



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on Legal Affairs*

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**2014/2228(INI)**

27.3.2015

# **AMENDMENTS**

## **1 - 116**

**Draft opinion**

**Axel Voss**

(PE549.425v01-00)

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



**Amendment 1**  
**Evelyne Gebhardt**

**Draft opinion**  
**Recital A**

*Draft opinion*

*A. whereas investment protection provisions and investor state dispute settlement are an essential tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;*

*Amendment*

*A. whereas, since judicial systems both in the European Union and in the United States of America function effectively, there is no need for any private investor state dispute settlement mechanisms in this agreement;*

Or. de

**Amendment 2**  
**Virginie Rozière**

**Draft opinion**  
**Recital A**

*Draft opinion*

*A. whereas investment protection provisions and investor state dispute settlement are an essential tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;*

*Amendment*

*A. whereas investor state dispute settlement should not occur outside of a legal framework imposed by a state governed by rule of law;*

Or. fr

**Amendment 3**  
**Angelika Niebler**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas investment protection provisions *and investor state dispute settlement* are an *essential* tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and *an appropriate dispute settlement procedure* is fundamental;

*Amendment*

A. whereas investment protection provisions are a tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and *the judicial systems of States* is fundamental;

Or. de

**Amendment 4**  
**Angel Dzhambazki, Sajjad Karim**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas investment protection provisions and investor state dispute settlement are an essential tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;

*Amendment*

A. whereas investment protection provisions and investor state dispute settlement are an essential tool in international economic relations *to ensure that states adhere to their commitments under mutually agreed international treaties*, and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;

Or. en

**Amendment 5**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas investment protection provisions and investor state dispute settlement are *an essential* tool in international economic relations *and are very important for investment activity*, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;

*Amendment*

A. whereas investment protection provisions and investor state dispute settlement are *a* tool in international economic relations and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;

Or. en

**Amendment 6**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas investment protection provisions and investor state dispute settlement are an *essential* tool in international economic relations *and are very important for* investment activity, and whereas a balanced relationship between the *necessary and effective* protection of investors, the right of States to regulate *and an appropriate dispute settlement procedure* is fundamental;

*Amendment*

A. whereas investment protection provisions and investor state dispute settlement are a tool in international economic relations, *but no study exists which proves any link between investor state disputes and greater* investment activity, and whereas a balanced relationship between the protection of investors *and the right of States to regulate in the public interest* is fundamental;

Or. de

**Amendment 7**  
**Kostas Chrysogonos**

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

*Draft opinion*

*Amendment*

*Aa. whereas international trade and investment agreements concluded by EU institutions are subject to the rights guaranteed by the EU, and the principles underlying the protection of those rights in the EU, as is the precautionary principle which applies to environmental, health and consumer protection;*

Or. en

**Amendment 8**  
**Heidi Hautala, Pascal Durand**

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

*Draft opinion*

*Amendment*

*Aa. whereas President Juncker has clearly stated in his Political Guidelines that he will not accept that the jurisdiction of courts in the Member States is limited by special regimes for investor disputes; whereas now that the results of the public consultation on investment protection and ISDS in the TTIP are available, a reflection process – taking account of the mostly very critical and constructive contributions – is needed within and between the three European institutions on the best way to achieve investment protection and equal treatment of investors without the use of the ISDS mechanism;*

Or. en

**Amendment 9**  
**Virginie Rozière**

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

*Draft opinion*

*Amendment*

*Aa. whereas the European Union and the USA have efficient national legal frameworks and are governed by rule of law;*

Or. fr

**Amendment 10**  
**Heidi Hautala, Pascal Durand**

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

*Draft opinion*

*Amendment*

*Ab. whereas serious doubts exist regarding the compatibility of the planned ISDS provisions with the principles of autonomy, unity and effectiveness of EU as they have been interpreted by the Court of Justice;*

Or. en

**Amendment 11**  
**Kostas Chrysogonos, Jiří Maštálka**

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

*Draft opinion*

*Amendment*

*B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain numerous ISDS*

*deleted*

clauses;

Or. en

**Amendment 12**  
**Heidi Hautala, Pascal Durand**

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

*Draft opinion*

*B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain numerous ISDS clauses;*

*Amendment*

*deleted*

Or. en

**Amendment 13**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

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

*Draft opinion*

B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain *numerous* ISDS clauses;

*Amendment*

B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas *numerous* bilateral agreements between EU Member States contain ISDS clauses, *but Regulation No 912/2014 states that existing bilateral investment agreements to which Member States are parties are to be replaced by the inclusion of an investment chapter in TTIP, even without ISDS;*



**Amendment 14**  
**Angel Dzhambazki, Sajjad Karim**

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

*Draft opinion*

B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements *between* EU Member States contain numerous ISDS clauses;

*Amendment*

B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas *over 1,400* bilateral agreements *signed by* EU Member States *already* contain numerous ISDS clauses;

Or. en

**Amendment 15**  
**Virginie Rozière**

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

*Draft opinion*

B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain *numerous* ISDS clauses;

