



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on Civil Liberties, Justice and Home Affairs*

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**2014/2228(INI)**

29.1.2015

# **AMENDMENTS**

## **1 - 90**

**Draft opinion**  
**Jan Philipp Albrecht**  
(PE546.558v01-00)

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

AM\_Com\_NonLegOpinion

**Amendment 1**

**Axel Voss**

**Draft opinion**

**Recital A**

*Draft opinion*

A. whereas the Union is bound by the Charter of Fundamental Rights of the European Union, including Article 8 thereof on the right to the protection of personal data, and by Article 16 of the Treaty on the Functioning of the European Union (TFEU) on the same fundamental right, as a key pillar of EU primary law which must be *fully* respected by all international agreements;

*Amendment*

A. whereas the Union is bound by the Charter of Fundamental Rights of the European Union, including Article 8 thereof on the right to the protection of personal data, and by Article 16 of the Treaty on the Functioning of the European Union (TFEU) on the same fundamental right, as a key pillar of EU primary law which must be respected by all international agreements;

Or. de

**Amendment 2**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**

**Recital A a (new)**

*Draft opinion*

*Aa. whereas the European Union is bound by Article 2 of the Treaty on European Union, inter alia, to the values of democracy and the rule of law;*

*Amendment*

Or. en

**Amendment 3**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**

**Recital A b (new)**

*Draft opinion*

*Amendment*

***Ab. whereas both Article 1 and Article 10 (3) of the Treaty on European Union stipulate that "decisions shall be taken as openly and as closely as possible to the citizen";***

Or. en

**Amendment 4**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**

**Recital A c (new)**

*Draft opinion*

*Amendment*

***Ac. whereas the European Ombudsman has opened, on 29 July 2014, an own-initiative inquiry concerning the European Commission's dealing with requests for information and access to documents in relation to the TTIP negotiations<sup>1c</sup>; whereas the case was closed on 6 January 2015;***

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<sup>1c</sup> *Case OI/10/2014/RA*

Or. en

**Amendment 5**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**

**Recital A d (new)**

*Draft opinion*

*Amendment*

***Ad. whereas Members of the European Parliament depend on leaked documents when scrutinizing the negotiations for***

**TTIP;**

Or. en

**Amendment 6**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**

**Recital A e (new)**

*Draft opinion*

*Amendment*

*Ae. whereas there is no evidence that encryption standards cause a more compelling interoperability problem than exists in relation to other ICT-standards, while their regulation makes both businesses and citizens more vulnerable to online attacks and surveillance.*

Or. en

**Amendment 7**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**

**Recital A f (new)**

*Draft opinion*

*Amendment*

*Af. whereas the Union is bound by Articles 20 and 21 of the Charter to the principles of equality before the law and freedom from discrimination;*

Or. en

**Amendment 8**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**  
**Recital A g (new)**

*Draft opinion*

*Amendment*

***Ag. whereas regulatory cooperation could prejudice legislative prerogatives of the European Parliament as well as of national parliaments and therefore have a chilling effect on the application of the values of the Union as laid out in Article 2 TEU;***

Or. en

**Amendment 9**  
**Axel Voss, Artis Pabriks**

**Draft opinion**  
**Recital B**

*Draft opinion*

*Amendment*

***B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in Services Agreement (TiSA), clearly touch upon international data flows and data processing, including the processing and transfer of personal data;***

*deleted*

Or. de

**Amendment 10**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Draft opinion**  
**Recital B**

*Draft opinion*

*Amendment*

***B. whereas ongoing negotiations on***

*deleted*

*international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in Services Agreement (TiSA), clearly touch upon international data flows and data processing, including the processing and transfer of personal data;*

Or. en

**Amendment 11**  
**Lorenzo Fontana**

**Draft opinion**  
**Recital B**

*Draft opinion*

B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in Services Agreement (TiSA), clearly touch upon international data flows and data processing, including the processing and transfer of personal data;

*Amendment*

B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in Services Agreement (TiSA), **also** clearly touch upon international data flows and data processing, including the processing and transfer of personal data, **and whereas that data is ever more sensitive and increasingly important for the lives of EU citizens;**

Or. it

**Amendment 12**  
**Mariya Gabriel**

**Draft opinion**  
**Recital B**

*Draft opinion*

B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in

*Amendment*

B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in

Services Agreement (TiSA), *clearly touch* upon international data flows *and* data processing, *including the processing and transfer of personal data*;

