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2009 - 2014

Committee on International Trade

2010/0197(COD)

21.1.2011

AMENDMENTS

30 - 213

Draft report
Carl Schlyter
(PE452.807v01-00)

on the proposal for a regulation of the European Parliament and of the Council
establishing transitional arrangements for bilateral investment agreements
between Member States and third countries

Proposal for a regulation
(COM(2010)0344 – C7-0172/2010 – 2010/0197(COD))

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United in diversity

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Amendment 30
Maria Eleni Koppa

Proposal for a regulation

Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. en

Justification

It is unclear exactly which agreements are included within the scope of the Regulation. The aim must be that all bilateral agreements are automatically maintained in their current form until they are replaced by EU-level agreements providing equal protection for investors, in order to ensure legal certainty through the uninterrupted continuation of existing investor protection. Moreover, the procedures laid down are excessively time-consuming and bureaucratic.

Amendment 31
Robert Sturdy

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) At the time of the entry into force of the Treaty of Lisbon, Member States of the Union maintained a significant number of bilateral agreements with third countries relating to investment. The Treaty does not contain any explicit transitional provisions for such agreements ***which have now come under exclusive Union competence***. Furthermore, some of those agreements may include provisions affecting the common rules on capital movements laid down in Part Three Chapter 4 of Title IV of

Amendment

(3) At the time of the entry into force of the Treaty of Lisbon, Member States of the Union maintained a significant number of bilateral agreements with third countries relating to ***foreign direct investment (FDI)***. The Treaty does not contain any explicit transitional provisions for such agreements. Furthermore, some of those agreements may include provisions affecting the common rules on capital movements laid down in Part Three Chapter 4 of Title IV of the Treaty.

the Treaty.

Or. en

Amendment 32
Pawel Zalewski

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Although bilateral agreements remain binding on the Member States under public international law and will be progressively replaced by future agreements of the Union relating to the same subject matter, the conditions for their continuing existence and their relationship with the Union's policies relating to investment, including in particular the common commercial policy, require appropriate management. That relationship will develop further as the Union exercises its competence.

Amendment

(4) Although bilateral agreements remain binding on the Member States under public international law and will be progressively replaced by future agreements of the Union relating to the same subject matter, the conditions for their continuing existence and their relationship with the Union's policies relating to investment, including in particular the common commercial policy, require appropriate management. That relationship will develop further as the Union exercises its competence *in common investment policy with the main goal to create the best possible investment protection system for all Member States investors, equally and equal investing conditions on third markets. As the new investment policy will be developed in view of transitional validity of bilateral investment agreements concluded by Member States, it should acknowledge the rights of investors whose investments fall into the scope of those agreements and should grant their legal certainty.*

Or. en

Amendment 33
Robert Sturdy

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Although bilateral agreements remain

Amendment

(4) Although bilateral agreements remain

binding on the Member States under public international law and will be progressively replaced by future agreements of the Union relating to the same subject matter, the conditions for their continuing existence and their relationship with the Union's policies relating to investment, including in particular the common commercial policy, require appropriate management. That relationship will develop further as the Union exercises its competence.

binding on the Member States under public international law and will be progressively replaced by future agreements of the Union relating to the same subject matter, the conditions for their continuing existence and their relationship with the Union's policies relating to ***foreign direct*** investment, including in particular the common commercial policy, require appropriate management ***and legal certainty***. That relationship will develop further as the Union exercises its competence ***in common commercial policy***.

Or. en

Amendment 34
Emilio Menéndez del Valle

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors and their investments ***in*** third countries, ***and of*** Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force.

Amendment

(5) In the interest of EU investors and their investments ***and*** third countries, Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force ***and remain binding on the parties under public international law unless replaced by new agreements that provide for at least the same level of investor protection. This will be applied not only to BITs already in force but also to BITs concluded and/or signed by the time of the entering in to force of this Regulation.***

Or. en

Amendment 35
Pablo Zalba Bidegain

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors and their investments *in* third countries, *and of* Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force.

Amendment

(5) In the interest of EU investors and their investments *and* third countries, Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force *and remain binding on the parties under public international law unless replaced by new agreements that provide for at least the same level of investor protection. This will be applied not only to BITs already in force but also to BITs concluded and/or signed by the time of the entering in to force of this Regulation.*

Or. en

Amendment 36
Robert Sturdy

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force.

Amendment

(5) In the interest of EU investors and their investments in third countries and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of *foreign direct* investment *should remain binding on the parties under public international law and* should be maintained in force, *whereas the Commission shall take the necessary steps towards a progressive replacement of all existing agreements on direct investment with new agreements that must provide for at least the same level of investor*

protection.

Or. en

Amendment 37
Pawel Zalewski

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force.

Amendment

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment ***remain binding on the parties under public international law and*** should be maintained in force, ***whereas the Commission shall take the necessary steps towards a progressive replacement of all existing agreements on investment with new agreements that should provide for the best possible level of protection.***

Or. en

Amendment 38
Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force.

Amendment

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment ***remain binding on the parties under public international law and*** should be maintained in force ***unless withdrawn in accordance with Article 6.***

Justification

It is appropriate to provide legal certainty by stating clearly that existing bilateral agreements remain in force unless withdrawn in accordance with this regulation.

Amendment 39
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment **should** be maintained in force.

Amendment

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment **remain binding on the parties under public international law and will** be maintained in force **unless replaced by new agreements**.

Amendment 40
David Martin

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors **and their investments in** third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force.

Amendment

(5) In the interest of EU investors, **the** third countries **receiving these investments, including developing countries,** and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment should be maintained in force.

Amendment 41
Daniel Caspary

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment **should** be maintained in force.

Amendment

(5) In the interest of EU investors and their investments in third countries, and of Member States hosting foreign investors and investments, bilateral agreements that specify and guarantee the conditions of investment **will** be maintained in force.

Or. en

Amendment 42
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Given that the bilateral investment agreements concluded by the Member States with third parties are, so far, the main source of protection and legal security for European investors abroad, this Regulation shall grant for legal certainty and reliable investment conditions and should not negatively affect investor protection and guarantees accorded under the existing agreements.

Or. en

Amendment 43
Kader Arif

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) This Regulation lays down the conditions under which Member States should ***be authorised to maintain*** in force ***or to permit to enter into force international*** agreements relating to investment.

(6) This Regulation lays down the conditions under which Member States should ***cooperate with the Commission when some of their already*** in force ***bilateral*** agreements ***with third countries*** relating to investment ***are incompatible with the laws or policies of the Union.***

Or. en

Justification

The management of agreements already in force between Member States and third countries is an essential objective of this Regulation. However, creating an "authorisation" to maintain those agreements is not relevant, since they remain valid under international law in any case. Calling for cooperation between the Commission and Member States in case of incompatibilities with the EU law seems more appropriate.

Amendment 44

Emilio Menéndez del Valle

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) This Regulation lays down ***the conditions under which*** Member States should ***be authorised to maintain*** in force ***or to permit to enter into force international*** agreements relating to investment.

(6) This Regulation lays down ***a notification procedure in order to provide transparency on all bilateral agreements of the*** Member States ***that are maintained*** in force. ***The notification may be withdrawn by a Member State if the respective agreement is terminated.***

Or. en

Amendment 45

Pablo Zalba Bidegain

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) This Regulation lays down *the conditions under which* Member States *should be authorised to maintain in force or to permit to enter into force international agreements relating to investment.*

Amendment

(6) This Regulation lays down *a notification procedure in order to provide transparency on all bilateral agreements of the* Member States *that are maintained in force. The notification may be withdrawn by a Member State if the respective agreement is terminated.*

Or. en

Amendment 46
Robert Sturdy

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) This Regulation lays down the conditions under which Member States should be authorised to maintain in force or to permit to enter into force international agreements relating to investment.

Amendment

(6) This Regulation lays down the conditions under which Member States should be authorised to maintain in force or to permit to enter into force international agreements relating to *foreign direct* investment.

Or. en

Amendment 47
Robert Sturdy

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) This Regulation lays down the conditions under which Member States are empowered to amend or conclude international agreements relating to investment.

Amendment

(7) This Regulation lays down the conditions under which Member States are empowered to *maintain*, amend or conclude international agreements relating to *foreign direct* investment.

Or. en

Amendment 48
Pawel Zalewski

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) This Regulation lays down the conditions under which Member States are empowered to amend or conclude international agreements relating to investment.

Amendment

(7) This Regulation lays down the conditions under which Member States are empowered to ***maintain***, amend or conclude international agreements relating to investment.

Or. en

Amendment 49
Kader Arif

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) This Regulation lays down the conditions under which Member States are empowered to amend or conclude international agreements relating to investment.

Amendment

(7) This Regulation lays down the conditions under which Member States are empowered to amend ***existing*** or conclude ***new*** international agreements relating to investment.

Or. en

Justification

Since foreign direct investment is now an exclusive competence of the EU, Member States which seek to amend existing or conclude new agreements in this area should ask for an authorisation from the Commission.

