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*Committee on International Trade*

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**2010/2203(INI)**

9.2.2011

# **AMENDMENTS**

## **1 - 167**

**Draft report**  
**Kader Arif**  
(PE454.567v01-00)

on the future European international investment policy  
(2010/2203(INI))

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**EN**

*United in diversity*

**EN**

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**Amendment 1**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital B a (new)**

*Motion for a resolution*

*Amendment*

***Ba. whereas many of the existing bilateral agreements of Member States originate in an either colonial or Cold War or pre-crisis political context and whereas past mistakes should not be repeated by the EU when structuring the new generation investment agreements or chapters on investment in trade agreements,***

Or. en

**Amendment 2**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital B b (new)**

*Motion for a resolution*

*Amendment*

***Bb. whereas options should be foreseen for partner countries wishing to transform their set of bilateral agreements with EU Member States into a single one with the EU, while providing for an opportunity to review and renegotiate,***

Or. en

**Amendment 3**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital B c (new)**

*Motion for a resolution*

*Amendment*

***Bc. whereas the EU now faces the task to reconcile European Investment Policy with the comprehensive goals of the Union in order to ensure policy coherence, in particular with regard to abolishing poverty and increasing employment, promoting environmental protection and defending human rights, and the fulfilment of the EU's commitment to the ILO decent work agenda, by which means the EU could contribute to the ecological and social reconstruction of the economy,***

Or. en

**Amendment 4  
Helmut Scholz**

**Motion for a resolution  
Recital B d (new)**

*Motion for a resolution*

*Amendment*

***Bd. whereas the protection of investors, and by extension the use of investment law and arbitration, is a means to the end of advancing the public welfare and must not be treated as an end in itself,***

Or. en

**Amendment 5  
Helmut Scholz**

**Motion for a resolution  
Recital C**

*Motion for a resolution*

*Amendment*

C. whereas it is generally acknowledged

C. whereas it is generally acknowledged

that inward investment *improves* host countries' competitiveness *but* outward investment may exacerbate adjustment costs for low-skilled workers,

that inward investment *can have negative or positive effects on a host country's social, environmental and economic development depending on the regulatory environment and the investment's social and environmental features and that* outward investment may exacerbate adjustment costs for low-skilled workers, *whereas it is the responsibility of any government to encourage the beneficial impacts of investments while preventing any harmful effects,*

Or. en

**Amendment 6**  
**Daniel Caspary**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

C. whereas it is generally acknowledged that inward investment improves host countries' competitiveness *but outward investment may exacerbate adjustment costs for low-skilled workers,*

*Amendment*

C. whereas it is generally acknowledged that inward investment improves host countries' competitiveness,

Or. de

**Amendment 7**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

C. whereas it is generally acknowledged that inward investment improves *host* countries' competitiveness *but outward investment may exacerbate adjustment costs for low-skilled workers,*

*Amendment*

C. whereas it is generally acknowledged that inward investment *as well as outward investment* improves countries' competitiveness,

**Amendment 8**  
**Pawel Zalewski**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

C. whereas it is generally acknowledged that inward investment improves host countries' competitiveness **but outward investment may exacerbate adjustment costs for low-skilled workers,**

*Amendment*

C. whereas it is generally acknowledged that inward investment improves host countries' competitiveness,

**Amendment 9**  
**Laima Liucija Andrikiienė, Christofer Fjellner**

**Motion for a resolution**  
**Recital C a (new)**

*Motion for a resolution*

*Amendment*

***Ca. whereas multilateral investment agreements, such as the Energy Charter Treaty, play an important role in facilitating international investment flows by providing investment protection mechanisms that are supported by binding dispute resolution in independent forums,***

**Amendment 10**  
**Christofer Fjellner**

**Motion for a resolution**  
**Recital C a (new)**

*Motion for a resolution*

*Amendment*

***Ca. whereas after the first dispute settlement cases of the 1990s a number of problems became clear, particularly concerning the possibility of conflict between private interests and the regulatory tasks of public authorities, for example in cases where the adoption of legislation led to a state being condemned by international arbitrators for 'indirect expropriation',***

Or. en

**Amendment 11**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

*Amendment*

***D. whereas Articles 206 and 207 TFEU do not define FDI, whereas the Court of Justice of the European Union has specified its understanding of the term FDI, on the basis of three criteria: it should be considered as a long-lasting investment, representing at least 10 % of the affiliated company's equity capital / shares and providing the investor with managerial control over the affiliated company's operations, whereas this definition is in line with those of the IMF and the OECD and is opposed to, in particular, portfolio investments and intellectual property rights,***

***D. whereas Articles 207 TFEU only mentions foreign direct investment (FDI), whereas Member States use broad definitions of the term "foreign investor", thereby including in particular portfolio investment and intellectual property rights, in order to grant the highest level of protection to their investors,***

Or. en

**Amendment 12**  
**Pawel Zalewski**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

D. whereas Articles 206 and 207 TFEU do not define FDI, whereas the Court of Justice of the European Union has specified its understanding of the term FDI, on the basis of three criteria: it should be considered as a long-lasting investment, representing at least 10 % of the affiliated company's equity capital / shares and providing the investor with managerial control over the affiliated company's operations, whereas this definition is in line with those of the IMF and the OECD ***and is opposed to, in particular, portfolio investments and intellectual property rights,***

*Amendment*

D. whereas Articles 206 and 207 TFEU do not define FDI, whereas the Court of Justice of the European Union has specified its understanding of the term FDI, on the basis of three criteria: it should be considered as a long-lasting investment, representing at least 10 % of the affiliated company's equity capital / shares and providing the investor with managerial control over the affiliated company's operations, whereas this definition is in line with those of the IMF and the OECD,

Or. en

**Amendment 13**  
**Daniel Caspary**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

D. whereas Articles 206 and 207 TFEU do not define FDI, whereas the Court of Justice of the European Union has specified its understanding of the term FDI, on the basis of three criteria: it should be considered as a long-lasting investment, representing at least 10 % of the affiliated company's equity capital / shares and providing the investor with managerial control over the affiliated company's operations, whereas this definition is in line with those of the IMF and the OECD and is

*Amendment*

D. whereas Articles 206 and 207 TFEU do not define FDI, whereas the Court of Justice of the European Union has specified its understanding of the term FDI, on the basis of three criteria: it should be considered as a long-lasting investment, representing at least 10 % of the affiliated company's equity capital / shares and providing the investor with managerial control over the affiliated company's operations, whereas this definition is in line with those of the IMF and the OECD and is



opposed to, in particular, portfolio investments and intellectual property rights,

opposed to, in particular, portfolio investments and intellectual property rights,

*although in view of the emergence of global chains and global production it is hard to distinguish clearly between FDI and portfolio investments and a rigid legal definition will be hard to apply to investment practice in the real world,*

Or. de

**Amendment 14**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital D a (new)**

*Motion for a resolution*

*Amendment*

*Da. whereas managerial control gained by investment has in a number of cases led to the elimination of the competitor, or to drastic reductions of the work force or to social or environmental dumping, while the investment as such was still being counted positively in statistics on foreign direct investment; whereas such investments do not deserve protection,*

Or. en

**Amendment 15**  
**Christofer Fjellner**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

*Amendment*

*E. whereas some Member States use broad definitions of the term ‘foreign investor’, with a simple postal address deemed sufficient to determine the*

*deleted*

*nationality of an enterprise, whereas this has enabled some enterprises to file suits against their own countries via BITs signed by third countries, whereas investors have also used this technique to select the BITs most conducive to filing a complaint,*

Or. en

**Amendment 16**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

*Amendment*

*E. whereas some Member States use broad definitions of the term ‘foreign investor’, with a simple postal address deemed sufficient to determine the nationality of an enterprise, whereas this has enabled some enterprises to file suits against their own countries via BITs signed by third countries, whereas investors have also used this technique to select the BITs most conducive to filing a complaint,*

*deleted*

Or. en

**Amendment 17**  
**Pawel Zalewski**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

*Amendment*

*E. whereas some Member States use broad definitions of the term ‘foreign investor’, with a simple postal address deemed sufficient to determine the nationality of*

*E. whereas any company that is lawfully registered in the EU should be able to rely on future EU investment agreements or free trade agreements with investment*

