





European Digital Rights voting recommendations on the COMPROMISE AMENDMENTS TO INTA'S DRAFT REPORT ON TTIP¹

In line with our red lines on TTIP and [our analysis](#) of INTA's [Draft Report](#) on TTIP, European Digital Rights (EDRi) would like to make final voting recommendations on the compromise amendments (CAMS). EDRi encourages you to please:

 **SUPPORT CAMs:** 1, 8, 10, 12, 27, 36, 37, 42, 50D, 52, 54, 55, 56

 **OPPOSE CAMs:** 3, 7, 9, 10, 11, addition to CAM 13, CAMS 16, 38 A, 49, 50A, 50B, 50C, 51, 57

The CAMs not mentioned above require special attention (25, 32, 34, 38, 53) or fall outside of EDRi's scope (the rest). A short justification is given in each case.

We are concerned by the wording on ISDS, but also believe some of our red lines are crossed or not clearly respected by certain CAMS. We urge you to support **EDRi's red lines**:

- 1. Ensure real transparency**
- 2. Protect the right to regulate, excluding ISDS from the TTIP**
- 3. Guarantee the rule of law**
- 4. Include a Human Rights clause**
- 5. IP out of TTIP**
- 6. No rules on data protection**
- 7. No lock-in of encryption standards**
- 8. No provisions on net neutrality**

1. CITATIONS AND RECITALS

CAM 1 EPP, S&D, ECR, ALDE, GUE, GREENS, EFDD SUPPORT

(Covers AMs 7, 8, 9, 11, 12, 21, 31; original text; PETI 10, AFCCO citation 1, AFCCO Recital B, AFCCO (e)(v), LIBE citation 1, AFET 11, JURI 1g)


Citation 7:

- having regard to the Commission's communication to the College of the Commission of 25 November 2014 on transparency in TTIP negotiations (C(2014)9052)², to the Commission decisions of 25 November 2014 on the publication of information on meetings held between

¹ This version tries to include the latest changes made by midnight 28 05 2015. Our apologies for any errors.

² http://ec.europa.eu/news/2014/docs/c_2014_9052_en.pdf

Members of the Commission and organisations or self-employed individuals (C(2014)9051) and on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals (C(2014)9048), *to the judgements and opinions of the Court of Justice of the European Union (C-350/12 P, 2/13 (2), 1/09 (3)) on access to documents of the institutions and the 6th of January 2015 decision of the European Ombudsman closing her own-initiative inquiry (OI/10/2014/RA) concerning the European Commission on dealing with requests for information and access to documents (Transparency)*

 **Comments:** References to EU case law and to the landmark decision of the European Ombudsman on transparency are crucial and welcomed.

CAM 2 EPP, S&D, ECR, ALDE, GUE EFDD NO POSITION

(Covers AMs 35, 30; JURI 1p)

Citation 15 a (new):

- *having regard to the joint statement of the 20th of March by Commissioner Cecilia Malmström and US Trade Representative Michael Froman regarding the exclusion of public services in EU and US trade agreements*


Comments: It falls outside of our scope.

CAM 3 EPP, S&D, ECR, ALDEEFDD OPPOSE

(Covers AMs 36, 38, 39, 40, 44, 51, 46, 49, 55, 56, 70, 126; original text; ITRE 9; ECON 1c, AFET 3, AFET 4)

Recital A:

- A. *Whereas the EU's GDP is heavily dependent on trade and export and benefits from trade and investment based on rules and whereas an ambitious and **balanced** agreement with the US **should** support the reindustrialisation of Europe and help to achieve the 2020 target for an increase in the EU's GDP generated by industry from 15% to 20% by strengthening trans-atlantic trade in both goods and services; whereas it has the potential to create opportunities especially for SMEs, **micro enterprises (in accordance with the definition of Recommendation COM 2003/361/CE, clusters and enterprise networks** which suffer **disproportionally** more from non-tariff barriers (NTBs) than larger companies, **as the latter have economies of scale that allow them easier access to markets on both sides of the Atlantic;** whereas an agreement between the two biggest economic blocs in the world has the potential to create standards, norms and rules, which will be adopted at a global level, which would serve to the advantage of third countries as well **and which would prevent a further fragmentation of world trade; whereas failure to negotiate an agreement will allow other third countries with different standards and values to assume this role instead.***

 **Comments:** EDRi has doubts as to whether EU-US standards should be imposed to third countries. This CAM could contradict CAM 7, which states that the impact of TTIP is difficult to assess and predict.

CAM 4 EPP, S&D, ECR, ALDE EFDD NO POSITION

(Covers AMs 70, 71, 72, 73, 74, original text)

Recital B:

- B. Whereas, given the growing interconnectedness of global markets -up to 40% of European industrial products are manufactured from imported upstream products- it is crucial that policy makers shape and ***promote*** the interaction of markets; whereas, since industrial production ***will increasingly take place*** in global value chains and ***whereas proper trade rules and removing unnecessary barriers*** are fundamental to creating added value ***while maintaining and developing a strong, competitive and diversified industrial base in Europe***

Comments: It falls outside of our scope.

CAM 5 EPP, S&D, ECR, ALDEEFDD NO POSITION

(Covers AMs 82, 85, 88, 89, 91, 92; original text; ITRE 12)

Recital C:

- C. ***Whereas a well-designed trade agreement could contribute to harnessing the opportunities of globalisation.*** Whereas a strong and ambitious trade agreement should not only focus on reducing tariffs and NTBs but should also be a tool to protect workers, consumers and the environment; whereas a strong and ambitious trade agreement is an opportunity to create a framework by strengthening regulation to the highest level, ***in line with our shared values***, thereby preventing social and environmental dumping and ***ensuring a high level of consumer protection in light of the shared objective of open competition on a level-playing field,***

Comments: It falls outside of our scope.

CAM 6 EPP, S&D, ECR, ALDEEFDD NO POSITION

(Covers AMs 96, 97, 99, 100, 101; original text)

Recital D:

- D. Whereas even though, common high standards are in the interest of consumers, it should be recognised that ***convergence also makes sense for businesses***, as the higher costs stemming from higher standards may be better compensated by increased economies of scale in a ***potential*** market of 850 million consumers.

Comments: It falls outside of our scope.


CAM 7 EPP, S&D, ECR, ALDE, EFDD OPPOSE

(Covers AMs 109, 110, 112, 114, partly 118,119, 121, 123; original text)

Recital E:

- E. ***Whereas previous trade agreements have shown significant benefits for the European economy, it is difficult to assess the real impact of TTIP on both the EU and US economies and to predict while negotiations are ongoing*** and studies show ***contradictory results***; whereas TTIP alone ***will not resolve longstanding structural economic problems***

and their underlying causes in the EU but should be seen as an element in a broader European strategy to create jobs and growth, and expectations for TTIP should be commensurate with the level of ambition that will be reached in the negotiations;


 *Comments:* Previous versions of this CAM were better and EDRI had supported them. Many studies produced on economic effects of TTIP have been misleading, and often based on assumptions. The current CAM does not show that.

CAM 8 EPP, S&D, ECR, ALDE SUPPORT

(Covers AMs 141, 142, 144, 145, original text; JURI Recital E):

Recital F:

F. *Whereas trade and investment flows are not an end in themselves and the well-being of ordinary citizens, workers and consumers as well as increased opportunities for business as drivers of growth and jobs are the benchmarks for a trade agreement; whereas TTIP should be considered a model for a good trade agreement responding to these requirements in order to serve as an example for our future negotiations with other trade partners*


 *Comments:* Provided the European Parliament exercises a proper oversight on behalf of the citizens it represents, and blue and red lines are respected, there is no logical reason why TTIP could not be an example.