Amendment 50
Pablo Zalba Bidegain

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) As the authorisation to ***maintain***, amend or conclude agreements covered by this Regulation is granted in an area of exclusive Union competence, ***it must be regarded as an exceptional measure. The authorisation is without prejudice to the application of Article 258 of the Treaty with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.***

Amendment

(8) As the authorisation to amend or conclude agreements covered by this Regulation is granted in an area of exclusive Union competence ***there are grounds to justify this Regulation.***

Or. en

Amendment 51
Kader Arif

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) As ***the authorisation to maintain, amend or conclude agreements covered by*** this Regulation ***is granted in*** an area of exclusive Union competence, it must be regarded as an exceptional measure. The ***authorisation is*** without prejudice to the application of Article 258 of the Treaty with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

Amendment

(8) As this Regulation ***concerns*** an area of exclusive Union competence, it must be regarded as an exceptional measure. The ***arrangements under this Regulation are*** without prejudice to the application of Article 258 of the Treaty with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

Or. en

Justification

This simpler wording enables to avoid a reference to "authorisation" for agreements already in force (cf. justification for Recital 6).

Amendment 52 **Daniel Caspary**

Proposal for a regulation **Recital 8**

Text proposed by the Commission

(8) As the authorisation to maintain, amend or conclude agreements covered by this Regulation is granted in an area of exclusive Union competence, it must be regarded as *an exceptional* measure. The authorisation is without prejudice to the application of Article 258 of the Treaty with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

Amendment

(8) As the authorisation to maintain, amend or conclude agreements covered by this Regulation is granted in an area of exclusive Union competence, it must be regarded as *a transitional* measure. The authorisation is without prejudice to the application of Article 258 of the Treaty with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

Or. en

Amendment 53 **Pawel Zalewski**

Proposal for a regulation **Recital 8**

Text proposed by the Commission

(8) As the authorisation to maintain, amend or conclude agreements covered by this Regulation is granted in an area of exclusive Union competence, it must be regarded as *an exceptional* measure. The authorisation is without prejudice to the application of Article 258 of the Treaty

Amendment

(8) As the authorisation to maintain, amend or conclude agreements covered by this Regulation is granted in an area of exclusive Union competence, it must be regarded as *a transitional* measure. The authorisation is without prejudice to the application of Article 258 of the Treaty

with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

Or. en

Amendment 54
Robert Sturdy

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) As the authorisation to maintain, amend or conclude agreements covered by this Regulation is granted in an area of exclusive Union competence, it must be regarded as an exceptional measure. The authorisation is without prejudice to the application of Article 258 of the Treaty with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

Amendment

(8) As the authorisation to maintain, amend or conclude **foreign direct** agreements covered by this Regulation is granted in an area of exclusive Union competence, it must be regarded as an exceptional measure. The authorisation is without prejudice to the application of Article 258 of the Treaty with respect to failures of Member States to fulfil obligations under the Treaties other than those concerning incompatibilities arising from the allocation of competences between the Union and its Member States.

Or. en

Amendment 55
Pablo Zalba Bidegain

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Member States are required to take the necessary measures to eliminate incompatibilities, where they exist, with the law of the Union contained in Bilateral Investment Treaties concluded

Amendment

deleted

between them and third countries.

Or. en

Amendment 56

Daniel Caspary

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) The Commission should be able to withdraw the authorisation if an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. The authorisation may also be withdrawn if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in particular of autonomous measures of common commercial policy, authorisation may be withdrawn. Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

deleted

Or. en

Amendment 57

Emilio Menéndez del Valle

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) The Commission should be able to withdraw the authorisation if an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. The authorisation may also be withdrawn if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in particular of autonomous measures of common commercial policy, authorisation may be withdrawn. Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

deleted

Or. en

Amendment 58

Pablo Zalba Bidegain

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) The Commission should be able to withdraw the authorisation if an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. The authorisation may also be withdrawn

deleted

if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in particular of autonomous measures of common commercial policy, authorisation may be withdrawn. Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Or. en

Amendment 59

Kader Arif

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The Commission should ***be able to withdraw the authorisation if an agreement conflicts*** with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. ***The authorisation may also be withdrawn*** if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in particular of autonomous measures of common commercial policy, ***authorisation may be withdrawn. Finally, should the***

Amendment

(10) The Commission should, ***within a period of one year after the entry into force of the Regulation, review all Member States' international agreements relating to investment and inform the Members States of the situations where those agreements conflict*** with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. ***The Commission should also inform the Member States*** if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies

Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

relating to investment, including in particular of autonomous measures of common commercial policy, ***or constitute an obstacle to the implementation of the principles and objectives of the Union's action on the international scene, Members States should be required to take the necessary measures to remove these incompatibilities within a period of five years after the entry into force of the Regulation.***

Or. en

Justification

Instead of withdrawing the authorisation to maintain agreements in case of incompatibilities with EU laws or policies (a withdrawal which is irrelevant since the agreements remain valid under international law in any case), the Commission shall inform Member States of the problematic provisions in the agreements they have already concluded. In turn, Member States shall take the necessary measures to remove these incompatibilities.

Amendment 60
Paweł Zalewski

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should be able to withdraw the authorisation ***if*** an agreement ***conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States.*** The authorisation ***may*** also be withdrawn if an agreement ***of the Union in force*** with a third country ***contains investment provisions similar to those of a Member State agreement.*** ***In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in***

Amendment

(10) The Commission should be able to withdraw the authorisation ***of*** an agreement ***on investment if the Member State does not follow its obligation to initiate a renegotiation process of this agreement on request by the Commission.*** The authorisation ***of a Member State's agreement with a third country should*** also be withdrawn if ***the EU has ratified*** an agreement with ***this*** third country ***negotiated by the Commission.*** The authorisation ***should*** be withdrawn ***if an agreement constitutes an obstacle*** to the ***conclusion of future investment agreements with that third country.***

particular of autonomous measures of common commercial policy, authorisation *may* be withdrawn. Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Or. en

Amendment 61
Robert Sturdy

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should be able to withdraw the authorisation *if* an agreement *conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States*. The authorisation *may* also be withdrawn if an agreement of *the Union in force* with a third country *contains investment provisions similar to those of a Member State agreement. In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in particular of autonomous measures of common commercial policy, authorisation may be withdrawn*. Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Amendment

(10) The Commission should be able to withdraw the authorisation *of* an agreement *on foreign direct investment, if the Member State does not follow the obligation to renegotiate this existing agreement on request by the Commission*. The authorisation *should* also be withdrawn, if an agreement of *the Member State* with a third country *does not comply with EU law and if the EU has already ratified an FDI agreement with the same third country negotiated by the Commission*. Finally, should the Council not take a decision on the authorisation to open negotiations concerning *foreign direct* investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Or. en

Amendment 62
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should be able to withdraw the authorisation if an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. The authorisation may also be withdrawn if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. ***In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in particular of autonomous measures of common commercial policy, authorisation may be withdrawn.*** Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Amendment

(10) The Commission should be able to withdraw the authorisation if an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. The authorisation may also be withdrawn if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation ***for the bilateral investment agreement with the relevant third country.***

Or. en

Amendment 63
Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should be able to withdraw the authorisation if an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. The authorisation may also be withdrawn if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. ***In order to ensure that agreements of Member States do not undermine the development and implementation of the Union's policies relating to investment, including in particular of autonomous measures of common commercial policy, authorisation may be withdrawn.*** Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Amendment

(10) The Commission should be able to withdraw the authorisation if an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States. The authorisation may also be withdrawn if an agreement of the Union in force with a third country contains investment provisions similar to those of a Member State agreement. Finally, should the Council not take a decision on the authorisation to open negotiations concerning investment within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty, the possibility would exist to withdraw the authorisation.

Or. en

Justification

While this consideration is appropriate for amending or concluding new agreements, the scope for the Commission to act is too wide and vague for maintaining existing agreements and it would be better to remove this text to provide greater legal certainty.

Amendment 64
Pablo Zalba Bidegain

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The authorisation to amend or conclude agreements provided for by this Regulation notably allows Member States to address any incompatibilities between their international agreements relating to investment and the law of the Union, ***other than incompatibilities arising from the allocation of competences between the Union and its Member States***, which are addressed in this Regulation.

Amendment

(11) The authorisation to amend or conclude agreements provided for by this Regulation notably allows Member States to address any incompatibilities between their international agreements relating to investment and the law of the Union which are addressed in this Regulation.

Or. en

Amendment 65
Robert Sturdy

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The authorisation to amend or conclude agreements provided for by this Regulation notably allows Member States to address any incompatibilities between their international agreements relating to investment and the law of the Union, other than incompatibilities arising from the allocation of competences between the Union and its Member States, which are addressed in this Regulation.

Amendment

(11) The authorisation to amend or conclude ***foreign direct*** agreements provided for by this Regulation notably allows Member States to address any incompatibilities between their international agreements relating to ***foreign direct*** investment and the law of the Union, other than incompatibilities arising from the allocation of competences between the Union and its Member States, which are addressed in this Regulation.

Or. en

Amendment 66
Pablo Zalba Bidegain

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) No later than ***five*** years after the entry

Amendment

(12) No later than ***seven*** years after the

into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends to discontinue the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal. Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third countries remain binding on the parties under public international law.

entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends to discontinue the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal. Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third countries remain binding on the parties under public international law.