*Amendment*

B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain *some* ISDS clauses;

Or. fr

**Amendment 16**  
**Kostas Chrysogonos**

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

*Draft opinion*

*Amendment*

***Ba. whereas art. 344 TFEU provides that:  
"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  
for therein";***

Or. en

**Amendment 17**  
**Evelyne Gebhardt**

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

*Draft opinion*

*Amendment*

***Ba. whereas the negotiations at issue are  
intended to result in an ambitious  
agreement which will protect the  
European model of the social market  
economy, as provided for by the Treaties  
of the European Union which will be  
accompanied by a significant  
improvement for the public, employees  
and consumers and by an opening-up of  
the market for undertakings based in the  
European Union, including SMEs;***

Or. de

**Amendment 18**  
**Virginie Rozière**

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

*Draft opinion*

*Amendment*

***Ba. whereas nothing can justify granting***

*a particular category of people, in this instance investors, inordinate rights under ordinary law;*

Or. fr

**Amendment 19**  
**Virginie Rozière**

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

*Draft opinion*

*Amendment*

*C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought legal action against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations;*

*deleted*

Or. fr

**Amendment 20**  
**Heidi Hautala, Pascal Durand**

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

*Draft opinion*

*Amendment*

*C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought legal action against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations;*

*deleted*

Or. en

**Amendment 21**  
**Angel Dzhambazki, Sajjad Karim**

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

*Draft opinion*

C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought legal action against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations;

*Amendment*

C. whereas international agreements are a basis for legal certainty, ***transparency*** and predictability and whereas there have been many cases in which the EU and other States have brought legal action against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations, ***notes that in some cases the US continues to refuse to respect WTO panel rulings, in clear contradiction of its commitments under WTO law;***

Or. en

**Amendment 22**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

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

*Draft opinion*

C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought ***legal action*** against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations;

*Amendment*

C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought ***complaints*** against the USA under the aegis of the WTO, ***which traditionally uses an inter-state dispute settlement mechanism,*** because the USA was believed to have failed to comply with its international obligations;

Or. de

**Amendment 23**  
**Kostas Chrysogonos**

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

*Draft opinion*

*Amendment*

*Ca. whereas Article 1 TEU provides that: "decisions are taken as openly as possible and as closely as possible to the citizen"; article 10 para. 3 TEU provides that: "decisions shall be taken as openly and as closely as possible to the citizen"; the European Parliament has, according to article 218 (10) TFEU, the right to "be immediately and fully informed at all stages of the procedure" of negotiation and conclusion of agreements between the Union and third countries"; and the European Ombudsman has emphasised in the decision closing her own-initiative inquiry OI/10/2014/RA the need for transparency in TTIP negotiations and public access to TTIP documents;*

Or. en

**Amendment 24**  
**Evelyne Gebhardt**

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

*Draft opinion*

*Amendment*

*Ca. stressing the democratic legitimacy of the European Parliament and calling, therefore, for TTIP not to call into question the primacy of political decision-making;*

Or. de

**Amendment 25**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point a**

*Draft opinion*

*a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;*

*Amendment*

*deleted*

Or. en

**Amendment 26**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point a**

*Draft opinion*

*a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;*

*Amendment*

*a. Stresses that the reservations felt by experts, politicians and the public should be taken into account in these reforms;*

Or. fr

**Amendment 27**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point a**

*Draft opinion*

a. *Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI));* observes, *however*, that the reservations felt by the public should be *taken into account in these reforms*;

*Amendment*

a. Observes that the reservations felt by the public should be *reflected in negotiations on trade and investment agreements*;

Or. de

**Amendment 28**  
**Constance Le Grip**

**Draft opinion**  
**Paragraph 1 – point a**

*Draft opinion*

a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;

*Amendment*

a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms, *as regards notably transparency and democratic legitimacy of investment protection mechanisms*;

Or. en

**Amendment 29**  
**Angelika Niebler**

**Draft opinion**  
**Paragraph 1 – point a**

*Draft opinion*

a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public *should* be taken into account in these reforms;

*Amendment*

a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the *massive* reservations felt by the public *must* be taken into account in these reforms;

Or. de

**Amendment 30**

**Angel Dzhambazki, Sajjad Karim**

**Draft opinion**

**Paragraph 1 – point a**

*Draft opinion*

a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations *felt by the public* should be taken into account in these reforms;

*Amendment*

a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations *brought forward* should be taken into account in these reforms;

Or. en

**Amendment 31**

**Kostas Chrysogonos**

on behalf of the GUE/NGL Group

**Jiří Maštálka, Kostas Chrysogonos**

**Draft opinion**

**Paragraph 1 – point a – point i (new)**



*Draft opinion*

*Amendment*

***ai. Urges, given the scale of the impact which the TTIP would have on the lives of ordinary Europeans, that a referendum be held in all the EU Member States and that its outcome should be final and should determine whether the negotiations continue or are halted; taking adequate account of the concerns felt by the community at large regarding lowering of standards to the detriment of consumers, protection of public services, the proposed cooperation system and ISDS;***

