



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on Petitions*

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**2014/2228(INI)**

30.4.2015

## **OPINION**

of the Committee on Petitions

for the Committee on International Trade

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

Rapporteur: Jarosław Wałęsa

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## SUGGESTIONS

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

- having regard to the directives for the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) between the European Union and the United States of America of 14 June 2013,
  - having regard to Articles 206 and 207 of the Treaty on the Functioning of the European Union,
  - having regard to its earlier resolutions of 23 October 2012 on trade and economic relations with the United States<sup>1</sup>, 23 May 2013 on trade and investment negotiations with the United States of America<sup>2</sup>, and 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>3</sup>,
  - having regard to its resolution of 15 January 2015 on the annual report on the activities of the European Ombudsman 2013,
  - having regard to petitions 1221-13, 1635-13, 1960-13, 2694-13, 2721-13, 2859-13, 0149-14, 0184-14, 0195-14, 0242-14, 0589-14, 0706-14, 0722-14, 0738-14, 0783-14, 0949-14, 0973-14, 1032-14, 1122-14, 1336-14, 1575-14, 1649-14, 2062-14, 2143-14, 2268-14, 2314-14, 2328-14, 2647-14 and 0033-15,
  - having regard to the European Ombudsman's investigation into the transparency of, and public participation in, the negotiations on the Transatlantic Trade and Investment Partnership (OI/10/2014/RA),
  - having regard to the outcome of the public consultation launched by the Commission concerning investment protection and Inter-State Dispute Settlement (ISDS) in the TTIP,
  - having regard to the letter of 5 June 2014 from the EU's chief negotiator, Ignacio García-Bercero, to his American counterpart, Daniel Mullany, in which he stated that 'all documents related to the negotiations will remain closed to the public for up to 30 years',
- A. whereas the Commission is currently negotiating on behalf of the European Union a deep, comprehensive and high-standards trade and investment partnership agreement with the United States (the Transatlantic Trade and Investment Partnership or TTIP) which aims to foster and facilitate commercial exchange of goods and services and enhance investment, inter alia through the removal of trade barriers; whereas a significant number of European citizens have voiced legitimate concerns that this agreement would threaten fundamental EU regulations, in particular in the fields of labour rights, environmental protection and food and safety standards;

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<sup>1</sup> OJ C 68 E, 7.3.2014, p. 53.

<sup>2</sup> Texts adopted, P7\_TA(2013)0227.

<sup>3</sup> Texts adopted, P7\_TA(2014)0230.

- B. whereas President Juncker had invited each member of the incoming Commission to ‘make public all the contacts and meetings we hold with professional organisations or self-employed individuals on any matter relating to EU policy-making and implementation’ regarding the wide-ranging trade and investment partnership agreement with the US that the Commission is currently negotiating on behalf of the EU; whereas the only effective way to avoid public confusion and misunderstanding is more transparency and a greater effort to proactively inform public debate;
- C. whereas the objective of the TTIP is to increase trade and investment between the EU and the US without impinging on the principles established in the *acquis communautaire* or on sustainable economic growth, the creation of decent jobs or the promotion of the European social model;
- D. whereas the negotiations have attracted unprecedented public interest, given the potential economic, social and political implications of the TTIP and the secretive manner in which the negotiations have been conducted;
- E. whereas former Commission President José Manuel Barroso called on civil society to play a constructive and engaged part in the TTIP negotiations;
- F. whereas civil society has expressed concerns over the TTIP;
- G. whereas on 10 September 2014 the Commission refused to register the European Citizens’ Initiative (ECI) ‘Stop TTIP’, taking the view that it fell outside the framework of the Commission’s powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties; whereas a ‘Stop TTIP’ initiative has since been launched outside the procedure laid down in Regulation 211/2011 and has already collected more than one million signatures; whereas the Committee on Petitions has received a number of petitions raising concerns over the TTIP; whereas the petitioners’ main concerns are related to risks regarding the safety and quality of food imports, the transfer of data from the EU to the US, in particular information collected by the US regarding natural and legal persons (the right of EU citizens to ‘digital self-determination’), the lack of transparency of the negotiations, the potential negative economic impact of TTIP, in particular in terms of employment and wages, and the transfer of public authorities’ right to regulate to corporations via the ISDS mechanism;
- H. whereas the right of EU citizens to benefit from public access to documents held by EU institutions is a fundamental right aimed at ensuring that they can participate in EU decision-making and hold the EU and its institutions to account, thus enhancing the democratic nature of the Union;
- I. whereas all the petitions received by EU citizens, gathering tens of thousands of signatures of EU citizens, have a clearly critical position towards the TTIP negotiation and warn about the threat that such an agreement would pose to the European way of life, especially in the social, economic, environmental and democratic fields;
- J. whereas the European Ombudsman’s investigation of July 2014 regarding the transparency of the TTIP scrutinised the withholding of key documents and alleged granting of privileged access to certain stakeholders; whereas the Ombudsman has

received more than 6 000 emails in response to his public consultations on the TTIP;