*an enterprise, whereas this has enabled some enterprises to file suits against their own countries via BITs signed by third countries, whereas investors have also used this technique to select the BITs most conducive to filing a complaint,*

*chapters,*

Or. en

**Amendment 18**  
**Daniel Caspary**

**Motion for a resolution**  
**Recital E a (new)**

*Motion for a resolution*

*Amendment*

*Ea. whereas reduced investment protection in the European Union could lead to what is termed ‘BIT shopping’,*

Or. de

**Amendment 19**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital E a (new)**

*Motion for a resolution*

*Amendment*

*Ea. whereas in order to be worth being protected, investments should contribute to the creation of decent work, induce means to the host country's economy rather than extract profits, be favourable for the implementation of the millennium targets and contribute to fostering high standards in social and environmental protection,*

Or. en

**Amendment 20**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital F**

*Motion for a resolution*

F. whereas the emergence of new countries with strong investment capacity as local or global powers has changed the classic view whereby the only investors were from developed countries,

*Amendment*

F. whereas the emergence of new countries with strong investment capacity as local or global powers has changed the classic view whereby the only investors were from developed countries; ***whereas this development would expose the EU and its Member States to a rapidly growing extend to investor-to-state arbitration cases provided that the EU allows for investor-state dispute settlement in its future agreements with countries such as China, India, Russia, Canada or the MERCOSUR,***

Or. en

**Amendment 21**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital F a (new)**

*Motion for a resolution*

***Fa. whereas states have a fundamental right to regulate on behalf of the public welfare and whereas this right must not be subordinated to the interests of investors,***

*Amendment*

Or. en

**Amendment 22**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital F b (new)**

*Motion for a resolution*

*Amendment*

***Fb. whereas it remains questionable to what extent the Commission may negotiate investment agreements with a content that limits legislators' policy space on either EU or Member State level and that might lead to unclear liabilities following arbitration procedures,***

Or. en

**Amendment 23**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Recital G**

*Motion for a resolution*

*Amendment*

G. whereas after the first dispute settlement cases of the 1990s ***a number of*** problems became clear, particularly concerning the possibility of conflict between private interests and the regulatory tasks of public authorities, ***for example in cases where the adoption of legislation led to a state being condemned by international arbitrators for 'indirect expropriation'***,

G. whereas after the first dispute settlement cases of the 1990s ***besides general positive experiences some*** problems became clear, particularly concerning the possibility of conflict between private interests and the regulatory tasks of public authorities,

Or. en

**Amendment 24**  
**Kader Arif**

**Motion for a resolution**  
**Recital G**

*Motion for a resolution*

G. whereas after the first dispute settlement cases of the 1990s a number of problems became clear, particularly concerning the possibility of conflict between private interests and the regulatory tasks of public authorities, for example in cases where the adoption of legislation led to a state being condemned by international arbitrators for *'indirect expropriation'*,

*Amendment*

G. whereas after the first dispute settlement cases of the 1990s a number of problems became clear, particularly concerning the possibility of conflict between private interests and the regulatory tasks of public authorities, for example in cases where the adoption of *legitimate* legislation led to a state being condemned by international arbitrators for *a breach of the principle of "fair and equitable treatment"*,

Or. en

**Amendment 25**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital G a (new)**

*Motion for a resolution*

*Amendment*

*Ga. whereas the award of damages as a remedy of first resort in investment arbitration poses a serious threat to democratic choice and the capacity of governments to act in the public interest by way of innovative policy-making in response to changing social, economic, and environmental conditions,*

Or. en

**Amendment 26**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital G b (new)**

*Motion for a resolution*

*Amendment*

*Gb. whereas the current practice of*

*arbitration courts suffers from a lack of transparency and contradicts EU policy on guaranteeing access to information,*

Or. en

**Amendment 27**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital G c (new)**

*Motion for a resolution*

*Amendment*

*Gc. whereas the use of vague language in agreements, which is vulnerable to far reaching and questionable interpretations, increases the risk for a broad range of regulatory measures that pursue a clear and legitimate public purpose, to be attacked by investors claiming indirect expropriation,*

Or. en

**Amendment 28**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital H a (new)**

*Motion for a resolution*

*Amendment*

*Ha. whereas awards issued by international arbitrators against states have in numerous cases incorporated overly expansive interpretations of language in investment treaties; whereas these interpretations have generally prioritised the protection of the property and economic interests of transnational corporations over the right to regulate of states and the right to self-determination of peoples; whereas this constitutes a*

*major disturbance of the balance between investor protection and protection of public interests,*

Or. en

**Amendment 29**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital H b (new)**

*Motion for a resolution*

*Amendment*

*Hb. whereas unfavourable rulings in an arbitration case have led to a decision of the Ecuadorian parliament to exit the country's BITs with certain EU Member States; whereas other countries like Brazil have never ratified bilateral investment agreements at all while still remaining very attractive for foreign direct investment,*

Or. en

**Amendment 30**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital H c (new)**

*Motion for a resolution*

*Amendment*

*Hc. whereas in the established law systems of EU Member States it is up to highly sophisticated courts and judges and not to any sort of panel to determine priorities in case of conflicting rights, values and constitutional tasks,*

Or. en



**Amendment 31**  
**Daniel Caspary**

**Motion for a resolution**  
**Recital I a (new)**

*Motion for a resolution*

*Amendment*

***Ia. whereas although a terminated BIT may remain in force for up to 20 years, this transitional phase applies only to existing investment and not to new investment; whereas it is therefore essential not to terminate a BIT before it is replaced by a new EU investment protection agreement,***

Or. de

**Amendment 32**  
**Helmut Scholz**

**Motion for a resolution**  
**Recital I a (new)**

*Motion for a resolution*

*Amendment*

***Ia. whereas notably text proposals in the context of the negotiations with Canada and India have already caused concerns among civil society organisations, in particular with regard to the effects for Indian generics production and for SMEs on both sides,***

Or. en

**Amendment 33**  
**Pawel Zalewski**

**Motion for a resolution**  
**Recital I a (new)**

*Motion for a resolution*

*Amendment*

***Ia. whereas the newly established European External Action Service shall reinforce the EU's global presence and role, including the promotion and defence of EU's trade goals, also in the investment area,***

Or. en

**Amendment 34**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Notes that the new exclusive EU competence on FDI poses a double challenge, on one hand for managing the existing BITs and on the other hand for defining a European investment policy which meets the expectations of investors and beneficiary states ***but also the EU's broader economic interests and external policy objectives;***

*Amendment*

1. Notes that the new exclusive EU competence on FDI poses a double challenge, on one hand for managing the existing BITs and on the other hand for defining a European investment policy which meets the expectations of investors and beneficiary states, ***namely by raising the level of protection and concluding new treaties with trading partners that have few or no BIT's with Member States;***

Or. en

**Amendment 35**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build

*Amendment*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build

with Parliament an integrated and coherent investment policy which promotes **high-quality investments and makes a positive contribution to economic, social and environmental progress**;

with Parliament an integrated and coherent investment policy which promotes *investment*;

Or. de

**Amendment 36**  
**Paweł Zalewski**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build with Parliament an integrated and coherent investment policy which promotes **high-quality investments and makes a positive contribution to economic, social and environmental progress**;

*Amendment*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build with Parliament an integrated and coherent investment policy which promotes and **protects investments**;

Or. en

**Amendment 37**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build with Parliament an integrated and coherent investment policy which promotes high-quality investments and makes a positive contribution to economic, social and environmental progress;

*Amendment*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build with Parliament, **and in close cooperation with the European public** an integrated and coherent investment policy which promotes **and regulates** high-quality investments and makes a positive contribution to economic, social and

environmental progress *striving for sustainable development*;

Or. en

**Amendment 38**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build with Parliament an integrated and coherent investment policy which promotes high-quality investments and makes a positive contribution to economic, *social and environmental* progress;

*Amendment*

2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build with Parliament an integrated and coherent investment policy which promotes high-quality investments and makes a positive contribution to *world wide* economic progress;

Or. en

**Amendment 39**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 2 a (new)**

*Motion for a resolution*

*2a. Recalls that the current phase of globalisation has seen a dramatic increase in FDI, accounting in 2007, the year before investment was affected by the global economic and financial crisis, to a record high of almost EUR 1.500 billion, with the EU being the largest source of FDI in the entire global economy;*

