



EUROPEAN PARLIAMENT

2014 - 2019

Committee on International Trade

2014/2252(INI)

20.5.2015

AMENDMENTS

1 - 29

Draft opinion
David Borrelli
(PE554.679v01-00)

on Annual reports 2012-2013 on subsidiarity and proportionality
(2014/2252(INI))

AM\1062123EN.doc

PE557.252v01-00

EN

United in diversity

EN

AM_Com_NonLegOpinion

Amendment 1
Jörg Leichtfried

Draft opinion
Paragraph 1

Draft opinion

1. Notes the importance of the common commercial policy and EU economic relations with third countries and regional organisations for EU growth and jobs; is therefore of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas, particularly when trade agreements are **required** to be of a mixed nature;

Amendment

1. Notes the importance of the common commercial policy and EU economic relations with third countries and regional organisations for EU growth and jobs; is therefore of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas, particularly when trade agreements are **determined** to be of a mixed nature;

Or. en

Amendment 2
Aldo Patriciello

Draft opinion
Paragraph 1

Draft opinion

1. Notes the importance of the common commercial policy and EU economic relations with third countries and regional organisations for EU growth and jobs; is therefore of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas, particularly when trade agreements are required to be of a mixed nature;

Amendment

1. Notes the importance of the common commercial policy and EU economic relations with third countries and regional organisations for EU growth and jobs; is therefore of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas, particularly when trade agreements are required to be of a mixed nature;

(Amendment not applicable to English version)

Or. it

Amendment 3
Marine Le Pen

Draft opinion
Paragraph 1

Draft opinion

1. Notes the importance *of the common commercial policy and EU economic relations with third countries and regional organisations* for EU growth and jobs; is therefore of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas, particularly when trade agreements are required to be of a mixed nature;

Amendment

1. Notes the importance for EU growth and jobs of *Community preference and trade protection arrangements benefiting the Member States*; is therefore of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas, particularly when trade agreements are required to be of a mixed nature;

Or. fr

Amendment 4
Marietje Schaake

Draft opinion
Paragraph 1

Draft opinion

1. Notes the importance of the common commercial policy and EU economic relations with third countries and regional organisations for EU growth and jobs; is *therefore* of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas, *particularly when trade agreements are required to be of a mixed nature*;

Amendment

1. Notes the importance of the common commercial policy, *in which the EU can leverage its scale for maximal impact in negotiations*, and EU economic relations with third countries and regional organisations for EU growth and jobs; is of the view that the principle of proportionality and, where applicable, subsidiarity should be duly respected also in these policy areas;

Or. en

Amendment 5
Marietje Schaake

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Welcomes the Commission's initiative to seek clarity on the issue of mixity of trade agreements by referring the EU Singapore Free Trade Agreement to the European Court of Justice; Stresses that clarity should lay the foundations for a more effective negotiating position for the EU and for a speedier ratification procedure of trade agreements between the EU and third countries;

Or. en

Amendment 6
Jörg Leichtfried

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Emphasises the need to ***determine how*** the principle of subsidiarity ***should apply*** when trade policies ***include provisions on investments*** different ***from the*** foreign direct ones ***covered by the EU's exclusive competence under the common commercial policy as stated in the Treaty; notes namely the most recent controversies regarding*** the Comprehensive Economic and Trade Agreement (CETA), the EU-Singapore Free Trade Agreement and the UN Convention on Transparency in Treaty-based Investor-State Arbitration; calls for respect for the proportionality principle to be enforced when bilateral safeguard clauses are negotiated and applied;

2. Emphasises the need to ***clarify in relation to*** the principle of subsidiarity ***the division of competence*** when trade policies ***impact on*** different ***investments other than*** foreign direct ones, ***namely portfolio investments, as controversies persist in current Free Trade Agreements, like*** the Comprehensive Economic and Trade Agreement (CETA), the EU-Singapore Free Trade Agreement and the UN Convention on Transparency in Treaty-based Investor-State Arbitration; calls for respect for the proportionality principle to be enforced when bilateral safeguard clauses are negotiated and applied;