Services Agreement (TiSA), *touches* upon international data flows, *while excluding* data processing, *privacy and data protection entirely, which will be discussed in parallel track within the framework of the US-EU Safe Harbor and the Data Protection Umbrella Agreement*;

Or. en

**Amendment 13**  
**József Nagy**

**Draft opinion**  
**Recital B a (new)**

*Draft opinion*

*Amendment*

***Ba. Whereas the USA has already concluded several other trade and investment partnership agreements with other global actors of the World, and whereas key involvement in formulating global standards should be top priority for the EU, where timely action would be most important,***

Or. en

**Amendment 14**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**  
**Recital B a (new)**

*Draft opinion*

*Amendment*

***Ba. having regard to the fact that data protection legislation differs in the EU and the US, and that European citizens are concerned about the possibility that the TTIP agreement will undermine the fundamental right to privacy;***

**Amendment 15**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**  
**Recital B b (new)**

*Draft opinion*

*Amendment*

***Bb. having regard to its resolution of 14 May 2013 on EU trade and investment negotiations with the United States of America, paragraph 13 in particular;***

Or. en

**Amendment 16**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**  
**Recital B c (new)**

*Draft opinion*

*Amendment*

***Bc. having regard to the Council Directives for the negotiation on the Transatlantic Trade and Investment Partnership between the European Union and the United States of America;***

Or. en

**Amendment 17**  
**Axel Voss**

**Draft opinion**  
**Recital C**

*Draft opinion*

*Amendment*

C. whereas ***the US negotiators*** have

C. whereas ***both sides*** have proposed a

proposed a draft chapter on e-commerce for the TTIP in the 7th round of negotiations; ***whereas this draft is not available to Members of the European Parliament, including rapporteurs in the competent committees;***

draft chapter on e-commerce for the TTIP in the 7th round of negotiations;

Or. de

**Amendment 18**  
**Mariya Gabriel**

**Draft opinion**  
**Recital C**

*Draft opinion*

C. whereas the US negotiators have proposed a draft chapter on e-commerce for the TTIP in the 7th round of negotiations; whereas ***this draft is not available to Members of the European Parliament, including rapporteurs in the competent committees;***

*Amendment*

C. whereas the US negotiators have proposed a draft chapter on e-commerce for the TTIP in the 7th round of negotiations; whereas ***the Parliament reserves the right to express its opinion after consulting the draft.***

Or. en

**Amendment 19**  
**Axel Voss**

**Draft opinion**  
**Recital C a (new)**

*Draft opinion*

***Ca. having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs;***

*Amendment*

Or. de

**Amendment 20**  
**Mariya Gabriel**

**Draft opinion**  
**Recital C a (new)**

*Draft opinion*

*Amendment*

***Ca. Whereas the Parliament adopted its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1 a</sup> ;***

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<sup>1 a</sup> *Texts adopted, P7\_TA(2014)0230.*

Or. en

**Amendment 21**  
**Christine Revault D'Allonnes Bonnefoy, Marju Lauristin, Sylvie Guillaume**

**Draft opinion**  
**Recital C a (new)**

*Draft opinion*

*Amendment*

***Ca. whereas Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; whereas, in application to that article, EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination';***

Or. en

**Amendment 22**  
**Louis Michel**

**Draft opinion**  
**Recital C a (new)**

*Draft opinion*

*Amendment*

***Ca. whereas citizens from a state which is a contracting party in a free-trade area ought to enjoy ease of access to the entire area;***

Or. fr

**Amendment 23**  
**Louis Michel**

**Draft opinion**  
**Recital C b (new)**

*Draft opinion*

*Amendment*

***Cb. whereas the parties to a free-trade agreement have a shared interest in combating corruption, money laundering and fraud; whereas the USA, the EU and its Member States are all parties to the OECD Anti-Bribery Convention;***

Or. fr

**Amendment 24**  
**Jan Philipp Albrecht**

**Draft opinion**  
**Paragraph -1 (new)**

*Draft opinion*

*Amendment*

***-1. Addresses the following recommendations to the Commission:***

Or. en

**Amendment 25**  
**Axel Voss**

**Draft opinion**  
**Paragraph -1 (new)**

*Draft opinion*

*Amendment*

***-1. Points out that although data protection issues should be addressed in the TTIP negotiations, no new laws must be enacted to deal with them and the free trade agreement must be based on the existing legal framework for data protection;***