Or. en

Amendment 67
Daniel Caspary

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) No later than five years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. ***This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends to discontinue the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal.*** Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded

Amendment

(12) No later than five years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third countries remain binding on the parties under public international law.

by Member States with third countries remain binding on the parties under public international law.

Or. en

Amendment 68
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) No later than five years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. ***This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends to discontinue the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal.*** Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third countries remain binding on the parties under public international law.

Amendment

(12) No later than five years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third countries remain binding on the parties under public international law.

Or. en

Amendment 69
Robert Sturdy

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) No later than five years after the entry

Amendment

(12) No later than five years after the entry

into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends *to discontinue* the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal. Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third countries remain binding on the parties under public international law.

into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends *discontinuing* the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal. Unless replaced by an agreement of the Union concerning *foreign direct* investment, or otherwise terminated, bilateral *foreign direct* agreements concluded by Member States with third countries remain binding on the parties under public international law.

Or. en

Amendment 70
Pawel Zalewski

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) No later than five years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends *to discontinue* the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal. Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third

Amendment

(12) No later than five years after the entry into force of this Regulation, the Commission should present to the European Parliament and the Council a report on the application of Chapters II and III of this Regulation. This report should, inter alia, review the need for the continued application of these chapters. Where the report recommends *discontinuing* the application of the provisions of these Chapters or where it would propose to modify these provisions, it should be accompanied by an appropriate legislative proposal. Unless replaced by an agreement of the Union concerning investment, or otherwise terminated, bilateral agreements concluded by Member States with third

countries remain binding on the parties under public international law.

countries remain binding on the parties under public international law.

Or. en

Amendment 71

Kader Arif

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Agreements authorised under this Regulation or authorisations to open negotiations to amend an existing or to conclude a new bilateral agreement with a third country should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to investment, in particular common commercial policy.

Amendment

(13) Agreements authorised under this Regulation or authorisations to open negotiations to amend an existing or to conclude a new bilateral agreement with a third country should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to investment, in particular common commercial policy, ***or to the implementation of the principles and objectives of the Union's action on the international scene, as defined by Article 21 of the Treaty on European Union.***

Or. en

Justification

All agreements falling under the scope of the new exclusive competence of the EU shall also respect the general principles and objectives of the EU's external action.

Amendment 72

Emilio Menéndez del Valle

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) ***Agreements authorised under this Regulation*** or authorisations to open negotiations to amend an existing or to

Amendment

(13) Authorisations to open negotiations to amend an existing or to conclude a new bilateral agreement with a third country

conclude a new bilateral agreement with a third country should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to investment, *in particular common commercial policy*.

should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to investment.

Or. en

Amendment 73
Pablo Zalba Bidegain

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) *Agreements authorised under this Regulation or* authorisations to open negotiations to amend an existing or to conclude a new bilateral agreement with a third country should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to investment, *in particular common commercial policy*.

(13) Authorisations to open negotiations to amend an existing or to conclude a new bilateral agreement with a third country should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to investment.

Or. en

Amendment 74
Robert Sturdy

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) Agreements authorised under this Regulation or authorisations to open negotiations to amend an existing or to conclude a new bilateral agreement with a third country should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to investment, in particular common commercial policy.

(13) Agreements *on foreign direct investment* authorised under this Regulation or authorisations to open negotiations to amend an existing or to conclude a new bilateral agreement with a third country should not in any case be allowed to constitute an obstacle to the implementation of the Union's policies relating to *foreign direct* investment, in

particular common commercial policy.

Or. en

Amendment 75

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) As foreign direct investment is an exclusive Union competence, the authorisation for Member States to conclude new bilateral agreements should only be granted in exceptional circumstances where there is no added value in an agreement of the Union. The Commission shall refuse authorisation for such agreements if one or more Member States express their interest in an agreement of the Union with the third country concerned or if the agreement contravenes the development of Union policy relating to investment.

Or. en

Justification

Following the entry into force of the Lisbon Treaty, foreign direct investment is now an Union competence. While it is appropriate to maintain national agreements until they are replaced by EU agreements, the conclusion of new bilateral agreements should be the exception rather than the norm and therefore, should only occur where there is no interest from other Member States.

Amendment 76

Robert Sturdy

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) Agreements between Member States relating to investment ***should not be*** covered by this Regulation.

(15) Agreements between Member States relating to ***foreign direct*** investment ***are*** not covered by this Regulation.

Or. en

Amendment 77

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) Agreements between Member States relating to investment ***should not be*** covered by this Regulation.

(15) Agreements between Member States relating to investment ***are*** not covered by this Regulation.

Or. en

Justification

It is appropriate to provide legal certainty.

Amendment 78

Pawel Zalewski

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) Agreements between Member States relating to investment ***should not be*** covered by this Regulation.

(15) Agreements between Member States relating to investment ***are*** not covered by this Regulation.

Or. en

Amendment 79

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The Member States and Commission should take all necessary measures to ensure that the Commission is allowed to participate to the broadest possible extent in dispute settlement procedures initiated under a bilateral investment agreement of a Member State where those disputes involve EU law.

Or. en

Justification

It is appropriate that the Commission is involved in dispute settlement procedures when it involves EU law. In other circumstances, Commission involvement could prove unnecessary or counter-productive.

Amendment 80

Emilio Menéndez del Valle

Proposal for a regulation

Recital 17

Text proposed by the Commission

Amendment

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,

deleted

Or. en

Justification

Having the Trade Policy Committee and considering its knowledge on the matter there is no

need to create a new Advisory Committee.

Amendment 81
Pablo Zalba Bidegain

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,

deleted

Or. en

Amendment 82
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with **the Regulation of the European Parliament and of the Council** laying down the **rules and general principles concerning mechanisms for control by Member States of the Commission's** exercise of implementing powers,

Or. en

Amendment 83
Kader Arif

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes the terms, conditions and the procedure under which Member States **are authorised to maintain** in force, **amend or conclude** bilateral agreements with third countries relating to investment.

Amendment

This Regulation establishes the terms, conditions and the procedure under which Member States **shall cooperate with the Commission when some of their already** in force bilateral agreements with third countries relating to investment **are incompatible with the laws or policies of the Union.**

Or. en

Justification

Requirement to cooperate in case of incompatibilities with the laws or policies of the Union is more relevant than the threat to remove the authorisation to maintain agreements, which would remain valid under international law in any case.

Amendment 84
Daniel Caspary

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes the terms, conditions and the procedure under which Member States are authorised to **maintain in force**, amend or conclude **bilateral** agreements **with third countries relating to investment.**

Amendment

This Regulation **declares the maintenance in force of existing and concluded bilateral agreements with third countries relating to investment as well as** establishes the terms, conditions and the procedure under which Member States are authorised to amend or conclude **such** agreements.

This procedure is without prejudice to the respective competencies of the European Union and of the Member States.

Or. en

Amendment 85
Christofer Fjellner

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes the terms, conditions and the procedure under which Member States are authorised to *maintain in force*, amend or conclude *bilateral agreements with third countries relating to investment*.

Amendment

This Regulation *declares the maintenance in force of concluded bilateral investment agreements with third countries relating to direct investment as well as* establishes the terms, conditions and the procedure under which Member States are authorised to amend or conclude *such* agreements.

Or. en

Amendment 86
Emilio Menéndez del Valle

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes the terms, conditions and the procedure under which Member States *are authorised to* maintain in force, amend or conclude bilateral agreements with third countries relating to investment.

Amendment

This Regulation establishes the terms, conditions and the procedure under which Member States maintain in force, amend or conclude bilateral agreements with third countries relating to investment.

This procedure is without prejudice to the respective competencies of the European Union and of the Member States.

Or. en

Amendment 87
Pablo Zalba Bidegain

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes the terms, conditions and the procedure under which

Amendment

This Regulation establishes the terms, conditions and the procedure under which

Member States *are authorised to* maintain in force, amend or conclude bilateral agreements with third countries relating to investment.

Member States maintain in force, amend or conclude bilateral agreements with third countries relating to investment.

This procedure is without prejudice to the respective competencies of the European Union and of the Member States.

Or. en

Amendment 88
Robert Sturdy

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation establishes the terms, conditions and the procedure under which Member States are authorised to maintain in force, amend or conclude bilateral agreements with third countries relating to investment.

Amendment

This Regulation establishes the terms, conditions and the procedure under which Member States are authorised to maintain in force, amend or conclude bilateral agreements with third countries relating to *foreign direct* investment.

Or. en

Amendment 89
Kader Arif

Proposal for a regulation
Chapter 2 – title

Text proposed by the Commission

Authorisation to maintain agreements in force

Amendment

Alignment of the agreements in force *with the laws or policies of the Union*

Or. en

Justification

Same justification as for Article 1.