Or. en

Amendment 7
Marietje Schaake

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises the need to determine how the principle of subsidiarity should apply when trade policies include provisions on investments different from the foreign direct ones covered by the EU's exclusive competence under the common commercial policy as stated in the Treaty; notes namely the *most recent controversies regarding the Comprehensive Economic and Trade Agreement (CETA), the EU-Singapore Free Trade Agreement and the UN Convention on Transparency in Treaty-based Investor-State Arbitration*; calls for *respect* for the proportionality principle to be *enforced* when bilateral safeguard clauses are negotiated and applied;

Amendment

2. Emphasises the need to determine how the principle of subsidiarity should apply when trade policies include provisions on investments different from the foreign direct ones covered by the EU's exclusive competence under the common commercial policy as stated in the Treaty; notes namely the recent *discussions on investor-to-state dispute settlement and the European Commission's proposals to update and reform the current model, emphasises in this regard that the member states should also take responsibility for their part in this process, given their existing commitment through bilateral agreements with third countries; calls on the Member States to sign the UN Convention on Transparency in Treaty-based Investor-State Arbitration*; calls for the proportionality principle to be *respected* when bilateral safeguard clauses are negotiated and applied;

Or. en

Amendment 8
Fernando Ruas

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises the need to determine how the principle of subsidiarity should apply when trade policies include provisions on

Amendment

2. Emphasises the need to determine how the principle of subsidiarity should apply when trade policies include provisions on

investments different from the foreign direct ones covered by the EU's exclusive competence under the common commercial policy as stated in the Treaty; *notes namely the most recent controversies regarding the Comprehensive Economic and Trade Agreement (CETA), the EU-Singapore Free Trade Agreement and the UN Convention on Transparency in Treaty-based Investor-State Arbitration; calls for respect for the proportionality principle to be enforced when bilateral safeguard clauses are negotiated and applied;*

investments different from the foreign direct ones covered by the EU's exclusive competence under the common commercial policy as stated in the Treaty;

Or. en

Amendment 9
Jörg Leichtfried

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Recalls that Article 3 of the TFEU designates the common commercial policy as an integral area of exclusive Union competence which shall be based on uniform principles; notes that the principle of subsidiarity accordingly does not apply for the common commercial policy;

Or. en

Amendment 10
Marine Le Pen

Draft opinion
Paragraph 3

Draft opinion

3. ***Calls for clarification of whether*** trade instruments, such as investor-state dispute settlement (ISDS), ***could*** jeopardise the subsidiarity principle with respect to the competences of Member States;

Amendment

3. ***Notes that*** trade instruments, such as investor-state dispute settlement (ISDS), jeopardise the subsidiarity principle with respect to the competences of Member States;

Or. fr

Amendment 11
Eleftherios Synadinos

Draft opinion
Paragraph 3

Draft opinion

3. Calls for clarification of whether trade instruments, such as investor-state dispute settlement (ISDS), could jeopardise the subsidiarity principle with respect to the competences of Member States;

Amendment

3. Calls for clarification of whether trade instruments, such as investor-state dispute settlement (ISDS), could jeopardise the subsidiarity principle with respect to the competences of Member States, ***bearing in mind that the Court of Justice has sole jurisdiction in actions arising from a legislative act;***

Or. el

Amendment 12
Bernd Lange, Jörg Leichtfried

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Calls on Member States to unblock the UNCITRAL Convention on Transparency in Treaty-based Investor-State Arbitration in order for the Commission to sign the convention on behalf of the whole Union; deplores the current situation where some

EU Member States are party to the convention while others are not; considers that this example clearly demonstrates the need for clarity on all sides on the scope of the Union's exclusive competence on foreign direct investment;

Or. en

Amendment 13
Jörg Leichtfried

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Recalls that different policies carried out by Member States as regards investment protection have led to the current situation where EU countries are party to some 1,400 bilateral investment treaties with, at times, different provisions which could lead to distortions within the single market and unequal treatment of EU investors abroad;

Or. en

Amendment 14
Jörg Leichtfried

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante impact assessment regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need;

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante impact assessment regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need;

insists on the necessity of establishing greater conditionality for disbursement of the assistance and proper control of the use of the funds, including substantial scrutiny by Parliament;

insists on the necessity of establishing greater conditionality for disbursement of the assistance and proper control of the use of the funds, including ***measures in relation to the prevention of, and fight against, fraud and corruption, audits by the Court of Auditors and checks conducted by the European Anti-Fraud Office, and ensuring that the Union is entitled to full repayment of the loan where it has been established that the receiving country has engaged in fraud, corruption or other illegal activity detrimental to the Union's financial interests in the management of the Union's macro-financial assistance, and*** substantial scrutiny by Parliament;

