Question for written answer E-000239/2015
to the Commission
Rule 130
Dario Tamburrano (EFDD)

Subject: ISDS clause in the CETA and TTIP agreements - limiting national jurisdictions

In his speech to the European Parliament of 22 October 2014, President Juncker made the following statement on the subject of the TTIP free trade agreement currently under negotiation with the USA: 'My Commission will not accept that the jurisdiction of courts in the EU Member States be limited by special regimes [the ISDS clause] for investor-to-state disputes'.

The free trade agreement with Canada (CETA) contains the ISDS clause. With reference to the written answer to question E-006524/2014, it should be noted that the CETA agreement – if approved – will be directly effective on Member States and, in accordance with Article 216 TFEU, will consequently be binding. The ISDS clause will therefore establish an entirely new legal process which can only be initiated by foreign investors – thereby suppressing and placing limitations on national legislation.

1. Do the President and Commission not agree that existing national jurisdictions are sufficient to safeguard private investments?

2. Do they not agree that, by creating an entirely new legal process, national legislation will be bypassed and subject to very real limitations?

3. Do they therefore not acknowledge the necessity of removing the ISDS clause, not only from the CETA agreement, but from the TTIP as well?