CAM 9 EPP, S&D, ECR, ALDEEFDD OPPOSE

(Covers AMs 160, 163, 164; original text; PETI Recital F, PETI Recital M, AFCO e (iii)) LIBE Recital D, JURI 1g)

Recital G:

G. *Whereas a certain degree of confidentiality is required in negotiations in order to achieve a high quality outcome, and the limited level of transparency in which the negotiations have been conducted in the past has led to deficiencies in terms of democratic control of the negotiation process*

 *Comments:* A high quality outcome is not achieved by ANY level of confidentiality. The original wording of the Draft Report was much better. If adopted, this CAM would contradict CAM 12. If this CAM is adopted, the Parliament would give the impression that the current level of transparency is enough. Several opinions have pleaded strongly for further transparency. On 6 January 2015, the European Ombudsman did not see sufficient transparency in TTIP. On 19 May 2015, the European Ombudsman still did not see enough is being done by the Commission and especially not by the US side.


CAM 10 EPP, S&D, ECR, ALDEEFDD OPPOSE

(Covers AMs 179, 182, 183, 184, 187; original text; AFCO (d) (v) A, ENVI partly Recitals A, D, G, M, para 8 fourth indent, JURI 1p)

Recital H:


H. *Whereas President Juncker has clearly reiterated in his Political Guidelines that he wants a balanced and reasonable trade agreement with the United States and that - while the EU and the US can go a significant step further in recognising each other's product standards*

and working towards transatlantic standards- the EU will not sacrifice its (*food*)-safety, health, *animal health*, social, *environmental*, and data protection standards and cultural diversity; recalling that the safety of the food we eat, the protection of Europeans' personal data *and its services of general interest* are non-negotiable *unless the aim is to achieve a higher level of protection*.

 *Comments:* Data protection is and must be excluded from the TTIP negotiations. This compromise would contravene the [Strong Opinion LIBE adopted](#) by large majority. Data protection is a fundamental right and should not be renegotiated in trade agreements. The US and the EU are having discussions around this topic in other fora, as indicated in CAM 10.

CAM 10 B EPP, S&D, ECR, ALDE, EFDD SUPPORT

whereas it is important to ensure a satisfactory conclusion of the negotiations on the Safe Harbor and the Data Protection Umbrella Agreement;


 *Comments:* See comments to CAM 10.

CAM 11 EPP, S&D, ECR, ALDEEFDD OPPOSE

(Covers AMs 199, 201, 206; original text; JURI 1g)

Recital I:

I. Whereas President Juncker has also 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 investment 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 contributions- is *currently being undertaken* within and between the three institutions, *while exchanging with civil society and the business sector*, on the best way to achieve investment protection and *equal treatment of investors while ensuring states' right to regulate*

 *Comments:* This compromise does not fully include JURI Opinion point 1, g, namely "*Stresses that the democratic legitimacy of the EU's trade policy needs to be strengthened*" and the reference to the 97% negative responses to the consultation.

A real reflection process is needed, as the Draft Report stated, and we do not believe the recent proposal of 7th May from the Commission responds to this need. 97% of the responses to the public consultation on ISDS asked the Commission to exclude ISDS from TTIP, based on CETA text. The Commission decided to ignore citizens' concerns. Why did the Commission launch a consultation if it wanted to ignore the responses that did not agree with its existing position?


Finally, 5 Parliamentary Committees have adopted Opinions against ISDS. INTA's Draft Report also opposed to it. INTA needs to respect the views of the Committees and clearly oppose to the inclusion of *any form of ISDS*.

CAM 12 EPP, S&D, ECR, ALDEEFDD SUPPORT

(Covers AMs 215, 216; original text; JURI G, PETI Recitals I, K and L, PETI 12, AFCCO (e) (iii-v),

Recital J:

- J. Whereas Parliament fully supports both the decision of the Council to declassify the negotiation directives and the Commission's transparency initiative; **whereas the lively public debate across Europe on TTIP debate has shown the need** for the TTIP negotiations to be concluded in a more transparent and inclusive manner taking into account the concerns voiced by European citizens and **communicating the negotiation results to the general public**;

 Comments: See comments to CAM 9.

2. POINT A— SCOPE AND BROADER CONTEXT


CAM 13: EPP, S&D, ECR, ALDE, EFDD

(Covers AMs 237, 238, 240, 241, 242, 243, 247, 249; original text, IMCO, a (i), IMCO a (ii); ITRE 1, ECON 1a, ECON 1d, ECON 1q, EMPL 1(i), EMPL (xxi), PETI Recital A, AFET 9, AGRI a, JURI Recital E, PETI 1)

 **AFET 1st part (“stress that...of high geopolitical importance”) to be voted separately as an addition³ OPPOSE**

Paragraph 1 - point a - point i: **NO POSITION**

- (i) to ensure that **transparent** TTIP negotiations lead to an ambitious, comprehensive and balanced trade and investment agreement of a high standard that would promote sustainable growth **with shared benefits across Member States, with mutual and reciprocal benefits between the partners**, increase international competitiveness and open up new opportunities for EU companies, in particular SMEs, support the creation of high-quality jobs for European **citizens**, directly benefit European consumers,; the content and the **implementation** of the agreement are more important than the speed of the negotiations

 Comments: The CAM falls outside of our scope. Regarding the separate vote on AFET, 1st part requested by EPP, such addition should be opposed, especially as regards the reference to the TPP, as explained in detail in [EDRI's analysis of AFET's Draft Opinion](#).

CAM 14: EPP, S&D, ECR, ALDE, EFDD NO POSITION

(Covers AMs 256, 259, 260, 264; 314; original text, ECON 1c; PETI 2, AFET 4, AGRI Recital B, AGRI Recital D, AGRI Recital E, AGRI 1h, ITRE 12)

Paragraph 1 - point a - point ii:

- (ii) to emphasise that while the TTIP negotiations consist of negotiations on three main areas – ambitiously improving reciprocal market access (for goods, services, investment and public procurement at all levels of government), reducing NTBs and enhancing the compatibility of regulatory regimes, and developing common rules to address shared global trade challenges and opportunities – all these areas are equally important and need to be included in a

³ Request by EPP as geopolitical dimension not covered in CAM.

comprehensive package; TTIP should be ambitious and binding on all levels of government on both sides of the Atlantic, the agreement should lead to lasting genuine market openness on a reciprocal basis and trade facilitation on the ground, and should pay particular attention to structural *measures to achieve* greater transatlantic cooperation while upholding regulatory standards *and consumer protection* and preventing social, *fiscal* and environmental dumping

Comments: It falls outside of our scope.

CAM 15: EPP, S&D, ECR, ALDE NO POSITION

(Covers AMs 272, 274, 276; original text; ECON 1c, ECON 1f, ECON 1t, AFET 3 and 4, AGRI Recital G)

Paragraph 1- point a - point iii:

(iii) to keep in mind the strategic importance of the EU-US economic relationship in general and of TTIP in particular, inter alia as an opportunity to promote the principles and values, *anchored in a rules-based framework*, that the EU and the US share and cherish and to design a common approach *and vision* to global trade, investment and trade-related issues such as high standards, norms and regulations, in order to develop a broader transatlantic vision and a common set of strategic goals; *to bear in mind that given the size of the transatlantic market, TTIP is an opportunity to shape and regulate the international trade order in order to ensure that both blocs thrive in an interconnected world*


Comments: It falls outside of our scope.

CAM 16: EPP, S&D, ECR, ALDE, GREENS, EFDD OPPOSE

(Covers AMs 282, 284, 286, 287, AFET 3, DEVE 6)

Paragraph 1 - point a - point iv:

- to ensure, especially given the recent positive developments taking place in the World Trade Organisation (WTO), that an agreement with the US serves as a stepping-stone for broader trade negotiations and is not *pre-empting or counteracting* the WTO process; bilateral *and plurilateral* trade agreements *should generally speaking be considered as* a second-best option and must not prevent *efforts made in order to reach significant* improvements on the multilateral level; TTIP must *ensure synergies with other trade agreements currently being negotiated;*

 *Comments:* The last part of the amendment ("must ensure synergies with other trade agreements being negotiated") may imply that TTIP should follow in the steps of trade agreements that may be at a more advanced stage, such as TiSA and TPP. These agreements may not include provisions and standards that the Parliament would like to see implemented in the TTIP. We therefore recommend that this last sentence should be OPPOSED, both for reasons of policy and democratic legitimacy.