Or. en

**Amendment 32**

**Jiří Maštálka, Kostas Chrysogonos**

**Draft opinion**

**Paragraph 1 – point a a (new)**

*Draft opinion*

*Amendment*

***aa. Demands to suspend the TTIP negotiations and calls on the Commission to conduct a public consultation on the content and goals of the negotiations;***

Or. en

**Amendment 33**

**Virginie Rozière**

**Draft opinion**

**Paragraph 1 – point a a (new)**

*Draft opinion*

*Amendment*

***aa. Stresses that the democratic legitimacy of the EU's trade policy needs to be strengthened; calls on the Commission to take account of responses to the public***

*consultation it conducted and especially the 97 % of responses opposed to an ISDS;*

Or. fr

**Amendment 34**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

*Amendment*

*b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;*

*deleted*

Or. fr

**Amendment 35**  
**Kostas Chrysogonos, Jiří Maštálka**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

*Amendment*

*b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;*

*deleted*

Or. en

**Amendment 36**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

*Amendment*

***b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;***

***deleted***

Or. en

**Amendment 37**  
**Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

*Amendment*

***b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;***

***b. Observes that the establishment of an international commercial court, to which independent judges would be appointed, is more in accordance with the principle of the administration of justice in the name of the people, the rule of law and transparency of the law than private investor state dispute settlement mechanisms;***

Or. de

**Amendment 38**  
**Angel Dzhambazki, Sajjad Karim**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

*Amendment*

***b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;***

***b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors **are welcome and** represent the right approach **in clarifying issues relating to the right to regulate, the functioning*****

*of arbitral panels as well as leaving open the possibility of an appeals mechanism* and must be developed further for TTIP; *urges the Commission to ensure full disclosure and regular communication concerning the development-process of said reforms;*

Or. en

**Amendment 39**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors *represent the right approach and must be developed further for TTIP;*

*Amendment*

b. Observes that *treating local and foreign investors equitably is not possible under* the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors;

Or. fr

**Amendment 40**  
**Lidia Joanna Geringer de Oedenberg**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors *represent the right approach and must be developed further for TTIP;*

*Amendment*

b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors *significantly differ from those presented in TTIP negotiations thus far and should not determine the course of future negotiations;*

Or. pl

**Amendment 41**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point b**

*Draft opinion*

b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and *must be developed further* for TTIP;

*Amendment*

b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors *do not* represent the right approach and *are therefore superfluous* for TTIP;

Or. de

**Amendment 42**  
**Jiří Maštálka, Kostas Chrysogonos**

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

*Draft opinion*

*Amendment*

*ba. Calls on the Commission to make publicly accessible the consolidated text versions combining EU and US positions on draft chapters and thereby ensure the equal access to information for all interested stakeholders during all stages of the negotiations;*

Or. en

**Amendment 43**  
**Heidi Hautala, Pascal Durand**

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

*Draft opinion*

*Amendment*

*ba. Observes that to ensure that foreign investors are treated in a non-*

*discriminatory fashion and have a fair opportunity to seek and achieve redress of grievances can be achieved without the inclusion in TTIP of investment protection standards and an ISDS mechanism; is of the firm opinion that a possible TTIP agreement should not contain any investment protection standards and ISDS mechanism as the given level of investment protection in the EU and the US is fully sufficient to guarantee legal security;*

Or. en

**Amendment 44**  
**Kostas Chrysogonos, Jiří Maštálka**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

*Amendment*

*c. Observes that existing dispute settlement mechanisms work well but also display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;*

*deleted*

Or. en

**Amendment 45**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

*Amendment*

*c. Observes that existing dispute*

*deleted*

*settlement mechanisms work well but also display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;*

Or. en

**Amendment 46**  
**Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

c. Observes that existing dispute settlement mechanisms *work well but also* display weaknesses *and that therefore improvements are needed and they must be modernised in order to improve* their legitimacy and *the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;*

*Amendment*

c. Observes that existing dispute settlement mechanisms display weaknesses, *because both* their legitimacy and *acceptance of them are insufficiently developed;*

Or. de

**Amendment 47**  
**Lidia Joanna Geringer de Oedenberg**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

c. Observes that existing dispute settlement mechanisms *work well but also display weaknesses and that therefore improvements are needed and they must*

*Amendment*

c. Observes that existing dispute settlement mechanisms *in countries where there is no risk of political interference in the justice system or legal protection system are*

*be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;*

*operating smoothly and that there is consequently no need to introduce ISDS;*

Or. pl

**Amendment 48**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

c. *Observes* that existing dispute settlement mechanisms *work well but also* display weaknesses *and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;*

*Amendment*

c. *Considers* that existing dispute settlement mechanisms display *a great many* weaknesses;

Or. fr

**Amendment 49**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

c. Observes that existing dispute settlement mechanisms *work well but also* display weaknesses *and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes*

