Basic information

2014/2228(INI) INI - Own-initiative procedure	Procedure completed
Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) **Subject** 6.20.03 Bilateral economic and trade agreements and relations **Geographical area** United States	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	LANGE Bernd (S&D)	05/11/2014
	Shadow rapporteur QUISTHOUDT-ROWOHL Godelieve (PPE) MCCLARKIN Emma (ECR) SCHAAKE Marietje (ALDE) SCHOLZ Helmut (GUE/NGL) JADOT Yannick (Verts/ALE) BEGHIN Tiziana (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	MILLÁN MON Francisco José (PPE)	12/01/2015
DEVE Development	LIETZ Arne (S&D)	18/12/2014
ECON Economic and Monetary Affairs	KOFOD Jeppe (S&D)	16/12/2014
EMPL Employment and Social Affairs	HARKIN Marian (ALDE)	13/01/2015
ENVI Environment, Public Health and Food Safety	STAES Bart (Verts/ALE)	15/12/2014

	ITRE Industry, Research and Energy	BUZEK Jerzy (PPE)	04/12/2014
	IMCO Internal Market and Consumer Protection	CHARANZOVÁ Dita (ALDE)	03/12/2014
	TRAN Transport and Tourism	VAN DE CAMP Wim (PPE)	01/12/2014
	AGRI Agriculture and Rural Development	DE CASTRO Paolo (S&D) NICHOLSON James (ECR)	02/02/2015 02/02/2015
	CULT Culture and Education	TRÜPEL Helga (Verts/ALE)	19/01/2015
	JURI Legal Affairs	KÖSTER Dietmar (S&D)	16/04/2015
	LIBE Civil Liberties, Justice and Home Affairs	ALBRECHT Jan Philipp (Verts/ALE)	03/12/2014
	AFCO Constitutional Affairs	GONZÁLEZ PONS Esteban (PPE)	20/01/2015
	PETI Petitions	WAŁĘSA Jarosław (PPE)	26/01/2015

Council of the European Union

Council configuration	Meetings	Date
Foreign Affairs	3384	2015-05-07

European Commission

Commission DG	Commissioner
Trade and Economic Security	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
12/02/2015	Committee referral announced in Parliament		
07/05/2015	Debate in Council		Summary
28/05/2015	Vote in committee		
01/06/2015	Committee report tabled for plenary	A8-0175/2015	Summary
07/07/2015	Debate in Parliament		
08/07/2015	Decision by Parliament	T8-0252/2015	Summary

08/07/2015	Results of vote in Parliament		
08/07/2015	End of procedure in Parliament		

Technical information

Procedure reference	2014/2228(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 117
Stage reached in procedure	Procedure completed
Committee dossier	INTA/8/01962

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE549.135	05/02/2015	
Committee opinion	DEVE	PE544.467	24/02/2015	
Committee opinion	IMCO	PE544.489	25/03/2015	
Committee opinion	ITRE	PE546.749	25/03/2015	
Committee opinion	ECON	PE546.785	27/03/2015	
Amendments tabled in committee		PE552.035	30/03/2015	
Amendments tabled in committee		PE552.119	30/03/2015	
Amendments tabled in committee		PE552.120	30/03/2015	
Amendments tabled in committee		PE552.129	30/03/2015	
Amendments tabled in committee		PE552.130	30/03/2015	
Amendments tabled in committee		PE552.137	30/03/2015	
Committee opinion	AFET	PE546.630	01/04/2015	
Committee opinion	EMPL	PE546.672	01/04/2015	
Committee opinion	LIBE	PE546.558	07/04/2015	
Committee opinion	ENVI	PE544.393	16/04/2015	
Committee opinion	AGRI	PE549.106	16/04/2015	
Committee opinion	AFCO	PE549.176	16/04/2015	
Committee opinion	CULT	PE549.127	17/04/2015	
Committee opinion	PETI	PE549.172	30/04/2015	
Committee opinion	JURI	PE549.425	04/05/2015	

Committee report tabled for plenary, single reading		A8-0175/2015	01/06/2015	Summary
Text adopted by Parliament, single reading		T8-0252/2015	08/07/2015	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2015)575	01/12/2015	

Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)

2014/2228(INI) - 07/05/2015

The Council **took stock of ongoing negotiations** on a comprehensive trade and investment agreement (TTIP) with the United States. It discussed **investor-state dispute settlement** (ISDS).