CAM 16 B on policy coherence combined with CAM 16 C on impact on developing countries: EPP, S&D, ECR, ALDE, GUE EFDD NO POSITION

(Covers AMs 192, 251, 271, 280, 293, 295, 538, 859, AFCO 1(d)(i), DEVE 1, DEVE 2, DEVE 3,

DEVE 4, AFET 2)

Paragraph 1 - point a - point (iv) a (new):

(iv) a (new) to bear in mind that the TFEU defines EU trade policy as an integral part of the Union's overall external action and, therefore, to evaluate the implications of the final agreement, acknowledging opportunities, such as easier market access due to common trans-Atlantic standards, and risks, such as trade diversion from developing countries due to tariff preference erosion;

Comments: It falls outside of our scope.

3. POINT B – MARKET ACCESS

CAM 17: EPP, S&D, ECR, ALDE, EFDD NO POSITION

(Covers AMs 303, 302, 304, 305, 307; original text):

AM 310 and AM 312 to be voted separately as an addition⁴

Paragraph 1- point b - point i:

(i) to ensure that the market access offers in the different areas are **reciprocal**, equally ambitious and reflect both parties' expectations, underlines that the different proposals for those areas **must be balanced**

Comments: It falls outside of our scope.

CAM 18: EPP, S&D, ECR, ALDEEFDD NO POSITION

(Covers AMs 308, 320, 323, 321, 324, 326, original text) –

AM325 to be voted separately as an addition⁵ NO POSITION

AM ITRE 16 to be voted separately as an addition⁶ NO POSITION

Paragraph 1 - point b - point ii:

(ii) to aim at the elimination of **all tariff duties** while respecting **that there are a number of sensitive agricultural and industrial products on both sides for which exhaustive lists will have to be agreed upon during the negotiation process; to foresee for the most sensitive products longer transitional periods;**

⁴ Request by GREENS as reference to specific challenges not sufficiently covered in CAM, idem element of transparency.

⁵ Request by GUE as impact on budget of EU of tariff elimination not covered in CAM.

⁶ Request by GREENS as per capita CO2 emissions not covered in CAM.

Comments: They fall outside of our scope.

CAM 19: EPP, S&D, ECR, ALDE, NO POSITION

(Covers AMs 336, 337, 341, 342; 344; original text; IMCO (b) (i), IMCO (c) (iii), IMCO (c) (v)) –

***AM 338 to be voted separately as an addition*⁷ NO POSITION**

Paragraph 1 - point b - point iii:

(iii) to keep in mind *that as the EU is the largest trading bloc worldwide* there are important offensive interests for the EU in the *highly specialised* services sector, for instance in the area of engineering and *other professional services*, telecommunication, *financial* or transport services;

Comments: They fall outside of our scope.

CAM 19 B on telecoms - no longer a compromise but to be voted separately NO POSITION

(Covers AM 349, ITRE 15, ITRE 16)

Comments: It falls outside of our scope.

CAM 20: EPP, S&D, ECR, ALDE,) NO POSITION

(Covers AMs 356, 368,, original text, ECON 1 o, EMPL 1(xix)):

Paragraph 1 - point b - point iv:

(iv) to increase market access for services according to the “*hybrid approach*”, *using positive lists for market access*, whereby services that are to be opened up to foreign companies are explicitly mentioned and new services are excluded while ensuring that possible stand-still and ratchet clauses only apply to non-discrimination provisions and allow for enough flexibility to bring services *of general economic interest* back into public control *as well as to take into account the emergence of new and innovative services and using negative lists for national treatment*;

Comments: It falls outside of our scope.

CAM 20 B: GREENS, EFDD, GUE NO POSITION

AM 366 (Jadot; Keller), AM 370 (Beghin), AM 412 (Scholz)

to ensure that negotiations on services liberalisation are pursued according to the "positive list approach" whereby the service schedules of the parties explicitly mention the sectors for which liberalisation commitments apply as well as the specific provisions of national treatment for committed service sectors; to ensure by way of a horizontal clause that public authorities retain the possibility to regain public control over liberalized services of general economic interest, and that no ratchet or stand-still clauses may apply;

⁷ Request by GUE as trade balance in services in favour of EU not covered in CAM.

Comments: It falls outside of our scope.

CAM 21: EPP, S&D, ECR, ALDE, EFDD NO POSITION

(Covers AMs 376, 378, 379, 380, 382, 385, original text; IMCO c (i), ITRE 13, ECON 1m):

Paragraph 1 - point b - point v:

- (v) the negotiations should meaningfully address **and remove** the current US restrictions on maritime and air transport services owned by European businesses as a result of **US legislation such as the Jones Act, Foreign Dredging Act, the Federal Aviation Act and the US Air Cabotage law** and in relation to **capital restrictions** on foreign ownership of airlines, **which seriously hinders market access for EU companies as well as innovation in the US itself**

Comments: It falls outside of our scope.

CAM 22: EPP, S&D, ECR, ALDE, GUE, GREENS, EFDD NO POSITION

(Covers AMs 293, 373, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 403, 405, 407, 412, 413, 415, 416, 534, original text, IMCO (b) ii), IMCO b.i, b.ii, ITRE 11., JURI point 1p, point 1o, point 1r); ENVI 3, partly ENVI 7, ENVI para 8 third indent, ENVI para 8 seventh indent; ENVi para 9, ECON 1p, EMPL 1(xii), (xiii), (xiv))

ENVI 8 (except indent 3 and 7) votes separately as an addition⁸ NO POSITION

Comments: It falls outside of our scope.

Paragraph 1 - point b - point vi: NO POSITION

- (vi) **to build on the joint statement** reflecting the negotiators' clear commitment to exclude **current and future Services of General Interest as well as Services of General Economic Interest from the scope of application of TTIP**, (including **but not limited to** water, health, social **services, social** security systems and education), **to ensure that** national and local authorities **retain the full right to introduce, adopt, maintain or repeal any measures with regards to the commissioning, organisation, funding and provision of public services as provided in the Treaties as well as in the EU's negotiating mandate ; this exclusion should apply irrespective of how the services are provided and funded;**

Comments: It falls outside of our scope.

CAM 23: EPP, S&D, ECR, ALDE, EFDD NO POSITION

(Covers AMs 348, 361, 372, 409, 414 identical, 453; IMCO (b)(iv), EMPL 1(x), PETI 7, LIBE Recital G)

Paragraph 1 - point b - point iii (new)

- **to strive hard to ensure mutual recognition of professional qualifications, notably via the creation of a legal framework with federal states that have regulatory powers in this domain, in order to enable EU and US professionals to practise on either side of the Atlantic and to facilitate mobility of investors, professionals, highly -skilled workers and**

⁸ Request by ENVI as list of these standards not explicitly mentioned in CAM.

technicians between the EU and the US in sectors covered by TTIP

Comments: It falls outside of our scope.

CAM 23 B on visas: EPP, S&D, ECR, ALDE, EFDD

(Covers AM 149, 313, 350, 817, 818, LIBE j, AFET 10, PETI 7, EMPL 10)

Paragraph 1 - point b - point (vi) a (new):

(vi) a (new) to bear in mind that visa facilitation for European service and goods providers is a key element for taking advantage of the agreement and to increase, in the context of the negotiations, political pressure on the US to guarantee full visa reciprocity and equal treatment for all citizens of EU Member States without discrimination as regards their access to the US;

Comments: It falls outside of our scope.

CAM 24: EPP, S&D, ECR, ALDE, GREENS, EFDD? NO POSITION

(Covers AMs 427, 429, 431, 432, 433, 434, original text, ECON 1b, ECON 1f, ECON 1g)

Paragraph 1 - point b - point vii:

(vii) to combine market access negotiations on financial services with convergence in financial regulation at the highest level, in order to support the introduction **and compatibility** of necessary regulation in order **to reinforce financial stability, to ensure adequate protection for consumers of financial goods and services and support** ongoing cooperation efforts in other international forums, such as the Basel Committee on Banking Supervision **and the Financial Stability Board**; to ensure that these cooperation efforts do not limit the EU and member states regulatory and supervisory sovereignty, including their ability to ban certain financial products and activities;

Comments: It falls outside of our scope.