*Amendment*

c. Observes that existing dispute settlement mechanisms display *serious* weaknesses *in terms of both procedure and substance;*



*between States and investors, so that they can then also be taken as a model for other partnerships;*

Or. de

**Amendment 50**  
**Angelika Niebler**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

c. Observes that existing dispute settlement mechanisms work *well* but *also* display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;

*Amendment*

c. Observes that existing dispute settlement mechanisms *do indeed* work but *nonetheless* display weaknesses and that therefore *comprehensive* improvements are *urgently* needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;

Or. de

**Amendment 51**  
**Angel Dzhambazki, Sajjad Karim**

**Draft opinion**  
**Paragraph 1 – point c**

*Draft opinion*

c. Observes that existing dispute settlement mechanisms work well *but also display weaknesses and that therefore* improvements are needed *and they* must be modernised in order to improve *their* legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other

*Amendment*

c. Observes that existing dispute settlement mechanisms work well, *providing investors with a means to ensure state compliance under international law, but significant* improvements are needed *in terms of precise legal drafting which* must be modernised in order to improve *the* legitimacy and the institutionalisation of mechanisms for the settlement of disputes

partnerships;

between States and investors, so that they can then also be taken as a model for other partnerships;

Or. en

**Amendment 52**  
**Heidi Hautala, Pascal Durand**

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

*Draft opinion*

*Amendment*

*ca. Calls on to Commission to oppose the inclusion of an ISDS mechanism in TTIP given the EU's and the United States' developed legal systems and that a state-to-state dispute settlement system, and the use of national legal and judicial systems are the most appropriate tools to address investment disputes;*

Or. en

**Amendment 53**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point d**

*Draft opinion*

*Amendment*

*d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement*

*deleted*

*procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;*

Or. de

**Amendment 54**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point d**

*Draft opinion*

d. Calls on the Commission, *in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;*

*Amendment*

d. Calls on the Commission *not to establish a* dispute settlement *mechanism;*

Or. fr

**Amendment 55**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point d**

*Draft opinion*

d. Calls on the Commission, in this context, to take account *of and to supplement*, firstly, *the constructive* contributions made by the public consultation on TTIP, and, secondly, *the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such* dispute settlement procedures, *to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;*

*Amendment*

d. Calls on the Commission, in this context, to take account firstly *the* contributions made by the public consultation on TTIP and, secondly, *not to support the inclusion of any kind of investor-state* dispute settlement (ISDS), *and thus maintain the EU's institutional and judicial framework; to work towards producing a permanent solution for resolving disputes between investors and states under trade agreements, for example through the creation of a permanent multilateral court of judges;*

Or. en

**Amendment 56**  
**Constance Le Grip**

**Draft opinion**  
**Paragraph 1 – point d**

*Draft opinion*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish

*Amendment*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish

clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

clear structures **and rules**, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping **and action through the use of mailbox companies**, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and **to foresee an appeal system and to this regard** to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

Or. en

**Amendment 57**  
**Angelika Niebler**

**Draft opinion**  
**Paragraph 1 – point d**

*Draft opinion*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the **constructive** contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, **to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels** and to assess the feasibility of establishing a permanent court and a

*Amendment*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, **not to bypass national and European legislation by means of international tribunals**, and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

multilateral appeal system in TTIP;

Or. de

## **Amendment 58**

**Kostas Chrysogonos, Jiří Maštálka**

### **Draft opinion**

#### **Paragraph 1 – point d**

##### *Draft opinion*

d. Calls on the Commission, in this context, to take account of and to supplement, *firstly*, the constructive contributions made by the public consultation *on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA*, in order to *establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;*

##### *Amendment*

d. Calls on the Commission, in this context, to take account of and to supplement the constructive contributions made by the public consultation in order to increase the transparency *of negotiations* *and* maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels;

Or. en

## **Amendment 59**

**Angel Dzhambazki, Sajjad Karim**

### **Draft opinion**

#### **Paragraph 1 – point d**

##### *Draft opinion*

d. Calls on the Commission, in this

##### *Amendment*

d. Calls on the Commission, in this

context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency **and legitimacy** of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful **and balanced** pool of judges selected by States and a **clear** code of conduct for judges, to increase the transparency, **legitimacy and neutrality** of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

Or. en

## **Amendment 60**

**Lidia Joanna Geringer de Oedenberg**

### **Draft opinion**

#### **Paragraph 1 – point d**

##### *Draft opinion*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, **and, secondly, the dispute settlement mechanisms incorporated in CETA**, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for

##### *Amendment*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, **in which 97% of the almost 150 000 people polled in the 28 Member States stated that they were opposed to ISDS in its current form**, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of

amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

Or. pl

## **Amendment 61**

**Daniel Buda**

### **Draft opinion**

#### **Paragraph 1 – point d**

##### *Draft opinion*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

##### *Amendment*

d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges ***or, where appropriate, arbitrators, with high ethical and professional standards and a good reputation***, selected by States, and a code of conduct for judges ***or, where appropriate, arbitrators***, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