Or. en

**Amendment 40**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Welcomes the Commission's Communication 'Towards a comprehensive European international investment policy' ***but stresses that, while extensively focusing on investor protection, it should better address the need to protect the public capacity to regulate;***

*Amendment*

3. Welcomes the Commission's Communication 'Towards a comprehensive European international investment policy';

Or. de

**Amendment 41**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Welcomes the Commission's Communication 'Towards a comprehensive European international investment policy' ***but stresses that, while extensively focusing on investor protection, it should better address the need to protect the public capacity to regulate;***

*Amendment*

3. Welcomes the Commission's Communication 'Towards a comprehensive European international investment policy' ***and stresses the importance of inward and outward investment for the economy of the European Union, European enterprises and European employees, as investment establishes businesses and jobs in Europe as well as abroad and builds the global supply chains that are part of the modern international economy;***

Or. en

**Amendment 42**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. **Welcomes** the Commission's Communication 'Towards a comprehensive European international investment policy' **but stresses that, while extensively focusing on** investor protection, it should **better address** the need to protect the public capacity to regulate;

*Amendment*

3. **Notes** the Commission's Communication 'Towards a comprehensive European international investment policy'; **criticises this Communication for being heavily biased towards mainly investor protection and market access enforcement; deplores that it comes short of developing a new investment policy that meets the social and environmental challenges of the 21st Century and fails to meet the EU's obligation to exercise policy coherence for development, to which end it should have prioritised** the need to protect the public capacity to regulate;

Or. en

**Amendment 43**  
**Carl Schlyter on behalf of the Verts/ALE Group**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. **Welcomes** the Commission's Communication 'Towards a comprehensive European international investment policy' **but stresses that, while extensively focusing on** investor protection, it should **better address** the need to protect the public capacity to regulate;

*Amendment*

3. **Notes that** the Commission's Communication 'Towards a comprehensive European international investment policy' **focuses** extensively on investor protection, **while** it should **equally** address the need to protect the public capacity to regulate;

Or. en

**Amendment 44**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Welcomes the Commission's Communication 'Towards a comprehensive European international investment policy' but stresses that, while extensively focusing on investor protection, it should better address the *need* to protect the public capacity to regulate;

*Amendment*

3. Welcomes the Commission's Communication 'Towards a comprehensive European international investment policy' but stresses that, while extensively focusing on investor protection, it should better address the *right* to protect the public capacity to regulate;

Or. en

**Amendment 45**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Calls on the Commission to bear in mind the lessons learnt on multilateral, plurilateral and bilateral level, in particular regarding the failure of OECD negotiations on *an international investment agreement*;

*Amendment*

4. Calls on the Commission to bear in mind the lessons learnt on multilateral, plurilateral and bilateral level, in particular regarding the failure of OECD negotiations on *a Multilateral Agreement on Investment*;

Or. en

**Amendment 46**  
**Michael Theurer**

**Motion for a resolution**  
**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

***4a. Urges the Commission to develop the EU's investment strategy in a careful and coordinated manner drawing on the best practise of BITs; notes the divergence of content within Member State agreements and calls on the Commission to reconcile these divergences to provide a strong Union template for investment agreements;***

Or. en

**Amendment 47**

**Carl Schlyter on behalf of the Verts/ALE Group**

**Motion for a resolution**

**Paragraph 4 a (new)**

*Motion for a resolution*

*Amendment*

***4a. Reminds that increased volumes and new types of inward investments pose new challenges to the EU which are not reflected in most of the existing BITs of the EU Member States; welcomes the new approach exercised in the bilateral investment treaty policy of the USA and Canada regarding a stronger focus on the right to regulate in matters of public policy interests; calls on the Commission to enter into a transatlantic dialogue in order to draw lessons from these experiences and to report policy recommendations resulting from such consultations to Parliament before any new EU international investment treaty is negotiated with any partner country;***

Or. en



**Amendment 48**

**Carl Schlyter on behalf of the Verts/ALE Group**

**Motion for a resolution  
Paragraph 4 b (new)**

*Motion for a resolution*

*Amendment*

***4b. Takes note of South Africa's wish to incorporate the possibility of discrimination resulting from its Black Empowerment Program into its existing BITs; recommends a positive approach in negotiations with South Africa regarding a change of existing BITs of EU Member States with this country;***

Or. en

**Amendment 49  
Christofer Fjellner**

**Motion for a resolution  
Paragraph 5**

*Motion for a resolution*

*Amendment*

***5. Considers that the same high level of protection should not be granted to all kinds of investments and that, for example, portfolio investment and intellectual property rights should be excluded from the scope of future international investment agreements signed by the EU;***

*deleted*

Or. en

**Amendment 50**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that the same high level of protection should ***not be granted*** to all kinds of *investments and that, for example, portfolio investment and intellectual property rights should be excluded from the scope of future international investment agreements signed by the EU*;

*Amendment*

5. Considers that the same high level of protection should ***apply*** to all kinds of *investment*;

Or. de

**Amendment 51**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that the same high level of protection should not be granted to all kinds of investments ***and that***, for example, portfolio investment and intellectual property rights ***should be excluded from the scope of future international investment agreements signed by the EU***;

*Amendment*

5. Considers that the same high level of protection should not be granted to all kinds of investments, ***including*** for example, portfolio investment and intellectual property rights,

Or. en

**Amendment 52**  
**Jan Zahradil**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that the same high level of protection should **not** be granted to all kinds of investments and that, for example, portfolio investment and intellectual property rights should be **excluded from** the scope of future international investment agreements signed by the EU;

*Amendment*

5. Considers that the same high level of protection should be granted to all kinds of investments and that, for example, portfolio investment and intellectual property rights should be **included in** the scope of future international investment agreements signed by the EU;

Or. en

**Amendment 53**  
**Godeliève Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that the same high level of protection should **not** be granted to all kinds of investments **and that, for example**, portfolio investment and intellectual property rights should be **excluded from** the scope of future international investment agreements signed by the EU;

*Amendment*

5. Considers that the same high level of protection should be granted to all kinds of investments, **besides foreign direct investment in particular** portfolio investment and intellectual property rights should be **included in** the scope of future international investment agreements signed by the EU;

Or. en

**Amendment 54**  
**Niccolò Rinaldi, Carl Schlyter, David Martin**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that the same high level of protection should not be granted to all kinds of investments and that, for example, portfolio investment and intellectual

*Amendment*

5. Considers that the same high level of protection should not be granted to all kinds of investments and that, for example, portfolio investment and intellectual

property rights should be excluded from the scope of future international investment agreements signed by the EU;

property rights should be excluded from the scope of future international investment agreements signed by the EU; ***is therefore concerned that the Commission's recommendation for a negotiating directive on investment with India includes intellectual property rights; cautions that this could have a negative impact on the production of generic medicines and on public health;***

Or. en

**Amendment 55**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Considers that the same high level of protection should not be granted to all kinds of investments and that, for example, portfolio investment and intellectual property rights ***should*** be excluded from the scope of future international investment agreements signed by the EU;

*Amendment*

5. Considers that the same high level of protection ***and treatment*** should not be granted to all kinds of investments and that, for example, portfolio investment and intellectual property rights ***shall*** be excluded from the scope of future international investment agreements signed by the EU;

Or. en

**Amendment 56**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

***5a. Stresses that finance corporations shall not be given the opportunity to place their purely financial transactions, investments and speculations in host***

*countries under the protection of an investment agreement;*

Or. en

**Amendment 57**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

*Amendment*

***6. Notes with concern that negotiating a broad variety of investments would lead to mixing exclusive and shared competences; is concerned that if the Member States give the Commission a mandate to negotiate on all matters this could lead to substantial European concessions in the field of investment, given that the EU's already open economy means that it has few other levers in international negotiations;***

***deleted***

Or. en

**Amendment 58**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

*Amendment*

***6. Notes with concern that negotiating a broad variety of investments would lead to mixing exclusive and shared competences; is concerned that if the Member States give the Commission a mandate to negotiate on all matters this could lead to substantial European concessions in the field of investment, given that the EU's already open economy***