Or. de

**Amendment 26**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

*Amendment*

***1. Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries;***

***deleted***

Or. en

**Amendment 27**  
**Axel Voss, Artis Pabriks**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Believes that the agreement should guarantee **full** respect for EU fundamental rights standards ***through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries;***

*Amendment*

1. Believes that the agreement should guarantee respect for EU fundamental rights standards;

Or. de

**Amendment 28**

**Christine Revault D'Allonnes Bonnefoy, Marju Lauristin, Sylvie Guillaume**

**Draft opinion  
Paragraph 1**

*Draft opinion*

1. ***Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries;***

*Amendment*

1. ***Defends the inclusion of a strong human rights clause in the agreement, that shall be legally binding and suspensive in order to guarantee full respect for EU fundamental rights standards ;***

Or. en

**Amendment 29**

**Jean Lambert, Ska Keller, Judith Sargentini**

**Draft opinion  
Paragraph 1**

*Draft opinion*

1. Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries;

*Amendment*

1. Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries; ***considers that the European Parliament would not be able to accept any TTIP which does not contain such a clause***

**Amendment 30**  
**Marina Albiol Guzmán**

**Draft opinion**  
**Paragraph 1 – point 1 (new)**

*Draft opinion*

*Amendment*

***(1) Asks the Commission to oppose TTIP and all other neoliberal free trade agreements, as they have, among other reasons, harmful economic and social consequences which will affect negatively the citizens' rights and civil liberties, as well as the democratic standards of the European Union.***

Or. en

**Amendment 31**  
**József Nagy**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Stresses that transparency and open dialogue between the partners, including citizens are of utmost importance during the negotiations and the implementation phase as well***

Or. en

**Amendment 32**  
**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**  
**Paragraph 1 a (new)**

***1a. Calls on the Commission to propose that the human rights clause should include:***

***– Confirmation of states obligations under the Universal Declaration of Human Rights and other relevant international human rights instruments including, but not limited to, the European Convention on Human Rights and the International Covenant on Civil and Political Rights;***

***– Assurance that state parties will interpret the provisions in the agreement in accordance with international human rights law;***

***– Assurance that none of the obligations arising from the agreement will have the effect of modifying the obligations to respect, protect, and fulfil fundamental rights in the EU;***

***– An exception permitting parties to suspend their obligations arising from the agreement if there are grounds to believe that it will result in a breach of fundamental rights;***

***– A mechanism putting forward periodic human rights impact assessments to be conducted jointly by a designated committee of the US Congress and the European Parliament;***

***– A mechanism to bring complaints in front of national courts in order to initiate an investigation by the designated authority into human rights disputes arising under the agreement;***

***– Procedures to ensure that citizens have equality before the law;***

***– Assurance that the Parties to the agreement will not in any way whatsoever relatively privilege their own citizens, or otherwise discriminate against non-citizens, merely according to their***

*citizenship status in any matter affected by this agreement, concerning public order, national security, crime or grounds of important public interest; such as internationally recognised labour standards, environment, public health or food safety standards;*

*– An accessible mechanism to impose sanctions when fundamental rights and standards are abused and dialogue or mediation have been exhausted;*

Or. en

**Amendment 33**  
**József Nagy**

**Draft opinion**  
**Paragraph 1 b (new)**

*Draft opinion*

*Amendment*

*1b. Considers that consumer rights and human rights cannot become bargaining chips to be traded off, weakened or amended in exchange for other trade-related issues.*

Or. en

**Amendment 34**  
**Axel Voss, Artis Pabriks**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

*2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup>;*

*deleted*

*recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities are not completely abandoned and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress;*

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<sup>1</sup> *Texts adopted, P7\_TA(2014)0230.*

Or. de

**Amendment 35**  
**Mariya Gabriel**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

*2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup>; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities are not completely abandoned and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress;*

*deleted*

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<sup>1</sup> *Texts adopted, P7\_TA(2014)0230.*

Or. en

**Amendment 36**  
**Timothy Kirkhope**

on behalf of the ECR Group

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

**2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup>; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities are not completely abandoned and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress;**

