

In line with our [red lines](#) on TTIP and [our analysis](#) of JURI's Draft Opinion, **European Digital Rights (EDRI)**, **Vrijschrift** and **Bits of Freedom** would now like to comment on the amendments tabled to JURI's [Draft Opinion](#) on TTIP.

The left column repeats JURI's Draft Report; the right column contains the amendments proposed by the members of JURI. Our comments can be found below.

For ease of reading, the headings are highlighted and marked with colours and symbols as follows:



green (++) for amendments we welcome;



yellow (+) for amendments which pursue good aims, but could benefit from further suggested improvements;



red (-) for amendments which in our view should be reconsidered;

grey for amendments in which we do not have a position.

A short justification is given, when relevant.


EDRI, Vrijschrift and Bits of Freedom recommend to:

Support amendments: 1-3, 5, 8-12, 16, 18-20, 22-27, 31-36, 39-45, 47-49, 52-54, 58, 62-65, 70, 71, 73-76, 78, 80, 84-88, 92, 94, 97, 104, 106, 114, 116.


Oppose amendments: 4, 13-15, 21, 28, 30, 37, 38, 50, 51, 56, 59, 60, 61, 67, 89, 90, 95.

Amendment 1 Evelyne Gebhardt


++ Recital A	
<i>Draft opinion</i>	<i>Amendment</i>
<p><i>A. whereas investment protection provisions and investor state dispute settlement are an essential tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States</i></p>	<p><i>A. whereas, since judicial systems both in the European Union and in the United States of America function effectively, there is no need for any private investor state dispute settlement mechanisms in this agreement;</i></p>

<i>to regulate and an appropriate dispute settlement procedure is fundamental;</i>	
 Comments: We welcome the proposed amendment as it points out that there is no need for ISDS in TTIP. ISDS is not needed as there are four alternatives to ISDS: local courts, SSSDs, insurance and contracts. Major investment projects are usually accompanied by contracts, often with their own dispute settlement clauses.	

Amendment 2 Virginie Rozière


++ Recital A	
<i>Draft opinion</i>	<i>Amendment</i>
A. whereas <i>investment protection provisions and investor state dispute settlement are an essential tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;</i>	A. whereas investor state dispute settlement <i>should not occur outside of a legal framework imposed by a state governed by rule of law;</i>
 Comments: We welcome the proposed amendment because it points to the importance of the legal framework of a state, a framework which should not be avoided or undermined through an investor state dispute settlement. Separation of powers, democratic oversight, and a legislative feedback loop are essential.	

Amendment 3 Angelika Niebler


++ Recital A	
<i>Draft opinion</i>	<i>Amendment</i>
A. whereas investment protection provisions <i>and investor state dispute settlement</i> are an <i>essential</i> tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and <i>an appropriate dispute settlement procedure</i> is fundamental;	A. whereas investment protection provisions are a tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and <i>the judicial systems of States</i> is fundamental;
 Comments: We welcome the proposed amendment as it adds strong wording to the importance of the judicial system of states and the amendment removes the need of a dispute settlement procedure to be balanced out against the right to regulate. Separation of powers, democratic oversight, and a legislative feedback loop are essential.	

Amendment 4 Angel Dzhambazki, Sajjad Karim

- Recital A	
<i>Draft opinion</i>	<i>Amendment</i>


<p>A. whereas investment protection provisions and investor state dispute settlement are an essential tool in international economic relations and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;</p>	<p>A. whereas investment protection provisions and investor state dispute settlement are an essential tool in international economic relations <i>to ensure that states adhere to their commitments under mutually agreed international treaties</i>, and are very important for investment activity, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;</p>
<p> Comments: State to state dispute settlement is the forum for this. Investor state dispute settlement is not the way states should be forced to fulfil their commitments under treaties. It furthermore does not improve the recital. For one, it does not address the issue of investor state dispute settlement not being essential to international economic relations.</p>	

Amendment 5 Heidi Hautala, Pascal Durand

<p>++ Recital A</p>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>A. whereas investment protection provisions and investor state dispute settlement are <i>an essential</i> tool in international economic relations <i>and are very important for investment activity</i>, and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;</p>	<p>A. whereas investment protection provisions and investor state dispute settlement are <i>a</i> tool in international economic relations and whereas a balanced relationship between the necessary and effective protection of investors, the right of States to regulate and an appropriate dispute settlement procedure is fundamental;</p>
<p> Comments: We welcome the proposed amendment. A balance between protection of investors and the right of States to regulate implies that foreign money is a important as democracy. Major international investments are almost always accompanied by contracts negotiated between governments and the investor, which often include their own dispute settlement mechanism and are tailored to the situation, and therefore do not create excessive risks for states. Furthermore, investors may take out political risk insurance and, overall, local courts and state to state arbitration complement the above mentioned negotiated contracts. Put simply, ISDS is not essential.</p>	

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


<p>+ Recital A</p>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>A. whereas investment protection provisions and investor state dispute settlement are an <i>essential</i> tool in international economic relations <i>and are very important for</i> investment activity, and</p>	<p>A. whereas investment protection provisions and investor state dispute settlement are a tool in international economic relations, <i>but no study exists which proves any link between investor</i></p>

<p>whereas a balanced relationship between the <i>necessary and effective</i> protection of investors, the right of States to regulate <i>and an appropriate dispute settlement procedure</i> is fundamental;</p>	<p><i>state disputes and greater</i> investment activity, and whereas a balanced relationship between the protection of investors <i>and</i> the right of States to regulate <i>in the public interest</i> is fundamental;</p>
<p> Comments: We welcome the proposed amendment as it points to the lack of factual evidence of the need of ISDS and the need for "an appropriate dispute settlement procedure". The amendment also improves the recital because an investor state dispute settlement procedure is not essential in international economic relations. However, the last added words in the amendment do not improve the recital. A balance between protection of investors and the right of States to regulate implies that foreign investment is a priority that is on a par with democracy.</p>	

Amendment 7 Kostas Chrysogonos


Recital A a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><i>Aa. whereas international trade and investment agreements concluded by EU institutions are subject to the rights guaranteed by the EU, and the principles underlying the protection of those rights in the EU, as is the precautionary principle which applies to environmental, health and consumer protection;</i></p>
<p>Comments: The proposed amendment falls outside of our scope.</p>	

Amendment 8 Heidi Hautala, Pascal Durand


++ Recital A a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><i>Aa. whereas President Juncker has clearly stated in his Political Guidelines that he will not accept that the jurisdiction of courts in the Member States is limited by special regimes for investor disputes; whereas now that the results of the public consultation on investment protection and ISDS in the TTIP are available, a reflection process – taking account of the mostly very critical and constructive contributions – is needed within and between the three European institutions on the best way to achieve investment protection and equal treatment of investors without the use of the ISDS mechanism;</i></p>
<p> Comments: We welcome the proposed amendment as it proposes a strong recital on the concern of the European citizen on the issue of ISDS, the danger ISDS can be for the legal framework and it asks for a reform of the investment protection policy of the European Union without the use of ISDS. ISDS is not needed as there are four alternatives to ISDS: local</p>	

courts, SSDS, insurance and contracts. Major investment projects are usually accompanied by contracts, often with their own dispute settlement clauses.

