



EDRi and Access welcome the [ITRE draft opinion](#) on TTIP.

In line with [EDRi's redlines](#) on TTIP, we would like to make some comments on selected proposed paragraphs below and suggest amendments to the text.

For ease of reading, EDRi and Access' comments to the proposed draft opinion can be found below the selected paragraphs and an amendment with a short justification have been added at the end.

7. Reminds the Commission, while welcoming the potential benefits of regulatory alignment and mutual recognition, including the establishment of common principles in standards and technical specifications in the area of *ICT-information society services and telecommunications services in compliance with EU primary and secondary legislation*, about the importance of maintaining high levels of safety and security; ***“Recalls the European Parliament resolution of 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 which includes a recommendation for the EU to develop a strategy for IT independence”***

Comments: The proposed language in this paragraph could be further strengthened to reiterate that the developed transatlantic common principles in standards and technical specifications must be fully in compliance with EU primary and secondary legislation.

In addition, **we suggest changing “ICT” for “information society services and telecommunications services”**, for clarity.

Finally, we recommend including the following reference to the European Parliament resolution on NSA mass surveillance programme to this paragraph:

“Recalls the European Parliament resolution of 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 which includes a recommendation for the EU to develop a strategy for IT independence”;

8. Reminds the Commission, regarding *ICT information society services and telecommunications* services, that it is of particular importance that the TTIP ensure a level

playing field with equal access for EU service companies to the US market and with an obligation on US service providers to respect ***and comply with EU legislation, human rights standards and consumers rights legislation, product safety legislation and standards for due process in the European Union*** ~~the rules applicable to EU companies~~ when providing services in Europe or to European customers.

Comments: We welcome this paragraph reaffirming the obligation for US services providers to respect the rules applicable to EU companies when providing services in Europe or to European customers. This wording could be further strengthened in the following way:

“with an obligation on US service providers to respect and comply with EU legislation, human rights standards and consumers rights legislation, product safety legislation and standards for due process in the European Union when providing services in Europe or to European customers.”

In accordance with the suggestion on paragraph 7, we recommend changing “ICT” for “information society services and telecommunications services”.

EDRi and Access proposed amendment

(new) "Bearing in mind US patent law needs to be fundamentally reformed, it would be inappropriate for the EU to incur obligations on this point".

Justification: As several leaked documents indicated that US offer includes provisions that would undermine the EU approach on patent legislation, we strongly recommend adding this amendment that would clarify the EU position.

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