***deleted***

*means that it has few other levers in international negotiations;*

Or. en

**Amendment 59**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. Notes ***with concern*** that negotiating a broad variety of investments would lead to mixing exclusive and shared competences; ***is concerned that if the Member States give the Commission a mandate to negotiate on all matters this could lead to substantial European concessions in the field of investment, given that the EU's already open economy means that it has few other levers in international negotiations;***

*Amendment*

6. Notes that negotiating a broad variety of investments would lead to mixing exclusive and shared competences;

Or. de

**Amendment 60**  
**Carl Schlyter on behalf of the Verts/ALE Group**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. Notes with concern that negotiating a broad variety of investments would lead to mixing exclusive and shared competences; is concerned that if the Member States give the Commission a mandate to negotiate on all ***matters*** this could lead to substantial European concessions in the field of investment, given that the EU's already open economy means that it has few other

*Amendment*

6. Notes with concern that negotiating a broad variety of investments would lead to mixing exclusive and shared competences; is concerned that if the Member States give the Commission a mandate to negotiate on all ***types of investment*** this could lead to substantial European concessions in the field of investment, given that the EU's already open economy means that it has

levers in international negotiations;

few other levers in international negotiations;

Or. en

**Amendment 61**

**Laima Liucija Andrikienė, Christofer Fjellner**

**Motion for a resolution**

**Paragraph 6 a (new)**

*Motion for a resolution*

*Amendment*

***6a. Takes the view that in order not to create legal uncertainty for on-going claims, investments made under current Bilateral Investment Treaties should continue to be covered by the investment protection measures contained therein; stresses that new treaty provisions on investment protection should only affect investments made after the date the treaty comes into force;***

Or. en

**Amendment 62**

**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**

**Paragraph 6 a (new)**

*Motion for a resolution*

*Amendment*

***6a. Recalls that the standard EU Member State BIT uses a broad definition of "foreign investor" in order to grant the highest level of protection to inward as well as to outward investors; stresses in that regard the need for a strong and coherent investment policy of the EU, building on the best practises of Member State experiences with BITs;***

**Amendment 63**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 6 a (new)**

*Motion for a resolution*

*Amendment*

**6a. Calls on introduction of the term "EU investor" that would, reflecting the spirit of Article 207 TFEU, underline the significance of promoting investors from all Member States on equal terms, ensuring them conditions of functioning and protection of their investments on equal footing;**

Or. en

**Amendment 64**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

*Amendment*

7. Stresses the need for a **stricter** definition of 'foreign investor', **considering that broad definitions have led to abusive practices, which should not be permitted;**

7. Stresses the need for a **clear** definition of 'foreign investor';

Or. en

**Amendment 65**  
**Godielieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 7**



*Motion for a resolution*

7. Stresses the need for a **stricter** definition of ‘foreign investor’, considering that **broad definitions have led to abusive practices, which should not be permitted;**

*Amendment*

7. Stresses the need for a **broad** definition of ‘foreign investor’, considering that **such a definition assures the favourable standard protection of all investments without creating problems of demarcation; underlines that any reflection on a stricter definition could have serious negative consequences for investor confidence and could lead to significant irritations in partner countries;**

Or. en

**Amendment 66**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. **Stresses the** need for a stricter definition of ‘foreign investor’, considering that broad definitions have led to abusive practices, **which should not be permitted;**

*Amendment*

7. **Calls on the Commission to consider whether there is a** need for a stricter definition of ‘foreign investor’, considering that broad definitions have led to abusive practices **in the past;**

Or. de

**Amendment 67**  
**Jörg Leichtfried**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Stresses the need for a stricter definition of ‘foreign investor’, considering that broad definitions have led to abusive

*Amendment*

7. Stresses the need for a stricter definition of ‘foreign investor’, **to ensure investment protection for sustainable foreign**

practices, which should not be permitted;

*investments only and having portfolio investments excluded*, considering that broad definitions have led to abusive practices; which should not be permitted;

Or. en

**Amendment 68**  
**Jan Zahradil**

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Stresses the need for a stricter definition of ‘foreign investor’, considering that broad definitions have led to abusive practices, which should not be permitted;

*Amendment*

7. Stresses the need for a stricter definition of ‘foreign investor’, ***drawing on the latest OECD benchmark definition of foreign direct investment***, considering that broad definitions have led to abusive practices, which should not be permitted;

Or. en

**Amendment 69**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 7 a (new)**

*Motion for a resolution*

***7a. Proposes to define the cornerstones of investment agreements and the respective chapters in trade agreements in two regulations defining the points of departure and limits of scope for negotiations with developing countries and with G20 states,***

Or. en

**Amendment 70**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Stresses that investor protection **must remain the first priority of** investment agreements;

*Amendment*

8. Stresses that **investment agreements shall not give priority to** investor protection **over advancing public welfare; emphasises instead that** investment agreements **need to be aiming at sustainable development and at the proper regulation of business practices of transnational investors;**

Or. en

**Amendment 71**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Stresses that **investor** protection **must remain** the first priority of investment agreements;

*Amendment*

8. Stresses that **establishing a comprehensive protection system for all EU investors remains** the first priority of investment agreements;

Or. en

**Amendment 72**  
**Godolieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Stresses that investor protection must remain the first priority of investment

*Amendment*

8. Stresses that investor protection, **namely legal certainty for all investment decisions,** must remain the first priority of

agreements;

investment agreements;

Or. en

**Amendment 73**

**Laima Liucija Andrikienė, Christofer Fjellner**

**Motion for a resolution**

**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8a. Stresses the need to include an investor-to-state dispute settlement mechanism in new EU investment treaties that would allow investors to take claim against a government directly to binding international arbitration in order to ensure effective enforcement of investment commitments;***

Or. en

**Amendment 74**

**Christofer Fjellner**

**Motion for a resolution**

**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8a. Stresses the need to guarantee that any new EU investment treaty must not abrogate the highest level of protection enjoyed by European investors under current bilateral investment treaties;***

Or. en

**Amendment 75**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8a. Stresses the investor protection rights shall only be granted to investors whose operations obey to high standards in human rights, decent work, taxation and other accountability standards and CSR best practise;***

Or. en

**Amendment 76**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8a. Calls on the Commission to invest all its personal and material resources in the negotiation and conclusion of EU investment agreements instead of reviewing and questioning existing BITs of Member States;***

Or. en

**Amendment 77**  
**Christofer Fjellner**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

*Amendment*

***9. Doubts whether the request expressed by the Council in its conclusions on the Communication – that the new European***

***deleted***

*legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements – constitutes an achievable objective; considers that with such a broad and undefined criterion any new agreement could be opposed;*

Or. en

**Amendment 78**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. ***Doubts whether*** the request expressed by the Council in its conclusions on the Communication – that the new European legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements – ***constitutes an achievable objective; considers that with such a broad and undefined criterion any new agreement could be opposed;***

*Amendment*

9. ***Welcomes*** the request expressed by the Council in its conclusions on the Communication that the new European legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements;

Or. en

**Amendment 79**  
**Carl Schlyter on behalf of the Verts/ALE Group**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. ***Doubts whether*** the request expressed by the Council in its conclusions on the Communication – that the new European legal framework should ***not negatively affect*** investor protection ***and guarantees***

*Amendment*

9. ***Rejects*** the request expressed by the Council in its conclusions on the Communication – that the new European legal framework should ***"at least" guarantee*** investor protection ***at the level***

enjoyed under the existing agreements – **constitutes an achievable objective**; **considers** that with such a **broad and undefined** criterion any new agreement could be opposed;

enjoyed under ***the most investor friendly of any of*** the existing agreements ***of EU Member States, because it would undermine the necessary attempt to better balance investor protection - in an era of increased inward investment into the EU – with the widening of policy space to regulate in the field of public interest***; **warns** that with such a criterion any new ***international EU investment*** agreement could be opposed; **retains that such a criterion might even create legal uncertainty regarding which of two competing BITs should be considered as more investor-friendly**;

Or. en

**Amendment 80**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. ***Doubts whether*** the request expressed by the Council in its conclusions on the Communication – that the new European legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements – constitutes an achievable objective; **considers** that with such a **broad and undefined** criterion **any new agreement** could be opposed;

*Amendment*

9. ***Believes that*** the request expressed by the Council in its conclusions on the Communication – that the new European legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements – constitutes an achievable objective; **but sees a risk** that with such a broad criterion new **agreements** could be opposed;