Amendment 90
Emilio Menéndez del Valle

Proposal for a regulation
Chapter 2 – title

Text proposed by the Commission

Amendment

Authorisation to maintain agreements in force

Maintenance of agreements in force

Or. en

Amendment 91
Pablo Zalba Bidegain

Proposal for a regulation
Chapter 2 – title

Text proposed by the Commission

Amendment

Authorisation to maintain agreements in force

Maintenance of agreements in force

Or. en

Amendment 92
Robert Sturdy

Proposal for a regulation
Article 2

Text proposed by the Commission

Amendment

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded before the entry into force of this Regulation ***that they either wish to maintain in force or permit to enter into force under this Chapter***. The notification shall include a copy of those bilateral agreements.

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to ***foreign direct*** investment concluded ***and/or signed*** before the entry into force of this Regulation. The notification shall include a copy of those bilateral agreements. ***Member States shall also notify the Commission on future changes to the status of these agreements.***

Amendment 93

Kader Arif

Proposal for a regulation

Article 2

Text proposed by the Commission

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded before the entry into force of this Regulation ***that they either wish to maintain in force or permit to enter into force under this Chapter.*** The notification shall include a copy of those bilateral agreements.

Amendment

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded before the entry into force of this Regulation. The notification shall include a copy of those bilateral agreements.

Or. en

Justification

Lighter wording.

Amendment 94

Pawel Zalewski

Proposal for a regulation

Article 2

Text proposed by the Commission

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded before the entry into force of this Regulation that they either wish to maintain in force or permit to enter into force under this Chapter. The notification shall include a copy of those

Amendment

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded ***and/or signed*** before the entry into force of this Regulation that they either wish to maintain in force or permit to enter into force under this Chapter. The notification shall include a copy of those bilateral agreements.

bilateral agreements.

Member States shall also notify the Commission on future changes to the status of these agreements.

Or. en

Amendment 95
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 2

Text proposed by the Commission

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded before the entry into force of this Regulation that they either wish to maintain in force or permit to enter into force under this Chapter. The notification shall include a copy of those bilateral agreements.

Amendment

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded before the entry into force of this Regulation that they either wish to maintain in force or permit to enter into force under this Chapter. The notification shall include a copy of those bilateral agreements. ***Member States shall also notify the Commission of all future changes to the status of these agreements.***

Or. en

Amendment 96
Christofer Fjellner

Proposal for a regulation
Article 2

Text proposed by the Commission

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to investment concluded before the entry into force of this Regulation that they either wish to maintain in force or permit to enter into force under this Chapter. The notification shall include a copy of those

Amendment

Within thirty days from the entry into force of this Regulation, the Member States shall notify the Commission of all bilateral agreements with third countries relating to ***direct*** investment concluded before the entry into force of this Regulation. The notification shall include a copy of those bilateral agreements.

bilateral agreements.

Or. en

Amendment 97
Christofer Fjellner

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The agreements notified under Article 3 of this Regulation remain in force until they are replaced by new agreements by the European Union and/or by the Member States authorised under Chapter 3 or otherwise terminated by the Contracting Parties.

Or. en

Amendment 98
Emilio Menéndez del Valle

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Authorisation to maintain agreements in force

Notwithstanding the Union's competences relating to investment and without prejudice to other obligations of Member States under the law of the Union, Member States are authorised in accordance with Article 2(1) of the Treaty to maintain in force bilateral agreements relating to investment that have been notified in accordance with Article 2 of this Regulation.

Or. en

Amendment 99
Pablo Zalba Bidegain

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Authorisation to maintain agreements in force

Notwithstanding the Union's competences relating to investment and without prejudice to other obligations of Member States under the law of the Union, Member States are authorised in accordance with Article 2(1) of the Treaty to maintain in force bilateral agreements relating to investment that have been notified in accordance with Article 2 of this Regulation.

Or. en

Amendment 100
Kader Arif

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

Amendment

Authorisation to maintain agreements in force

Agreements ***already*** in force

Or. en

Justification

Same justification as for Article 1.

Amendment 101

Kader Arif

Proposal for a regulation

Article 3

Text proposed by the Commission

Notwithstanding the Union's competences relating to investment and without prejudice to other obligations of Member States under the law of the Union, **Member States are authorised in accordance with Article 2(1) of the Treaty to maintain in force** bilateral agreements relating to investment that have been notified in accordance with Article 2 of this Regulation.

Amendment

Notwithstanding the Union's competences relating to investment and without prejudice to other obligations of Member States under the law of the Union, bilateral agreements relating to investment that have been notified in accordance with Article 2 of this Regulation **remain unchanged unless the review referred to in Article 5 requires modification of those agreements.**

Or. en

Justification

An agreement already concluded between a Member State and a third country can only remain unchanged if the review foreseen in Article 5 concludes that no modification of the agreement is necessary.

Amendment 102

Robert Sturdy

Proposal for a regulation

Article 3

Text proposed by the Commission

Notwithstanding the Union's competences relating to investment and without prejudice to other obligations of Member States under the law of the Union, Member States are authorised in accordance with Article 2(1) of the Treaty to maintain in force bilateral agreements relating to investment that have been notified in accordance with Article 2 of this Regulation.

Amendment

Notwithstanding the Union's competences relating to **foreign direct** investment and without prejudice to other obligations of Member States under the law of the Union, Member States are authorised in accordance with Article 2(1) of the Treaty to maintain in force bilateral agreements relating to **foreign direct** investment that have been notified in accordance with Article 2 of this Regulation.

Amendment 103
Emilio Menéndez del Valle

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall review the agreements notified pursuant to Article 2, including by assessing, in particular, whether the agreements:

deleted

(a) conflict with the law of the Union other than the incompatibilities arising from the allocation of competences between the Union and its Member States, or

(b) overlap, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

Or. en

Amendment 104
Pablo Zalba Bidegain

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall review the agreements notified pursuant to Article 2, including by assessing, in particular, whether the agreements:

deleted

(a) conflict with the law of the Union other than the incompatibilities arising from the allocation of competences

*between the Union and its Member States,
or*

*(b) overlap, in part or in full, with an
agreement of the Union in force with that
third country and this specific overlap is
not addressed in the latter agreement, or*

*(c) constitute an obstacle to the
development and the implementation of
the Union's policies relating to
investment, including in particular the
common commercial policy.*

Or. en

Amendment 105
Christofer Fjellner

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall review the
agreements notified pursuant to Article 2,
including by assessing, in particular,
whether the agreements:

Amendment

1. The Commission shall, ***within 5 years
from the entry into force of this
Regulation***, review the ***individual***
agreements notified pursuant to Article 2,
including by assessing, in particular,
whether ***any of*** the agreements:

Or. en

Amendment 106
Christofer Fjellner

Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission

***(a) conflict with the law of the Union
other than the incompatibilities arising
from the allocation of competences
between the Union and its Member States,
or***

Amendment

deleted

Or. en

Amendment 107
Robert Sturdy

Proposal for a regulation
Article 5 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) overlap, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

deleted

Or. en

Amendment 108
Pawel Zalewski

Proposal for a regulation
Article 5 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) overlap, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

deleted

Or. en

Amendment 109
Daniel Caspary

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

deleted

Or. en

Amendment 110
Christofer Fjellner

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

deleted

Or. en

Amendment 111
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

deleted

Or. en

Amendment 112
Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

deleted

Justification

While this consideration is appropriate for amending or concluding new agreements, the scope for the Commission to act is too wide and vague for maintaining existing agreements and it would be better to remove this text to provide greater legal certainty.

Amendment 113
Paweł Zalewski

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) constitute an obstacle to the *development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.*

Amendment

(c) constitute an obstacle to the *conclusion of future Union investment agreements with third countries.*

Amendment 114
Jörg Leichtfried

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) constitute an obstacle to the development and *the* implementation of the Union's policies relating to investment, *including* in particular *the common commercial policy.*

Amendment

(c) constitute an obstacle to the development and implementation of the Union's policies relating to investment, *especially with regard to policy coherence with the Union's foreign policy in general and support for sustainable development* in particular (*Article 205 of the Treaty and Article 21 of the Treaty on European Union*).

Justification

In der Substanz der Investitionsabkommen ist auf die Förderung nachhaltiger Entwicklung von ausländischen Direktinvestitionen einzugehen. Insbesondere ist ausländischen InvestorInnen die Unternehmensverantwortung für die Einhaltung von universellen Grundrechten (Menschenrechte sowie grundlegende Arbeitsnormen) zu übertragen. Hierzu ist sicherzustellen, dass alle bestehende Investitionsabkommen einleitend unmissverständlich festhalten, dass die Menschenrechte sowie die IAO-Kernarbeitsnormen für ausländische Investitionstätigkeiten anzuwenden sind. Darüber hinaus haben die im EU-Ausland tätigen europäischen Unternehmen den Wohlverhaltenskodex „OECD-Leitsätze für multinationale Unternehmen,, einzuhalten.

Amendment 115

Robert Sturdy

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, **including** in particular the common commercial policy.

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to **foreign direct** investment, in particular the common commercial policy

Or. en

Amendment 116

Kader Arif

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, **or**

Or. en

Justification

Grammatical change.

Amendment 117
Kader Arif

Proposal for a regulation
Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) constitute an obstacle to the implementation of the principles and objectives of the Union's action on the international scene, as defined by Article 21 of the Treaty on European Union.