Amendment 9 Virginie Rozière

++ Recital A a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>Aa. whereas the European Union and the USA have efficient national legal frameworks and are governed by rule of law;</i>
<p> Comments: We welcome the proposed amendment as it points to the current legal framework of both the European Union and the USA, a legal framework in which there is no need for ISDS. Supranational adjudication takes place at a level above democracies; this creates a risk for democracies.</p>	

Amendment 10 Heidi Hautala, Pascal Durand

++ Recital A b (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>Ab. whereas serious doubts exist regarding the compatibility of the planned ISDS provisions with the principles of autonomy, unity and effectiveness of EU as they have been interpreted by the Court of Justice;</i>
<p> Comments: We welcome the proposed amendment as it points out to the fact that ISDS may not be compatible with the EU legal system. Compatibility with the EU treaties is obviously essential. The European Court of Justice, in cooperation with the courts and tribunals of the Member States, has the exclusive competence to apply and interpret EU law. The inclusion of a mechanism such as ISDS in TTIP may violate Article 344 TFEU. As the ECJ stated in its recent Opinion 2/13, cf. para. 201: "The Court has consistently held that an international agreement cannot affect the allocation of powers fixed by the Treaties or, consequently, the autonomy of the EU legal system, observance of which is ensured by the Court. That principle is notably enshrined in Article 344 TFEU, according to which Member States undertake not to submit a dispute concerning the interpretation or application of the Treaties to any method of settlement other than those provided for therein (see, to that effect, Opinions 1/91, EU:C:1991:490, paragraph 35, and 1/00 EU:C:2002:231, paragraphs 11 and 12; judgments in Commission v Ireland, C-459/03, EU:C:2006:345, paragraphs 123 and 136, and Kadi and Al Barakaat International Foundation v Council and Commission, EU:C:2008:461, paragraph 282)."</p>	

Amendment 11 Kostas Chrysogonos, Jiří Maštálka

++ Recital B	
<i>Draft opinion</i>	<i>Amendment</i>
<i>B. whereas nine EU Member States have concluded bilateral investment protection</i>	<i>deleted</i>

agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain numerous ISDS clauses;



Comments: This is irrelevant. It is not the fact of their existence that is important, but the impact, the conditions, the impact and the experience of their implementation.

Amendment 12 Heidi Hautala, Pascal Durand

++ Recital B	
<i>Draft opinion</i>	<i>Amendment</i>
<i>B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain numerous ISDS clauses;</i>	<i>deleted</i>



Comments: Same as above.

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


- Recital B	
<i>Draft opinion</i>	<i>Amendment</i>
B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain numerous ISDS clauses;	B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas numerous bilateral agreements between EU Member States contain ISDS clauses, but Regulation No 921/2014 states that existing bilateral investment agreements to which Member States are parties are to be replaced by the inclusion of an investment chapter in TTIP, even without ISDS;




Comments: The amendment seems to be not factually correct and, at best, adds confusion to an already irrelevant statement.

Amendment 14 Angel Dzhambazki, Sajjad Karim


- Recital B	
<i>Draft opinion</i>	<i>Amendment</i>
B. whereas nine EU Member States have concluded bilateral investment protection	B. whereas nine EU Member States have concluded bilateral investment protection

agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements <i>between</i> EU Member States contain numerous ISDS clauses;	agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas <i>over 1,400</i> bilateral agreements <i>signed by</i> EU Member States <i>already</i> contain numerous ISDS clauses;
 Comments: The amendment does not improve the recital. It also seems to point to the need of an ISDS in TTIP, which is not true. See comments to amendment 11. Stating the number of agreements and not mentioning the number, nature, scope and relevance of “numerous” ISDS clauses is misleading.	

Amendment 15 Virginie Rozière

- Recital B	
<i>Draft opinion</i>	<i>Amendment</i>
B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain <i>numerous</i> ISDS clauses;	B. whereas nine EU Member States have concluded bilateral investment protection agreements with the USA granting US undertakings the right to bring complaints against those Member States, and whereas bilateral agreements between EU Member States contain <i>some</i> ISDS clauses;
 Comments: The text proposed by the rapporteur is irrelevant and cannot be fixed by clarification of this kind.	

Amendment 16 Kostas Chrysogonos

++ Recital B a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>Ba. whereas art. 344 TFEU provides that: "Member States undertake not to submit a dispute concerning the interpretation or application of the Treaties to any method of settlement other than those provided for therein";</i>
 Comments: We welcome the referral to art. 344 TFEU. Compatibility with the EU treaties is essential. See comments to amendment 10.	

Amendment 17 Evelyn Gebhardt

Recital B a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>Ba. whereas the negotiations at issue are intended to result in an ambitious agreement which will protect the European model of the social market economy, as provided for by the Treaties of the European Union which will be accompanied by a significant improvement for the public, employees</i>

	<i>and consumers and by an opening-up of the market for undertakings based in the European Union, including SMEs;</i>
Comments: This amendment falls outside our scope of expertise.	

Amendment 18 Virginie Rozière

++ Recital B a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>Ba. whereas nothing can justify granting a particular category of people, in this instance investors, inordinate rights under ordinary law;</i>



Comments: We welcome this recital as it points to the equality of all under the law. Fairness is essential in a democracy.

Amendment 19 Virginie Rozière

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



Comments: We support this amendment for the deletion of this paragraph because this paragraph relates to state-to-state dispute settlement under the WTO. Both for bilateral agreements and WTO rules, the EU can resort to state to state arbitration to ensure the implementation of treaty obligations under US law. Supranational adjudication takes place at a level above democracies; this creates a risk for democracies.


Amendment 20 Heidi Hautala, Pascal Durand

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




Comments: Same as above.

Amendment 21 Angel Dzhambazki, Sajjad Karim


- Recital C	
<i>Draft opinion</i>	<i>Amendment</i>
<p>C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought legal action against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations;</p>	<p>C. whereas international agreements are a basis for legal certainty, transparency and predictability and whereas there have been many cases in which the EU and other States have brought legal action against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations, notes that in some cases the US continues to refuse to respect WTO panel rulings, in clear contradiction of its commitments under WTO law;</p>
<p> Comments: This amendment does not improve the recital. For further comments, see amendment 19.</p>	

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


++ Recital C	
<i>Draft opinion</i>	<i>Amendment</i>
<p>C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought legal action against the USA under the aegis of the WTO because the USA was believed to have failed to comply with its international obligations;</p>	<p>C. whereas international agreements are a basis for legal certainty and predictability and whereas there have been many cases in which the EU and other States have brought complaints against the USA under the aegis of the WTO, which traditionally uses an inter-state dispute settlement mechanism, because the USA was believed to have failed to comply with its international obligations;</p>
<p> Comments: We welcome the proposed amendment, see amendment 19.</p>	

Amendment 23 Kostas Chrysogonos


++ Recital C a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<p>Ca. whereas Article 1 TEU provides that: "decisions are taken as openly as possible and as closely as possible to the citizen"; article 10 para. 3 TEU provides that: "decisions shall be taken as openly and as closely as possible to the citizen"; the European Parliament has, according to article 218 (10) TFEU, the right to "be immediately and fully informed at all</p>

	<i>stages of the procedure" of negotiation and conclusion of agreements between the Union and third countries"; and the European Ombudsman has emphasised in the decision closing her own-initiative inquiry OI/10/2014/RA the need for transparency in TTIP negotiations and public access to TTIP documents;</i>
	Comments: We welcome the proposed amendment as it rightly asks for further transparency in the TTIP negotiations, as pointed out by the European Ombudsman. Transparency and accountability are essential in a democracy.