*deleted*

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<sup>1</sup> *Texts adopted, P7\_TA(2014)0230.*

Or. en

**Amendment 37**  
**Harald Vilimsky, Georg Mayer**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup>; recalls that the consent **of the European Parliament** to the final TTIP agreement **could be endangered as long as** the blanket mass surveillance activities **are not** completely abandoned and an adequate

2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup>; recalls that the **European Parliament cannot give its** consent to the final TTIP agreement **until such time** as the blanket mass surveillance activities **have been** completely abandoned and an adequate

solution *is* found for the data privacy rights of EU citizens, including administrative and judicial redress;

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<sup>1</sup> Texts adopted, P7\_TA(2014)0230.

solution *has been* found for the data privacy rights of EU citizens, including administrative and judicial redress;

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<sup>1</sup> Texts adopted, P7\_TA(2014)0230.

Or. de

### **Amendment 38**

**Marju Lauristin, Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy**

#### **Draft opinion**

#### **Paragraph 2**

##### *Draft opinion*

2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup> ; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities are not completely *abandoned* and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress;

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<sup>1</sup> Texts adopted, P7\_TA(2014)0230.

##### *Amendment*

2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup> ; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities are not completely *prohibited* and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress;

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<sup>1</sup> Texts adopted, P7\_TA(2014)0230.

Or. en

### **Amendment 39**

**Lorenzo Fontana**

#### **Draft opinion**

#### **Paragraph 2 – point 1 (new)**

*Draft opinion*

*Amendment*

***(1) Therefore considers that the EU institutions should make it clear in the negotiations that data protection is no minor issue, but is in fact a key priority in terms of respect for EU citizens;***

Or. it

**Amendment 40**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**

**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

***2a. Calls on the Commission to take immediate measures to ensure that in particular the recommendation for the development on a European strategy for IT independence and an EU cyber strategy, as included in the European Parliament resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs, are implemented;***

Or. en

**Amendment 41**

**Heinz K. Becker**

**Draft opinion**

**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

***2a. Takes the view that both parties should address data protection issues on the basis of their own laws and the competences laid down therein and that the TTIP should not therefore be seen as a means of resolving outstanding issues in this area; considers, therefore, that data protection issues, for example granting law enforcement authorities access to personal data for the purposes of combating terrorism and serious crime, should be dealt with outside the negotiations on the free trade agreement;***

Or. de

**Amendment 42**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

***2a. ensure that the agreement guarantees full respect for EU fundamental rights standards;***

Or. en

**Amendment 43**  
**Cornelia Ernst, Barbara Spinelli**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

***2b. Believes that any expansion of coordination with the USA on matters of IT-security should be contingent on the***

*end of mass surveillance programmes and targeted intrusion against EU citizens, institutions and Member States.*

Or. en

**Amendment 44**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

*2b. ensure that the agreement takes account of the General Agreement on Trade in Services (GATS) provisions on the protection of personal data;*

Or. en

**Amendment 45**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**  
**Paragraph 2 c (new)**

*Draft opinion*

*Amendment*

*2c. insist that the Agreement will not preclude the enforcement of exceptions on the supply of services justifiable under the relevant WTO rules (Articles XIV and XIVbis GATS);*

Or. en

**Amendment 46**  
**Axel Voss**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS; ***stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;***

*Amendment*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS;

Or. de

**Amendment 47**  
**Lorenzo Fontana**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS; stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;

*Amendment*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS; stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data ***at all counterpart levels*** from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;

**Amendment 48**

**Timothy Kirkhope**

on behalf of the ECR Group

**Draft opinion**

**Paragraph 3**

*Draft opinion*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS; ***stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;***

*Amendment*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS;

**Amendment 49**

**Marju Lauristin, Christine Revault D'Allonnes Bonnefoy, Sylvie Guillaume**

**Draft opinion**

**Paragraph 3**

*Draft opinion*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be

*Amendment*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be

deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS; ***stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;***

deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS;

Or. en

**Amendment 50**  
**Mariya Gabriel**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS; ***stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;***

*Amendment*

3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an ‘arbitrary or unjustifiable discrimination’ in the application of Article XIV of the GATS;

