

**Question for written answer E-013215/2013  
to the Commission**

Rule 117

**Franziska Keller (Verts/ALE) and David Martin (S&D)**

Subject: The Transatlantic Trade and Investment Partnership and investor-state dispute settlements

On 3 October 2013, the Commission released two factsheets on investor-state dispute settlements (ISDS). As one of the justifications for including an ISDS in the Transatlantic Trade and Investment Partnership, one of the factsheets<sup>1</sup> mentions:

'The fact that a country is a developed country and has a strong legal system does not always guarantee that foreign investors will be adequately protected [...] the investor may not want to bring an action against the host country in that country's courts because it might think they are biased or lack independence [...] investors might not be able to access the local courts in the host country. There are examples of cases where countries have expropriated foreign investors, not paid compensation and denied them access to local courts. In such situations, investors have nowhere to bring a claim, unless there is an ISDS provision in the investment agreement.'

1. Which Member States does the Commission think have a legal system that does not guarantee adequate protection for foreign investors, and which provisions in particular are at the origin of such a situation?
2. What are the examples of cases the Commission refers to where foreign investors have been denied access to local courts, expropriated, and not paid compensation in the USA? Do these examples involve any Member States?

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<sup>1</sup> [http://trade.ec.europa.eu/doclib/docs/2013/october/tradoc\\_151791.pdf](http://trade.ec.europa.eu/doclib/docs/2013/october/tradoc_151791.pdf)