CAM 24 B on tax evasion: EPP, S&D, ECR, ALDE, GUE, EFDD

(Covers LIBE k, ECON i, ECON j, AM 267, 436, 438, 439, 819)

ECON 1 I to be voted separately as an addition⁹ NO POSITION

Paragraph 1 - point b - point (vii) a (new): NO POSITION

(vii) a (new) to establish enhanced cooperation between the EU, the Member States and the US, including mechanisms for more efficient international cooperation with the aim to set global higher standards against financial and tax criminality and corruption;


Comments: They fall outside of our scope.

⁹ Request by GREENS as no specific reference to BEPS included in CAM.

CAM 25: EPP, S&D, ECR, ALDE, GREENS, EFDD SUPPORT first part, OPPOSE the second part

(Covers AMs 277, 383, 445, 446, 447, 448, 450, 451, 452, original text, LIBE 1d), e) g): LIBE recital E, PETI 15, PETI 21)

Paragraph 1 - point b - point viii:

-  viii) to ensure that the EU's acquis on data privacy is not compromised through the liberalisation of data flows, in particular in the area of e-commerce and financial services, *while recognizing the relevance of data flows as a backbone of transatlantic trade and the digital economy; to incorporate, as a key point, a comprehensive and unambiguous horizontal self-standing provision, based on Article XIV of the General Agreement on Trade in services (GATS), that fully exempts the existing and future EU legal framework for the protection of personal data from the agreement without any condition that it must be consistent with other parts of the TTIP; to negotiate provisions which touch upon the flow of personal data only if the full application of data protection rules on both sides of the Atlantic is guaranteed and respected to cooperate with the United States in order to encourage third countries to adopt similar high data protection standards around the world*



-  linked to agreement on the CAM 25 is a new recital to include the last sentence of LIBE 1 f); see CAM 10B **SUPPORT** (see comments to CAM10B).



Comments:

We welcome the first part of this amendment. However, it would have been important to clarify that this horizontal provision based on Article XIV GATS **applies to all sectors** where EU legal provisions for data provisions apply. We ask you to **make an oral amendment** to ensure that no sectoral chapter is excluded from this provision.

- It is reliably known the US in its textual proposal is demanding to ban mandatory localisation of data processing and storage. AM455 should be voted in addition to this CAM because the strong wording regarding the end of mass surveillance programmes is NOT covered by this CAM.

N.B.: **LIBE Opinion 1.c) and 1.g) are NOT covered in this CAM. They shall be voted separately.**

- The **last sentence of this CAM**, on cooperation with the US in order to encourage third countries to adopt high data protection standards, is **not supported by evidence**: in fact the US is becoming quite unique in not having a general data protection law and low data protection standards; around 100 plus countries around the world have adopted such laws, in order to *inter alia* facilitate trade with the EU; and Brazil and India are in the process of doing this at the moment.

We thus ask for a split vote of this CAM.

CAM 26: EPP, S&D, ECR, ALDE, EFDD NO POSITION, but NET NEUTRALITY reference is missing

(Covers AMs 462 463; original text, ITRE 14, 15; ECON 1e, ECON1r)

Paragraph 1 - point b - point ix:

- (ix) to **include an ambitious chapter on competition ensuring** that European competition law is properly respected particularly in the digital world; **to ensure that private companies can compete fairly with state-owned or state-controlled companies; to ensure that state subsidies to private companies should be regulated and subject to a transparent control system;**

Comments: Whereas the CAM as it is now written falls outside of our scope, previous versions of this CAM referred to net neutrality: **"to ensure that net neutrality can positively contribute to a more fair and free market"** (part of AM 463). This CAM claims to cover AM 463. It is not covered. That sentence **needs to be voted separately, in addition to this CAM.**

CAM 27: EPP, S&D, ECR, ALDE, GUE, EFDD SUPPORT

(Covers AMs 172, 292, 296, 374, 464, 468, 469, 470, 471, 472, 473, 475, 476, 477, 478, 479, 480, 481, 484, 500, 822) original text, CULT 1(a), CULT 1(d), PETI 6)

Paragraph 1 - point b - point x:

- (x) to **ensure in the agreement, in full compliance with the UNESCO Convention on the protection and promotion of the diversity of cultural expressions, that the parties, reserve their right to adopt or maintain any measure (in particularly those of a regulatory and/or financial nature) with respect to the protection or promotion of cultural and linguistic diversity, in line with the relevant Articles as established in the Treaty on the Functioning of the European Union, as well as media freedom and media pluralism, irrespective of the technology or distribution platform used and keeping in mind that the mandate given to the European Commission by the Member States explicitly excludes the audiovisual services .**



Comments: We welcome this CAM for the reasons stated in the CAM itself. However, please note that the but the new wording (as compared to previous versions of this CAM) is weaker. The way



to ensure this is by having a legally binding clause in the agreement. **The reference the binding nature of this provision is now absent.**

CAM 28: EPP, S&D, ECR, ALDE, EFDD NO POSITION

(Covers AMs 297, 487, 488, 489, 490, 491, 492, 493, 494, IMCO c (i), (ii), (iv), (v) original text, ITRE 11, 13, ECON 1l, 1k; EMPL 1(xxiii), (xxv))

Paragraph 1 - point b - point xi:

- (xi) **given** the huge interest on the part of European companies, **notably SMEs**, in obtaining **non-discriminatory** access to public contracts in the US both at federal and **sub-federal** level, for example for construction services, **civil engineering, transport and energy** infrastructure and goods and services, to **have an ambitious approach to the chapter on public procurement, while respecting the compliance of the chapter with the new EU public procurement and concession directives, with a view to remedying, in line with the principle of reciprocity, the large disparity that currently exists** in the **degree of** openness of **the two** public procurement markets on both sides of the Atlantic **by significantly opening up the US market (still**

governed by the Buy American Act of 1933) at federal and sub-federal level alike building on commitments made in the Agreement on Government Procurement (GPA) and by removing the restrictions that currently apply at federal, state and local level alike in the United States; and to set up mechanisms to guarantee that commitments entered into by the US federal authorities will be honoured at all political and administrative levels;

Comments: It falls outside of our scope.

CAM 29: EPP, S&D, ECR, ALDE? NO POSITION

(Covers AMs 497, 498; ECON 1l, ECON 1k)

Paragraph 1 - point b - point xi a (new):

(xi a) to ensure, with the aim of creating open, non-discriminatory and predictable procedural requirements ensuring equal access for EU and US companies, especially SMEs, when tendering for public contracts, that the US increases the transparency of the adjudication process in force on its territory

Comments: It falls outside of our scope.

CAM 30: EPP, S&D, ECR, ALDE NO POSITION

(Covers AMs 509, original text, JURI 1 s, JURI 1 t, AFET 5)

AM 510 voted separately as an addition.¹⁰

Paragraph 1 point b - point xii:

*(xii) to promote EU-US cooperation at the international level in order to promote **common** sustainability standards for public procurement **at all federal and sub-federal levels of government**, *inter alia* in the implementation of the recently revised Government Procurement Agreement,*

Comments: It falls outside of our scope.

CAM 31: EPP, S&D, ECR, ALDE, EFDD NO POSITION

(Covers AMs 522, 524, 525, 526, 527, 528,529, 531, 532,533, original text, ITRE 10, IMCO (g) (i), AFET 7, JURI 1o)

Paragraph 1 - point b - point xiv:

*(xiv) to ensure that the negotiations on rules of origin aim at reconciling the EU and US approaches and **at establishing effective rules of origin, thereby avoiding that rules of origin are undermined by other agreements**,; **to consider the negotiations as an opportunity to move towards common standards for compulsory origin marking of products** ; given the conclusion of the negotiations for the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada and the potential upgrade of the EU-Mexico free trade agreement, the possibility and scope of cumulation will need to be considered*

¹⁰ *Request by S&D as reference to OECD guidelines not covered in CAM.*

Comments: It falls outside of our scope.