Or. en

**Amendment 51**  
**Marju Lauristin, Christine Revault D'Allonnes Bonnefoy, Sylvie Guillaume**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Recommends that the Commission takes immediate action to incorporate in the agreement a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement, with a reference to Article XIV of the GATS, and without any condition that it must be legally binding and consistent with all chapters of the TTIP;***

Or. en

**Amendment 52**  
**Axel Voss**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

*Amendment*

***4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;***

*deleted*

Or. de

**Amendment 53**  
**Lorenzo Fontana**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;

*Amendment*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed ***and respected***; is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;

Or. it

**Amendment 54**  
**Artis Pabriks**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; ***is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;***

*Amendment*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed;

Or. en

**Amendment 55**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; ***is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;***

*Amendment*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed;

Or. en

**Amendment 56**  
**Jean Lambert, Ska Keller, Judith Sargentini**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; ***is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;***

*Amendment*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; ***is seriously concerned about a US provided draft text on e-commerce in the frame of the TiSA negotiations, which would completely undermine all EU rules and safeguards for the transfer of personal***

data to third countries; *calls on the Commission to make it clear to the US side that the draft chapter on e-commerce proposed by US negotiators in the 7th TTIP negotiation round will not be accepted as a base for negotiations, should it contain similar conditions to the US draft chapter on e-commerce in the TiSA negotiations;*

Or. en

#### **Amendment 57**

**Marju Lauristin, Christine Revault D'Allonnes Bonnefoy, Sylvie Guillaume**

#### **Draft opinion**

##### **Paragraph 4**

#### *Draft opinion*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions *which touch* upon the flow of personal data provided that *the full application of* EU data protection rules *is guaranteed*; is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards *for the transfer of personal data to third countries*;

#### *Amendment*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions *touching* upon the flow of personal data provided that *they neither undermine nor contradict* EU data protection rules *and safeguards for the transfer of personal data to third countries*; is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards *in this regard*;

Or. en

#### **Amendment 58**

**Mariya Gabriel**

#### **Draft opinion**

##### **Paragraph 4**

*Draft opinion*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; ***is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;***

*Amendment*

4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed;

Or. en

**Amendment 59**

**Jean Lambert, Ska Keller, Judith Sargentini**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. asks the Commission to ensure that negotiations on a chapter on e-commerce and on a chapter on telecommunications in TTIP be put on hold until the ongoing negotiations on Safe Harbor and the Data Protection Umbrella Agreement are successfully concluded;***

Or. en

**Amendment 60**

**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4a. oppose the US TiSA Agreement proposal, a text which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;**

Or. en

**Amendment 61**  
**Jean Lambert, Ska Keller, Judith Sargentini**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b. asks the Commission to ensure that negotiations on a chapter on financial service regulation, and specifically the freedom of processing personal data in connection with financial transactions, be put on hold until the ongoing negotiations on Safe Harbour and the Data Protection Umbrella Agreement are successfully concluded;**

Or. en

**Amendment 62**  
**Axel Voss**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard; ***insists that any provisions in the agreement***

5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard;

*which touch upon the localisation of data processing equipment and establishments must not undermine these EU rules on data transfers;*

Or. de

**Amendment 63**  
**Harald Vilimsky, Georg Mayer**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard; insists that any provisions in the agreement which touch upon the localisation of data processing equipment and establishments must not undermine these EU rules on data transfers;

*Amendment*

5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard; insists that any provisions in the agreement which touch upon the localisation of data processing equipment and establishments must not undermine these EU rules on data transfers; ***calls for effective penalties for breaches of these provisions, so that personal data can be protected in the long term;***

Or. de

**Amendment 64**  
**Mariya Gabriel**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard; ***insists that any provisions in the agreement which touch upon the localisation of data***

*Amendment*

5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard;

*processing equipment and establishments must not undermine these EU rules on data transfers;*

Or. en

**Amendment 65**  
**Timothy Kirkhope, Timothy Kirkhope**  
on behalf of the ECR Group

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Asks the Commission to consider working with the U.S. to establish the highest standards of data protection and respect of fundamental rights whilst ensuring the ability of businesses and consumers to transfer data within the existing legal framework; stresses that the EU should cooperate with the United States in order to encourage Third Countries to adopt similar high data protection standards in the area of trade around the world;*