Or. en

Justification

All agreements falling under the scope of the new exclusive competence of the EU shall also respect the general principles and objectives of the EU's external action.

Amendment 118
Christofer Fjellner

Proposal for a regulation
Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) have otherwise been superseded by the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

Or. en

Amendment 119
Emilio Menéndez del Valle

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Consultation may take place between the Commission and the notifying Member State, either at the request of the Member State or on the initiative of the Commission, to facilitate the review referred to in paragraph 1. *deleted*

Or. en

Amendment 120
Pablo Zalba Bidegain

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Consultation may take place between the Commission and the notifying Member State, either at the request of the Member State or on the initiative of the Commission, to facilitate the review referred to in paragraph 1. *deleted*

Or. en

Amendment 121
Kader Arif

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Once the Commission has received notification of the agreements referred to in Article 2, it shall present to the Member State, within one year after the entry into force of this Regulation, a report detailing

the necessary steps to be taken to comply with the requirements referred to in paragraph 1 of this Article.

Or. en

Justification

The Commission's review of existing agreements must lead to a report detailing which measures the Member State needs to take in order to comply with the requirements listed in Paragraph 1 of the Article.

Amendment 122

Kader Arif

Proposal for a regulation

Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Member State shall then, within five years after the entry into force of this Regulation, take all the necessary measures to remove the incompatibilities or obstacles notified by the Commission, and regularly report to the Commission and the European Parliament on progress made in this respect.

Or. en

Justification

Member States shall take precise action to implement the Commission's recommendations, and report to the Commission and the EP on the progress made. It is necessary to include a time limit, in order to ensure a prompt implementation by Member States of the Commission's recommendations.

Amendment 123

Christofer Fjellner

Proposal for a regulation

Article 5 – paragraph 3

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Text proposed by the Commission

Amendment

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter which shall review the need for the continued application of this Chapter, based on the review referred to in paragraph 1.

deleted

Or. en

**Amendment 124
Robert Sturdy**

**Proposal for a regulation
Article 5 – paragraph 3**

Text proposed by the Commission

Amendment

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter which shall review the need for the continued application of this chapter, based on the review referred to in paragraph 1.

3. Where the Commission concludes that an agreement breaches either paragraph 1(a) or 1(c) it shall call on the Member State concerned to renegotiate that agreement. If deemed appropriate, the Commission shall assist the Member State concerned in undertaking the necessary steps to comply with the requirement to renegotiate an existing agreement. If the Member State concerned undertakes the necessary steps but fails to conclude a new renegotiated agreement, the Commission shall undertake steps with a view to replacing the agreement concerned, by an agreement of the Union.

Or. en

**Amendment 125
Pablo Zalba Bidegain**

**Proposal for a regulation
Article 5 – paragraph 3**

Text proposed by the Commission

3. No later than **five** years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter which shall review the need for the continued application of this Chapter, **based on the review referred to in paragraph 1.**

Amendment

3. No later than **seven** years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter which shall review the need for the continued application of this Chapter.

Or. en

Amendment 126

Daniel Caspary

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter **which shall review the need for the continued application of this chapter, based on the review referred to in paragraph 1.**

Amendment

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter.

Or. en

Amendment 127

Godelieve Quisthoudt-Rowohl

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the

Amendment

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the

application of this Chapter *which shall review the need for the continued application of this chapter*, based on the review referred to in paragraph 1.

application of this Chapter, based on the review referred to in paragraph 1.

Or. en

Amendment 128
Pawel Zalewski

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter *which shall review the need for the continued application of this chapter*, based on the review referred to in paragraph 1.

Amendment

3. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter based on the review referred to in paragraph 1.

Or. en

Amendment 129
Pawel Zalewski

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the Commission concludes that an agreement breaches either paragraph 1(a) or 1(c), it shall call on the Member State concerned to renegotiate that agreement. If deemed appropriate, the Commission shall assist the Member State concerned in undertaking the necessary steps to comply with the requirements to renegotiate an existing agreement. If the Member State concerned undertakes the necessary steps but fails to conclude a renegotiated agreement, the Commission

shall undertake steps with a view to replacing the agreement concerned by an agreement of the Union.

Or. en

Amendment 130
Daniel Caspary

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the report referred to in paragraph 3 recommends to discontinue the application of the provisions of this Chapter or to modify these provisions, it shall be accompanied by an appropriate legislative proposal.

deleted

Or. en

Amendment 131
Christofer Fjellner

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the report referred to in paragraph 3 recommends to discontinue the application of the provisions of this Chapter or to modify these provisions, it shall be accompanied by an appropriate legislative proposal.

deleted

Or. en

Amendment 132
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the report referred to in paragraph 3 recommends to discontinue the application of the provisions of this Chapter or to modify these provisions, it shall be accompanied by an appropriate legislative proposal.

deleted

Or. en

Amendment 133

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where the review concludes that an agreement breaches paragraphs 1(a) or 1(b), the Commission shall mandate the Member State concerned to renegotiate that agreement and provide assistance in the negotiations to that Member State.

If the Member State fails to conclude a new agreement, the Commission shall withdraw the authorisation in accordance with Article 6 and, if appropriate, propose a negotiating mandate to the Council for an agreement of the Union in accordance with Article 207(3) of the Treaty. The Commission shall keep the European Parliament immediately and fully informed at all stages of the procedure.

Or. en

Justification

It is appropriate that the possibility of renegotiating agreements should be explored before the Commission withdraws authorisation.

Amendment 134
Kader Arif

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Withdrawal of authorisation

1. The authorisation provided for in Article 3 may be withdrawn where:

(a) an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States, or

(b) an agreement overlaps, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

(c) an agreement constitutes an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or

(d) the Council has not taken a decision on the authorisation to open negotiations on an agreement which overlaps, in part or in full, with an agreement notified under Article 2, within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty.

2. When the Commission considers that there are grounds to withdraw the authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in paragraph 1. Consultations shall take place between the Commission and the Member State

concerned.

3. Where the consultations referred to in paragraph 2 fail to resolve the matter, the Commission shall withdraw the authorisation for the agreement concerned. The Commission shall take a decision on the withdrawal of the authorisation in accordance with the procedure referred to in Article 15(2). It shall include a requirement that the Member State takes appropriate action, and where necessary terminate the relevant agreement.

4. Where an authorisation is withdrawn, the Commission shall remove the agreement from the list referred to in Article 4.

Or. en

Justification

Since all agreements remain valid under international law in any case, provisions on the withdrawal or termination of an agreement are not relevant. They are replaced by an obligation for Member States to take all necessary measures to remove incompatibilities between their agreements and the laws or policies of the Union, within a time period of five years, at the end of which the need for the continued application of these provisions will be assessed by a report of the Commission.

Amendment 135

Emilio Menéndez del Valle

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Withdrawal of authorisation

1. The authorisation provided for in Article 3 may be withdrawn where:

(a) an agreement conflicts with the law of the Union other than the incompatibilities

arising from the allocation of competence between the Union and its Member States, or

(b) an agreement overlaps, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

(c) an agreement constitutes an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or

(d) the Council has not taken a decision on the authorisation to open negotiations on an agreement which overlaps, in part or in full, with an agreement notified under Article 2, within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty.

2. When the Commission considers that there are grounds to withdraw the authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in paragraph 1. Consultations shall take place between the Commission and the Member State concerned.

3. Where the consultations referred to in paragraph 2 fail to resolve the matter, the Commission shall withdraw the authorisation for the agreement concerned. The Commission shall take a decision on the withdrawal of the authorisation in accordance with the procedure referred to in Article 15(2). It shall include a requirement that the Member State takes appropriate action, and where necessary terminate the relevant agreement.

4. Where an authorisation is withdrawn,

the Commission shall remove the agreement from the list referred to in Article 4.

Or. en

Amendment 136
Pablo Zalba Bidegain

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Withdrawal of authorisation

1. The authorisation provided for in Article 3 may be withdrawn where:

(a) an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States, or

(b) an agreement overlaps, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

(c) an agreement constitutes an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or

(d) the Council has not taken a decision on the authorisation to open negotiations on an agreement which overlaps, in part or in full, with an agreement notified under Article 2, within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty.

2. When the Commission considers that there are grounds to withdraw the

authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in paragraph 1. Consultations shall take place between the Commission and the Member State concerned.

3. Where the consultations referred to in paragraph 2 fail to resolve the matter, the Commission shall withdraw the authorisation for the agreement concerned. The Commission shall take a decision on the withdrawal of the authorisation in accordance with the procedure referred to in Article 15(2). It shall include a requirement that the Member State takes appropriate action, and where necessary terminate the relevant agreement.

4. Where an authorisation is withdrawn, the Commission shall remove the agreement from the list referred to in Article 4.