- K. whereas in the social field the diverse petitions express deep concern regarding the potential negative impact of the agreement on public health, health systems in the EU and public services in general, as well as pension schemes; whereas fears are emerging concerning the worsening of working conditions, given the lack of regulation of labour relations and the absence of a culture of collective agreements in the US;
  - L. whereas, after research, the European Ombudsman expressed her concern at the lack of transparency and public participation in the negotiations for the TTIP;
  - M. whereas most of the petitions received call explicitly either for a halt to the negotiations to be determined by the Commission or for the ultimate rejection of the agreement by the European Parliament;
1. Underlines the importance of developing balanced trade relationship and investment relations between the European Union and the United States of America with adequate safeguards to provide the highest labour, social, health and environmental standards on a global level in order to help, and with the aim of helping, growth and employment as well as generating new economic opportunities and regulating globalisation so that social and environmental dumping is excluded;
  2. Welcomes the objective of lifting technical barriers to trade and reducing unnecessary regulatory incompatibilities between the EU and the US which are not justified by different approaches to protection and risk management, such as duplication of procedures, inconsistent product requirements and double testing;
  3. Calls on the Commission to oppose the inclusion of ISDS in the TTIP should negotiations continue, as other options to enforce investment protection are available, such as domestic remedies;
  4. Notes that regulatory compatibility is to be without prejudice to public services or to the overarching sovereign right to regulate in accordance with the precautionary principle in the areas of health, access to medicines, data protection safety, consumer rights, labour rights, environmental protection, animal welfare,<sup>2</sup> precautionary consumer protection and cultural diversity, as deemed appropriate by each side's public authorities;
  5. Calls on the Commission to ensure that the EU's environmental standards remain at the current levels;
  6. Highlights that cultural services and products should be considered, and therefore treated, differently from other commercial services and products, as provided for under the so-called cultural exception;
  7. Stresses the importance of the mobility package and of establishing visa reciprocity for citizens of all EU Member States, recalling that visa facilitation for European service and goods providers is one of the key elements for taking full advantage of the TTIP agreement;

8. Highlights that the US has not ratified the International Labour Organisation (ILO) conventions on core labour standards covering such rights as collective bargaining, freedom of association and the right to organise;
9. Stresses that democratic decision-making in the workplace risks being undermined if the protection of workers is regarded as a trade barrier;
10. Notes the fact that the Commission has made real efforts to make the TTIP negotiating process more transparent, especially in the light of the publication of the European directives for the negotiations on the TTIP (1103/13 CL 1); notes that this essential document was only disclosed on 9 October 2014 while the negotiations started in June 2013; recalls that the Commission is in all circumstances legally obliged to comply with the rules on public access to documents set out in Regulation 1049/2001; regrets that the access given to Members of the European Parliament to TTIP negotiating texts has been to date extremely limited; highlights that the documents available in the EP secured reading room do not contain any consolidated material or any text tabled by the US; highlights the need to ensure transparency through a direct and open dialogue in the form of public consultations with all stakeholders;
11. Welcomes the inquiry of the European Ombudsman regarding the need for a more proactive disclosure of the documents; urges the Commission to rapidly implement the Ombudsman's recommendations related to public access to consolidated negotiating texts, greater proactive disclosure of TTIP documents and increased transparency as regards meetings held by Commission officials on TTIP with business organisations, lobby groups or NGOs; believes that a more proactive approach to transparency on the part of the Commission could make the negotiating process more democratic and legitimate in the eyes of citizens, and therefore urges the Commission to publish all negotiating documents, including US offers to the EU, following the practice for all international trade negotiations conducted within the framework of the World Trade Organisation, and to promote more comprehensive participation and involvement of the various stakeholders in the negotiating process, and in particular of civil society and consumers' organisations;
12. Calls on the Commission to ensure that the list of TTIP documents available on its dedicated trade policy website is accessible, comprehensive, exhaustive and thorough, and to facilitate access to this information by holding regular meetings with unions, NGOs and civil society organisations; stresses that the most important documents, especially on the EU negotiating positions, should be available in all official EU languages, thus ensuring that all EU citizens have genuine access to the documents and fully understand them;
13. Asks the Commission to inform Parliament immediately and in full of all steps in the procedure, in accordance with the CJEU judgment in Case C-358/11; asks it, moreover, to ensure that all MEPs have access to all restricted documents and to include the consolidated texts in the list of documents consultable by MEPs;
14. Regrets that the petition filed by over one and a half million Europeans was not classified by the Commission as a 'European Citizens' Initiative', owing to the limitations of the ECI legislative framework; regrets that in effect these limitations entail that any ECI on trade issues could be admissible only after the entry into force of a trade agreement, and that ECIs aimed at influencing ongoing trade negotiations are not permitted in the current

framework;