Amendment 24 Evelyne Gebhardt


++ Recital C a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>Ca. stressing the democratic legitimacy of the European Parliament and calling, therefore, for TTIP not to call into question the primacy of political decision-making;</i>
	Comments: We welcome the proposed amendment. TTIP, and especially regulatory cooperation, should not be undermining the existing European legal framework or undermine the legitimacy of the European Parliament.

Amendment 25 Heidi Hautala, Pascal Durand


++ Paragraph 1 – point a	
<i>Draft opinion</i>	<i>Amendment</i>
<i>a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;</i>	<i>deleted</i>
	Comments: We welcome the proposed amendment. The reforms in CETA are not in line with the Resolution (2010/2203(INI)). For instance, in paragraph 31, the Parliament believed that dispute settlement regimes should include an "opportunity for parties to appeal" and an "obligation to exhaust local judicial remedies", among others and these are not included in CETA.

Amendment 26 Virginie Rozière


++ Paragraph 1 – point a	
<i>Draft opinion</i>	<i>Amendment</i>
<i>a. Considers that the Commission's</i>	<i>a. Stresses that the reservations felt by</i>

<p><i>proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;</i></p>	<p><i>experts, politicians and the public should be taken into account in these reforms;</i></p>
<p> Comments: We welcome the proposed amendment. The current reforms are not in line with the European Parliament resolution on future European international investment policy (2010/2203(INI)), see amendment 25. Furthermore, the reservations on investment policy are not only felt by the public, but also by experts and politicians, as this amendment rightly points out.</p>	


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

<p style="text-align: center;">++ Paragraph 1 – point a</p>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>a. <i>Considers that the Commission’s proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;</i></p>	<p>a. Observes that the reservations felt by the public should be <i>reflected in negotiations on trade and investment agreements;</i></p>
<p> Comments: We welcome the proposed amendment as it asks for not just taking into account the reservations felt by the public but actually reflecting the reservations in the reforms. It improves the paragraph.</p>	


Amendment 28 Constance Le Grip

<p style="text-align: center;">- Paragraph 1 – point a</p>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>a. Considers that the Commission’s proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;</p>	<p>a. Considers that the Commission’s proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms, <i>as regards notably transparency and democratic legitimacy of investment protection mechanisms;</i></p>
<p> Comments: see the comment on amendment 25.</p>	

Amendment 29 Angelika Niebler


+ Paragraph 1 – point a	
<i>Draft opinion</i>	<i>Amendment</i>
a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;	a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the massive reservations felt by the public must be taken into account in these reforms;
 Comments: We welcome the proposed amendment. Although the first, flawed, part of the paragraph is not modified, the second part adds strong wording on the scale, the seriousness and the proposed consequences of the public reservations to the international investment policy.	

Amendment 30 Angel Dzhambazki, Sajjad Karim


- Paragraph 1 – point a	
<i>Draft opinion</i>	<i>Amendment</i>
a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations felt by the public should be taken into account in these reforms;	a. Considers that the Commission's proposals for reform initiatives relating to investment protection accord with the European Parliament resolution on the future European international investment policy (2010/2203(INI)); observes, however, that the reservations brought forward should be taken into account in these reforms;
 Comments: The resolution was more critical than claimed here. See also the comment on amendment 25.	

Amendment 31 Kostas Chrysogonos on behalf of the GUE/NGL Group Jiří Maštálka, Kostas Chrysogonos


++ Paragraph 1 – point a – point i (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ai. Urges, given the scale of the impact which the TTIP would have on the lives of ordinary Europeans, that a referendum be held in all the EU Member States and that its outcome should be final and should determine whether the negotiations continue or are halted; taking adequate account of the concerns felt by the community at large regarding lowering of standards to the detriment of consumers, protection of public services,</i>

	<i>the proposed cooperation system and ISDS;</i>
	Comments: We welcome the proposed amendment as it points out to the need of involving the opinion of the European citizen in the TTIP negotiations. Trade agreement negotiations have a democratic deficit.


Amendment 32 Jiří Maštálka, Kostas Chrysogonos

++ Paragraph 1 – point a a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>aa. Demands to suspend the TTIP negotiations and calls on the Commission to conduct a public consultation on the content and goals of the negotiations;</i>
	Comments: The European Commission's intention to ignore the outcome of the ISDS consultation demands a robust response. See also comment 31.

Amendment 33 Virginie Rozière

++ Paragraph 1 – point a a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>aa. Stresses that the democratic legitimacy of the EU's trade policy needs to be strengthened; calls on the Commission to take account of responses to the public consultation it conducted and especially the 97 % of responses opposed to an ISDS;</i>
	Comments: We welcome the proposed amendment as it points towards the huge amount of negative responses on the public consultation on ISDS, it is important to stress that the opinion of citizens should be taken into account. It adds to democratic legitimacy.


Amendment 34 Virginie Rozière

++ Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
<i>b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;</i>	<i>deleted</i>
	Comments: We welcome the proposed amendment. We note that the dispute settlement proposals for CETA lack conventional institutional safeguards for independence such as tenure, fixed salary and prohibition of outside remuneration. Institutional safeguards for independence are essential to avoid reasonably perceived bias. The consultation launched by the European Commission was based on the CETA text. In this sense, over 110 scholars submitted a joint response offering a long list of flaws (cf. https://www.kent.ac.uk/law/isds_treaty_consultation.html) of that approach. More recently, more than 100 US legal scholars urged the US government to exclude ISDS from both the

TTIP and the TPP (cf. <http://www.afj.org/press-room/press-releases/more-than-100-legal-scholars-call-on-congress-administration-to-protect-democracy-and-sovereignty-in-u-s-trade-deals>)


Amendment 35 Kostas Chrysogonos, Jiří Maštálka

++ Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
<i>b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;</i>	<i>deleted</i>

 Comments: Same as above.


Amendment 36 Heidi Hautala, Pascal Durand

++ Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
<i>b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;</i>	<i>deleted</i>


 Comments: See comments to amendment 34.

Amendment 37 Evelyne Gebhardt


- Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
<i>b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;</i>	<i>b. Observes that the establishment of an international commercial court, to which independent judges would be appointed, is more in accordance with the principle of the administration of justice in the name of the people, the rule of law and transparency of the law than private investor state dispute settlement mechanisms;</i>

 Comments: The proposed amendment asks for the establishment of an international commercial court. There are other effective means to solve trade issues rather than an international commercial court, such as state-to-state dispute settlement which would not create a supranational commercial court. There is also an unsurprising natural tendency for specialised courts tend to become biased, facilitated by the fact that supranational courts do not have a workable legislative feedback loop. See: <http://www.euractiv.com/sections/trade-society/international-investment-court-plan-threatens-our-democracy-313179>


Amendment 38 Angel Dzhambazki, Sajjad Karim

- Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;	b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors <i>are welcome and</i> represent the right approach <i>in clarifying issues relating to the right to regulate, the functioning of arbitral panels as well as leaving open the possibility of an appeals mechanism</i> and must be developed further for TTIP; <i>urges the Commission to ensure full disclosure and regular communication concerning the development-process of said reforms;</i>
 Comments: The only good point is the last part of the amendment. The amendment does not improve the recital. The reform does not represent the right approach for CETA, nor does it for TTIP. The approach in CETA is fundamentally flawed, see the Statement of Concern published by over 110 scholars: http://www.kent.ac.uk/law/isds_treaty_consultation.html .For further comments: see amendment 34.	


