deeper. Therefore, Chile and the EU have decided to modernize the existing agreement. Negotiations on the modernisation have started in November 2017 and are currently ongoing. Details about the negotiations, including the issues covered and text proposals are available from the [European Commission DG Trade](http://trade.ec.europa.eu/doclib/press/index.cfm?id=1793) (<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1793>; in English) and the [Government of Chile](https://www.direcon.gob.cl/cuarto-adjuntotpp/acuerdo-de-modernizacion-chile-union-europea/) (<https://www.direcon.gob.cl/cuarto-adjuntotpp/acuerdo-de-modernizacion-chile-union-europea/>; in Spanish, with text proposals in English).

About Sustainability Impact Assessments (SIAs)

SIAs analyse the potential economic, social, human rights and environmental impact of trade agreements being negotiated by the European Union (EU). They are based on a robust analysis of the changes that are likely to be caused by the trade agreement in the EU, the partner country and specified other countries. Equally important, they include wide-ranging consultations with stakeholders in the EU and the partner country. SIA findings and recommendations feed into the negotiations, helping negotiators to optimise the related policy choices.

The SIA in support of the modernisation of the trade pillar of the existing EU-Chile Association Agreement is implemented by BKP Development, a German-based economic research and consulting firm, in cooperation with Vincular, the Center for Social Responsibility and Sustainable Development at the Catholic University of Valparaíso in Chile. More information about the SIA is available on a [dedicated website \(http://trade-sia-chile.eu/\)](http://trade-sia-chile.eu/).

About trade between Chile and the EU

The EU is Chile's third largest trading partner, after China and the US, in 2017 representing some 14% of Chile's total trade. Conversely, Chile accounts for 0.5% of total EU trade in goods. Trade between Chile and the EU in 2017 stood at € 17 billion (€ 8.2 billion EU imports and € 8.8 billion EU exports), with the EU's main exports to Chile being machinery and transport equipment (52% of total EU exports to Chile in 2017), manufactured goods (22%) and chemical products (15%). Chile's main exports to the EU are food and live animals (33%), raw materials (32%, mainly copper), and manufactured goods (23%). In addition, bilateral trade in services in 2016 amounted to € 5.5 billion (€ 3.7 billion EU exports and € 1.8 billion EU imports). Finally, the EU is Chile's first Foreign Direct Investment (FDI) provider. Total EU FDI stock in Chile in 2016 stood at € 47.2 billion.

About this questionnaire

We would like to hear from you how you think the modernisation of the trade agreement between Chile and the EU might affect the enjoyment of human rights in Chile or the EU. Do let us know!

Questionnaire responses will be handled anonymously. Any personal data provided will only be used by us to possibly follow up but this personal data will not be shared with any third parties.²

In case of questions, do not hesitate to contact us at: contact@trade-sia-chile.eu

¹ This questionnaire is adapted from the Human Rights Compliance Assessment (HRCA) Quick Check by the Danish Institute for Human Rights (2006), available at: https://hrca2.humanrightsbusiness.org/docs/file/HRCA%20Quick%20Check_English.pdf and NomoGaia Human Rights Impact Assessment Toolkit, available at: <http://nomogaia.org/tools/#item1>

² Please note that your contribution may be subject to a request for access to documents under EU Regulation 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

Personal information:

Are you an individual?

Are you an organisation representing rights of communities or consumers?

If an individual, please answer the following questions:

Your employment status:

permanent contract

temporary contract

no contract

prefer not to say

What country are you from? _____

What region are you from? _____

Age _____ Sex _____ prefer not to say

Do you belong to any of these vulnerable population groups?
(if appropriate, please mark more than one answer)

Women

Children

Migrants

Indigenous population

LGBTI persons

Minorities

Persons with disabilities

Refugees

Other: _____

If an organisation, please answer the following questions:

Name of the organisation: _____

Where is the organisation based? _____

In what country do you operate? _____

What kind of organisation?

national

regional

local

sectorial

If regional, local, or sectorial, please indicate the region/place/sector: _____

Which group of workers do you represent?

(if appropriate, please mark more than one answer)

Community members

and/or consumers in general

Women

Children

Indigenous populations

LGBTI persons

Minorities

Persons with disabilities

Migrants

Refugees

Other: _____

Please provide the email address of a contact person in your organisation, in case of questions from our side:

	Current situation			How do you think the modernised agreement between the EU and Chile will change the situation?						Comments
	YES	NO	I DON'T KNOW	POSITIVE CHANGE	SOMEWHAT POSITIVE CHANGE	NO CHANGE	SOMEWHAT NEGATIVE CHANGE	NEGATIVE CHANGE	I DON'T KNOW	
Environmental and social impacts										
1. Does the government monitor social and/or environmental impacts of companies' operations? If so, does the government inform the population about the results? If so, how often does the government inspect the companies to monitor their impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Please specify</i>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are impact assessments carried out prior to a company's beginning operations/substantially increasing operations in the community/region?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What do you consider the main impacts on the community?	<i>Please specify</i>			<i>Please specify</i>						
4. Do companies take measures to address and mitigate any disruptive effects that their operations may have on company land, the local community, and the natural resources in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do companies have emergency procedures in place to effectively prevent and address all health emergencies and industrial accidents affecting the surrounding community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Do companies refrain from bribing, or using any other method, to unjustly influence government officials and/or the judiciary?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Before using local artistic or copyrightable material or patenting a previously unpatented invention that has already been in use by a local or indigenous people, do companies first obtain the informed consent of the creator or owner of the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Do companies honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community consultation										
9. Are communities consulted about new/increased company operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Current situation			How do you think the modernised agreement between the EU and Chile will change the situation?						Comments
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10. Are ethnic communities informed about the impacts of the projects/ activities of the companies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Before purchasing land, do companies consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Do companies ensure that they do not participate in or benefit from improper forced relocations, and adequately compensate inhabitants in voluntary relocations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Community grievance resolution										
13. Are there mechanisms at the local level to address complaints or grievances from local communities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Security issues										
14. Are public security forces (e.g. police) trained to respect human rights?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Consumers										
15. Do companies exercise due diligence when designing, manufacturing and marketing products, to protect against product defects which could harm the life, health or safety of the consumer or others likely to be affected by the defective product?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. Do companies screen and monitor all major suppliers, contractors, sub-suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Vulnerable groups										
17. Are there mechanisms envisaged that help address complaints or grievances from:										
• migrants and refugees;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• women;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• persons with disabilities;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• LGBTI persons;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• minorities;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Current situation			How do you think the modernised agreement between the EU and Chile will change the situation?						Comments
	YES	NO	I DON'T KNOW	POSITIVE CHANGE	SOMEWHAT POSITIVE CHANGE	NO CHANGE	SOMEWHAT NEGATIVE CHANGE	NEGATIVE CHANGE	I DON'T KNOW	
• indigenous peoples;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• elderly people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other comments										
18. If you have anything else to say about the impact of the proposed modernised agreement between the EU and Chile on human rights, please use this space here. Also, you can always contact us directly at: contact@trade-sia-chile.eu										