Or. en

**Amendment 66**  
**Axel Voss, Artis Pabriks**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

*Amendment*

*6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine*

*deleted*

*democracy;*

Or. de

**Amendment 67**

**Timothy Kirkhope**

on behalf of the ECR Group

**Draft opinion**

**Paragraph 6**

*Draft opinion*

*Amendment*

**6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;**

**deleted**

Or. en

**Amendment 68**

**Marine Le Pen, Edouard Ferrand**

**Draft opinion**

**Paragraph 6**

*Draft opinion*

*Amendment*

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; **is concerned** that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; **deems it unacceptable** that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;

Or. fr

**Amendment 69**  
**Mariya Gabriel**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; *is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;*

*Amendment*

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts;

Or. en

**Amendment 70**  
**Jean Lambert, Ska Keller, Judith Sargentini**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;

*Amendment*

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy; *is of the firm opinion that a possible TTIP agreement should not contain any ISDS mechanism, as the given level of investment protection in the EU and in the US is fully sufficient to guarantee legal security;*

Or. en

**Amendment 71**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion  
Paragraph 6**

*Draft opinion*

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; **is concerned that** provisions on investor-state dispute settlement (ISDS) **may** prevent access to justice and undermine democracy;

*Amendment*

6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; **recalls that possible** provisions on investor-state dispute settlement (ISDS) **may not** prevent access to justice and undermine democracy;

Or. en

**Amendment 72  
Ana Gomes**

**Draft opinion  
Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

**6a. Recalls that most EU Member States and the United States have ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; recalls that several EU MS and the US have ratified the UN Convention against Corruption; recalls that several EU MS and the US are members of the Financial Action Task Force on money laundering; defends that enhanced cooperation between both the EU MS and the US should be established in the framework of TTIP in order to fight against financial crime, such as corruption, tax fraud, tax evasion and money laundering, including mechanisms for more efficient international cooperation, mutual legal assistance, asset recovery, technical assistance, exchange of information and implementation of international recommendations and standards.**

**Amendment 73**  
**Mariya Gabriel**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

***6a. Considers the investor state dispute settlement (ISDS) an important tool for protecting investors; calls on the Commission and the Council to improve the mechanism to avoid potential abuse of ISDS proceedings and to ensure equal access to all investors, fair and transparent procedures and independent and impartial arbitration;***

Or. en

**Amendment 74**  
**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

***6a. Calls on the Commission to respect the responses to the public consultation carried out by the Commission itself, indicating an overwhelming opposition to ISDS; points to the extraordinary success of the European Citizens' Initiative "Stop TTIP" that gathered 2 million signatures, notwithstanding the rejection by the Commission of this ECI.***

Or. en

**Amendment 75**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

***6a. Underlines the crucial importance of data flows to the EU economy, especially for the services sector, which continues to generate the majority of EU jobs in the EU economy; demands that nothing in TTIP should impede the ability of EU citizens and businesses to freely transfer data across the Atlantic whilst respecting existing legal frameworks and protections;***

Or. en

**Amendment 76**  
**Cornelia Ernst, Barbara Spinelli**

**Draft opinion**  
**Paragraph 6 b (new)**

*Draft opinion*

*Amendment*

***6b. Calls on the Commission to make sure that encryption standards, or the certification thereof, are not included in the TTIP agreement, since there is no economic benefit, but a serious potential economic and societal loss to it.***

Or. en

**Amendment 77**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Draft opinion**  
**Paragraph 6 b (new)**

*Draft opinion*

*Amendment*

***6b. Welcomes the US administration's commitment to introduce legislation into Congress extending certain U.S. Constitutional rights to EU citizens regarding data protection; believes that TTIP can play a positive role in facilitating and encouraging the adoption of this legislation at the earliest occasion possible; requests that the Commission keep parliament constantly informed of any developments in this area;***

Or. en

**Amendment 78**  
**Cornelia Ernst, Barbara Spinelli**

**Draft opinion**  
**Paragraph 6 c (new)**

*Draft opinion*

*Amendment*

***6c. Calls on the Commission to ensure that any provisions on ISDS or regulatory cooperation will not have a chilling effect on democracy in the Union or the Member States;***

Or. en

**Amendment 79**  
**Cornelia Ernst, Barbara Spinelli**

**Draft opinion**  
**Paragraph 6 d (new)**

*Draft opinion*

*Amendment*

**6d. Calls on the Commission to oppose any mechanism regarding ISDS that could impair the fundamental right of equality before the law;**

Or. en

**Amendment 80**

**Marine Le Pen, Edouard Ferrand**

**Draft opinion**

**Paragraph 7**

*Draft opinion*

7. **Recalls** the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

*Amendment*

7. **Insists on** the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

Or. fr

**Amendment 81**

**Axel Voss**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; ***insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents***<sup>2</sup>.