Amendment 39 Virginie Rozière

++ Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors <i>represent the right approach and must be developed further for TTIP;</i>	b. Observes that <i>treating local and foreign investors equitably is not possible under</i> the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors;
 Comments: Indeed. The reforms in CETA were flawed, as the ISDS public consultation reflected. For more information about the flaws, please see http://www.kent.ac.uk/law/isds_treaty_consultation.html and https://edri.org/wp-content/uploads/2014/07/EDRi_response_ISDS_Consultation.pdf .	


Amendment 40 Lidia Joanna Geringer de Oedenberg

++ Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors <i>represent the right approach and must be developed further for TTIP;</i>	b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors <i>significantly differ from those presented in TTIP negotiations thus far and should not determine the course of future negotiations;</i>
 Comments: CETA should not be a model for future Free trade agreements.	


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

++ Paragraph 1 – point b	
<i>Draft opinion</i>	<i>Amendment</i>
b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors represent the right approach and must be developed further for TTIP;	b. Observes that the reforms incorporated in CETA for mechanisms for the settlement of disputes between States and investors do not represent the right approach and are therefore superfluous for TTIP;
 Comments: The dispute settlement proposals for CETA lack conventional institutional safeguards for independence such as tenure, fixed salary and prohibition of outside remuneration. Institutional safeguards for independence are essential to avoid reasonably perceived bias. It is important to bear in mind that the consultation launched by the European Commission was based on the CETA text.	


Amendment 42 Jiří Maštálka, Kostas Chrysogonos

++ Paragraph 1 – point b a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	ba. Calls on the Commission to make publicly accessible the consolidated text versions combining EU and US positions on draft chapters and thereby ensure the equal access to information for all interested stakeholders during all stages of the negotiations;
 Comments: This amendment should be supported as it is in line with the European Ombudsman's recommendations of 6 January 2015.	


Amendment 43 Heidi Hautala, Pascal Durand

++ Paragraph 1 – point b a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	ba. Observes that to ensure that foreign investors are treated in a non-discriminatory fashion and have a fair opportunity to seek and achieve redress of grievances can be achieved without the inclusion in TTIP of investment protection standards and an ISDS mechanism; is of the firm opinion that a possible TTIP agreement should not contain any investment protection standards and ISDS mechanism as the given level of investment protection in the EU and the US is fully sufficient to guarantee legal security;
 Comments: We welcome this amendment. ISDS is not essential for TTIP negotiations and can actually compromise the smoothness of the negotiations.	


Amendment 44 Kostas Chrysogonos, Jiří Maštálka

++ Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
<p><i>c. Observes that existing dispute settlement mechanisms work well but also display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;</i></p>	<p><i>deleted</i></p>
<p> Comments: This paragraph should be deleted. ISDS places companies at the same level as states and gives foreign investors greater procedural rights than local investors.</p>	

Amendment 45 Heidi Hautala, Pascal Durand

++ Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
<p><i>c. Observes that existing dispute settlement mechanisms work well but also display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;</i></p>	<p><i>deleted</i></p>
<p> Comments: Same as above.</p>	

Amendment 46 Evelyne Gebhardt

+ Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
<p>c. Observes that existing dispute settlement mechanisms <i>work well but also</i> display weaknesses <i>and that therefore improvements are needed and they must be modernised in order to improve</i> their legitimacy and <i>the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;</i></p>	<p>c. Observes that existing dispute settlement mechanisms display weaknesses, <i>because both</i> their legitimacy and <i>acceptance of them are insufficiently developed;</i></p>
<p> Comments: Goes in the right direction, but a stronger wording asking ISDS to be excluded</p>	

from TTIP would be preferable.

Amendment 47 Lidia Joanna Geringer de Oedenberg

++ Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
c. Observes that existing dispute settlement mechanisms <i>work well but also display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;</i>	c. Observes that existing dispute settlement mechanisms <i>in countries where there is no risk of political interference in the justice system or legal protection system are operating smoothly and that there is consequently no need to introduce ISDS;</i>
⊕ Comments: Indeed. ISDS is not essential for TTIP and its inclusion may put the whole agreement at risk.	

Amendment 48 Virginie Rozière

++ Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
c. Observes that existing dispute settlement mechanisms <i>work well but also display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;</i>	c. Considers that existing dispute settlement mechanisms display <i>a great many</i> weaknesses;
⊕ Comments: Over 110 scholars provided a long list of flaws (cf. https://www.kent.ac.uk/law/isds_treaty_consultation.html). More recently, more than 100 US legal scholars urged the US government to exclude ISDS from both the TTIP and the TPP (cf. http://www.afj.org/press-room/press-releases/more-than-100-legal-scholars-call-on-congress-administration-to-protect-democracy-and-sovereignty-in-u-s-trade-deals).	

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

++ Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
c. Observes that existing dispute settlement mechanisms <i>work well but also display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of</i>	c. Observes that existing dispute settlement mechanisms display <i>serious</i> weaknesses <i>in terms of both procedure and substance;</i>

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

Comments: Indeed. See previous comments.



Amendment 50 Angelika Niebler

- Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
c. Observes that existing dispute settlement mechanisms work <i>well</i> but <i>also</i> display weaknesses and that therefore improvements are needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;	c. Observes that existing dispute settlement mechanisms <i>do indeed</i> work but <i>nonetheless</i> display weaknesses and that therefore <i>comprehensive</i> improvements are <i>urgently</i> needed and they must be modernised in order to improve their legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;
<p>Comments: Although the amendment slightly improves the original wording, the amendment does not achieve what the EU needs: No ISDS.</p>	



Amendment 51 Angel Dzhambazki, Sajjad Karim

- Paragraph 1 – point c	
<i>Draft opinion</i>	<i>Amendment</i>
c. Observes that existing dispute settlement mechanisms work well <i>but also display weaknesses and that therefore</i> improvements are needed <i>and they</i> must be modernised in order to improve <i>their</i> legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;	c. Observes that existing dispute settlement mechanisms work well, <i>providing investors with a means to ensure state compliance under international law, but significant</i> improvements are needed <i>in terms of precise legal drafting which</i> must be modernised in order to improve <i>the</i> legitimacy and the institutionalisation of mechanisms for the settlement of disputes between States and investors, so that they can then also be taken as a model for other partnerships;
<p>Comments: The flaws of ISDS are not related to legal uncertainty. ISDS is not needed.</p>	



Amendment 52 Heidi Hautala, Pascal Durand

++ Paragraph 1 – point c a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ca. Calls on to Commission to oppose the inclusion of an ISDS mechanism in TTIP given the EU's and the United States'</i>

	<i>developed legal systems and that a state-to-state dispute settlement system, and the use of national legal and judicial systems are the most appropriate tools to address investment disputes;</i>
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Comments: This amendment should be supported.