Or. en

Amendment 15
Aldo Patriciello

Draft opinion
Paragraph 4

Draft opinion

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante impact assessment regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need; insists on the necessity of establishing greater conditionality for disbursement of the assistance and proper control of the use of the funds, including substantial scrutiny by Parliament;

Amendment

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante impact assessment regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need; insists on the necessity of establishing greater conditionality for disbursement of the assistance and proper control of the use of the funds, including substantial ***and detailed*** scrutiny by Parliament;

Or. it

Amendment 16
Eleftherios Synadinos

Draft opinion
Paragraph 4

Draft opinion

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante impact assessment regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need; insists on the necessity of **establishing** greater conditionality for disbursement of the assistance and proper control of the use of the funds, including substantial scrutiny by Parliament;

Amendment

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante impact assessment regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need; insists on the necessity of **measures, including initiatives suitably coordinated by the Commission, to establish** greater conditionality for disbursement of the assistance and proper control of the use of the funds, including substantial scrutiny by Parliament

Or. el

Amendment 17
Marietje Schaake

Draft opinion
Paragraph 4

Draft opinion

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante impact **assessment** regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need; insists on the necessity of establishing greater conditionality for disbursement of the assistance and proper control of the use of the funds, including substantial scrutiny by Parliament;

Amendment

4. With respect to EU financial assistance to other countries, namely macro-financial assistance, calls for a more in-depth ex-ante **and ex post** impact **assessments** regarding the proportionality of the proposed measures in order for the assistance to be efficient and genuinely helpful to our partners in need; insists on the necessity of establishing greater conditionality for disbursement of the assistance, **including human rights conditionality clauses** and proper control of the use of the funds, including

substantial scrutiny by Parliament, *as well a strong integration of the EU's external instruments, combining trade, development and foreign and security policy; stresses that member states have to show more commitment in this regard;*

Or. en

Amendment 18
Aldo Patriciello

Draft opinion
Paragraph 5

Draft opinion

5. *Notes* with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements often prove to be excessively optimistic and raise false hopes about their positive impact on EU citizens and businesses, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade negotiations, and calls on Parliament and the Commission to fully cooperate in this regard;

Amendment

5. *Concludes* with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements *very* often prove to be excessively optimistic and raise false hopes about their positive impact on EU citizens and businesses, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade negotiations, and calls on Parliament and the Commission to fully cooperate in this regard;

Or. it

Amendment 19
Marine Le Pen

Draft opinion
Paragraph 5

Draft opinion

5. Notes with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements often prove to be excessively optimistic and raise false hopes about their positive impact on *EU* citizens and businesses, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade negotiations, and calls on Parliament and the Commission to fully cooperate in this regard;

Amendment

5. Notes with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements often prove to be excessively optimistic and raise false hopes about their positive impact on *the* citizens and businesses *of the Member States*, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade negotiations, and calls on Parliament and the Commission to fully cooperate in this regard;

Or. fr

Amendment 20
Klaus Buchner

Draft opinion
Paragraph 5

Draft opinion

5. Notes with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements often prove to be excessively optimistic and raise false hopes about their positive impact on EU citizens and businesses, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade

Amendment

5. Notes with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements often prove to be excessively optimistic and raise false hopes about their positive impact on EU citizens and businesses, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade

negotiations, and calls on Parliament and the Commission to fully cooperate in this regard;

negotiations, and calls on Parliament and the Commission to fully cooperate in this regard; ***points out that impact assessments must continue to incorporate qualitative assessment criteria such as environmental and social factors and should not overwhelmingly rely on quantitative elements, since qualitative factors, in form of positive and negative externalities, pose considerable local and regional costs and have substantial long-term effects;***

Or. en

Amendment 21
Marietje Schaake

Draft opinion
Paragraph 5

Draft opinion

5. Notes ***with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements often prove to be excessively optimistic and raise false hopes about their positive impact on EU citizens and businesses, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade negotiations, and calls on Parliament and the Commission to fully cooperate in this regard;***