It is expected that the TTIP will be made up of **three components**: (i) market access; (ii) regulatory issues and non-tariff barriers; and (iii) rules. The Commission is leading the negotiations on behalf of the EU and its member states, on the basis of a mandate agreed by the Council in June 2013. The Council decided in October 2014 to make public its negotiating directives.

During the debate, the Council:

- encouraged the Commission to **maintain its efforts aimed at achieving meaningful progress** across all three components of the agreement by the summer of 2015. This will enable the negotiators to tackle more delicate issues of a political nature thereafter;
- reiterated its call for **more transparency** and for better access to negotiating documents;
- **welcomed the Commission's paper on ISDS** and its suggestions and urged it to step up its dialogue with national parliaments and with civil society, as well as planning and communication with respect to the preparatory work on ISDS.

The Commission's paper on ISDS builds on ideas presented by Commissioner Cecilia Malmström in March 2015 to the European Parliament's committee on international trade and at an informal meeting of EU trade ministers in Riga.

It follows a public consultation, which identified **four areas for further work**:

- protection of the right to regulate;
- the establishment and functioning of arbitral tribunals;
- the review of ISDS decisions for legal correctness via an appellate mechanism, with permanent members established directly under the TTIP, while exploring in parallel options for setting up a multilateral appeal mechanism;
- defining the relationship between domestic judicial systems and ISDS.

The Commission will issue a **more detailed paper on the reformed ISDS** in TTIP before the 2015 summer recess, after the adoption by the European Parliament of a resolution on TTIP in June.

The Council will continue to closely monitor the work of its preparatory bodies and - as needed - provide the necessary political guidance.

Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)

2014/2228(INI) - 01/06/2015 - Committee report tabled for plenary, single reading

The Committee on International Trade adopted the report by Bernard LANGE (S&D, DE) containing the European Parliament’s recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP).

This report is a follow-up of resolutions adopted in the previous parliamentary term on trade and investment negotiations with the United States in October 2012 and May 2013. Its aim is to allow Members of different committees within the Parliament to make a reflected contribution to the TTIP negotiation process. Parliament is continuing to push for the highest possible level of transparency to guarantee an agreement which respects European values, stimulates sustainable growth and contributes to the well-being of all citizens.

The committee addressed, in the context of the ongoing negotiations on TTIP, a number of recommendations to the Commission. The main areas concern:

Scope: Members stressed that:

- while the TTIP negotiations consist of negotiations on three main areas – ambitiously improving reciprocal market access (for goods, services, investment and public procurement at all levels of government), reducing non-tariff barriers (NTBs) and enhancing the compatibility of regulatory regimes, and developing common rules to address shared global trade challenges and opportunities need to be included in a comprehensive package;
- TTIP should be **ambitious and binding** on all levels of government on both sides of the Atlantic;
- TTIP must ensure **synergies** with other trade agreements currently being negotiated;
- the agreement should guarantee **full respect for EU fundamental rights standards** through the inclusion of a legally binding and suspensive human rights clause as a standard part of EU trade agreements with third countries.

Market access: Members recommended that:

- while aiming to eliminate all customs tariffs, the two partners should nonetheless negotiate an exhaustive list of sensitive agriculture and industrial products which would either be exempted from trade liberalisation, or subject to longer transitional periods;

- a **safeguard clause** should be incorporated into the agreement, which would be invoked where a rise in imports of a particular product threatened to cause serious harm to domestic food production;
- the EU's geographical indications system should be further strengthened;
- the mutual recognition of professional qualifications should be improved;
- mechanisms for more efficient international cooperation with the aim to set global higher standards against financial and tax criminality and corruption should be introduced;
- the **digital economy** must be central to the transatlantic market;
- **exclusions for certain products** will need to be considered on a case by case basis.

Energy resources: Members noted that:

- the TTIP should abolish any existing restrictions or impediments of export for fuels, including Liquefied Natural Gas (LNG) and crude oil between the EU and the US;
- the TTIP deal should include a specific energy chapter, which must also help maintain the EU's environmental standards and climate action goals.

Regulatory cooperation: Members called for:

- the establishment of a structured dialogue and cooperation between regulators in the most transparent way possible and involving stakeholders;
- the US side to **lift the ban on beef imports** from the EU;
- the full respect of the established regulatory systems on both sides of the Atlantic.

Data protection: the TTIP should:

- ensure that the EU's acquis on data privacy is not compromised through the liberalisation of data flows, in particular in the area of e-commerce and financial services, while recognising the relevance of data flows as a backbone of transatlantic trade and the digital economy.