Or. de

**Amendment 81**  
**Paweł Zalewski**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Doubts whether the request expressed by the Council in its conclusions on the Communication – that the new European legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements – constitutes an achievable objective; considers that with such a broad and undefined criterion any new agreement could be opposed;

*Amendment*

9. Doubts whether the request expressed by the Council in its conclusions on the Communication – that the new European legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements – constitutes an achievable objective; considers that with such a broad and undefined criterion any new agreement could be opposed; ***moreover, such a formulation of the evaluation criterion may contradict the meaning and spirit of Article 207 of TFEU. While constituting the common investment policy, the term "EU investor", to whom a high degree of comprehensive protection in third countries shall be granted, should be acknowledged;***

Or. en

**Amendment 82**

**Helmut Scholz**

**Motion for a resolution**

**Paragraph 9 a (new)**

*Motion for a resolution*

*Amendment*

***9a. Encourages states to review their investment treaties with a view to renegotiating them with the EU in light of concerns expressed in this report;***

Or. en

**Amendment 83**

**Helmut Scholz**

**Motion for a resolution**

**Paragraph 10**



*Motion for a resolution*

10. Believes that the need to identify best practices, *to which the Council's conclusions also point*, is a more sensible and more effective option, enabling the development of a *consistent* European *investment* policy;

*Amendment*

10. Believes that the need to identify best practices *and a new paradigm for an international investment policy for sustainable development* is a more sensible and more effective option, enabling the development of a *more coherent* European policy *performance*;

Or. en

**Amendment 84**  
**Godolieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 10**

*Motion for a resolution*

10. Believes that the need to identify best practices, to which the Council's conclusions also point, is a *more* sensible and *more* effective option, enabling the development of a consistent European investment policy;

*Amendment*

10. Believes that the need to identify best practices, to which the Council's conclusions also point, is a sensible and effective option, enabling the development of a consistent European investment policy;

Or. en

**Amendment 85**  
**Godolieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 11 – introductory part**

*Motion for a resolution*

11. Considers that future investment agreements concluded by the EU should include the following standards:

*Amendment*

11. Considers that future investment agreements concluded by the EU should *be based on the best practise of Member State experiences and* include the following standards:

**Amendment 86**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 11 – indent 1**

*Motion for a resolution*

– non-discrimination (national treatment and most favoured nation), mentioning that foreign and national investors must operate under ‘similar conditions’,

*Amendment*

– ***precise wording and clear limits regarding issues of*** non-discrimination (national treatment and most favoured nation) ***in agreements with developed partners***, mentioning that foreign and national investors must operate under ‘similar conditions’; ***more flexibility regarding MFN clauses in agreements with developing partners with a view to not obstructing regional integration processes***,

Or. en

**Amendment 87**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 11 – indent 1**

*Motion for a resolution*

– non-discrimination (national treatment and most favoured nation), mentioning that foreign and national investors must operate under ‘***similar*** conditions’,

*Amendment*

– non-discrimination (national treatment and most favoured nation), mentioning that foreign and national investors must operate under ‘***equal*** conditions’,

Or. en

**Amendment 88**  
**Kader Arif**

**Motion for a resolution**  
**Paragraph 11 – indent 1**

*Motion for a resolution*

– non-discrimination (national treatment and most favoured nation), mentioning that foreign and national investors must operate *under ‘similar conditions’*,

*Amendment*

– non-discrimination (national treatment and most favoured nation), mentioning that foreign and national investors must operate *"in like circumstances"*,

Or. en

**Amendment 89**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 11 – indent 1 a (new)**

*Motion for a resolution*

*- strengthening of governments' rights and scope to regulate the economy including investments in the public interest,*

*Amendment*

Or. en

**Amendment 90**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 11 – indent 2**

*Motion for a resolution*

– fair and equitable treatment, defined *on the basis of the* level of treatment established by international customary law,

*Amendment*

– fair and equitable treatment, defined *in a way that limits its interpretation to* level of treatment established by international customary law,

Or. en

**Amendment 91**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 11 – indent 3**

*Motion for a resolution*

– protection against expropriation, ***giving a definition for a clear and fair balance between public and private interests;***

*Amendment*

– protection against ***direct and indirect*** expropriation;

Or. de

**Amendment 92**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 11 – indent 3**

*Motion for a resolution*

– protection against expropriation, ***giving a definition for a clear and fair balance between public and private interests;***

*Amendment*

– protection against expropriation ***without adequate compensation, based on a mutual understanding of the definition for a clear and fair balance between public and private interests, including a provision for a renegotiation of the terms of an investment contract, and excluding the notion of so-called indirect expropriation by regulatory measures;***

Or. en

**Amendment 93**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 11 – indent 3 a (new)**

*Motion for a resolution*

*Amendment*

*– maintenance of ‘umbrella clauses’;*

Or. de

**Amendment 94**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 11 – indent 3 a (new)**

*Motion for a resolution*

*Amendment*

*- strong enforcement mechanisms,  
including investor-state dispute  
settlement,*

Or. en

**Amendment 95**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 11 – indent 3 b (new)**

*Motion for a resolution*

*Amendment*

*- a so-called "umbrella clause", which  
enables integration into the scope of a  
BIT of all private-law contracts concluded  
between an investor and the signatory  
state of the BIT and makes international  
arbitration possible if such a contract is  
violated,*

Or. en

**Amendment 96**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 11 – indent 3 c (new)**

*Motion for a resolution*

*Amendment*

**- a most favoured nation clause,**

Or. en

**Amendment 97**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 11 – indent 3 a (new)**

*Motion for a resolution*

*Amendment*

**- adequate enforcement mechanisms,  
including investor-to-state dispute  
settlement,**

Or. en

**Amendment 98**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

**11a. Acknowledges that beyond  
traditional investment policy standards  
driven by an investor protection approach,  
an urgent need has now developed for  
new binding standards regarding investor  
responsibility and accountability which  
should be placed at the core of future EU  
investment agreements;**

Or. en

**Amendment 99**

**Laima Liucija Andrikienė, Christofer Fjellner**

**Motion for a resolution**

**Paragraph 12**

*Motion for a resolution*

*Amendment*

**12. Considers, however, that the so-called ‘umbrella clause’, which enables integration into the scope of a BIT of all the private-law contracts concluded between an investor and the signatory state of the BIT and makes international arbitration possible if such a contract is violated, should be kept out of any future investment agreement concluded by the EU;** **deleted**

Or. en

**Amendment 100**

**Daniel Caspary**

**Motion for a resolution**

**Paragraph 12**

*Motion for a resolution*

*Amendment*

**12. Considers, however, that the so-called ‘umbrella clause’, which enables integration into the scope of a BIT of all the private-law contracts concluded between an investor and the signatory state of the BIT and makes international arbitration possible if such a contract is violated, should be kept out of any future investment agreement concluded by the EU;** **deleted**

Or. de

**Amendment 101**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

*Amendment*

***12. Considers, however, that the so-called ‘umbrella clause’, which enables integration into the scope of a BIT of all the private-law contracts concluded between an investor and the signatory state of the BIT and makes international arbitration possible if such a contract is violated, should be kept out of any future investment agreement concluded by the EU;***

***deleted***

Or. en

**Amendment 102**  
**Jan Zahradil**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

*Amendment*

***12. Considers, however, that the so-called ‘umbrella clause’, which enables integration into the scope of a BIT of all the private-law contracts concluded between an investor and the signatory state of the BIT and makes international arbitration possible if such a contract is violated, should be kept out of any future investment agreement concluded by the EU;***

***deleted***

Or. en



**Amendment 103**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***12a. Recommends that instead of trying to refer to investment agreements to impose a contractor's interests, investment contracts between a state and a private investor should provide a mechanism for managed renegotiation by both investor and state, based on a fair and balanced process in which adequate support and resourcing is available to both parties, so as to accommodate significant changes in the circumstances of the underlying agreement;***

Or. en

**Amendment 104**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 12 b (new)**

*Motion for a resolution*

*Amendment*

***12b. Points out that from the start, investment contracts should be concluded and implemented in accordance with the principles of public accountability and openness and should preserve the state's right to regulate in good faith and for a legitimate purpose;***