4. POINT C. NON-TARIFF BARRIERS AND REGULATORY COOPERATION

CAM 32: EPP, S&D, ALDE, , EFDD **OPPOSE to the highlighted sentence**

(Covers AMs 279,290, 541, 543, 544, 545, 546,547,549, 550, 552, 555, 556,558, 559, 560, 608JURI i.j. ENVI 5. original text): ECON 1b, AFET 4, partly AFCD d (ii-iii), IMCO e (ii), (iii), (iv), ITRE 12, ITRE 14; ENVI para 2, ENVI partly paras 5, 14; JURI 1k, EMPL 1 (xxii); PETI 4)

ENVI 4 2ND PART and 5 2ND PART to be voted separately as addition¹¹

Paragraph 1 - point c - point i:

- (i) to ensure that the regulatory cooperation chapter promotes a **transparent**, effective, pro-competitive economic environment through the **identification and prevention of potential future non-tariff barriers to trade, which disproportionately affect SME's**, and the facilitation of trade and investment while developing and securing the **highest** levels of protection of health and safety **in line with the precautionary principle laid down in Article 191 TFEU**, consumer, labour environmental **and animal welfare** legislation and of cultural diversity that exists in the EU; **to support, whilst fully respecting regulatory autonomy, the establishment of a structured dialogue and cooperation between regulators in the most transparent way possible and involving stakeholders; to include cross-cutting disciplines on regulatory coherence and transparency for the development and implementation of efficient, cost-effective, and more compatible regulations for goods and services;** negotiators on both sides need to identify and to be very clear about which **technical procedures** and standards are fundamental and cannot be compromised, which ones can be the subject of a common approach, which are the areas where mutual recognition based on a common high standard and a strong system of market surveillance is desirable and which are those where simply an improved exchange of information is possible, based on the experience of **several years of talks in a variety of fora including the Transatlantic Economic Council and the High Level Regulatory Cooperation Forum;**

Comments: We very much welcome the safeguards put in place, and especially the mention of the precautionary principle. However, we think that **the sentence 'to include cross-cutting disciplines....services' is unclear in this context**, and may also add confusion or contradicts the rest of the article, since these exact words are the title of the initial leaked DG Trade position paper on the Regulatory Cooperation chapter in TTIP, which includes all the headline provisions that the current EU legal text includes. Stating that there should be cooperation between regulators and that the best outcome by sector should be achieved, is sufficiently clear in our view. **We therefore ask a SPLIT VOTE on the highlighted sentence.**

N.B.:The previous version of this CAM was stronger. References to the rejection of lowered standards and to the chilling effect were cut out.

CAM 33: EPP, S&D, ECR, ALDE, EFDD **NO POSITION**

(Covers AMs 250, 465, 568, 569, 570, 571, 572, 574, 576, 577, 578, 588, original text, IMCO (e) (i), (ii) (iv); AGRI point 1 b), d), e), g); JURI 1k, JURI 1l; ENVI recital N; PETI 16, PETI 18, PETI 21), ENVI 7 part 1, DEVE 7)

¹¹ Request by ENVI as element on procedural requirements and REACH not specifically mentioned in CAM.

ENVI 7 to be voted separately as an addition¹²

AM 576 to be voted separately as an addition¹³

AM 569 to be voted separately as an addition¹⁴

Paragraph 1 - point c - point ii:

- (ii) To base negotiations on SPS and TBT measures on the key principles of the multilateral SPS and TBT agreements **and to protect European SPS standards and procedures**; to aim in the first place **at the elimination or significant reduction of excessively burdensome SPS measures including related import procedures; in particular to ensure that pre-approvals, obligatory protocols or pre-clearance inspections are not applied as a permanent import measure; to achieve increased transparency and openness, mutual recognition of equivalent standards, exchanges of best practices**, strengthening of dialogue between regulators and **stakeholders** and strengthening of cooperation in international standards-setting bodies; to ensure, in negotiations on SPS and TBT measures, **that the high standards that have been put in place in order to ensure food safety, human, animal or plant life or health in the EU are not compromised in any way**;

Comments: It falls outside of our scope.

CAM 34: EPP, S&D, ECR, ALDE, EFDD OPPOSE to the highlighted sentence

(Covers AMs 387, 590, 591, 592, 593, 594, 595, 596, 597, 598, original text; IMCO (d) (iii), IMCO (d)(iv), IMCO (e) v; ENVI para 10 indents 9-11)

Paragraph 1 - point c - point iii:

- (iii) with regard to the horizontal regulatory cooperation chapter, to foster bilateral regulatory cooperation in order to avoid **unnecessary divergence, particularly as regards new technologies and services, for the benefit of European and US competitiveness and consumer choice**; to achieve this through enhanced information exchange and to improve the adoption and implementation of international instruments, **whilst respecting the subsidiarity principle**, on the basis of successful precedents such as ISO standards or under the United Nations Economic Commission for Europe's (UNECE) World Forum for Harmonisation of Vehicle Regulations (WP.29); **to remember that the recognition of equivalence of the greatest possible number of vehicle safety regulations based on a verified equivalent level of protection would be one of the most important achievements of the agreement**; to ensure that the prior impact assessment for each regulatory act should measure its impact on consumers and the environment next to its impact on trade and investment; to promote regulatory compatibility without compromising the legitimate regulatory and policy objectives **and the competences of the EU and US legislators**;



Comments: Most of this CAM falls outside our scope. However, the **first sentence of this article is logically incoherent**, by stating that we don't want "unnecessary divergence", and then that we really don't want it in relation to unspecified "new" technologies. Concretely, we already have quite a few regulations relating to new technologies, such as privacy protection, ecommerce regulations, competition law, e-privacy laws for the telecoms sector, distance selling legislation, etc. Quite a few of these rules are already divergent between the two *jurisdictions*, but are not, at least from a

¹² Request by ENVI as REACH, GMO, health services not specifically covered in CAM.

¹³ Request by GREENS as element to go beyond international instrument not covered in CAM.

¹⁴ Request by S&D as hazard approach was taken out of CAM.

European perspective, “unnecessary”. **Whether or not reform, review or updating of such legislation should be entirely governed by European legislators. We thus urge you to ask for a SPLIT vote on the highlighted sentence.**

CAM 35: EPP, S&D, ECR, ALDE, GREENS, EFDD NO POSITION

(Covers AMs 604, 605, 607, original text)

Paragraph 1 - point c- point iv:

- (iv) to define clearly, in the context of future regulatory cooperation, which measures concern TBT and ***duplicated or*** redundant administrative burdens and formalities and which are linked to fundamental standards and regulations, ***or procedures serving a public policy objective,***

Comments: It falls outside of our scope.

CAM 36: EPP, S&D, ECR, ALDE, GREENS, EFDD SUPPORT

(Covers AMs 610, 612, 613, 616, original text, JURI 1j, JURI 1 l, PETI 4, AFET 11, AFCO (d) (ii))

Paragraph 1 - point c - point v:

- (v) to fully respect the established regulatory systems on both sides of the Atlantic, as well as the European Parliament’s role within the EU’s decision-making process and its democratic scrutiny over EU regulatory processes when creating the framework for future cooperation while at the same time ***ensuring the utmost transparency and*** being vigilant about having a balanced involvement of stakeholders within the consultations included in the development of a regulatory proposal ***and not do delay the European legislative process; to specify the role, the composition and the legal status of the Regulatory Cooperation Body, taking into consideration that any direct and compulsory application of its recommendations would imply a breach of the law-making procedures laid down in the Treaties; to also monitor that it fully preserves the capacity of national, regional and local authorities to legislate their own policies, in particular social and environmental policies;***



Comments: The final phrase is either redundant or contradictory of the word “fully”. It is not logically possible to *fully* respect the right to legislate and then respect it more in relation to particular policies. Overall, however, the amendment is acceptable.