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

++ Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
<i>d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</i>	<i>deleted</i>



Comments: the reforms in CETA are not sufficient, as the public consultation revealed. We stress that conventional institutional safeguards of independence, such as tenure, fixed salary, prohibition of outside remuneration, and neutral appointment of cases; avoidance of financial interests, avoidance of procedural rules which give the US an unfair advantage and avoidance of procedural advantages for foreign investors, are essential to avoid the perception of bias.

Amendment 54 Virginie Rozière

++ Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
<i>d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial</i>	<i>d. Calls on the Commission not to establish a dispute settlement mechanism;</i>

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



Comments: Investment contracts between States and investors already contain their own dispute settlement mechanism. In addition, the national and EU judicial systems are prepared to issue rulings on investment protection already.

Amendment 55 Heidi Hautala, Pascal Durand


+ Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
<p>d. Calls on the Commission, in this context, to take account <i>of and to supplement</i>, firstly, <i>the constructive</i> contributions made by the public consultation on TTIP, and, secondly, <i>the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such</i> dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>	<p>d. Calls on the Commission, in this context, to take account firstly <i>the</i> contributions made by the public consultation on TTIP and, secondly, <i>not to support the inclusion of any kind of investor-state</i> dispute settlement (<i>ISDS</i>), <i>and thus maintain the EU's institutional and judicial framework; to work towards producing a permanent solution for resolving disputes between investors and states under trade agreements, for example through the creation of a permanent multilateral court of judges;</i></p>



Comments: The amendment is good, but suggesting the creation of a specialised court may be risky: <https://blog.ffii.org/international-investment-court-plan-threatens-our-democracy/> .

Amendment 56 Constance Le Grip

- Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
<p>d. Calls on the Commission, in this</p>	<p>d. Calls on the Commission, in this</p>

<p>context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>	<p>context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures and rules, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping and action through the use of mailbox companies, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to foresee an appeal system and to this regard to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>
<p> Comments: the reforms introduced are not sufficient. The European Commission launched a consultation on ISDS based on the CETA text. 97% of the respondents asked the Commission to exclude ISDS from TTIP. Why is the Commission not respecting the results and why would the Parliament endorse such a position?</p>	

Amendment 57 Angelika Niebler

<p style="text-align: center;">+ Paragraph 1 – point d</p>	
<i>Draft opinion</i>	<i>Amendment</i>
<p>d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>	<p>d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, not to bypass national and European legislation by means of international tribunals, and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>



Comments: This amendment fails to address the real problem: ISDS is not essential and its inclusion may compromise the negotiations.

Amendment 58 Kostas Chrysogonos, Jiří Maštálka

++ Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
<p>d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>	<p>d. Calls on the Commission, in this context, to take account of and to supplement the constructive contributions made by the public consultation in order to increase the transparency of negotiations and maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels;</p>




Comments: This amendment is welcomed and should be supported. It minimises the changes to the Rapporteur's original draft.

Amendment 59 Angel Dzhambazki, Sajjad Karim


- Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
<p>d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and</p>	<p>d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful and balanced pool of judges selected by States and a clear code of conduct for judges, to increase the transparency, legitimacy and neutrality of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the</p>

European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;	democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;
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 Comments: The amendment improves the wording used by the Rapporteur. However, it preserves the flaws of the original wording.

Amendment 60 Lidia Joanna Geringer de Oedenberg

- Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the dispute settlement mechanisms incorporated in CETA , in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;	d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, in which 97% of the almost 150 000 people polled in the 28 Member States stated that they were opposed to ISDS in its current form , in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;

 Comments: The results of the most answered consultation ever opposed to the inclusion of ISDS in TTIP, indeed. The European Commission should not supplement the views of the public, but to respect them and the Parliament should support the citizens it represents. The reference to "current form" suggests that respondents could agree with reformed ISDS, despite the inherent flaws of this approach.

Amendment 61 Daniel Buda

- Paragraph 1 – point d	
<i>Draft opinion</i>	<i>Amendment</i>
d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the	d. Calls on the Commission, in this context, to take account of and to supplement, firstly, the constructive contributions made by the public consultation on TTIP, and, secondly, the

<p>dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges selected by States and a code of conduct for judges, to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>	<p>dispute settlement mechanisms incorporated in CETA, in order to establish clear structures, impartial procedures, a lawful pool of judges <i>or, where appropriate, arbitrators, with high ethical and professional standards and a good reputation,</i> selected by States, and a code of conduct for judges <i>or, where appropriate, arbitrators,</i> to increase the transparency and legitimacy of such dispute settlement procedures, to limit the scope for legal action in order to prevent forum shopping, to maintain the democratic legitimacy of national and European legislatures for amendments to legislation with defined standards and levels and to assess the feasibility of establishing a permanent court and a multilateral appeal system in TTIP;</p>
<p>Comments: This amendment does not address the problems associated with ISDS.</p>	



Amendment 62 Kostas Chrysogonos, Jiří Maštálka

<p style="text-align: center;">++ Paragraph 1 – point e</p>	
<p style="text-align: center;"><i>Draft opinion</i></p>	<p style="text-align: center;"><i>Amendment</i></p>
<p><i>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;</i></p>	<p><i>deleted</i></p>



Comments: ISDS does not avoid reasonably perceived bias. The paragraph as it was would also invoke reciprocal possibilities against the EU.

Amendment 63 Virginie Rozière

<p style="text-align: center;">++ Paragraph 1 – point e</p>	
<p style="text-align: center;"><i>Draft opinion</i></p>	<p style="text-align: center;"><i>Amendment</i></p>
<p><i>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of</i></p>	<p><i>deleted</i></p>

negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;

Comments: Same as above.



Amendment 64 Heidi Hautala, Pascal Durand

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Paragraph 1 – point e

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

Comments: See comments to amendment 62.



Amendment 65 Dietmar Köster, Evelyn Regner, Sergio Gaetano Cofferati, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt, Virginie Rozière, Jude Kirton-Darling, Jörg Leichtfried, Eric Andrieu, Mary Honeyball

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Paragraph 1 – point e

<i>Draft opinion</i>	<i>Amendment</i>
<i>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;</i>	<i>e. Calls on the Commission to ensure that foreign investors are treated in a non-discriminatory fashion and have a fair opportunity to seek and achieve redress of grievances, while benefiting from no greater rights than domestic investors; to oppose the inclusion of ISDS in TTIP, as other options to enforce investment protection are available, such as domestic remedies;</i>

Comments: Investment protection is important and it can be achieved without ISDS. We therefore welcome this amendment.