Or. en

**Amendment 105**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

*Amendment*

**13. Calls on the Commission to ensure reciprocity when negotiating market access with its main developed trading partners, while bearing in mind the need to exclude sensitive sectors and to maintain asymmetry in the EU's trading relations with developing countries;**

*deleted*

Or. en

**Amendment 106**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

*Amendment*

13. Calls on the Commission to ensure reciprocity when negotiating market access with its *main developed* trading partners, *while bearing in mind the need to exclude sensitive sectors and to maintain asymmetry in the EU's trading relations with developing countries;*

13. Calls on the Commission to ensure reciprocity when negotiating market access with its trading partners;

Or. en

**Amendment 107**  
**Jan Zahradil**

**Motion for a resolution**  
**Paragraph 13**

*Motion for a resolution*

*Amendment*

13. Calls on the Commission to ensure

13. Calls on the Commission to ensure

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reciprocity when negotiating market access with its main developed trading partners, while bearing in mind the need to *exclude* sensitive sectors and to maintain asymmetry in the EU's trading relations with developing countries;

reciprocity *and proportionality* when negotiating market access with its main developed trading partners, while bearing in mind the need to *put in place appropriate safeguard measures to avoid injury or threat of injury* to sensitive sectors *of Union's industry* and to maintain asymmetry in the EU's trading relations with developing countries;

Or. en

**Amendment 108**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Stresses that future investment agreements concluded by the EU must protect the capacity for public intervention;

*Amendment*

14. Stresses that future investment agreements concluded by the EU must protect the capacity for public intervention, *but underlines that in case of direct or indirect expropriation of an investor by such an intervention, a compensation must be provided for,*

Or. en

**Amendment 109**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

14. Stresses that future investment agreements concluded by the EU must protect the capacity for public intervention;

*Amendment*

14. Stresses that future investment agreements concluded by the EU must protect the capacity for public intervention, *but underlines that in case of direct or indirect expropriation of an investor by such an intervention compensation must*

*be provided;*

Or. en

### **Amendment 110**

**Carl Schlyter on behalf of the Verts/ALE Group**

#### **Motion for a resolution**

##### **Paragraph 14**

*Motion for a resolution*

14. Stresses that future investment agreements concluded by the EU must protect the capacity for public intervention;

*Amendment*

14. Stresses that future investment agreements concluded by the EU must ***be based on the general principles set out in the TEU, in particular its Articles 3(5) and 6(1), and in the TFEU, in particular its Title II of Part I, and*** protect the capacity for public intervention;

Or. en

### **Amendment 111**

**Carl Schlyter on behalf of the Verts/ALE Group**

#### **Motion for a resolution**

##### **Paragraph 15**

*Motion for a resolution*

15. Expresses its deep concern regarding the ***decision by some*** international arbitrators to make a broad interpretation of investor protection clauses, thereby leading to the ruling out of legitimate public regulations; calls on the Commission to produce clear definitions of investor protection standards in order to avoid such problems;

*Amendment*

15. Expresses its deep concern regarding the ***level of discretion of*** international arbitrators to make a broad interpretation of investor protection clauses, thereby leading to the ruling out of legitimate public regulations; calls on the Commission to produce clear definitions of investor protection standards in order to avoid such problems;

Or. en

**Amendment 112**  
**Laima Liucija Andrikiienė, Christofer Fjellner**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Expresses its deep concern regarding the decision by some international arbitrators to make a broad interpretation of investor protection clauses, thereby leading to the ruling out of legitimate public regulations; calls on the Commission to produce clear definitions of investor protection standards in order to avoid such problems;

*Amendment*

15. Expresses its deep concern regarding the decision by some international arbitrators to make a broad interpretation of investor protection clauses, thereby leading to the ruling out of legitimate public regulations; calls on the Commission to produce clear definitions of investor protection standards in order to avoid such problems *in the new investment agreements*;

Or. en

**Amendment 113**  
**Christofer Fjellner**

**Motion for a resolution**  
**Paragraph 16**

*Motion for a resolution*

***16. Calls on the Commission to include in all future agreements specific clauses laying down the right of the EU and its Member States to regulate, inter alia, in the areas of protection of the environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;***

*Amendment*

*deleted*

Or. en

**Amendment 114**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 16**

*Motion for a resolution*

16. Calls on the Commission to **include** in all future agreements **specific clauses laying down** the right of the EU and its Member States to regulate, inter alia, in the areas of protection of the environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;

*Amendment*

16. Calls on the Commission to **respect** in all future agreements the right of the EU and its Member States to regulate, inter alia, in the areas of protection of the environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;

Or. en

**Amendment 115**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 16**

*Motion for a resolution*

16. Calls on the Commission to include in all future agreements specific clauses laying down the right of the EU and its Member States to regulate, inter alia, in the areas of protection of the environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;

*Amendment*

16. Calls on the Commission to include in all future agreements specific clauses laying down the right of the EU and its Member States **and the other party to the agreement** to regulate, inter alia, in the areas of protection of the environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;

Or. en

**Amendment 116**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 16**

*Motion for a resolution*

16. Calls on the Commission to include in all future agreements specific clauses laying down the right of the EU and its Member States to regulate, inter alia, in the areas of protection of the environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;

*Amendment*

16. Calls on the Commission to include in all future agreements specific clauses laying down the right of the EU and its Member States to regulate, inter alia, in the areas of protection of the **state security**, environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;

Or. en

**Amendment 117**  
**Christofer Fjellner**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

***17. Underlines that the Commission shall establish a list of sectors not covered by future agreements, for example sensitive sectors such as culture, education and those sectors which are strategically important for national defence; notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;***

*Amendment*

***deleted***

Or. en

**Amendment 118**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

*Amendment*

**17. Underlines that the Commission shall establish a list of sectors not covered by future agreements, for example sensitive sectors such as culture, education and those sectors which are strategically important for national defence; notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;**

*deleted*

Or. en

**Amendment 119**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

*Amendment*

17. Underlines that the Commission shall **establish a list of** sectors not covered by future agreements, for example sensitive sectors such as culture, education and those sectors which are strategically important for national defence; **notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;**

17. Underlines that the Commission shall **decide on a case-by-case basis upon** sectors not covered by future agreements, for example sensitive sectors such as culture, education and those sectors which are strategically important for national defence;

Or. en



**Amendment 120**

**Daniel Caspary**

**Motion for a resolution**

**Paragraph 17**

*Motion for a resolution*

17. **Underlines that** the Commission **shall establish a list of sectors not covered by future agreements, for example** sensitive sectors such as culture, education and those sectors which are strategically important for national defence; notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;

*Amendment*

17. **Calls on** the Commission **to exclude** sensitive sectors such as culture, education and those sectors which are strategically important for national defence, **on the basis of a case-by-case decision**; notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;

Or. de

**Amendment 121**

**Niccolò Rinaldi, Carl Schlyter, David Martin**

**Motion for a resolution**

**Paragraph 17**

*Motion for a resolution*

17. Underlines that the Commission shall establish a list of sectors not covered by future agreements, for example sensitive sectors such as culture, education and those sectors which are strategically important for national defence; notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;

*Amendment*

17. Underlines that the Commission shall establish a list of sectors not covered by future agreements, for example sensitive sectors such as culture, education and those sectors which are strategically important for national defence, **and calls on the Commission to foresee safeguards to protect public health**; notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;

Or. en

**Amendment 122**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

18. Stresses that the EU's future policy ***must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, a reference to the updated OECD Guidelines for Multinational Enterprises;***

*Amendment*

18. Stresses that the EU's future policy ***should take*** reference to the updated OECD Guidelines for Multinational Enterprises;

Or. en

**Amendment 123**  
**Michael Theurer**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; ***asks the Commission to include, in all future agreements, a reference to the updated OECD Guidelines for Multinational Enterprises;***

*Amendment*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment ***whilst maintaining investment protection;***

Or. en

**Amendment 124**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; ***asks the Commission to include, in all future agreements, a reference to the updated OECD Guidelines for Multinational Enterprises;***

*Amendment*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment;

Or. en

**Amendment 125**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, ***a reference to*** the updated OECD Guidelines for Multinational Enterprises;