5. POINT D— RULES

CAM 37: EPP, S&D, ECR, ALDE, EFDD SUPPORT

(Covers AMs 622, 623, 626, 627, original text)

Paragraph 1 - point d - point i:

- (i) to combine negotiations on market access and regulatory cooperation with the establishment of ambitious rules and ***principles bearing in mind that each pillar has specific sensitivities, on issues such as, but not limited to,*** sustainable development, energy, SMEs, investment ***and state-owned enterprises ;***



Comments: We urge you to support this CAM as it improves the original text.

CAM 38: EPP,S&D, ALDE, GUE, EFDD SUPPORT, BUT vote LIBE 1,a in addition

(Covers AMs 630, 631, 634, 636, 637, 640, 641; original text; ECON 1s, AFET 5, EMPL 1(vi), (ix), JURI 1t, PETI 8, DEVE 7)

Paragraph 1 - point d - point ii:

- (ii) To **ensure** that the sustainable development chapter **is binding and enforceable and** aims at the full and effective ratification, implementation and enforcement of the eight fundamental International Labour Organisation (ILO) conventions and their content, the ILO's Decent Work Agenda and the core international environmental agreements; provisions **must be** aimed at **further** improving levels of protection of labour and environmental standards; an ambitious trade and sustainable development chapter **must** also include rules on corporate social responsibility based on OECD Guidelines for Multinational Enterprises **and clearly structured dialogue with civil society;**



Comments: We welcome this amendment as it can strengthen the role of civil society. This CAM should be reinforced by a binding and enforceable human rights clause. **Obligations to respect human rights do not mean anything if they are not binding and enforceable.** INTA must include the first recommendation of LIBE's Opinion, 1, a):

"to ensure that the agreement guarantees full respect for EU fundamental rights standards through the inclusion of a legally binding and suspensive human rights clause as a standard part of EU trade agreements with third countries;" **We thus ask LIBE 1 a) is voted as an addition to this CAM.**

CAM 38 A: EPP, ECR, ALDE (alternative compromise on paragraph 1 (d)(ii)):

(Covers AMs 630, 631, 634, 637, 641; original text; ECON 1s, AFET 5, EMPL 1(vi), (ix), JURI 1t, PETI 8)

Paragraph 1 - point d - point ii:

- (ii) To ensure that the sustainable development chapter **is enforceable and** aims at **standards commensurate with the eight fundamental** International Labour Organisation (ILO) **conventions and their content, the ILO's Decent Work Agenda and the core international environmental agreements;; an ambitious trade and sustainable development chapter must also include a clearly structured dialogue with civil society;**



Comments: For the same reasons stated above.

CAM 40: EPP, S&D, ALDE, ECR?, GREENS, EFDD NO POSITION

(Covers AMs 649, 650, 651, 652, original text)

Paragraph 1 - point d - point iv:

- (iv) to ensure that labour and environmental standards are made enforceable, by building on the good experience of existing FTAs by the EU and US and national legislation; **to ensure that the implementation of and compliance with labour provisions is subjected to an effective monitoring process, involving social partners and civil society representatives and to the general dispute settlement which applies to the whole agreement**

Comments: It falls outside of our scope.

CAM 41 EPP, S&D, ALDE, ECR, GUE, EFDD NO POSITION

(Covers AMs 662, 663, original text)

Paragraph 1 - point d - point v:

- (v) to ensure, ***in full respect of national legislation***, that employees of transatlantic companies, ***registered under EU member state law***, have access to information and consultation in line with the European works council directive;

Comments: It falls outside of our scope.

CAM 42 merged with CAM 42B EPP, S&D, ECR, ALDE, GUE, GREENS, EFDD SUPPORT

(Covers AMs 666, 669, 670, 673, 674, 675, 676, original text)

Paragraph 1 - point d - point vi:

- (vi) to ensure that the economic, ***employment***, social, and environmental impact of TTIP, is ***also examined by means of*** a thorough ***and objective ex-ante*** trade sustainability impact assessment (***SIA***) ***in full respect of the EU Directive on SIA***, with clear ***and structured involvement of all relevant stakeholders, including civil society***; ***asks the Commission to conduct comparative in-depth impact studies for each Member State and an evaluation of the competitiveness of EU sectors and their counterparts in the US with the aim to make projections on job losses and gains in the sectors affected in each Member State, whereby the adjustment costs could be partly taken up by EU and Member State funding***;



Comments: We welcome this CAM as it strengthens public scrutiny.

Or alternatively: We also **SUPPORT** the alternatives and additions to vote.

Paragraph 1 - point d - point vi:

- (vi) to ensure that the economic, ***employment***, social, and environmental impact of TTIP, is ***also examined by means of*** a thorough ***and objective ex-ante*** trade sustainability impact assessment (***SIA***) ***in full respect of the EU Directive on SIA***, with clear ***and structured involvement of all relevant stakeholders, including civil society***; ***asks the Commission to conduct comparative in-depth impact studies for each Member State and an evaluation of the competitiveness of EU sectors and their counterparts in the US with the aim to make projections on job losses and gains in the sectors affected in each Member State***,

+

(i)

vote 2nd part EMPL (xx) separately as an addition:

“To take into account...with an adequate budget”

CAM 43 EPP, S&D, ALDE NO POSITION

(Covers AM 680, 681, 682, 683, 687, 688, 689, 691, 693, 702, 706, ITRE 2, ITRE 4, AFET 8, ENVI

18, original text, **AM 693 to be voted separately as an addition.**¹⁵(vii) **to retain the objective of dedicating a specific chapter to energy, including industrial raw materials;** to ensure that in course of the negotiations the two sides examine ways to facilitate **energy exports**, so that TTIP would abolish any existing restrictions **or impediments of export for fuels, including LNG and crude oil**, between the two trading partners, **with the aim of creating a competitive, transparent and non-discriminatory energy market** thereby supporting a diversification of energy sources, **contributing to security of supply and leading to lower energy prices based on a sustainable energy mix in open energy markets, with the aim to support an ambitious and sustainable EU energy policy and climate goals** ~~mphasises that this energy chapter must integrate clear guarantees that the EU's environmental standards and climate action goals must not be undermined;~~ **to encourage EU-US cooperation to end fuel tax exemptions for commercial aviation in line with the G-20 commitments to phase out fossil fuel subsidies,**

Comments: It falls outside of our scope.

CAM 44 EPP, S&D, ALDE NO POSITION

(Covers AMs 686, 692, 696, 697, 698, AFET 8, ITRE 2, ITRE 4, AFET 8)

Paragraph 1 - point d - point viii:

(viii) to ensure that the right of either partner to govern **and to regulate** the exploration, exploitation **and production** of energy sources remains untouched by any agreement, but that **the principle of non-discrimination** is applied once exploitation is decided; **to keep in mind that nothing in the agreement should undermine legitimate non-discriminatory democratic decisions with regard to energy production, in accordance with the precautionary principle;** **to ensure that** access to raw materials as well as to energy should also be granted on a non-discriminatory basis for companies from either the EU or the US and quality standards for energy products must be respected, **including those for energy products related to their impact on CO2 emissions such as the one enshrined in the Fuel Quality Directive,** ;

Comments: It falls outside of our scope.

CAM 45 EPP, S&D, ALDE, ECR, GUE, EFDD NO POSITION

(Covers AMs 702, 703, 704, 709, 695, ITRE 7, ITRE 8, ITRE 5)

Vote AM 695 separately as an addition.¹⁶

Paragraph 1 - point d - point ix:

(ix) to ensure that TTIP supports the use and promotion of green goods and services, **including through facilitating their development, and simplifies their exports and imports** thereby tapping into the considerable potential **for both** environmental and economic gains offered by the transatlantic economy **and complementing the on-going plurilateral negotiations on the Green Goods agreement with the aim of contributing to fight combat global warming and to create new jobs in the "green economy";**

Comments: It falls outside of our scope.

¹⁵ Request by GREENS as to have a more detailed and specific reference to EU GHG emissions target for 2050.

¹⁶ Request by GREENS as more specific reference to standardisation process in field of energy labelling and other energy efficiency measures not covered.