Or. en

Amendment 137
Christofer Fjellner

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. *The* authorisation provided for in Article 3 may be withdrawn where:

1. *Based on the review set out in Article 5, an individual* authorisation *of an agreement* provided for in Article 3 *and notified in accordance with Article 2* may be withdrawn where:

Or. en

Amendment 138
Pawel Zalewski

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. The authorisation provided for in Article 3 **may** be withdrawn where:

Amendment

1. The authorisation provided for in Article 3 **should** be withdrawn where:

Or. en

Amendment 139
Daniel Caspary

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States, or

deleted

Amendment

Or. en

Amendment 140
Christofer Fjellner

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) an agreement conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States, or

deleted

Amendment

Or. en

Amendment 141
Robert Sturdy

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) an agreement *conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States,*
or

Amendment

(a) *the Member State concerned fails to take the necessary steps to renegotiate an existing agreement on foreign direct investment, after it had been notified by the Commission, pursuant to Article 5(3),*
or

Or. en

Amendment 142
Pawel Zalewski

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) an agreement *conflicts with the law of the Union other than the incompatibilities arising from the allocation of competence between the Union and its Member States,*
or

Amendment

(a) *the Member State concerned fails to take the necessary steps to initial the renegotiation process of an existing agreement on investment, after it was notified by the Commission, pursuant to Article 5(3a),* or

Or. en

Amendment 143
Daniel Caspary

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) *an agreement overlaps, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the*

Amendment

deleted

latter agreement, or

Or. en

Amendment 144
Pawel Zalewski

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) an agreement overlaps, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

deleted

Or. en

Amendment 145
Robert Sturdy

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) an agreement overlaps, in part or in full, with an agreement of the Union in force with that third country and this specific overlap is not addressed in the latter agreement, or

(b) an agreement between a Member State and a third country does not comply with Union law and the Union has already ratified an agreement with the same third country negotiated by the Commission, or

Or. en

Amendment 146
Daniel Caspary

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) an agreement constitutes an obstacle

deleted

to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or

Or. en

Amendment 147
Christofer Fjellner

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) an agreement constitutes an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or *deleted*

Or. en

Amendment 148
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) an agreement constitutes an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or *deleted*

Or. en

Amendment 149

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) an agreement constitutes an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or ***deleted***

Or. en

Justification

While this consideration is appropriate for amending or concluding new agreements, the scope for the Commission to act is too wide and vague for maintaining existing agreements and it would be better to remove this text to provide greater legal certainty.

Amendment 150

Robert Sturdy

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) an agreement constitutes an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or ***deleted***

Or. en

Amendment 151

Pawel Zalewski

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) an agreement constitutes an obstacle to the ***development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy***, or

(c) an agreement constitutes an obstacle to the ***conclusion of future investment agreements with that third country***, or

Or. en

Amendment 152
Christofer Fjellner

Proposal for a regulation
Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the Council has not taken a decision on the authorisation to open negotiations on an agreement which overlaps, in part or in full, with an agreement notified under Article 2, within one year of the submission of a recommendation by the Commission pursuant to Article 218(3) of the Treaty.

deleted

Or. en

Amendment 153
Christofer Fjellner

Proposal for a regulation
Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) an agreement has otherwise been superseded by the development and the implementation of the Union's policies relating to investment through the establishment of Union investment agreements providing at least the same level of protection.

Or. en

Amendment 154
Daniel Caspary

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. When the Commission considers that there are grounds to withdraw the authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in paragraph 1. Consultations shall take place between the Commission and the Member State concerned.

deleted

Or. en

Amendment 155
Robert Sturdy

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. When the Commission considers that there are grounds to withdraw the authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in **paragraph 1**. Consultations shall take place between the Commission and the Member State concerned.

2. When the Commission considers that there are grounds to withdraw the authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in **paragraph 1(a)**. Consultations shall take place between the Commission and the Member State concerned.

Or. en

Amendment 156
Pawel Zalewski

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. When the Commission considers that there are grounds to withdraw the authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in **paragraph 1**. Consultations shall take place between the Commission and the Member State concerned.

Amendment

2. When the Commission considers that there are grounds to withdraw the authorisation provided for in Article 3, it shall deliver a reasoned opinion to the Member State concerned on the necessary steps to be taken to comply with the requirements referred to in **paragraph 1(a)**. Consultations shall take place between the Commission and the Member State concerned.

Or. en

Amendment 157
Daniel Caspary

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Where the consultations referred to in paragraph 2 fail to resolve the matter, the Commission shall withdraw the authorisation for the agreement concerned. The Commission shall take a decision on the withdrawal of the authorisation in accordance with the procedure referred to in Article 15(2). It shall include a requirement that the Member State takes appropriate action, and where necessary terminate the relevant agreement.

Amendment

deleted

Or. en

Amendment 158
Christofer Fjellner

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Where the consultations referred to in paragraph 2 fail to resolve the matter, the Commission **shall** withdraw the authorisation for the agreement concerned. The Commission shall take a decision on the withdrawal of the authorisation in accordance with the procedure referred to in Article 15(2). It shall include a requirement that the Member State takes appropriate action, and where necessary terminate the relevant agreement.

Amendment

3. Where the consultations referred to in paragraph 2 fail to resolve the matter, the Commission **may** withdraw the authorisation for the agreement concerned. The Commission shall take a decision on the withdrawal of the authorisation in accordance with the procedure referred to in Article 15(2). It shall include a requirement that the Member State takes appropriate action, and where necessary terminate the relevant agreement.

Or. en

Amendment 159
Robert Sturdy

Proposal for a regulation
Article 7

Text proposed by the Commission

Subject to the conditions laid down in Articles 8 to 12, a Member State shall be authorised to enter into negotiations to amend an existing or to conclude a new agreement relating to investment with a third country.

Amendment

Subject to the conditions laid down in Articles 8 to 12, a Member State shall be authorised to enter into negotiations to amend an existing or to conclude a new agreement relating to **foreign direct** investment with a third country.

Or. en

Amendment 160
Emilio Menéndez del Valle

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Where a Member State intends to enter into negotiations in order to amend an existing or to conclude a new agreement ***with a third country relating to investment***, it shall notify the Commission of its ***intentions in writing***.

Amendment

1. Where a Member State intends to enter into negotiations in order to amend an existing ***agreement*** or to conclude a new agreement ***falling within the scope of this Regulation***, it shall notify the Commission ***in writing*** of its ***intention at the earliest possible moment before the opening of formal negotiations is envisaged***.

Or. en

Amendment 161
Pablo Zalba Bidegain

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Where a Member State intends to enter into negotiations in order to amend an existing or to conclude a new agreement ***with a third country relating to investment***, it shall notify the Commission of its ***intentions in writing***.

Amendment

1. Where a Member State intends to enter into negotiations in order to amend an existing ***agreement*** or to conclude a new agreement ***falling within the scope of this Regulation***, it shall notify the Commission ***in writing*** of its ***intention at the earliest possible moment before the opening of formal negotiations is envisaged***.

Or. en

Amendment 162
Robert Sturdy

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Where a Member State intends to enter into negotiations in order to amend an existing or to conclude a new agreement with a third country relating to investment, it shall notify the Commission of its intentions in writing.

Amendment

1. Where a Member State intends to enter into negotiations in order to amend an existing or to conclude a new agreement with a third country relating to ***foreign direct*** investment, it shall notify the Commission of its intentions in writing

Amendment 163

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The notification shall include relevant documentation and an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and any other relevant information. In the case of amendments to an existing agreement, the notification shall indicate the provisions that are to be renegotiated.

Amendment

2. The notification shall include relevant documentation and an indication of the provisions to be addressed in the negotiations, the objectives of the negotiations and any other relevant information. In the case of amendments to an existing agreement, the notification shall indicate the provisions that are to be renegotiated. ***In the case of the conclusion of a new agreement, the Member State concerned shall provide written justification for the necessity of a bilateral agreement with the third country concerned rather than an agreement of the Union.***

Justification

Following the entry into force of the Lisbon Treaty, foreign direct investment is now an EU competence. While it is appropriate to maintain national agreements until they are replaced by EU agreements, the conclusion of new bilateral agreements should be the exception rather than the norm and Member States should explicitly justify the necessity of a new BIT.

Amendment 164

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where a Member State intends to conclude a new agreement with a third

country relating to investment, the Commission shall consult the other Member States within thirty days to determine whether there would be added value in an agreement of the Union. If one or more Member States indicate their interest in an agreement of the Union, the Commission shall take a decision in accordance with Article 9(1a).

Or. en

Justification

Following the entry into force of the Lisbon Treaty, foreign direct investment is now an EU competence. While it is appropriate to maintain national agreements until they are replaced by EU agreements, the conclusion of new bilateral agreements should be the exception rather than the norm and therefore, should only occur where there is no interest from other Member States.

Amendment 165

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. The notification referred to in paragraph 1 shall be transmitted at least five calendar months before formal negotiations are to commence with the third country concerned.

Amendment

4. The notification referred to in paragraph 1 shall be transmitted at least five calendar months before formal negotiations **to amend an existing agreement** are to commence with the third country concerned. **Where a Member State intends to conclude a new agreement, the notification shall be transmitted at least six calendar months before the formal negotiations are to commence with the third country concerned.**

Or. en

Justification

To align with the amendment on Article 8, Paragraph 3a, allowing 30 days for Member States

to express interest in an EU-wide agreement.