*Amendment*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, ***binding provisions on investor behaviour, based on international standards such as*** the updated OECD Guidelines for Multinational Enterprises, ***the Principles for Responsible Investment (PRI) and the ILO Tripartite Declaration***

**Amendment 126**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, a reference to the updated OECD Guidelines for Multinational Enterprises;

*Amendment*

18. Stresses that the EU's future policy must *also* promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, a reference to the updated OECD Guidelines for Multinational Enterprises;

**Amendment 127**  
**Kader Arif**

**Motion for a resolution**  
**Paragraph 18**

*Motion for a resolution*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, a reference to the updated

*Amendment*

18. Stresses that the EU's future policy must promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, a reference to the updated

OECD Guidelines for Multinational Enterprises;

OECD Guidelines for Multinational Enterprises *or to the ILO Tripartite Declaration of Principles on Multinational Companies and Social Policy*;

Or. en

**Amendment 128**  
**Christofer Fjellner**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

*Amendment*

**19. Reiterates, with regard to the investment chapters in wider free trade agreements (FTAs), its call for a corporate social responsibility clause and legally binding social and environmental clauses to be included in every FTA the EU signs;**

*deleted*

Or. en

**Amendment 129**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

*Amendment*

**19. Reiterates, with regard to the investment chapters in wider free trade agreements (FTAs), its call for a corporate social responsibility clause and legally binding social and environmental clauses to be included in every FTA the EU signs;**

*deleted*

Or. en

**Amendment 130**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

19. Reiterates, with regard to the investment chapters in wider free trade agreements (FTAs), its call for ***a corporate social responsibility clause and legally binding social and environmental clauses to be included*** in every FTA the EU signs;

*Amendment*

19. Reiterates, with regard to the investment chapters in wider free trade agreements (FTAs), its call for ***the promotion of CSR*** in every FTA the EU signs;

Or. en

**Amendment 131**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

19. Reiterates, with regard to the investment chapters in wider free trade agreements (FTAs), its call for a corporate social responsibility clause and ***legally binding*** social and environmental clauses to be included in every FTA the EU signs;

*Amendment*

19. Reiterates, with regard to the investment chapters in wider free trade agreements (FTAs), its call for a corporate social responsibility clause and social and environmental clauses to be included in every FTA the EU signs;

Or. de

**Amendment 132**  
**Michael Theurer**

**Motion for a resolution**  
**Paragraph 19**

*Motion for a resolution*

19. Reiterates, with regard to the

*Amendment*

19. Reiterates, with regard to the

investment chapters in wider free trade agreements (FTAs), its call for a corporate social responsibility clause and **legally binding** social and environmental clauses to be included in every FTA the EU signs;

investment chapters in wider free trade agreements (FTAs), its call for a corporate social responsibility clause and social and environmental clauses to be included in every FTA the EU signs;

Or. en

**Amendment 133**  
**Christofer Fjellner**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

*Amendment*

**20. Requests that such clauses also be included in stand-alone investment agreements, in chapters to which the dispute settlement mechanism applies;**

**deleted**

Or. en

**Amendment 134**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

*Amendment*

**20. Requests that such clauses also be included in stand-alone investment agreements, in chapters to which the dispute settlement mechanism applies;**

**deleted**

Or. en

**Amendment 135**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

**20. Requests that such clauses also be included in stand-alone investment agreements, in chapters to which the dispute settlement mechanism applies;**

*Amendment*

**deleted**

Or. en

**Amendment 136**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

**20. Requests that such clauses also be included in stand-alone investment agreements, in chapters to which the dispute settlement mechanism applies;**

*Amendment*

**20. Proposes that such clauses also be included in stand-alone investment agreements;**

Or. de

**Amendment 137**  
**Michael Theurer**

**Motion for a resolution**  
**Paragraph 20**

*Motion for a resolution*

**20. Requests that such clauses also be included in *stand-alone* investment agreements, in chapters to which the dispute settlement mechanism applies;**

*Amendment*

**20. Requests that *the Commission assesses how* such clauses *have been* also be included in *Member State BITs and to incorporate best practice into EU* investment agreements;**



**Amendment 138**  
**Michael Theurer**

**Motion for a resolution**  
**Paragraph 21**

*Motion for a resolution*

*Amendment*

**21. Welcomes the fact that a number of BITs currently have a clause which prevents the watering-down of social and environmental legislation in order to attract investment and calls on the Commission to include such a clause in its future agreements;**

**deleted**

**Amendment 139**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 21**

*Motion for a resolution*

*Amendment*

21. Welcomes the fact that a number of BITs currently have a clause which ***prevents the watering-down*** of social and environmental ***legislation in order to attract investment and calls on the Commission to include such a clause in its future agreements;***

21. Welcomes the fact that a number of BITs currently have a clause which ***mention the importance*** of social and environmental ***standards;***

**Amendment 140**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 21**

*Motion for a resolution*

21. Welcomes the fact that a number of BITs currently have a clause which prevents the watering-down of social and environmental legislation in order to attract investment and calls on the Commission to **include** such a clause in its future agreements;

*Amendment*

21. Welcomes the fact that a number of BITs currently have a clause which prevents the watering-down of social and environmental legislation in order to attract investment and calls on the Commission to **consider the inclusion of** such a clause in its future agreements;

Or. en

**Amendment 141**  
**Godolieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 21 a (new)**

*Motion for a resolution*

**Amendment 142**  
**Godolieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 22**

*Motion for a resolution*

22. Believes that **major** changes **must be made** to the present dispute settlement regime, **in order to include greater transparency, the opportunity for parties**

*Amendment*

**21a. Requests the inclusion of a "Member State" clause in all future EU investment agreements, which states that inward investment to the EU comes under the laws of the Member State it is directed to and that only the laws of that Member State apply in regard of the legality of the investment;**

Or. en

*Amendment*

22. Believes that **feasible and appropriate** changes to the present dispute settlement procedures **should be explored;**

*to appeal, the obligation to exhaust local judicial remedies (where relevant), the possibility to use amicus curiae briefs and the obligation to select one single place of arbitration;*

Or. en

**Amendment 143**

**Paweł Zalewski**

**Motion for a resolution**

**Paragraph 22**

*Motion for a resolution*

22. Believes that major changes must be made to the present dispute settlement regime, in order to include greater transparency, the opportunity for parties to appeal, ***the obligation to exhaust local judicial remedies (where relevant)***, the possibility to use amicus curiae briefs and the obligation to select one single place of arbitration;

*Amendment*

22. Believes that major changes must be made to the present dispute settlement regime, in order to include greater transparency, the opportunity for parties to appeal, the possibility to use amicus curiae briefs and the obligation to select one single place of arbitration;

Or. en

**Amendment 144**

**Jörg Leichtfried**

**Motion for a resolution**

**Paragraph 22**

*Motion for a resolution*

22. Believes that major changes must be made to the present dispute settlement regime, in order to ***include*** greater transparency, the opportunity ***for parties*** to appeal, the obligation to exhaust local judicial remedies (where relevant), the possibility to use amicus curiae briefs and the obligation to select one single place of

*Amendment*

22. Believes that major changes must be made to the present dispute settlement regime, in order to ***question the investor-state-dispute settlement and discuss alternative solutions. There is also a need for*** greater transparency, the opportunity to appeal, the obligation to exhaust local judicial remedies (where relevant), the

arbitration;

possibility to use amicus curiae briefs and the obligation to select one single place of arbitration;

Or. en

#### **Amendment 145**

**Laima Liucija Andrikienė, Christofer Fjellner**

#### **Motion for a resolution**

#### **Paragraph 22**

##### *Motion for a resolution*

22. Believes that major changes must be made to the present dispute settlement regime, in order to include greater transparency, the opportunity for parties to appeal, the obligation to exhaust local judicial remedies (where relevant), the possibility to use amicus curiae briefs and the obligation to select one single place of arbitration;

##### *Amendment*

22. Believes that major changes must be made to the present dispute settlement regime, in order to include greater transparency, the opportunity for parties to appeal, the obligation to exhaust *effective* local judicial remedies (where relevant), the possibility to use amicus curiae briefs and the obligation to select one single place of arbitration;

Or. en

#### **Amendment 146**

**Daniel Caspary**

#### **Motion for a resolution**

#### **Paragraph 22 a (new)**

##### *Motion for a resolution*

##### *Amendment*

***22a. Takes the view that, in addition to state-to-state dispute settlement procedures, investor-to-state procedures must also be applicable in order to secure comprehensive investment protection;***