Or. ro

## **Amendment 62**

**Kostas Chrysogonos, Jiří Maštálka**



**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

*Amendment*

*e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;* *deleted*

Or. en

**Amendment 63**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

*Amendment*

*e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;* *deleted*

Or. fr

**Amendment 64**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

*Amendment*

*e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;*

*deleted*

Or. en

**Amendment 65**

**Dietmar Köster, Evelyn Regner, Sergio Gaetano Cofferati, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt, Virginie Rozière, Jude Kirton-Darling, Jörg Leichtfried, Eric Andrieu, Mary Honeyball**

**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

*Amendment*

*e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;*

*e. Calls on the Commission to ensure that foreign investors are treated in a non-discriminatory fashion and have a fair opportunity to seek and achieve redress of grievances, while benefiting from no greater rights than domestic investors; to oppose the inclusion of ISDS in TTIP, as other options to enforce investment protection are available, such as domestic remedies;*

Or. en

**Amendment 66**  
**József Szájer**

**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;

*Amendment*

e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors; ***therefore to prepare a report of concrete problems experienced by European investors in the US where the lack of transatlantic investor-state dispute settlement possibilities prevented an effective solution or resulted in a less favourable situation of European investors vis-à-vis investors of third countries having such an instrument at their disposal; to keep TTIP negotiations on investor-state dispute settlement suspended until specific proposals that duly reflect the results of the public consultation conducted on this subject are developed; and to develop these specific proposals in close consultation with the European Parliament;***

Or. en

**Amendment 67**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in

*Amendment*

e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in

relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;

relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors; ***in accordance with the reciprocity principle, the Commission must also guarantee the same rights for investors from the USA;***

Or. ro

**Amendment 68**  
**Therese Comodini Cachia**

**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;

*Amendment*

e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors, ***therefore to prepare a report of concrete problems experienced by European investors in the US where the lack of transatlantic investor-state dispute settlement possibilities prevented an effective solution or resulted in a less favourable situation of European investors vis-à-vis investors of third countries having such an instrument at their disposal; to keep TTIP negotiations on investor-state dispute settlement suspended until developing specific proposals that duly reflect the results of the public consultation conducted on this subject; and to develop these specific***

*proposals in close consultation with the European Parliament;*

Or. en

**Amendment 69**  
**Constance Le Grip**

**Draft opinion**  
**Paragraph 1 – point e**

*Draft opinion*

e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;

*Amendment*

e. Calls on the Commission to ensure that investors from the EU, ***including SMEs***, are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;

Or. en

**Amendment 70**  
**Heidi Hautala, Pascal Durand**

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

*Draft opinion*

*Amendment*

***ea. Calls on the Commission to refer the matter to the CJEU for its opinion on the compatibility of the TTIP Agreement and more specifically on the investor-state dispute settlement (ISDS) with Union law, before submitting it for approval pursuant to Article 218(11) TFEU;***

Or. en

**Amendment 71**  
**Jiří Maštálka, Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 1 – point f**

*Draft opinion*

f. Calls on the Commission to *ensure that in the future* dispute settlement mechanism *in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;*

*Amendment*

f. Calls on the Commission to *reject the ISDS* dispute settlement mechanism, *since it would de facto lead to justice being privatised and would undermine the right of the competent authorities to regulate by exposing them to the threat of legal proceedings by private investors and it would threaten legal certainty of public contracts in the EU;*

Or. en

**Amendment 72**  
**Angel Dzhambazki, Sajjad Karim**

**Draft opinion**  
**Paragraph 1 – point f**

*Draft opinion*

f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force *or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;*

*Amendment*

f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force; *or undermine any fundamental principle or protective standard guaranteed under European and International law;*

Or. en

**Amendment 73**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 1 – point f**

*Draft opinion*

f. Calls on the Commission to ensure that ***in the future*** dispute settlement mechanism ***in TTIP it is guaranteed that*** decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;

*Amendment*

f. Calls on the Commission to ensure that, ***if a*** dispute settlement mechanism ***is adopted, its*** decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;

Or. en

**Amendment 74**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point f**

*Draft opinion*

f. Calls on the Commission to ensure ***that in the future dispute settlement mechanism in TTIP*** it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render ***it*** ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;

*Amendment*

f. Calls on the Commission to ensure it is guaranteed that decisions on individual cases will not replace ***European Union law or*** the national law of the contracting parties which is in force or render ***them*** ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;

Or. fr

**Amendment 75**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point f**

*Draft opinion*

f. Calls on the Commission to ensure that in *the future dispute settlement mechanism* in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under *such a dispute settlement mechanism*;

*Amendment*

f. Calls on the Commission to ensure that in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under *any TTIP provisions*;

Or. en

**Amendment 76**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point f**

*Draft opinion*

f. Calls on the Commission to ensure that in the future dispute settlement *mechanism* in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – *provided that they are not made retroactive* – cannot be contested under such a dispute settlement mechanism;