CAM 46 – EPP, S&D, ALDE, GREENS, GUE NO POSITION

(Covers AMs 711, 713, 714, 715, 820, 821, ITRE 5, ITRE 8)

Paragraph - point d - point x:

- (x) to ensure that TTIP serves as a forum for the development of ***ambitious and binding*** common sustainability standards for energy production ***and energy efficiency***, always taking into account and adhering to existing standards on both sides ***such as the EU energy labelling and eco-design directives and to explore ways to enhance cooperation on energy research, development and innovation and promotion of low-carbon and environmentally friendly technologies;***

Comments: It falls outside of our scope.

CAM 47 EPP, S&D, ALDE, ECR NO POSITION

(Covers AM 719, 720, 721, 723, 724, 725, 726, ITRE 9, IMCO (d) (ii), IMCO(f) (i, ii, iii.), , ECON 1b, 1d, 1q, 1x, EMPL 1 (xv), (xvi))

Paragraph 1 - point d - point xi:

- (xi) to ensure that TTIP includes a specific chapter on SME's ***in TTIP based on the joint commitment of both negotiating parties*** and aims at creating new opportunities in the US for European SMEs ***(including micro enterprises), on the basis of SME exporters' actual reported experience***, for instance by eliminating double certification requirements, by establishing a web-based information system about the different regulations ***and best practices, by facilitating access to support schemes for SME***, by introducing 'fast-track' procedures at the border or by eliminating specific tariff peaks that continue to exist; it should establish mechanisms for both sides to work together to facilitate SMEs' participation in transatlantic trade ***and investment***, for instance through a common SME 'one-stop shop' ***with SMEs stakeholders playing a key role in its establishment, which would provide specific information they need to export to, import from or invest in the US, including on customs duties, on taxes, on regulations, on custom procedures and on market opportunities;***

Comments: It falls outside of our scope.

CAM 48 EPP, S&D, ALDE, ECR NO POSITION; binding Human Rights clause NEEDED

(Covers AMs 735, 738, 740, original text)

Paragraph 1 - point d - point xii:

- (xii) to ensure that TTIP contains a comprehensive chapter on investment including provisions on both market access and investment protection, ***recognising that access to capital can stimulate jobs and growth*** ; the investment chapter should aim at ensuring non-discriminatory treatment for the establishment of European and US companies in each other's territory, while taking account of the sensitive nature of some specific sectors; ***these should look to enhance Europe as a destination for investment, increase confidence for EU investment in the US and also address investors' obligations and responsibilities by referring, inter alia, to the OECD principles for multinational enterprises and to the UN principles on Business and human rights as benchmarks ;***

Comments: We welcome the direction of this amendment. The principles outlined are a step towards the right direction. However, **obligations to respect human rights do not mean anything if they are not binding and enforceable. INTA should additionally vote LIBE's Opinion, 1, a).** "to ensure that the agreement guarantees full respect for EU fundamental rights standards through the inclusion of a legally binding and suspensive human rights clause as a standard part of EU trade agreements with third countries;"

CAM 49 EPP, S&D, ALDE, ECR OPPOSE

(Covers AMs 741, 745, 746, 747, original text, AFET 4)

Paragraph 1 - point d - point xiii:

- (xiii) to ensure that investment protection provisions are limited to post-establishment provisions and focus on ***national treatment, most-favoured nation***, fair and equitable treatment and ***protection against direct and indirect expropriation, including the right to prompt, adequate and effective compensation***; standards of protection and definitions of investor and investment should be drawn up in a precise ***legal*** manner ***protecting the right to regulate in the public interest, clarifying the meaning of indirect expropriation and preventing unfounded or frivolous claims***; free transfer of capital should be in line with the EU treaty provisions and should include a prudential carve-out ***not limited in time*** in the case of financial crises;

Comments: The compromise amendment mostly weakens the original draft report text. "[M]ost-favoured nation" creates the risk of importing old more open treaties. Indirect expropriation relates to administrative measures, an expression of democracy. "[P]recise legal manner" and "clarifying the meaning" would not help as legal texts are always open to interpretation and would give adjudicators vast discretionary power. More appropriate would be to give states a wide margin of appreciation, after exhaustion of local remedies, as in article 1 of Protocol 1 to the ECHR. In addition, we note that fair and equitable treatment has shown to be open to abuse. The aspects on financial crises and free transfer of capital fall outside EDRI's expertise.

CAM 50 A by the Chair: OPPOSE

Paragraph 1 - point d - point xiv:

- (xiv) to ensure the applicability of international agreements, to bring an end to the unequal treatment of European investors in the US on account of existing agreements of Member States; 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 build on the concept paper recently presented by Commissioner Malmström to INTA Committee on May 7 and the ongoing discussions in the Trade Ministers' Council and to use them as a basis for negotiations on a new and effective system of investment protection, as they provide very welcome proposals for reform and improvement
- taking into account the EU's and the US' developed legal systems, to trust the courts

of the EU and of the Member States and of the United States to provide effective legal protection based on the principle of democratic legitimacy, efficiently and in a cost-effective manner

- to propose a permanent solution for resolving disputes between investors and states which is subject to democratic principles and scrutiny, where potential cases are treated in a transparent manner by publicly appointed, independent professional judges in public hearings and which includes an appellate mechanism, where consistency of judicial decisions is ensured and the jurisdiction of courts of the EU and of the Member States is respected
- in the medium term, a public International Investment Court could be the most appropriate means to address investment disputes



Comments:

- As it stands, **this CAM goes against the 5 Committee opinions that clearly rejected ISDS.**
- EDRi does not deem the Commissioner's proposal on ISDS as respectful of the citizens' will and ignores the 97% negatives responses to the consultation.
- The call for a public International Investment Court does not take into account various inherent issues: (1) specialised courts have a natural tendency to become expansionist; (2) supranational adjudication takes place above democracies and falls outside democratic control; as it lacks a legislative feedback loop there is no effective remedy if the interpretation becomes expansionist; (3) allowing private investors to supranational adjudication promotes expansionist interpretation of treaties as private investors do not have the same restraint as states, and gives foreign investors procedural rights local investors do not have.

CAM 50 B EPP, ALDE, ECR OPPOSE

(Covers AMs 290, 749, 750, 751, 752, 755, 756, 757, 758, 759, 760, 761, 764, 765, 767, 768, 770, 772, 773, 779, 782)

Paragraph 1 - point d - point xiv:

(xiv) to ensure the applicability of international agreements, to bring an end to the unequal treatment of European investors in the US on account of existing agreements of Member States; 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 substantive rights than domestic investors:

- to use the concept paper recently presented by Commissioner Malmström to INTA Committee on May 7 as a basis for negotiations on an effective investment protection clause, as it provides very welcome proposals for reform and improvement
- to propose a permanent solution for resolving disputes between investors and states which is subject to democratic principles and scrutiny, where potential cases are treated in a transparent manner by publicly appointed, independent professional judges in public hearings and which includes an appellate mechanism, where consistency of judicial decisions is ensured and the jurisdiction of courts of the EU and of the Member States is respected

- in the medium term, a public International Investment Court could be the most appropriate means to address investment disputes



Comments: Same comments as above.

CAM 50 C S&D OPPOSE

(Covers AMs , 762, 763, 764, 768, 769, 770, 772, 779,780, AFCD vii, ENVI 6, ECON n, EMPL 1 (xviii), original text; ECON 1u, JURI 1(A,B,H); PETI 3, PETI 24, AFET 4)

Paragraph 1 - point d - point xiv:

(xiv) *to ensure the applicability of international agreements, to bring an end to the unequal treatment of European investors in the US on account of existing agreements of Member States; 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;*

- *taking into account the EU's and the US' developed legal systems, to trust the courts of the EU and of the Member States and of the United States to provide effective legal protection based on the principle of democratic legitimacy, efficiently and in a cost-effective manner;*
- *to build on the concept paper presented by Commissioner Malmström in the International Trade Committee on the 7th of May 2015 and to propose a permanent solution for resolving disputes between investors and states (without the use of ISDS private arbitration) and which is subject to democratic principles and scrutiny, where potential cases are treated in a transparent manner by publicly appointed, independent professional judges in public hearings subsequent to which at least one appeal may be lodged, where consistency of judicial decisions is ensured and the jurisdiction of courts of the EU and of the Member States is respected ;*
- *in the medium term, a public International Investment Court is the most appropriate means to address investment disputes*



Comments: Same comments as above.