15. Considers that in the public interest, data protection should not be used as an automatic obstacle to public scrutiny of lobbying activities in the context of TTIP and that it is possible to deal with data protection concerns by informing participants when they are invited to meetings of the intention to disclose their names and making it clear that the TTIP must not undermine either the right of EU citizens to digital self-determination or compliance with the European legislation on data protection and, in particular, must take account of the European Court of Justice ruling (C-132/12) on the ‘right to be forgotten’ and the proposed General Data Protection Regulation; asks the Commission to ensure that data protection is not included in the negotiations, so as to comply with Articles 7 and 8 of the Charter of Fundamental Rights of the European Union;
16. Highlights the sensitivity of certain areas of negotiation in which compromises cannot be accepted, such as the agricultural sector, where perceptions of genetically modified organisms (GMOs), labelling information requirements, cloning, environmental requirements and all other consumer and animal health standards are divergent between the EU and the US; encourages the Commission to adopt, in this regard, a ‘positive list approach’, as a prerequisite to clarify the issue for all stakeholders; therefore calls for these areas not be subjected to regulatory cooperation or to any additional rules on Sanitary and Phytosanitary Standards and Technical Barriers to Trade; calls, in the case of areas in which trade in sensitive sectors already occurs, such as GMOs, for the establishment of clear labelling rules that would reinforce consumer choice;
17. Highlights the high levels of public scrutiny given to the agreement via petitions, which have raised strong concerns over the transparency of the negotiations and the adverse effects on workers’ rights and public services, including healthcare, social services, education, water and sanitation;
18. Calls on the Commission to firmly commit to the strict preservation of standards on food safety, human and animal health and animal welfare, as defined under EU legislation, and to ensure that fundamental values of the EU such as the precautionary principle, the recognition of animals as sentient beings as enshrined in Article 13 TFEU, and the Charter of Fundamental Rights of the European Union are not undermined and will be respected;
19. Calls on the Commission to prevent products that have not been produced in line with EU standards on food safety, human and animal health and animal welfare from entering the EU market;
20. Calls on the Commission to ensure that products such as GMOs or products coming from cloned animals and their descendants, and with substances banned in the EU, do not enter the EU market or end up in the EU food chain;
21. Emphasises that consumer protection and compliance with higher European quality and safety standards for foods and products, the highest standards of environmental protection and the strictest controls on industrial emissions in the EU and the US, as well as proper safeguards to protect citizens’ data, should be at the centre of the TTIP negotiations, notably resulting in:

- full transparency and public accessibility of the clinical data from clinical trials for pharmaceuticals;

- full transparency and public accessibility of the clinical data from clinical investigations for medical devices;

- protection of human, animal or plant life or health through respect and upholding of the sensitivities and fundamental values of either side, such as the EU's precautionary principle,

and stresses that the negotiators should not consider any commitments on data protection within the framework of TTIP pending the conclusion of ongoing legislative work in this field in the EU and US;

22. Emphasises that respect for each state's sovereignty and the sovereignty of the European Union itself to pass legislation and regulate the economy must be the core of the TTIP negotiations;
23. Calls on the Commission to indicate how and when it will implement each measure that has been suggested and how it will follow up on the above-mentioned petitions; considers that as the negotiations are ongoing, it would be helpful if the Commission could follow up within two months, i.e. by 31 May 2015;
24. Notes that the Commission received a total of nearly 150 000 responses to its public consultation on investment protection and Investor-to-State Dispute Settlement in the Transatlantic Trade and Investment Partnership Agreement, 97 % of which rejected the inclusion of ISDS in TTIP; stresses that the compatibility of any ISDS with the EU judicial system, and in particular the issue of respect for the CJEU's jurisdiction and governments' right to regulate, are widely shared concerns among respondents; notes that, unusually, many submissions came from individual respondents, which highlights the scale of public mobilisation over TTIP, and that some respondents, such as trade unions or big civil society organisations, represent large numbers of individual members vastly in excess of the total number of responses received by the Commission; highlights that investment protection provisions should guarantee states' ability to regulate, and believes that in this regard the CJEU should maintain exclusive jurisdiction over the definitive interpretation of European Union law.



## RESULT OF FINAL VOTE IN COMMITTEE

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| <b>Date adopted</b>   | 16.4.2015   |
| <b>Result of final vote</b>                                     | +: 25<br>-: 2<br>0: 3   |
| <b>Members present for the final vote</b>                       | Marina Albiol Guzmán, Margrete Auken, Beatriz Becerra Basterrechea, Heinz K. Becker, Soledad Cabezón Ruiz, Andrea Cozzolino, Pál Csáky, Miriam Dalli, Rosa Estaràs Ferragut, Eleonora Evi, Lidia Joanna Geringer de Oedenberg, Sylvie Goddyn, Peter Jahr, Rikke Karlsson, Jude Kirton-Darling, Svetoslav Hristov Malinov, Notis Marias, Edouard Martin, Roberta Metsola, Julia Pitera, Gabriele Preuß, Laurențiu Rebega, Sofia Sakorafa, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka |
| <b>Substitutes present for the final vote</b>                   | Michela Giuffrida, Jérôme Lavrilleux, Josep-Maria Terricabras, Ángela Vallina, Rainer Wieland   |
| <b>Substitutes under Rule 200(2) present for the final vote</b> | Isabella Adinolfi, José Blanco López, Paul Brannen  |