Amendment 166
Pablo Zalba Bidegain

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The notification referred to in paragraph 1 shall be transmitted at least **five calendar months** before formal negotiations are to commence with the third country concerned.

Amendment

4. The notification referred to in paragraph 1 shall be transmitted at least **90 days** before formal negotiations are to commence with the third country concerned.

Or. en

Amendment 167
Robert Sturdy

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The notification referred to in paragraph 1 shall be transmitted at least **five** calendar months before formal negotiations are to commence with the third country concerned.

Amendment

4. The notification referred to in paragraph 1 shall be transmitted at least **three** calendar months before formal negotiations are to commence with the third country concerned.

Or. en

Amendment 168
Pawel Zalewski

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The notification referred to in paragraph 1 shall be transmitted at least **five** calendar months before formal negotiations are to

Amendment

4. The notification referred to in paragraph 1 shall be transmitted at least **three** calendar months before formal negotiations

commence with the third country concerned.

are to commence with the third country concerned.

Or. en

Amendment 169

Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where a Member State intends to conclude a new agreement the Commission shall withhold authorisation if, in accordance with Article 8 (3a), one or more Member States indicate their interest in concluding an investment agreement of the Union with the third country concerned.

Or. en

Justification

Following the entry into force of the Lisbon Treaty, foreign direct investment is now an EU competence. While it is appropriate to maintain national agreements until they are replaced by EU agreements, the conclusion of new bilateral agreements should be the exception rather than the norm and therefore, should only occur where there is no interest from other Member States.

Amendment 170

Pawel Zalewski

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) be in conflict with the law of the Union other than the incompatibilities arising from the allocation of competence

deleted

*between the Union and its Member States,
or*

Or. en

Amendment 171
Daniel Caspary

Proposal for a regulation
Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

*(c) constitute an obstacle to the
development and the implementation of
the Union's policies relating to
investment, including in particular the
common commercial policy.*

deleted

Or. en

Amendment 172
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

*(c) constitute an obstacle to the
development and the implementation of
the Union's policies relating to
investment, including in particular the
common commercial policy.*

deleted

Or. en

Amendment 173
Robert Sturdy

Proposal for a regulation
Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

deleted

Or. en

Amendment 174

Pawel Zalewski

Proposal for a regulation

Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the **development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.**

(c) constitute an obstacle to the **conclusion of future investment agreements with that third country.**

Or. en

Amendment 175

Kader Arif

Proposal for a regulation

Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy.

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, **or**

Or. en

Justification

Grammatical change.

Amendment 176
Kader Arif

Proposal for a regulation
Article 9 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) constitute an obstacle to the implementation of the principles and objectives of the Union's action on the international scene, as defined by Article 21 of the Treaty on European Union.

Or. en

Justification

All agreements falling under the scope of the new exclusive competence of the EU shall also respect the general principles and objectives of the EU's external action.

Amendment 177
Niccolò Rinaldi, Michael Theurer on behalf of the ALDE Group

Proposal for a regulation
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If the Commission takes a decision in accordance with paragraph 1a it shall propose a negotiating mandate to the Council in accordance with Article 207 (3) of the Treaty. The Commission shall keep the European Parliament immediately and fully informed at all stages of the procedure.

Or. en

Justification

Following the entry into force of the Lisbon Treaty, foreign direct investment is now an EU competence. While it is appropriate to maintain national agreements until they are replaced by EU agreements, the conclusion of new bilateral agreements should be the exception rather than the norm and therefore, should only occur where there is no interest from other Member States.

Amendment 178 **Pablo Zalba Bidegain**

Proposal for a regulation **Article 10**

Text proposed by the Commission

The Commission shall be kept informed of the progress and results throughout the different stages of negotiations and may request to participate in the negotiations between the Member State and the third country concerning investment.

Amendment

The Commission shall be kept informed of the progress and results throughout the different stages of negotiations and may request to participate in the negotiations between the Member State and the third country concerning investment. ***The Commission may participate as an observer in the negotiations between the Member State and the third country as far as matters falling within the scope of this Regulation are concerned.***

Or. en

Amendment 179 **Robert Sturdy**

Proposal for a regulation **Article 10**

Text proposed by the Commission

The Commission shall be kept informed of the progress and results throughout the different stages of negotiations and may request to participate in the negotiations between the Member State and the third country concerning investment.

Amendment

The Commission shall be kept informed of the progress and results throughout the different stages of negotiations and may request to participate in the negotiations between the Member State and the third country concerning ***foreign direct*** investment.

Amendment 180

Robert Sturdy

Proposal for a regulation

Article 11 – paragraph 3 – introductory part

Text proposed by the Commission

3. Upon notification the Commission shall make an assessment as to whether the negotiated agreement ***does not:***

Amendment

3. Upon notification, the Commission shall make an assessment as to whether the negotiated agreement ***is in line with the requirements under Article 9(1) and (2), which have been communicated to the Member State by the Commission.***

Amendment 181

Pawel Zalewski

Proposal for a regulation

Article 11 – paragraph 3 – introductory part

Text proposed by the Commission

3. Upon notification the Commission shall make an assessment as to whether the negotiated agreement ***does not:***

Amendment

3. Upon notification the Commission shall make an assessment as to whether the negotiated agreement ***is in line with the requirements under Article 9(1) and (2), which have been communicated to the Member State by the Commission.***

Amendment 182

Robert Sturdy

Proposal for a regulation

Article 11 – paragraph 3 – point a

Text proposed by the Commission

(a) conflict with the law of the Union

Amendment

deleted

*other than the incompatibilities arising
from the allocation of competences
between the Union and its Member States,
or*

Or. en

Amendment 183
Pawel Zalewski

Proposal for a regulation
Article 11 – paragraph 3 – point a

Text proposed by the Commission

Amendment

*(a) conflict with the law of the Union
other than the incompatibilities arising
from the allocation of competences
between the Union and its Member States,
or*

deleted

Or. en

Amendment 184
Robert Sturdy

Proposal for a regulation
Article 11 – paragraph 3 – point b

Text proposed by the Commission

Amendment

*(b) undermine the objectives of
negotiations underway or imminent
between the Union and the third country
concerned, or*

deleted

Or. en

Amendment 185
Pawel Zalewski

Proposal for a regulation
Article 11 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) undermine the objectives of negotiations underway or imminent between the Union and the third country concerned, or

deleted

Or. en

Amendment 186

Godelieve Quisthoudt-Rowohl

Proposal for a regulation

Article 11 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or

deleted

Or. en

Amendment 187

Robert Sturdy

Proposal for a regulation

Article 11 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or

deleted

Or. en

Amendment 188
Pawel Zalewski

Proposal for a regulation
Article 11 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) constitute an obstacle to the development and the implementation of the Union's policies relating to investment, including in particular the common commercial policy, or

deleted

Or. en

Amendment 189
Kader Arif

Proposal for a regulation
Article 11 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) constitute an obstacle to the implementation of the principles and objectives of the Union's action on the international scene, as defined by Article 21 of the Treaty on European Union, or

Or. en

Justification

All agreements falling under the scope of the new exclusive competence of the EU shall also respect the general principles and objectives of the EU's external action.

Amendment 190
Robert Sturdy

Proposal for a regulation
Article 11 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) conflict with the requirement of Article 9(2), where applicable. ***deleted***

Or. en

Amendment 191
Pawel Zalewski

Proposal for a regulation
Article 11 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) conflict with the requirement of Article 9(2), where applicable. ***deleted***

Or. en

Amendment 192
Pablo Zalba Bidegain

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the Commission finds that the negotiations have resulted in an agreement which does not fulfil the requirements referred to in paragraphs 3, the Member State shall not be authorised to sign and conclude the agreement. ***deleted***

Or. en

Amendment 193
Robert Sturdy

Proposal for a regulation
Article 11 – paragraph 6

Text proposed by the Commission

6. Decisions pursuant to paragraphs 4 and 5 shall be taken in accordance with the procedure referred to in Article 15(2). The Commission shall take the decision within **90 days** of receipt of the notifications referred to in paragraphs 1 and 2. Where additional information is needed to take the decision, the **90 days** shall run from the date of receipt of the additional information.

Amendment

6. Decisions pursuant to paragraphs 4 and 5 shall be taken in accordance with the procedure referred to in Article 15(2). The Commission shall take the decision within **60 working days** of receipt of the notifications referred to in paragraphs 1 and 2. Where additional information is needed to take the decision, the **60 working days** shall run from the date of receipt of the additional information.

Or. en

Amendment 194
Pawel Zalewski

Proposal for a regulation
Article 11 – paragraph 6

Text proposed by the Commission

6. Decisions pursuant to paragraphs 4 and 5 shall be taken in accordance with the procedure referred to in Article 15(2). The Commission shall take the decision within **90 days** of receipt of the notifications referred to in paragraphs 1 and 2. Where additional information is needed to take the decision, the **90 days** shall run from the date of receipt of the additional information.