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<sup>2</sup> *OJ L 145, 31.5.2001, p. 43.*

*Amendment*

7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; ***points out, further, that the agreement should in no way weaken the laws of the EU or the Member States on public access to official documents;***

Or. de

**Amendment 82**  
**Harald Vilimsky, Georg Mayer**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. ***Recalls*** the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; ***insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of***

*Amendment*

7. ***Emphasises*** the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; ***insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European***

30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

Or. de

**Amendment 83**  
**Tomáš Zdechovský**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

*Amendment*

7. Recalls the need for transparency **and accountability** in the negotiations throughout the entire process; **stresses the important role of the European Ombudsman office as guardian of EU transparency and endorses its call for a transparent policy approach and an information campaign on TTIP**; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

Or. en

**Amendment 84**  
**Jean Lambert, Ska Keller, Judith Sargentini**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

*Amendment*

7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation, ***according to TFEU Art 218.10 which, in a recent ruling, the ECJ confirmed as being of statutory character***, to keep Parliament fully informed on an immediate basis at all stages of the negotiations; ***urges the Commission to work towards an agreement with the US Administration regarding the access of all Parliamentarians to the consolidated negotiation texts***; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup>.

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

Or. en

**Amendment 85**  
**Sophia in 't Veld, Angelika Mlinar**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

***7. Recalls the need for transparency in the negotiations throughout the entire***

*Amendment*

***7. maintain the*** obligation to keep Parliament fully informed on an immediate

*process; reminds the Commission of its* obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; *insists on* access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified *with clear justification* on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> .

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

basis at all stages of the negotiations; *ensure* access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified on a case-by-case basis *with a public justification of the extent to which access to the undisclosed parts of the document in question is likely to specifically and actually undermine the interests protected by the exceptions*, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> , *and in line with jurisprudence of the Court of Justice.*

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<sup>2</sup> OJ L 145, 31.5.2001, p. 43.

Or. en

**Amendment 86**  
**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

**Draft opinion**  
**Paragraph 7 a (new)**

*Draft opinion*

*Amendment*

*7a. Expects the Commission to take immediate measures to implement all recommendations made by the European Ombudsman in case OI/10/2014/RA;*

Or. en

**Amendment 87**  
**Mariya Gabriel**

**Draft opinion**  
**Paragraph 7 a (new)**

*Draft opinion*

*Amendment*

***7a. Calls on the Commission and the Council to increase political pressure on the US in the framework of the negotiations in order to guarantee full visa reciprocity for all Member States of the European Union without discrimination;***

Or. en

**Amendment 88**  
**Louis Michel**

**Draft opinion**  
**Paragraph 7 a (new)**

*Draft opinion*

*Amendment*

***7a. Points out that the free-trade area will include all the Member States of the European Union, and that all EU citizens will therefore have to be treated equally in terms of their right of access to the USA;***

Or. fr

**Amendment 89**  
**Cornelia Ernst, Barbara Spinelli**

**Draft opinion**  
**Paragraph 7 b (new)**

*Draft opinion*

*Amendment*

***7b. Reminds the Commission that, should TTIP be considered a mixed agreement, according to the recent CJEU opinion on the EU accession to the ECHR (par 201) the Court has consistently held that an international agreement cannot affect the allocation of powers fixed by the Treaties***

*or, consequently, the autonomy of the EU legal system, the observance of which is ensured by the Court. That principle is notably enshrined in Article 344 TFEU, according to which Member States undertake not to submit a dispute concerning the interpretation or application of the Treaties to any method of settlement other than those provided by the Treaties.*

Or. en

**Amendment 90**  
**Louis Michel**

**Draft opinion**  
**Paragraph 7 b (new)**

*Draft opinion*

*Amendment*

*7b. Considers that a clause on corruption, fraud and money laundering must be included in the agreement.*

Or. fr