Amendment

5. Notes ***that existing preferential trade agreements have shown that they can be beneficial for the European economy, and lead to growth and jobs; Stresses that the effects of trade agreements depend on the outcome of negotiations and that impact projections therefore are always based on certain assumptions; Stresses that carrying out impact assessments is not only a task for the Commission, but that the Member States should also play a key role in assessing the potential benefits and impacts of preferential trade agreements for their own economy;***

Or. en

Amendment 22
Fernando Ruas

Draft opinion
Paragraph 5

Draft opinion

5. Notes with regret that the Commission's ex-ante impact assessments of envisaged far-reaching trade agreements often prove to be excessively optimistic and raise false hopes about their positive impact on EU citizens and businesses, in particular on SMEs; points out that the assessment of economic, social and environmental implications is carried out only after the launch of negotiations in the form of the so-called sustainability impact assessment; is convinced that these two assessment tools should be merged so as to assess the economic, social and environmental implications before launching trade negotiations, and calls on Parliament and the Commission to fully cooperate in this regard;

Amendment

5. Calls on the Commission to carry out the sustainability impact assessments before the launch of trade agreements negotiations in a broader ex-ante impact assessment exercise to assess the economic, social and environmental impact on EU citizens and business, in particular SMEs; Calls on Parliament and the Commission to fully cooperate in this regard;

Or. en

Amendment 23
Klaus Buchner

Draft opinion
Paragraph 5 a (new)

Draft opinion

5a. Warns against new guidelines on impact assessment as proposed in the Better Regulation proposal of the Commission putting trade and investment related cost-benefit criteria at the same level as social and environmental criteria in the methodology of impact assessment;

Amendment

Or. en

Amendment 24
Jörg Leichtfried

Draft opinion
Paragraph 6

Draft opinion

6. Points out the utmost importance of proper consultation, dialogue and involvement of citizens (starting at grass-roots level), businesses (namely SMEs) and civil society in the EU decision-making process for trade policy.

Amendment

6. Points out the utmost importance of proper consultation, dialogue and involvement of citizens (starting at grass-roots level), businesses (namely SMEs) and civil society in the EU decision-making process for trade policy; ***stresses in this regard the fundamental importance of transparency in which trade negotiations are to be carried out.***

Or. en

Amendment 25
Eleftherios Synadinos

Draft opinion
Paragraph 6

Draft opinion

6. Points out the utmost importance of proper consultation, dialogue and involvement of citizens (starting at grass-roots level), businesses (namely SMEs) and civil society in the EU decision-making process for trade policy.

Amendment

6. Points out the utmost importance of proper consultation, dialogue and involvement of citizens (starting at grass-roots level), businesses (namely SMEs) and civil society in the EU decision-making process for trade policy, ***as well as consultation with the Committee of the Regions and the European Economic and Social Committee;***

Or. el

Amendment 26
Marietje Schaake

Draft opinion
Paragraph 6

Draft opinion

6. Points out the utmost importance of proper consultation, dialogue and involvement of citizens (***starting at grass-roots level***), businesses (namely SMEs) and civil society in the EU decision-making process for trade policy.

Amendment

6. Points out the utmost importance of proper consultation, dialogue and involvement of citizens, businesses (namely SMEs) and civil society in the EU decision-making process for trade policy.

Or. en

Amendment 27
David Borrelli

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls on the Commission, in order to enhance the effectiveness of public consultation as a means of democratic participation and in support of impact assessment, to establish a substantial minimum criterion, in terms of the number of Member States involved and the number of people registering, for a consultation procedure to be ruled admissible.

Or. it

Amendment 28
Klaus Buchner

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Retains that specifications of national, regional and local standards going

beyond minimum standards of Union legislation in fields indirectly related to trade, such as local content requirements or public support for consumer awareness and protection, should remain possible and not be defamed as "gold-plating" in the Better Regulation package of the Commission.

Or. en

Amendment 29
Jörg Leichtfried, David Martin

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Notes the referral of the EU-Singapore Free Trade Agreement to the Court of Justice for an opinion on the potential mixed character of the agreement and hopes that this opinion will be a way of progressing towards greater clarity regarding which features of EU trade negotiations touch on Member States' responsibility.

Or. en