



30.5.2018

# **DRAFT OPINION**

of the Committee on Legal Affairs

for the Committee on International Trade

on Harnessing Globalisation: Trade Aspects  
(2018/2005(INI))

Rapporteur: Gilles Lebreton



## SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on International Trade, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Believes that Europe faces many challenges linked to globalisation, but it is important to adapt the texts in force in a measured way, on an area-by-area basis, with due respect for national identities and the principles of subsidiarity and proportionality so as to take into account the fears expressed by a growing number of citizens about their future;
2. Stresses that this adjustment should take place in at least four areas: the protection of intellectual property, the protection of protected geographical indications (PGIs), the taking into account of opinion 2/15 of 16 May 2017 of the Court of Justice of the European Union (CJEU) and the possible creation of a multilateral court for the settlement of disputes relating to investments;
3. Recalls that, as regards intellectual property rights, including patents, trademarks and copyright, the Committee on International Trade is responsible for the international aspects, but the Committee on Legal Affairs is responsible for substantive rules, and they should work together to ensure that the Union continues to protect European creators and interests, particularly in the face of the challenges posed by digital technology;
4. Stresses that, with regard to PGIs and agricultural Geographical Indications, or AGIs (including wine and cheese), the Union must be determined strictly to control the use of the traditional European designations of origin, especially in negotiating free trade agreements;
5. Insists that opinion 2/15 of the CJEU be taken into account, in particular in that it offers a key for the clear division of the competences between the Union and the Member States, and recalls that, as regards investment protection, the Court considers that the protection of non-direct investment and the investor-State dispute settlement mechanism are a competence shared between the Union and the Member States, whereas the protection of direct investment falls within the exclusive competence of the Union;
6. Stresses the need, in order to protect the public interest, to replace the arbitration courts with a multilateral court to settle investment disputes, and welcomes the fact that the Council has just adopted a negotiating mandate to this effect;
7. Supports, in the light of the above, initiatives likely to establish fair and undistorted conditions of competition, without excluding reasonable protection measures such as those already decided on by the Union in the fight against dumping to limit imports of some Chinese products.