Amendment 66 József Szájer

+
Paragraph 1 – point e

<i>Draft opinion</i>	<i>Amendment</i>
<i>e. Calls on the Commission to ensure that investors from the EU are not</i>	<i>e. Calls on the Commission to ensure that investors from the EU are not</i>

<p>disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;</p>	<p>disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors; <i>therefore to prepare a report of concrete problems experienced by European investors in the US where the lack of transatlantic investor-state dispute settlement possibilities prevented an effective solution or resulted in a less favourable situation of European investors vis-à-vis investors of third countries having such an instrument at their disposal; to keep TTIP negotiations on investor-state dispute settlement suspended until specific proposals that duly reflect the results of the public consultation conducted on this subject are developed; and to develop these specific proposals in close consultation with the European Parliament;</i></p>
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Comments: This amendment proposes interesting short term solutions. However, it doesn't address the core problems. ISDS does not avoid reasonably perceived bias. The paragraph as it was would also invoke reciprocal possibilities against the EU.

Amendment 67 Daniel Buda

- Paragraph 1 – point e	
<i>Draft opinion</i>	<i>Amendment</i>
<p>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;</p>	<p>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors; <i>in accordance with the reciprocity principle, the Commission must also guarantee the same rights for investors from the USA;</i></p>



Comments: Both foreign and domestic investors must be treated equally. However, keeping the original wording is not helpful. ISDS does not avoid reasonably perceived bias. If adopted, this paragraph would also invoke reciprocal possibilities against the EU.

Amendment 68 Therese Comodini Cachia

+ Paragraph 1 – point e	
<i>Draft opinion</i>	<i>Amendment</i>
<p>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;</p>	<p>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors, <i>therefore to prepare a report of concrete problems experienced by European investors in the US where the lack of transatlantic investor-state dispute settlement possibilities prevented an effective solution or resulted in a less favourable situation of European investors vis-à-vis investors of third countries having such an instrument at their disposal; to keep TTIP negotiations on investor-state dispute settlement suspended until developing specific proposals that duly reflect the results of the public consultation conducted on this subject; and to develop these specific proposals in close consultation with the European Parliament;</i></p>




Comments: See comments to amendment 66.


Amendment 69 Constance Le Grip

Paragraph 1 – point e	
<i>Draft opinion</i>	<i>Amendment</i>
<p>e. Calls on the Commission to ensure that investors from the EU are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;</p>	<p>e. Calls on the Commission to ensure that investors from the EU, <i>including SMEs,</i> are not disadvantaged in the USA, including in relation to investors from other third States (such as Canada, Mexico, China, India and TPP States), which already now, or in future on the basis of negotiations currently under way, enjoy investor protection and have access to mechanisms for the settlement of disputes between States and investors;</p>

Amendment 70 Heidi Hautala, Pascal Durand

++ Paragraph 1 – point e a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ea. Calls on the Commission to refer the matter to the CJEU for its opinion on the compatibility of the TTIP Agreement and more specifically on the investor-state dispute settlement (ISDS) with Union law, before submitting it for approval pursuant to Article 218(11) TFEU;</i>
<p> Comments: The compatibility of ISDS with the treaties is not clear, namely as regards Article 344 TFEU and its interpretation by the CJEU in its Opinion 2/13. The study conducted by Mr Stian Øby Johansen explains it in greater detail: https://www.germanlawjournal.com/index.php?pageID=11&artID=1671. Also, this study can contribute to the understanding of the issues: http://blog.campact.de/wp-content/uploads/2014/12/Gutachten_CETA_engl_final_27112014.pdf.</p>	

Amendment 71 Jiří Maštálka, Kostas Chrysogonos

++ Paragraph 1 – point f	
<i>Draft opinion</i>	<i>Amendment</i>
<i>f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;</i>	<i>f. Calls on the Commission to reject the ISDS dispute settlement mechanism, since it would de facto lead to justice being privatised and would undermine the right of the competent authorities to regulate by exposing them to the threat of legal proceedings by private investors and it would threaten legal certainty of public contracts in the EU;</i>
<p> Comments: This amendment describes the reality of ISDS very clearly</p>	

Amendment 72 Angel Dzhambazki, Sajjad Karim

+ Paragraph 1 – point f	
<i>Draft opinion</i>	<i>Amendment</i>
<i>f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement</i>	<i>f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force; or undermine any fundamental principle or protective standard guaranteed under European and International law;</i>

mechanism;



Comments: the amendment improves the original wording, but the safeguard proposed is too broad and unclear.

Amendment 73 Kostas Chrysogonos

++ Paragraph 1 – point f	
<i>Draft opinion</i>	<i>Amendment</i>
f. Calls on the Commission to ensure that <i>in the future</i> dispute settlement mechanism <i>in TTIP it is guaranteed that</i> decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;	f. Calls on the Commission to ensure that, <i>if a</i> dispute settlement mechanism <i>is adopted, its</i> decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;



Comments: this amendment leaves opened a possibility for further discussions.

Amendment 74 Virginie Rozière

++ Paragraph 1 – point f	
<i>Draft opinion</i>	<i>Amendment</i>
f. Calls on the Commission to ensure <i>that in the future dispute settlement mechanism in TTIP</i> it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render <i>it</i> ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;	f. Calls on the Commission to ensure it is guaranteed that decisions on individual cases will not replace <i>European Union law or</i> the national law of the contracting parties which is in force or render <i>them</i> ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;



Comments: A trade agreement must not rewrite or replace EU or national legislation.

Amendment 75 Heidi Hautala, Pascal Durand

++ Paragraph 1 – point f	
<i>Draft opinion</i>	<i>Amendment</i>
f. Calls on the Commission to ensure that <i>in the future dispute settlement mechanism in</i> TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested	f. Calls on the Commission to ensure that in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under <i>any TTIP provisions;</i>

under <i>such a dispute settlement mechanism</i> ;	
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Comments: this amendment adds a valuable safeguard.

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

++ Paragraph 1 – point f	
<i>Draft opinion</i>	<i>Amendment</i>
f. Calls on the Commission to ensure that in the future dispute settlement <i>mechanism</i> in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – <i>provided that they are not made retroactive</i> – cannot be contested under such a dispute settlement mechanism;	f. Calls on the Commission to ensure that in the <i>case of</i> future dispute settlement <i>mechanisms in CETA and TTIP and their administrative operation</i> it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation cannot be contested under such a dispute settlement mechanism;



Comments: this is a very important safeguard.

Amendment 77 Daniel Buda

+ Paragraph 1 – point f	
<i>Draft opinion</i>	<i>Amendment</i>
f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;	f. Calls on the Commission to ensure that in the future dispute settlement mechanism in TTIP it is guaranteed that decisions on individual cases will not replace the national law of the contracting parties which is in force, <i>which must be in line with international legislative acts</i> , or render it ineffective, and that amendments by future legislation – provided that they are not made retroactive – cannot be contested under such a dispute settlement mechanism;



Comments: TTIP must be in line with International law, but most importantly, TTIP should not create locks-in for EU law.

Amendment 78 Jiří Maštálka, Kostas Chrysogonos

++ Paragraph 1 – point g	
<i>Draft opinion</i>	<i>Amendment</i>
g. <i>Calls on</i> the Commission to ensure that <i>clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP</i> ;	g. <i>Urges</i> the Commission to ensure that <i>the revision clause is included in the agreement to enable the impact of the arrangements agreed to be checked and where necessary changed and to be able to terminate the agreement</i> ;




Comments: This is important to make sure impact assessments on whether obligations and rights under the TTIP are being respected.