Lastly, the report stressed that it should be kept in mind that the **consent** of the European Parliament to the final TTIP agreement could be endangered as long as the US blanket mass surveillance activities are not completely abandoned and an adequate solution is found for the **data privacy rights** of EU citizens, including administrative and **judicial redress**.

Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)

2014/2228(INI) - 08/07/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 436 votes to 241, with 32 abstentions, a resolution containing the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP).

Plenary noted that the EU and the US are key strategic partners and that the Transatlantic Trade and Investment Partnership (**TTIP**) **is the most significant recent EU-US project** and should reinvigorate the transatlantic partnership as a whole, beyond its trade aspects.

Parliament addressed, in the context of the ongoing negotiations on TTIP, the following recommendations to the Commission:

a) Scope and the broader context:

- **further transparency**: it should be ensured that transparent TTIP negotiations lead to an ambitious, comprehensive and balanced trade and investment agreement of a high standard that would promote sustainable growth with shared benefits across Member States, with mutual and reciprocal benefits between the partners, increase international competitiveness and open up new opportunities for EU companies, in particular SMEs, support the creation of high-quality jobs for European citizens;
- **basis**: the TTIP negotiations consist of negotiations on three main areas – ambitiously improving reciprocal market access (for goods, services, investment and public procurement at all levels of government), reducing NTBs and enhancing the compatibility of regulatory regimes, and developing common rules. It should be ambitious and binding on all levels of government on both sides of the Atlantic and should lead to lasting genuine market openness on a reciprocal basis and trade facilitation on the ground, and should pay particular attention

to structural measures to achieve greater transatlantic cooperation while upholding regulatory standards and consumer protection and preventing social, fiscal and environmental dumping;

- **principles and values**: the TTIP should promote the principles and values, anchored in a rules-based framework, that the EU and the US share and cherish and to design a common approach and vision to global trade, investment and trade-related issues;
- **WTO involvement**: the TTIP should ensure that an agreement with the US serves as a stepping-stone for broader trade negotiations and is not pre-empting or counteracting the WTO process. Bilateral and plurilateral trade agreements should generally speaking be considered as a **second-best option** and must not prevent efforts made in order to reach significant improvements on the multilateral level;
- **synergies with other trade agreements**: the Agreement should ensure easier market access to common trans-Atlantic standards and avoid risks, such as trade diversion from developing countries due to tariff preference erosion;
- **Fundamental rights**: the Agreement should ensure that the agreement guarantees full respect for EU fundamental rights standards through the inclusion of a **legally binding and suspensive human rights clause** as a standard part of EU trade agreements with third countries.

b) Market access: the Agreement should:

- ensure that the market access offers in the different areas are reciprocal, equally ambitious and reflect both parties' expectations, underlines that the different proposals for those areas must be balanced;
- aim at the **elimination of all tariff duties** while respecting that there are a number of sensitive agricultural and industrial products on both sides for which exhaustive lists will have to be agreed upon during the negotiation process; to foresee for the most sensitive products appropriate transitional periods and quotas and in few cases their exclusion, taking into account the fact that in many cases those products have higher production costs in the EU owing to EU rules;
- have a safeguard clause which would be invoked where a rise in imports of a particular product threatened to cause serious harm to domestic production, with specific reference to food production and to the energy-intensive, carbon-leakage, chemicals, raw materials and steel sectors in the EU;
- increase market access for services according to a "hybrid list approach", using for market access "positive lists", whereby services that are to be opened up to foreign companies and using "negative list approach" for national treatment;
- address and remove the current US restrictions on maritime and air transport services owned by European businesses, which seriously hinders market access for EU companies as well as innovation in the US itself;
- **exclude current and future Services of General Interest as well as Services of General Economic Interest from the scope of application of TTIP** , (including but not limited to water, health, social services, social security systems and education);
- ensure mutual recognition of professional qualifications;
- ensure adequate protection for consumers of financial goods and services;
- establish enhanced cooperation between the EU, the Member States and the US, including mechanisms for more efficient international cooperation with the aim to set global higher standards against financial and tax criminality and corruption;
- ensure that the **EU's acquis on data privacy is not compromised through the liberalisation of data flows**, in particular in the area of e-commerce and financial services, and **fully exempts the existing and future EU legal framework for the protection of personal data** from the agreement without any condition that it must be consistent with other parts of the TTIP;
- keep in mind that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the US blanket mass surveillance activities are not completely abandoned;
- call for open competition in and development of the digital economy;
- ensure via a legally binding general clause applicable to the entire agreement, that the parties, reserve their right to adopt or maintain any measure (in particularly those of a regulatory and/or financial nature) with respect to the protection or promotion of cultural and linguistic diversity;
- specify that nothing in the agreement shall affect the ability of the EU or EU Member States to subsidise and provide financial support to cultural industries and cultural, educational, audiovisual and press services;
- ensure with a general clause the right of EU Member States to adopt or maintain any measure with regard to the provision of all educational and cultural services which work on a non-profit basis;
- ensure an ambitious approach to the chapter on public procurement, while respecting the compliance of the chapter with the new EU public procurement and concession directives, whilst ensuring equal access for EU and US companies, especially SMEs, when tendering for public contracts;
- be aware regarding public procurement of the sensitive nature of the fields of defence and security;
- ensure that the negotiations on rules of origin aim at reconciling the EU and US approaches and at establishing effective rules of origin, thereby avoiding that rules of origin are undermined by other agreements.