CAM 50 D : GREENS, GUE, EFDD SUPPORT

Paragraph 1-d-xiv - 766 (Beghin), 769 (GUE), 771 (Greens)

(xiv) 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 substantive and procedural 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, and the given level of investment protection in the EU and the US is fully sufficient to guarantee legal security;



Comments: In line with prior comments, clear wording as the one proposed by CAM 50D is needed. We urge you to adopt this CAM.

CAM 51 EPP, S&D, ALDE, ECR OPPOSE

(Covers AMs 787, 790, 791, 792, 793, 796, 798, 799, 802, AGRI o, original text, **JURI m**, o) ENVI para 10 first indent)

Paragraph 1 - point d - point xv:

- (xv) to ensure that TTIP includes an ambitious, balanced and modern chapter on and precisely defined areas of intellectual property rights, including recognition and *enhanced* protection of geographical indications and reflects a fair and efficient level of protection, *without impeding the EU's need to reform its copyright system* and *while ensuring a fair balance of IPRs and the public interest*, in particular the need to preserve access to affordable medicines by continuing to support the TRIPS flexibilities



*Comments: This CAM pleads to cover JURI 1,m, but it **does NOT cover JURI 1, m**. It reads "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 the TTIP;"*

International obligations regarding IP rights are already strict, it is important to maintain policy space. **IP (including copyright, patents and trademarks) should NOT be a part of TTIP.** The inclusion of such broad provisions in this paragraph risk harming our rights to culture and free expression. Previous proposals for international trade agreements, such as ACTA, which was rejected by the European Parliament in 2012, increased the privileges of certain economic operators at the expense of consumers and society in general. **Provisions related to intellectual property rights should be discussed within democratic institutions, not rewritten in the course of a trade agreement, which should be mainly focused on trade.**

=> **EDRi recommends voting JURI, 1 m BEFORE CAM 51.**

CAM 51 B on GI EPP, S&D, ECR, ALDE, GREENS, EFDD NO POSITION

(Covers AMs 535, 787, 789, 790, 791, 792, 793, 794, 795, 796, 803, 804, 805, 806, AGRI 1 (l, o,), ITRE 18, ITRE 19, JURI o)

Paragraph 1 - point d - point (xvi) a (new):

- 1) *to secure full recognition and strong legal protection of EU geographical indications and measures to deal with improper use and misleading information and practices; to guarantee the labelling, traceability and genuine origin of these products for consumers and the protection of the know-how of producers as an essential part of a balanced agreement;*

Comments: It falls outside of our scope.


6. POINT E AND F – TRANSPARENCY

CAM 52 - EPP, S&D, ALDE, ECR GUE, EFDD SUPPORT

(Covers AMs 173, 826, 829, 840, 842, original text, AFCO 1 (e) (iii); AFET 11, ECON 1 (w); EMPL 1 (xi), ENVI 20, IMCO a (iii); JURI 1 (d), LIBE 1 (i); PETI 11, AFET 11)

Paragraph 1 - point e - point i:

- (i) to continue ongoing efforts to increase transparency in the negotiations by making more negotiation proposals available to the general public, **to implement the recommendations of the European Ombudsman, in particular relating to the rules on public access to documents;**


 **Comments:** We welcome the amendment, however, it would have been stronger without the wording “by fully complying with the rules on public access to documents” as the rules are not up to date.

CAM 53 EPP, S&D, ALDE, ECR, GREENS, GUE, EFDD SUPPORT; OPPOSE TO "for the MEPs"

(Covers AMs 836, 837, 843, 881 original text, AFCO 1(e)(iii, iv, v); AFET 11, ECON 1(w), EMPL 1. xi, ENVI 19, IMCO a (iii), ITRE 1, LIBE 1(i), PETI 10, PETI 13, ECON 1(w))

Paragraph 1 - point e - point ii:

- (ii) to translate these transparency efforts into meaningful practical results, inter alia by reaching arrangements with the US side to improve transparency, including access to all negotiating documents **for the Members of the European Parliament, including consolidated texts, while at the same time maintaining due confidentiality,** in order to allow Members of Parliament and the Member States to develop constructive discussions with stakeholders and the public,; **to ensure that both negotiating parties should justify any refusal to disclose a negotiating proposal;**


 **Comments:** Whereas we support this CAM, as it calls for greater transparency, the new wording given seems to specify that the access will be given just to MEPs. This is NOT what the European Ombudsman recommended to the European Commission in her decision and in her follow-up response to the latter, rendering this CAM inconsistent with CAM 1 and CAM 54. The highlighted sentence should not be part of INTA's Report. We recommend voting it separately. Otherwise, inconsistencies between CAM 1, CAM 53 and CAM 54 are not acceptable.

CAM 54 EPP, S&D, ALDE, ECR, GREENS, GUE, EFDD SUPPORT

(Covers AMs 852, 854, 855, original text, AFCO 1. e iii, iv, v, AFET 11, AGRI 1(t), CULT 1(c), ECON 1(w), EMPL 1(xi), ENVI 19, DEVE 8, IMCO a (iii), ITRE 1, JURI 1(d), LIBE 1 (i), PETI 11, PETI 12, ECON 1u, ECON 1v)

Paragraph 1 - point e - point iv:

- (iv) to reinforce its continuous and transparent engagement with a wide range of stakeholders, throughout the negotiation process; encourages all stakeholders to participate actively and to put forward initiatives and information relevant to the negotiations;

 **Comments:** We welcome this amendment as it strengthens the inclusion of all stakeholders.

CAM 55 - EPP, S&D, ALDE, ECR, GUE, EFDD SUPPORT

_(Covers AMs 849, 850, 860, 874, original text):

Paragraph 1 - point e - point iv a (new):

(iv a) to encourage Member States to involve national parliaments in line with their respective constitutional obligations, to provide all the necessary support for Member States to fulfil this task and to strengthen outreach to national parliaments, in order to keep national parliaments adequately informed on the ongoing negotiations;



Comments: We support it, but this CAM would be stronger if citizens were mentioned as well in this amendment, as the **Member States also have an obligation to inform citizens.**

CAM 56 EPP, S&D, ALDE, ECR, GUE, EFDD SUPPORT

(Covers AM 867; original text, AFCO 1 (e) (iii, iv, v); AFET 11, AGRI 1(t), CULT 1(c), ECON 1(w), EMPL 1(xi), ENVI 19, DEVE 8, IMCO a(iii), ITRE 1, JURI 1(d), LIBE 1 (i), PETI 10, PETI 11, PETI 12)

Paragraph 1 - point f:

(f) to build on the close engagement with Parliament and to seek an even closer, structured dialogue, which will continue to closely monitor the negotiating process and to engage on its part with the Commission, the Member States, and the US Congress and Administration, as well as with stakeholders on both sides of the Atlantic, in order to ensure an outcome which will benefit citizens in the EU, the US and beyond;



Comments: We welcome this amendment, as it aims to increase the scrutiny of the Parliament and the Member States.

CAM 57 EPP, S&D, ALDE, ECR, GUE and EFDD OPPOSE

(Covers AM 868,813 original text, ECON 1 (x), AFET 9)

Paragraph 1 - point f - point f a (new):

(f a (new) to ensure that TTIP and its future implementation is accompanied by a deepening of transatlantic parliamentary cooperation leading in the future to a broader and enhanced political framework to develop common approaches, reinforce the strategic partnership and to improve global cooperation between the EU and the US



Comments: Cooperation is ok as long as safeguards are put in place to avoid chilling effects on EU policy making, lowering of standards, etc. Talking about TTIP and its future implementation is premature. Red lines need to be respected first.