Amendment 79 Angel Dzhambazki, Sajjad Karim

+ Paragraph 1 – point g	
<i>Draft opinion</i>	<i>Amendment</i>
g. Calls on the Commission to ensure that clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP;	g. Calls on the Commission to ensure that clearly defined rules on regulatory <i>cooperation and</i> coherence are comprehensively incorporated in TTIP; <i>these should aim at ensuring the highest levels of transparency on mutual consultation and exchanges of best practices on important regulatory initiatives, as well as the use of better regulatory approaches, including impact assessments, evaluations and reviews of existing measures;</i>
Comments: Regulatory cooperation itself creates the risk of prioritising trade over public interests.	

Amendment 80 Heidi Hautala, Pascal Durand

/ Paragraph 1 – point g	
<i>Draft opinion</i>	<i>Amendment</i>
g. Calls on the Commission to ensure that clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP;	g. Calls on the Commission to ensure that clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP <i>and that the regulatory cooperation chapter applies only to clearly specified sectoral areas and that Parliament’s role within the EU’s decision-making process and its democratic scrutiny over EU regulatory processes is fully respected;</i>
 Comments: The amendment aims to safeguard the democratic process. However, the amendment does not limit the number of “clearly defined areas” that regulatory cooperation could cover.	

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

++ Paragraph 1 – point g	
<i>Draft opinion</i>	<i>Amendment</i>
g. Calls on the Commission to <i>ensure that clearly defined rules on regulatory coherence are comprehensively incorporated in TTIP;</i>	g. Calls on the Commission to <i>guarantee that the established regulatory systems on both sides of the Atlantic and the role of the European Parliament in the EU’s decision-making procedure and its powers</i>

	<i>of scrutiny of the EU's regulatory processes will be fully and completely respected in creating the framework for future cooperation;</i>
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Comments: The amendment aims to safeguard the democratic process.

Amendment 82 Jiří Maštálka, Kostas Chrysogonos


Paragraph 1 – point g – point i (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>gi. Calls on the Commission to make clear to the negotiating partner that the precautionary principle is one of the fundamental principles of European environmental, health and consumer protection policy and is the basis for prompt, proactive negotiations to avoid putting the health of people, animals and plants at risk and damaging the environment; ensure that the negotiations do not result in the diluting of the precautionary principle which operates in the EU, particularly in the areas of environmental, health, food and consumer protection;</i>

Amendment 83 Jiří Maštálka, Kostas Chrysogonos


Paragraph 1 – point h	
<i>Draft opinion</i>	<i>Amendment</i>
<i>h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange and supervision of the implementation of TTIP provisions;</i>	<i>h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU with promoting the highest standards of citizens protection, including health, safety, the environment, consumer and workers 'rights, public services of general interest, considers it vital to preserve the sovereignty of the Member States to derogate public and collective services, such as water, health, education, social security, cultural, media matters, product quality and the right of self-government of municipal and local authorities from the scope of TTIP negotiations. Urges the Commission to ensure that any procedures in the context of regulatory cooperation fully respect the legislative competences of the European Parliament and the Council in strict accordance with the EU Treaties and do not delay directly</i>

	<i>or indirectly the European legislative process;</i>
Comments: The majority of this amendment falls outside our scope of expertise. We can welcome the urge mentioned in the last part of the amendment.	

Amendment 84 Kostas Chrysogonos, Jiří Maštálka


++ Paragraph 1 – point h	
<i>Draft opinion</i>	<i>Amendment</i>
h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange and supervision of the implementation of TTIP provisions;	h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA;
 Comments: Regulatory cooperation itself creates the risk of prioritising trade over public interests.	

Amendment 85 Angelika Niebler


++ Paragraph 1 – point h	
<i>Draft opinion</i>	<i>Amendment</i>
h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange and supervision of the implementation of TTIP provisions;	h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation and information exchange;
 Comments: It should not be the role of a Regulatory Cooperation Body to supervise the implementation of TTIP provisions.	

Amendment 86 Virginie Rozière


++ Paragraph 1 – point h	
<i>Draft opinion</i>	<i>Amendment</i>
h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any	h. Calls on the Commission to ensure that the adoption of legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but

legislative powers but serves purely for purposes of cooperation, information exchange <i>and supervision of the implementation of TTIP provisions</i> ;	serves purely for purposes of cooperation <i>and</i> information exchange;
 Comments: Same as above. As above.	

Amendment 87 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

++ Paragraph 1 – point h	
<i>Draft opinion</i>	<i>Amendment</i>
h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers but serves purely for purposes of cooperation, information exchange and <i>supervision</i> of the implementation of TTIP provisions;	h. Calls on the Commission to ensure that the adoption of national legislation continues to be performed exclusively by legitimate legislative bodies of the EU and the USA and that the Regulatory Cooperation Body is not assigned any legislative powers <i>and cannot take any binding decision</i> but serves purely for purposes of cooperation, information exchange and <i>observation</i> of the implementation of <i>CETA and</i> TTIP provisions;
 Comments: It should not be the role of a Regulatory Cooperation Body to supervise the implementation of TTIP provisions.	

Amendment 88 Kostas Chrysogonos, Jiří Maštálka

++ Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
<i>i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States;</i>	<i>deleted</i>
 Comments: Strengthening intellectual property rights locks in the EU, strengthens patent trolling and causes access to knowledge problems	

Amendment 89 Angelika Niebler

- Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
i. Notes that <i>TTIP gives contracting parties the option of increasing</i> protection of intellectual property, including in relation to third States.	i. Notes that protection of intellectual property <i>needs to be increased</i> , including in relation to third States, <i>and that multilateral agreements to which all major patent-registering nations (the EU, the USA, Japan, South Korea and China) are parties, rather than bilateral agreements such as TTIP, are the most appropriate instrument for this purpose.</i>



Comments: Strengthening intellectual property rights locks in the EU, strengthens patent trolling and causes access to knowledge issues.

Amendment 90 Angel Dzhambazki, Sajjad Karim

- Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.	i. Recalls the crucial importance of intellectual property to the EU economy and requests that TTIP allow for increased levels of protection of EU intellectual property rights to support research and innovation on both sides of the Atlantic, ensuring that those who create high quality innovative products can continue to do so;



Comments: Strengthening intellectual property rights locks in the EU, strengthens patent trolls and causes access to knowledge issues.

Amendment 91 Constance Le Grip

Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.	i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States; calls on the Commission to ensure that such negotiations address also the need for enhanced recognition and protection of EU geographical indications.

Comments: The original wording preserved is problematic. We do not have a position on geographical indications.


Amendment 92 Jiří Maštálka, Kostas Chrysogonos

++ Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.	i. Calls on the Commission to make sure that the question of IPR, including copyrights, trademarks and patents is not included in the negotiations as neither the Member States nor the EU have adopted comprehensive harmonisation measures for these matters;




Comments: Strengthening intellectual property rights would lock in the EU, increase the risk of patent trolling and causes access to knowledge issues.


Amendment 93 Heidi Hautala, Pascal Durand

+ Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States .	i. Notes that TTIP gives contracting parties the option to ensure that the Intellectual Property Rights (IPR) chapter of TTIP includes provisions only for precisely and clearly defined areas of IPR where a common minimal denominator can be identified, while continuing to confirm the existing flexibilities in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), notably in the area of public health;
 Comments: The result of the amendment would still lock in the EU. Safeguarding flexibilities notably in the area of public health risks deprioritising necessary limitations and flexibilities in other areas.	

