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*Committee on the Environment, Public Health and Food Safety*

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**2014/2228(INI)**

18.12.2014

## **DRAFT OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on International Trade

on recommendations to the European Commission on the negotiations for the  
Transatlantic Trade and Investment Partnership (TTIP)  
(2014/2228(INI))

Rapporteur: Bart Staes

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## SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on International Trade, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to the Joint Statement of 13 February 2013 by US President Barack Obama, European Commission President José Manuel Barroso and European Council President Herman Van Rompuy<sup>1</sup>,
- having regard to its resolution on EU trade and investment agreement negotiations with the US of 23 May 2013<sup>2</sup>,
- having regard to the directives for the negotiation on the Transatlantic Trade and Investment Partnership between the European Union and the United States of America of 14 June 2013<sup>3</sup>,
- having regard to the 2013 and 2014 Reports on Sanitary and Phytosanitary Measures by the US Trade Representative<sup>4</sup>,
- having regard to the 2013 and 2014 Reports on Technical Barriers to Trade by the US Trade Representative<sup>5</sup>,
- having regard to the studies by its Directorate-General for internal policies entitled ‘Legal implications of the EU-US trade and investment partnership (TTIP) for the Acquis Communautaire and the ENVI relevant sectors that could be addressed during negotiations’ of October 2013<sup>6</sup> and ‘ENVI relevant legislative Areas of the EU-US Trade and Investment Partnership Negotiations (TTIP)’ of November 2014<sup>7</sup>,
- having regard to the information note on investor-state dispute settlement (ISDS) in the United States and the European Union of June 2014 by the UN Conference on Trade and Development (UNCTAD)<sup>8</sup>,
- having regard to Articles 168 and 191 of the Treaty on the Functioning of the European Union, and in particular to the precautionary principle in Article 191(2),
- having regard to the EU integrated approach to food safety (‘farm to fork’) established in

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<sup>1</sup> [http://europa.eu/rapid/press-release\\_MEMO-13-94\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-94_en.htm)

<sup>2</sup> Texts adopted, P7\_TA(2013)0227.

<sup>3</sup> <http://data.consilium.europa.eu/doc/document/ST-11103-2013-DCL-1/en/pdf>

<sup>4</sup> <http://www.ustr.gov/sites/default/files/2013%20SPS.pdf>

[http://www.ustr.gov/sites/default/files/FINAL-2014-SPS-Report-Compiled\\_0.pdf](http://www.ustr.gov/sites/default/files/FINAL-2014-SPS-Report-Compiled_0.pdf)

<sup>5</sup> <http://www.ustr.gov/sites/default/files/2013%20TBT.pdf>

<http://www.ustr.gov/sites/default/files/2014%20TBT%20Report.pdf>

<sup>6</sup> [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/507492/IPOL-ENVI\\_ET\(2013\)507492\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/507492/IPOL-ENVI_ET(2013)507492_EN.pdf)

<sup>7</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/536293/IPOL\\_STU\(2014\)536293\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/536293/IPOL_STU(2014)536293_EN.pdf)

<sup>8</sup> [http://unctad.org/en/PublicationsLibrary/webdiaepcb2014d4\\_en.pdf](http://unctad.org/en/PublicationsLibrary/webdiaepcb2014d4_en.pdf)

2004<sup>1</sup>,

- A. whereas the TTIP is above all about regulation<sup>2</sup>, about reducing or eliminating non-tariff barriers<sup>3</sup>, and as such about the level of protection of human health and the environment;
  - B. whereas the degree of divergence between the regulatory systems of the EU and the US is very wide in key areas for the protection of health and the environment, including food safety and consumer information, owing to different legal and political cultures (epitomised by the controversy over the precautionary principle);
  - C. whereas the US Trade Representative consistently denounces EU standards in these areas as trade barriers;
  - D. whereas, according to UNCTAD, environmental and health measures are among the governmental measures that have been challenged most frequently in ISDS cases;
1. Considers it misleading on the part of the Commission to try to appease public concerns about the TTIP by stating that existing standards will not be lowered, as this disregards the fact that many standards have yet to be set in the implementation of existing (framework) legislation (e.g. REACH) or by the adoption of new laws (e.g. cloning);
  2. Is concerned that the TTIP negotiations have already affected Commission proposals and actions relating, for example, to food safety and climate protection (e.g. pathogen meat treatments; implementation of the fuel quality directive);
  3. Is very concerned that the objective of regulatory convergence, including in particular the creation of a Regulatory Cooperation Council, will lead to a lowering of future EU standards in key areas for the protection of human health, food safety and the environment in light of the significant differences as compared with the US;
  4. Agrees with Commissioner Malmström that all areas where the EU and the US have very different rules or approaches should be excluded from the negotiations<sup>4</sup>;
  5. Calls on the Commission to exclude any terms in all the horizontal chapters and all the sectoral annexes of the TTIP that would
    - involve regulation of chemicals and pesticides,
    - affect the EU's integrated approach to food safety, including EU legislation on GMOs,
    - encourage or facilitate the extraction, transportation or use of fossil fuels, in particular unconventional ones, or hinder the achievement of EU or US climate and energy targets;
  6. Is opposed to the inclusion of ISDS in the TTIP, as ISDS risks fundamentally

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<sup>1</sup> [http://ec.europa.eu/dgs/health\\_consumer/information\\_sources/docs/from\\_farm\\_to\\_fork\\_2004\\_en.pdf](http://ec.europa.eu/dgs/health_consumer/information_sources/docs/from_farm_to_fork_2004_en.pdf)

<sup>2</sup> See speech by EU Trade Commissioner Cecilia Malmström of 11 December 2014.

<sup>3</sup> [http://trade.ec.europa.eu/doclib/docs/2014/december/tradoc\\_152942.pdf](http://trade.ec.europa.eu/doclib/docs/2014/december/tradoc_152942.pdf)

<sup>4</sup> See 2014 Report on Technical Barriers to Trade by the US Trade Representative, p. 45.

<sup>4</sup> See speech by EU Trade Commissioner Cecilia Malmström of 11 December 2014.

undermining the sovereign rights of the EU, its Member States and regional and local authorities to adopt regulations on public health, food safety and the environment;

7. Is deeply concerned about the lack of transparency in the negotiations, and urges the Commission to give all Members of the European Parliament access to the negotiation texts, in particular the consolidated ones.