Amendment

6. Decisions pursuant to paragraphs 4 and 5 shall be taken in accordance with the procedure referred to in Article 15(2). The Commission shall take the decision within **60 working days** of receipt of the notifications referred to in paragraphs 1 and 2. Where additional information is needed to take the decision, the **60 working days** shall run from the date of receipt of the additional information.

Or. en

Amendment 195
Robert Sturdy

Proposal for a regulation
Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where the Commission decides to

negotiate an agreement on foreign direct investment with a third country, it shall duly notify all Member States about its intention and the scope of the new agreement.

Or. en

Amendment 196
Pawel Zalewski

Proposal for a regulation
Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where the Commission decides to negotiate an agreement on foreign direct investment with a third country, it shall duly notify all Member States on its intention and the scope of the agreement.

Or. en

Amendment 197
Emilio Menéndez del Valle

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Refusal to authorise the conclusion of the agreement

1. If, on the basis of its assessment under Article 11(3), the Commission intends not to authorise the conclusion of the negotiated agreement, it shall give an opinion to the Member State concerned, within 90 days of receipt of the notification referred to in Article 11(1).

2. Within 30 days of receipt of the opinion of the Commission, the Member State concerned may request the Commission to

enter into discussions with it with a view to finding a solution.

3. If the Member State concerned does not request the Commission to enter into discussions with it within the time limit provided for in paragraph 2, the Commission shall give a reasoned decision on the application of the Member State within 130 days of receipt of the notification referred to in Article 11(1).

4. In the event of the discussions referred to in paragraph 2, the Commission shall give a reasoned decision on the application of the Member State within 30 days of the closure of the discussions.

5. The Commission shall notify its decision to the Member State concerned within 30 days of the decision.

Or. en

Amendment 198
Pablo Zalba Bidegain

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Refusal to authorise the conclusion of the agreement

1. If, on the basis of its assessment under Article 11(3), the Commission intends not to authorise the conclusion of the negotiated agreement, it shall give an opinion to the Member State concerned, within 90 days of receipt of the notification referred to in Article 11(1).

2. Within 30 days of receipt of the opinion of the Commission, the Member State concerned may request the Commission to enter into discussions with it with a view to finding a solution.

3. If the Member State concerned does not request the Commission to enter into discussions with it within the time limit provided for in paragraph 2, the Commission shall give a reasoned decision on the application of the Member State within 130 days of receipt of the notification referred to in Article 11(1).

4. In the event of the discussions referred to in paragraph 2, the Commission shall give a reasoned decision on the application of the Member State within 30 days of the closure of the discussions.

5. The Commission shall notify its decision to the Member State concerned within 30 days of the decision.

Or. en

Amendment 199
Pablo Zalba Bidegain

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. No later than **five** years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter which shall review the need for a continued application of the Chapter.

Amendment

1. No later than **seven** years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter which shall review the need for a continued application of the Chapter.

Or. en

Amendment 200
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter ***which shall review the need for a continued application of the Chapter.***

Amendment

1. No later than five years after the entry into force of this Regulation, the Commission shall present to the European Parliament and the Council a report on the application of this Chapter.

Or. en

Amendment 201
Daniel Caspary

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The report referred to in paragraph 1 shall include an overview of authorisations requested and granted under this Chapter.

Amendment

deleted

Or. en

Amendment 202
Daniel Caspary

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. Where the report referred to in paragraph 1 recommends to discontinue the application of this Chapter or to modify the provisions of this Chapter, it shall be accompanied by an appropriate legislative proposal.

Amendment

deleted

Or. en

Amendment 203
Godelieve Quisthoudt-Rowohl

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the report referred to in paragraph 1 recommends to discontinue the application of this Chapter or to modify the provisions of this Chapter, it shall be accompanied by an appropriate legislative proposal.

deleted

Or. en

Amendment 204
Robert Sturdy

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Amendment

Conduct of Member States with regard to agreements with a third country

Conduct of *the* Member States with regard to agreements *on foreign direct investment* with a third country

Or. en

Amendment 205
Pablo Zalba Bidegain

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. For all agreements falling within the scope of this Regulation, the Member State concerned shall inform the Commission without undue delay of all meetings which take place under the provisions of the agreement. The Commission shall be provided with *the agenda and all relevant* information permitting an understanding of

1. For all agreements falling within the scope of this Regulation, the Member State concerned shall inform the Commission without undue delay of all meetings which take place under the provisions of the agreement. The Commission shall be provided with *enough* information permitting an understanding of the relevant

the topics *to be discussed*. The Commission may request further information from the Member State concerned. Where an issue *to be discussed* might affect the implementation of the Union's policies relating to investment, including in particular the common commercial policy, the Commission can require the Member State concerned to take a particular position.

topics. The Commission may request further information from the Member State concerned. Where an issue might affect the implementation of the Union's policies relating to investment, including in particular the common commercial policy, the Commission can require the Member State concerned to take a particular position.

Or. en

Amendment 206
Pablo Zalba Bidegain

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. For all agreements falling within the scope of this Regulation, the Member State concerned shall inform the Commission without undue delay of any representations made to it that a particular measure is inconsistent with the agreement. The Member State shall also immediately inform the Commission of any request for dispute settlement lodged under the auspices of the agreement as soon as the Member State becomes aware of the request. The Member State and the Commission shall *fully* cooperate and take all necessary measures to ensure an effective defence which may include, where appropriate, that the Commission participates in the procedure.

Amendment

2. For all agreements falling within the scope of this Regulation, the Member State concerned shall inform the Commission without undue delay of any representations made to it that a particular measure is inconsistent with the agreement. The Member State shall also immediately inform the Commission of any request for dispute settlement lodged *against it* under the auspices of the agreement as soon as the Member State becomes aware of the request. The Member State and the Commission shall cooperate and take all necessary measures to ensure an effective defence which may include, where appropriate, that the Commission participates in the procedure.

Or. en

Amendment 207
Pablo Zalba Bidegain

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. For all agreements falling within the scope of this Regulation, the Member State concerned shall ***seek the agreement of*** the Commission before activating any relevant mechanisms for dispute settlement included in the agreement and shall, where requested by the Commission, activate such mechanisms. Such mechanisms shall include consultations with the other party to the agreement and dispute settlement where provided for in the agreement. The Member State and the Commission shall fully cooperate in the conduct of procedures within the relevant mechanisms, which may include, where appropriate, that the Commission participates in the relevant procedures.

Amendment

3. For all agreements falling within the scope of this Regulation, the Member State concerned shall ***inform*** the Commission before activating any relevant mechanisms for ***State to State*** dispute settlement included in the agreement and shall, where requested by the Commission, activate such mechanisms. Such mechanisms shall include consultations with the other party to the agreement and dispute settlement where provided for in the agreement. The Member State and the Commission shall fully cooperate in the conduct of procedures within the relevant mechanisms, which may include, where appropriate, that the Commission participates in the relevant procedures.

Or. en

Amendment 208
Robert Sturdy

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. For all agreements falling within the scope of this Regulation, the Member State concerned shall seek the agreement of the Commission before activating any relevant mechanisms for dispute settlement included in the agreement and shall, where requested by the Commission, activate such mechanisms. Such mechanisms shall include consultations with the other party to the agreement and dispute settlement where provided for in the agreement. The Member State and the Commission shall fully cooperate in the conduct of procedures within the relevant mechanisms, which may include, where appropriate, that the Commission

Amendment

3. For all agreements falling within the scope of this Regulation, the Member State concerned shall seek the agreement of the Commission before activating any relevant mechanisms for dispute settlement ***against a third state*** included in the agreement and shall, where requested by the Commission, activate such mechanisms. Such mechanisms shall include consultations with the other party to the agreement and dispute settlement where provided for in the agreement. The Member State and the Commission shall fully cooperate in the conduct of procedures within the relevant mechanisms, which may include, where appropriate, that the Commission

participates in the relevant procedures.

participates in the relevant procedures

Or. en

Amendment 209
Emilio Menéndez del Valle

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be assisted by the *Advisory Committee for the Management of Transitional Arrangements on International Investment Agreements*.

1. The Commission shall be assisted by the *Trade Policy Committee on Services and Investment*.

Or. en

Justification

Having the Trade Policy Committee and considering its knowledge on the matter there is no need to create a new Advisory Committee.

Amendment 210
Pablo Zalba Bidegain

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be assisted by the *Advisory Committee for the Management of Transitional Arrangements on International Investment Agreements*.

1. The Commission shall be assisted by the *Trade Policy Committee on Services and Investment*.

Or. en

Amendment 211
Emilio Menéndez del Valle

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

deleted

Or. en

Justification

Having the Trade Policy Committee and considering its knowledge on the matter there is no need to create a new Advisory Committee.

Amendment 212

Pablo Zalba Bidegain

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

deleted

Or. en

Amendment 213

Godelieve Quisthoudt-Rowohl

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Where reference is made to this paragraph, **Articles 3** and 7 of Decision 1999/468/EC shall apply.

2. Where reference is made to this paragraph, **Articles 5a** and 7 of Decision 1999/468/EC shall apply.

[Where reference is made to this paragraph, Articles 5, 5a and 6 of the Regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of

implementing powers shall apply.]

Or. en