Amendment 94 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt


++ Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.	i. Stresses that, while neither EU Member States nor the European Union have taken a decision on comprehensive harmonisation of the right to intellectual property, including copyright, trade marks and patents, the Commission ought not to negotiate on these interests in CETA or TTIP.
 Comments: Strengthening intellectual property rights locks in the EU, strengthens patent trolls and causes access to knowledge issues.	

Amendment 95 Virginie Rozière


- Paragraph 1 – point i	
<i>Draft opinion</i>	<i>Amendment</i>
i. Notes that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States;	i. Calls on the Commission to ensure that TTIP gives contracting parties the option of increasing protection of intellectual property, including in relation to third States.
 Comments: Strengthening intellectual property rights locks in the EU, strengthens patent trolls and causes access to knowledge issues.	

Amendment 96 Cecilia Wikström

++ Paragraph 1 – point i a (new)	
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<i>Draft opinion</i>	<i>Amendment</i>
	<i>ia. Considers it to be of great importance that the EU and the US remain committed and engaged in global multilateral patent harmonisation discussions through existing international bodies and thus cautions against attempting to introduce provisions on substantive patent law, in particular with regards to issues related to patentability and grace periods, into TTIP;</i>
 Comments: Global multilateral patent harmonisation takes away the freedom to use patent rules as part of an industrial policy and set a level of patent protection appropriate to the level of development; it risks making software patentability a global norm. In 2005 the European Parliament overwhelmingly rejected the software patents directive.	

Amendment 97 Kostas Chrysogonos

++ Paragraph 1 – point i a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ia. Considers that the inclusion of ISDS would be incompatible with the CJEU's exclusive jurisdiction over the definitive interpretation of EU law;</i>
 Comments: Incompatibility with the EU treaties is a risk that needs to be avoided.	

Amendment 98 Angelika Niebler

Paragraph 1 – point i a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ia. Calls on the Commission, with regard to market access, to introduce a horizontal exception clause to preserve the right of the EU and its Member States to adopt or maintain any measure relating to local-government administration of services of general interest, which should apply to both existing and future measures in all sectors and to all obligations;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 99 Emil Radev

Paragraph 1 – point i a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	ia. Calls on the Commission to preserve the protection of certain products of which the origin is of high importance. Therefore, the adequate assurance of the

	application of the geographical indicators is essential in order to be able to enforce those rules;
Comments: This amendment falls outside our field of expertise.	

Amendment 100 Therese Comodini Cachia

Paragraph 1 – point i a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ia. Calls on the Commission to preserve the protection of certain products of which the origin is of high importance. Therefore, the adequate assurance of the application of the geographical indicators is essential in order to be able to enforce those rules;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 101 Jean-Marie Cavada, António Marinho e Pinto

Paragraph 1 – point i a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ia. Calls on the Commission however to ensure that the rules on the cultural exception continue to be excluded from the negotiating mandate for Brussels;</i>
Comments: The issue falls outside EDRi's mandate.	

Amendment 102 József Szájer


Paragraph 1 – subparagraph 1 (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>Calls on the Commission to preserve the protection of certain products of which the origin is of high importance. Therefore, the adequate assurance of the application of the geographical indicators is essential in order to be able to enforce those rules;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 103 Angelika Niebler

Paragraph 1 – point i b (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ib. Calls on the Commission, furthermore, with regard to market access, to ensure adequate provisions to exclude sensitive services such as public services and public utilities (including water, health, social security systems and</i>

	<i>education), allowing national and local authorities enough room for manoeuvre to legislate in the public interest; observes that, for these services, an explicit exception, based on Article 14 TFEU in conjunction with Protocol 26, must be incorporated in the agreement, irrespective of who provides them and in what form and how they are financed; notes that a joint declaration reflecting negotiators' clear commitment to exclude these sectors from the negotiations would be very helpful in this regard;</i>
Comments: This amendment falls outside our field of expertise.	


Amendment 104 Kostas Chrysogonos

++ Paragraph 1 – point i b (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ib. Stresses the need to release all preparatory documents well before the EP is asked to vote on the final text;</i>
 Comments: Further transparency is much needed not only in TTIP, but in all trade and investment agreements. Preparatory documents can be used as an interpretative guide under the Vienna Convention. Failure to publish preparatory documents will limit the Parliament's ability to fully understand what it is being asked to support.	

Amendment 105 Jean-Marie Cavada, António Marinho e Pinto

Paragraph 1 – point i b (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ib. Calls on the Commission to ensure in particular that all matters benefiting European artists and producers are included in the rules on cultural exception;</i>

Amendment 106 Jean-Marie Cavada, António Marinho e Pinto

Paragraph 1 – point i c (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ic. Calls on the Commission to give guarantees regarding inclusion of the publishing sector in the cultural exception;</i>
 Comments: Strengthens the cultural exception and creates room to develop EU approach.	

Amendment 107 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i a (new)

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

Amendment 108 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i b (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ib. Rejects competition which entails dumping, in the course of which States and undertakings secure advantages through social or environmental dumping; considers, therefore, that, in the context of CETA and TTIP, the aim must be to improve rights of codetermination, labour standards, standards of health protection and consumer protection, and social and environmental standards;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 109 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i c (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ic. Observes that, in the field of public procurement, social and ecological procurement criteria and their possible extension must not be called into question;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 110 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i d (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>id. Observes that CETA and TTIP must prove their value by contributing to progress in the protection of employees'</i>

	<i>rights, consumer protection and sustainable economic development on a global scale;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 111 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i e (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ie. Calls on the Commission to ensure that both contracting parties undertake, in particular, to respect and implement core ILO labour standards and the OECD Guidelines for Multinational Enterprises; considers that compliance with labour and social standards must be effectively secured in case of conflict;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 112 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i f (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>if. Stresses that under no circumstances may the right to codetermination, works constitution and free collective bargaining or other protective rights for workers, the environment and consumers be interpreted as 'non-tariff trade barriers';</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 113 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i g (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ig. Stresses that the transatlantic negotiations should also be used to step up regulation of sectors of global financial markets which have hitherto been insufficiently regulated ;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 114 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

++ Paragraph 1 – point i h (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ih. Observes, furthermore, that unclear definitions of legal terms in CETA and TTIP such as 'fair and equitable treatment' or 'indirect expropriation'</i>



	<i>must be rejected;</i>
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Amendment 115 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

Paragraph 1 – point i i (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ii. Calls on the Commission to adopt a positive list approach; considers that, in the services sector, lists must be discussed and drawn up together with those concerned, including trade unions;</i>
Comments: This amendment falls outside our field of expertise.	

Amendment 116 Dietmar Köster, Sylvia-Yvonne Kaufmann, Evelyne Gebhardt

++ Paragraph 1 – point i j (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>ij. Calls on the Commission to ensure that CETA and TTIP include clauses which make it possible to correct undesirable and wrong developments and, where appropriate, permit termination of the agreements;</i>
Comments: A deep integration agreement may have unforeseen effects.	