*Amendment*

f. Calls on the Commission to ensure that in the *case of* future dispute settlement *mechanisms* in *CETA and TTIP and their administrative operation* it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation cannot be contested under such a dispute settlement mechanism;

Or. de

**Amendment 77**  
**Daniel Buda**



**Draft opinion**  
**Paragraph 1 – point f**

*Draft opinion*

f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;

*Amendment*

f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force, ***which must be in line with international legislative acts***, or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;

Or. ro

**Amendment 78**  
**Jiří Maštálka, Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 1 – point g**

*Draft opinion*

g. ***Calls on*** the Commission to ensure that ***clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP***;

*Amendment*

g. ***Urges*** the Commission to ensure that ***the revision clause is included in the agreement to enable the impact of the arrangements agreed to be checked and where necessary changed and to be able to terminate the agreement***;

Or. en

**Amendment 79**  
**Angel Dzhambazki, Sajjad Karim**

**Draft opinion**  
**Paragraph 1 – point g**

*Draft opinion*

g. Calls on the Commission to ensure that

*Amendment*

g. Calls on the Commission to ensure that

clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP;

clearly defined rules on regulatory ***cooperation and*** coherence are comprehensively incorporated in TTIP; ***these should aim at ensuring the highest levels of transparency on mutual consultation and exchanges of best practices on important regulatory initiatives, as well as the use of better regulatory approaches, including impact assessments, evaluations and reviews of existing measures;***

Or. en

**Amendment 80**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point g**

*Draft opinion*

g. Calls on the Commission to ensure that clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP;

*Amendment*

g. Calls on the Commission to ensure that clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP ***and that the regulatory cooperation chapter applies only to clearly specified sectoral areas and that Parliament's role within the EU's decision-making process and its democratic scrutiny over EU regulatory processes is fully respected;***

Or. en

**Amendment 81**  
**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**  
**Paragraph 1 – point g**

*Draft opinion*

g. Calls on the Commission to ***ensure that clearly defined rules on regulatory***

*Amendment*

g. Calls on the Commission to ***guarantee that the established regulatory systems on***

*coherence are comprehensively incorporated in TTIP;*

*both sides of the Atlantic and the role of the European Parliament in the EU's decision-making procedure and its powers of scrutiny of the EU's regulatory processes will be fully and completely respected in creating the framework for future cooperation;☺*

Or. de

**Amendment 82**  
**Jiří Maštálka, Kostas Chrysogonos**

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

*Draft opinion*

*Amendment*

*gi. Calls on the Commission to make clear to the negotiating partner that the precautionary principle is one of the fundamental principles of European environmental, health and consumer protection policy and is the basis for prompt, proactive negotiations to avoid putting the health of people, animals and plants at risk and damaging the environment; ensure that the negotiations do not result in the diluting of the precautionary principle which operates in the EU, particularly in the areas of environmental, health, food and consumer protection;*

Or. en

**Amendment 83**  
**Jiří Maštálka, Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 1 – point h**

*Draft opinion*

*Amendment*

h. Calls on the Commission to ensure that

h. Calls on the Commission to ensure that

the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU **and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange and supervision of the implementation** of TTIP provisions;

the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU **with promoting the highest standards of citizens protection, including health, safety, the environment, consumer and workers' rights, public services of general interest, considers it vital to preserve the sovereignty of the Member States to derogate public and collective services, such as water, health, education, social security, cultural, media matters, product quality and the right of self-government of municipal and local authorities from the scope of TTIP negotiations. Urges the Commission to ensure that any procedures in the context of regulatory cooperation fully respect the legislative competences of the European Parliament and the Council in strict accordance with the EU Treaties and do not delay directly or indirectly the European legislative process;**

Or. en

**Amendment 84**  
**Kostas Chrysogonos, Jiří Maštálka**

**Draft opinion**  
**Paragraph 1 – point h**

*Draft opinion*

h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA **and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange and supervision of the implementation of TTIP provisions;**

*Amendment*

h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA;

Or. en

**Amendment 85**  
**Angelika Niebler**

**Draft opinion**  
**Paragraph 1 – point h**

*Draft opinion*

h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange *and supervision of the implementation of TTIP provisions*;

*Amendment*

h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation *and* information exchange;

Or. de

**Amendment 86**  
**Virginie Rozière**

**Draft opinion**  
**Paragraph 1 – point h**

*Draft opinion*

h. Calls on the Commission to ensure that the adoption of *national* legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange *and supervision of the implementation of TTIP provisions*;

*Amendment*

h. Calls on the Commission to ensure that the adoption of legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation *and* information exchange;

Or. fr

## Amendment 87

Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

### Draft opinion

#### Paragraph 1 – point h

##### *Draft opinion*

h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange and *supervision* of the implementation of TTIP provisions;

##### *Amendment*

h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers ***and cannot take any binding decision*** but serves purely for purposes of cooperation, information exchange and ***observation*** of the implementation of ***CETA and*** TTIP provisions;

Or. de

## Amendment 88

Kostas Chrysogonos, Jiří Maštálka

### Draft opinion

#### Paragraph 1 – point i

##### *Draft opinion*

*i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States;*

##### *Amendment*

*deleted*

Or. en

## Amendment 89

Angelika Niebler

### Draft opinion

#### Paragraph 1 – point i

*Draft opinion*

i. Notes that ***TTIP gives contracting parties the option of increasing*** protection of intellectual property, including in relation to third States.