Or. de

**Amendment 147**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 22 a (new)**

*Motion for a resolution*

*Amendment*

***22a. Rejects investor-to-state dispute settlement procedures; considers state-to-state dispute settlement mechanisms as the only viable option to be included into EU investment agreements;***

Or. en

**Amendment 148**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 22 b (new)**

*Motion for a resolution*

*Amendment*

***22b. Advocates that, under the dispute settlement procedure, the substantive meetings with the parties, special groups and the appeal body, given the judicial nature of the proceedings, should be held in public as is usual for court hearings, and that the documents concerned, in particular the communications from the parties or experts, should be publicly available, except in rare and justified case;***

Or. en

**Amendment 149**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 22 c (new)**

*Motion for a resolution*

*Amendment*

**22c. Insists that investors shall be obliged to exploit first any administrative and legal paths in the host country before addressing mechanisms of international arbitration;**

Or. en

**Amendment 150**

**Pawel Zalewski**

**Motion for a resolution**

**Paragraph 23**

*Motion for a resolution*

*Amendment*

**23. Requests that the Commission and the Member States take up their responsibility as major international players to work towards the necessary reforms of the ICSID and UNCITRAL rules;**

**23. Expresses the need to include an investor-to-state dispute settlement mechanism in new EU investment treaties that would enable EU investors to directly claim against a government to binding international arbitration, whereas the Commission would be a party in disputes resulting from claims made by third country investors;**

Or. en

**Amendment 151**

**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**

**Paragraph 23**

*Motion for a resolution*

*Amendment*

**23. Requests that the Commission and the Member States take up their responsibility as major international players to work towards the necessary reforms of the ICSID and UNCITRAL rules;**

**23. Urges the Commission and the Member States, knowing that a future EU investment agreement cannot make reference to the dispute settlement process of ICSID or UNCITRAL since the EU is**

*not a member of neither organisation, to explore possible ways to provide in future EU investment agreements the same legal certainty European investors and Member States enjoy at the moment using the dispute settlement process of ICSID or UNCITRAL;*

Or. en

**Amendment 152**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 23**

*Motion for a resolution*

23. Requests that the Commission and the Member States take up their responsibility as major international players to work towards *the necessary* reforms of the ICSID and UNCITRAL rules;

*Amendment*

23. Requests that the Commission and the Member States take up their responsibility as major international players to work towards *fundamental* reforms of the ICSID and UNCITRAL rules;

Or. en

**Amendment 153**  
**Carl Schlyter on behalf of the Verts/ALE Group**

**Motion for a resolution**  
**Paragraph 23 a (new)**

*Motion for a resolution*

*Amendment*

*23a. Is aware that the Commission as an institution will in present circumstances not have the faculty to become a new member of ICSID and UNCITRAL; calls on the Commission to include a chapter on Dispute Settlement in each new international EU investment treaty which, duly reflecting present rules under ICSID and UNCITRAL, enables transparency, provides for the set up of a college of*

*arbitrators, and guarantees an appeal mechanism and the involvement of third parties at least on the level of amicus curiae briefs;*

Or. en

**Amendment 154**  
**Carl Schlyter on behalf of the Verts/ALE Group**

**Motion for a resolution**  
**Paragraph 23 b (new)**

*Motion for a resolution*

*Amendment*

*23b. Remains entirely unconvinced about investor-to-state arbitration in new EU international investment treaties if it is not embedded in a clear framework of investors social and environmental obligations, transparency requirements in litigation procedures, the possibility of third party involvement, and the set-up of an appeal mechanism; recommends to the Commission to engage during this legislature only in investment treaty negotiations with countries which have a functioning and impartial judicial system, guaranteeing investor protection and remedies under a state-to-state arbitration procedure;*

Or. en

**Amendment 155**  
**Christofer Fjellner**

**Motion for a resolution**  
**Paragraph 24**

*Motion for a resolution*

*Amendment*

*24. Asks the Commission to propose solutions enabling trade unions and civil*

*deleted*



*society organisations to bring actions against those investors that do not comply with their social and environmental commitments;*

Or. en

**Amendment 156**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 24**

*Motion for a resolution*

*Amendment*

*24. Asks the Commission to propose solutions enabling trade unions and civil society organisations to bring actions against those investors that do not comply with their social and environmental commitments;*

*deleted*

Or. en

**Amendment 157**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 24**

*Motion for a resolution*

*Amendment*

*24. Asks the Commission to propose solutions enabling trade unions and civil society organisations to bring actions against those investors that do not comply with their social and environmental commitments;*

*deleted*

Or. en

**Amendment 158**  
**Daniel Caspary**

**Motion for a resolution**  
**Paragraph 24 a (new)**

*Motion for a resolution*

*Amendment*

***24a. Calls on the Commission to put forward solutions that enable small businesses to improve their funding of the high cost of dispute settlement procedures;***

Or. de

**Amendment 159**  
**Michael Theurer**

**Motion for a resolution**  
**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

***25a. Is concerned that the Commission's geographical investment strategy is very limited and largely restricted to ongoing FTA negotiations; calls on the Commission, in cooperation with the European Parliament and the Council, to develop a more comprehensive strategy beyond the confines of FTA negotiations including developing and lesser developed countries***

Or. en

**Amendment 160**  
**Helmut Scholz**

**Motion for a resolution**  
**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

**25a. Emphasises that content of investment agreements or chapters on investment in trade agreements may not interfere with legislative policy space on EU or Member State level, or must otherwise be subject to the ordinary legislative procedure;**

Or. en

**Amendment 161**

**Pawel Zalewski**

**Motion for a resolution**

**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

**25a. Calls on the Commission to elaborate solutions that would assist SMEs in covering the high costs of dispute settlements;**

Or. en

**Amendment 162**

**Michael Theurer**

**Motion for a resolution**

**Paragraph 26**

*Motion for a resolution*

*Amendment*

26. Endorses the principle that priority partners for future EU investment agreements shall be countries that have great market potential but where foreign investments need better protection;

26. Endorses the principle that priority partners for future EU investment agreements shall be countries that have great market potential but where foreign investments need better protection; **is therefore surprised that the first target for an investment agreement was Canada where the EU investments are already**

*well protected;*

Or. en

### **Amendment 163**

**Carl Schlyter on behalf of the Verts/ALE Group**

#### **Motion for a resolution Paragraph 26**

*Motion for a resolution*

26. Endorses the principle that priority partners for future EU investment agreements shall be countries that have great market potential but where foreign investments need better protection;

*Amendment*

26. Endorses the principle that priority partners for future EU investment agreements shall be countries that have **a *functioning judicial system and*** great market potential but where foreign investments need better protection;

Or. en

### **Amendment 164 Michael Theurer**

#### **Motion for a resolution Paragraph 26 a (new)**

*Motion for a resolution*

*Amendment*

***26a. Moreover notes that investment risk is generally higher in developing and lesser developed countries and that strong, effective investor protection in the form of investment treaties are key to protecting European investors and increasing FDI into these countries; considers increased investment in developing countries as essential for development and improving governance, and calls on the Commission to assess viable future partners, drawing on Member State experience with BITs;***

**Amendment 165**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 26 a (new)**

*Motion for a resolution*

*Amendment*

***26a. Believes that a future EU investment policy, especially the decision who to negotiate with first, must be based on the following grounds: degree of legal protection of European investors in a third country, number of BITs already concluded by Member States with a third country, the potential added value of an EU agreement with the third country;***

Or. en

**Amendment 166**  
**Godelieve Quisthoudt-Rowohl**

**Motion for a resolution**  
**Paragraph 26 b (new)**

*Motion for a resolution*

*Amendment*

***26b. Calls on the Commission to require Member States to extend the protection under existing INTRA-EU BITs to all EU investors, instead of calling for the termination of them;***

Or. en

**Amendment 167**  
**Pawel Zalewski**

**Motion for a resolution**  
**Paragraph 27 a (new)**

*Motion for a resolution*

*Amendment*

***27a. Stresses the need to include the role of the delegations of EEAS in the strategy of the future investment policy, acknowledging their potential and local know-how that as strategic assets in achieving the new policy goals;***

Or. en