c) Regulatory cooperation and coherence pillar and non-tariff barriers (NTBs): the Agreement should:

- ensure that the regulatory cooperation chapter promotes a transparent, effective, pro-competitive economic environment through the identification and prevention of potential future non-tariff barriers to trade, which disproportionately affect SME's, and the facilitation of trade and investment while developing and securing the highest levels of protection of health and safety in line with the precautionary principle laid down in Article 191 TFEU, consumer, labour environmental and animal welfare legislation and of cultural diversity that exists in the EU;
- recognise that, where the EU and the US have very different rules, there will **be no agreement**, such as on public healthcare services, GMOs, the use of hormones in the bovine sector, REACH and its implementation, and the cloning of animals for farming purposes, and therefore **not to negotiate on these issues**;
- encourage the US side to lift the ban on beef imports from the EU;
- address customs issues that go beyond the WTO Trade Facilitation Agreement (TFA) rules;
- define clearly, in the context of future regulatory cooperation, which measures concern TBT and duplicated or redundant administrative burdens and formalities and which are linked to fundamental standards and regulations, or procedures serving a public policy objective;

- fully respect the established regulatory systems on both sides of the Atlantic, as well as the European Parliament's role within the EU's decision-making process and its democratic scrutiny over EU regulatory processes when creating the framework for future cooperation while at the same time ensuring the utmost transparency and being vigilant about having a balanced involvement of stakeholders within the consultations included in the development of a regulatory proposal and not do delay the European legislative process.

d) Rules: the Agreement should ensure:

- that the sustainable development chapter is binding and enforceable and aims at the full and effective ratification, implementation and enforcement of the eight fundamental International Labour Organisation (ILO) conventions and their content;
- that labour and environmental standards are made enforceable;
- that the objective of dedicating a specific chapter to energy is retained, including industrial raw materials; the TTIP would abolish any existing restrictions or impediments of export for fuels, including LNG and crude oil, between the two trading partners;
- that TTIP supports the use and promotion of green goods and services and the creation of new jobs in the green economy;
- that TTIP includes a specific chapter on SME's in TTIP based on the joint commitment of both negotiating parties;
- that TTIP contains a comprehensive chapter on investment including provisions on both market access and investment protection, recognising that access to capital can stimulate jobs and growth;
- that TTIP includes an ambitious, balanced and modern chapter on and precisely defined areas of intellectual property rights, including **recognition and enhanced protection of geographical indications and to secure full recognition and strong legal protection of EU geographical indications**.

Private arbitration: plenary reaffirmed that foreign investors should be treated in a non-discriminatory fashion while benefiting from no greater rights than domestic investors, and to replace the investor-to-state dispute settlement (ISDS) system with a new system for resolving disputes between investors and states which is subject to democratic principles and scrutiny, where potential cases are treated in a transparent manner by **publicly appointed, independent professional judges in public hearings** and which includes an appellate mechanism, where consistency of judicial decisions is ensured the jurisdiction of courts of the EU and of the Member States is respected, and where **private interests cannot undermine public policy objectives**.

e) Civil society involvement and public outreach:

- to continue ongoing efforts to increase transparency in the negotiations and to translate these transparency efforts into meaningful practical results, including access to all negotiating documents for the Members of the European Parliament;
- to build on the close engagement with Parliament and to seek an even closer, structured dialogue;
- to ensure that TTIP and its future implementation is accompanied by a deepening of transatlantic parliamentary cooperation, leading in future to a broader and enhanced political framework.