*Amendment*

i. Notes that protection of intellectual property ***needs to be increased***, including in relation to third States, ***and that multilateral agreements to which all major patent-registering nations (the EU, the USA, Japan, South Korea and China) are parties, rather than bilateral agreements such as TTIP, are the most appropriate instrument for this purpose.***

Or. de

**Amendment 90**

**Angel Dzhambazki, Sajjad Karim**

**Draft opinion**

**Paragraph 1 – point i**

*Draft opinion*

i. ***Notes that TTIP gives contracting parties the option of increasing*** protection of intellectual property, ***including in relation to third States.***

*Amendment*

i. ***Recalls the crucial importance of intellectual property to the EU economy and requests that TTIP allow for increased levels of protection of EU intellectual property rights to support research and innovation on both sides of the Atlantic, ensuring that those who create high quality innovative products can continue to do so;***

Or. en

**Amendment 91**

**Constance Le Grip**

**Draft opinion**

**Paragraph 1 – point i**

*Draft opinion*

i. Notes that TTIP gives contracting parties the option of increasing protection of

*Amendment*

i. Notes that TTIP gives contracting parties the option of increasing protection of

intellectual property, including in relation to third States.

intellectual property, including in relation to third States; ***calls on the Commission to ensure that such negotiations address also the need for enhanced recognition and protection of EU geographical indications.***

Or. en

**Amendment 92**  
**Jiří Maštálka, Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 1 – point i**

*Draft opinion*

i. *Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.*

*Amendment*

i. ***Calls on the Commission to make sure that the question of IPR, including copyrights, trademarks and patents is not included in the negotiations as neither the Member States nor the EU have adopted comprehensive harmonisation measures for these matters;***

Or. en

**Amendment 93**  
**Heidi Hautala, Pascal Durand**

**Draft opinion**  
**Paragraph 1 – point i**

*Draft opinion*

i. Notes that TTIP gives contracting parties the option ***of increasing protection*** of intellectual property, ***including in relation to third States.***

*Amendment*

i. Notes that TTIP gives contracting parties the option ***to ensure that the Intellectual Property Rights (IPR) chapter of TTIP includes provisions only for precisely and clearly defined areas of IPR where a common minimal denominator can be identified, while continuing to confirm the existing flexibilities in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), notably in the***



*area of public health;*

Or. en

**Amendment 94**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i**

*Draft opinion*

i. *Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.*

*Amendment*

i. *Stresses that, while neither EU Member States nor the European Union have taken a decision on comprehensive harmonisation of the right to intellectual property, including copyright, trade marks and patents, the Commission ought not to negotiate on these interests in CETA or TTIP.*

Or. de

**Amendment 95**

**Virginie Rozière**

**Draft opinion**

**Paragraph 1 – point i**

*Draft opinion*

i. *Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States;*

*Amendment*

i. *Calls on the Commission to ensure that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.*

Or. fr

**Amendment 96**

**Cecilia Wikström**

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

*Draft opinion*

*Amendment*

*ia. Considers it to be of great importance that the EU and the US remain committed and engaged in global multilateral patent harmonisation discussions through existing international bodies and thus cautions against attempting to introduce provisions on substantive patent law, in particular with regards to issues related to patentability and grace periods, into TTIP;*

Or. en

**Amendment 97**  
**Kostas Chrysogonos**

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

*Draft opinion*

*Amendment*

*ia. Considers that the inclusion of ISDS would be incompatible with the CJEU's exclusive jurisdiction over the definitive interpretation of EU law;*

Or. en

**Amendment 98**  
**Angelika Niebler**

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

*Draft opinion*

*Amendment*

*ia. Calls on the Commission, with regard to market access, to introduce a horizontal exception clause to preserve the right of the EU and its Member States to adopt or*

*maintain any measure relating to local-government administration of services of general interest, which should apply to both existing and future measures in all sectors and to all obligations;*

Or. de

**Amendment 99**  
**Emil Radev**

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

*Draft opinion*

*Amendment*

*ia. Calls on the Commission to preserve the protection of certain products of which the origin is of high importance. Therefore, the adequate assurance of the application of the geographical indicators is essential in order to be able to enforce those rules;*

Or. en

**Amendment 100**  
**Therese Comodini Cachia**

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

*Draft opinion*

*Amendment*

*ia. Calls on the Commission to preserve the protection of certain products of which the origin is of high importance. Therefore, the adequate assurance of the application of the geographical indicators is essential in order to be able to enforce those rules;*

Or. en

**Amendment 101**  
**Jean-Marie Cavada, António Marinho e Pinto**

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

*Draft opinion*

*Amendment*

*ia. Calls on the Commission however to ensure that the rules on the cultural exception continue to be excluded from the negotiating mandate for Brussels;*

Or. fr

**Amendment 102**  
**József Szájer**

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

*Draft opinion*

*Amendment*

*Calls on the Commission to preserve the protection of certain products of which the origin is of high importance. Therefore, the adequate assurance of the application of the geographical indicators is essential in order to be able to enforce those rules;*

Or. en

**Amendment 103**  
**Angelika Niebler**

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

*Draft opinion*

*Amendment*

*ib. Calls on the Commission, furthermore, with regard to market access, to ensure adequate provisions to exclude sensitive services such as public services and public*

*utilities (including water, health, social security systems and education), allowing national and local authorities enough room for manoeuvre to legislate in the public interest; observes that, for these services, an explicit exception, based on Article 14 TFEU in conjunction with Protocol 26, must be incorporated in the agreement, irrespective of who provides them and in what form and how they are financed; notes that a joint declaration reflecting negotiators' clear commitment to exclude these sectors from the negotiations would be very helpful in this regard;*

Or. de

**Amendment 104**  
**Kostas Chrysogonos**

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

*Draft opinion*

*Amendment*

*ib. Stresses the need to release all preparatory documents well before the EP is asked to vote on the final text;*

Or. en

**Amendment 105**  
**Jean-Marie Cavada, António Marinho e Pinto**

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

*Draft opinion*

*Amendment*

*ib. Calls on the Commission to ensure in particular that all matters benefiting European artists and producers are included in the rules on cultural exception;*

**Amendment 106**

**Jean-Marie Cavada, António Marinho e Pinto**

**Draft opinion**

**Paragraph 1 – point i c (new)**

*Draft opinion*

*Amendment*

*ic. Calls on the Commission to give guarantees regarding inclusion of the publishing sector in the cultural exception;*

Or. fr

**Amendment 107**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i a (new)**

*Draft opinion*

*Amendment*

*ia. Considers that there may fundamentally be a mutual interest in the elimination of non-tariff barriers to trade, but that it must be confined to various technical standards and regulations and, where appropriate, the abolition of duplicate authorisation procedures which are genuinely comparable; stresses that mutual recognition of standards and authorisation procedures can be accepted only if it does not result in any lowering of the level of protection; considers that parliamentary sovereignty over the definition of standards and authorisation procedures must be preserved;*

Or. de

**Amendment 108**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i b (new)**

*Draft opinion*

*Amendment*

*ib. Rejects competition which entails dumping, in the course of which States and undertakings secure advantages through social or environmental dumping; considers, therefore, that, in the context of CETA and TTIP, the aim must be to improve rights of codetermination, labour standards, standards of health protection and consumer protection, and social and environmental standards;*

Or. de

**Amendment 109**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i c (new)**

*Draft opinion*

*Amendment*

*ic. Observes that, in the field of public procurement, social and ecological procurement criteria and their possible extension must not be called into question;*

Or. de

**Amendment 110**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i d (new)**

*Draft opinion*

*Amendment*

***id. Observes that CETA and TTIP must prove their value by contributing to progress in the protection of employees' rights, consumer protection and sustainable economic development on a global scale;***

Or. de

**Amendment 111**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i e (new)**

*Draft opinion*

*Amendment*

***ie. Calls on the Commission to ensure that both contracting parties undertake, in particular, to respect and implement core ILO labour standards and the OECD Guidelines for Multinational Enterprises; considers that compliance with labour and social standards must be effectively secured in case of conflict;***

Or. de

**Amendment 112**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i f (new)**

*Draft opinion*

*Amendment*

***if. Stresses that under no circumstances may the right to codetermination, works constitution and free collective bargaining or other protective rights for workers, the environment and consumers be interpreted as 'non-tariff trade barriers';***



**Amendment 113**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i g (new)**

*Draft opinion*

*Amendment*

*ig. Stresses that the transatlantic negotiations should also be used to step up regulation of sectors of global financial markets which have hitherto been insufficiently regulated ;*

Or. de

**Amendment 114**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i h (new)**

*Draft opinion*

*Amendment*

*ih. Observes, furthermore, that unclear definitions of legal terms in CETA and TTIP such as ‘fair and equitable treatment’ or ‘indirect expropriation’ must be rejected;*

Or. de

**Amendment 115**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i i (new)**

*Draft opinion*

*Amendment*

*ii. Calls on the Commission to adopt a*

*positive list approach; considers that, in the services sector, lists must be discussed and drawn up together with those concerned, including trade unions;*

Or. de

**Amendment 116**

**Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt**

**Draft opinion**

**Paragraph 1 – point i j (new)**

*Draft opinion*

*Amendment*

*ij. Calls on the Commission to ensure that CETA and TTIP include clauses which make it possible to correct undesirable and wrong developments and, where appropriate, permit termination of the agreements;*

Or. de