

10 April 2015

Dear Member of the INTA Committee

TACD Comments on the proposed amendments to the INTA Draft Resolution for the Transatlantic Trade and Investment Partnership (TTIP)

I am writing on behalf of the Transatlantic Consumer Dialogue¹, to offer our comments on the amendments proposed for Mr Bernd Lange's draft TTIP Resolution. In line with our previous comments on the Draft Report² sent to you last month, below we support amendments that reflect our priorities and consensus policies on TTIP, while we ask you to reconsider and reject others.

We are a close-knit forum of EU and US consumer groups, so are naturally supportive of EU and U.S. economic and regulatory cooperation, providing such cooperation addresses the challenges common to our democratic societies and aims to deliver a fairer, safer and more vibrant marketplace for consumers. TTIP and its claimed potential benefits can only be acceptable to us, if it does not come at the expense of the highest standards of consumer, environmental and labour protections and related compliance on both sides of the Atlantic.

a) Regarding the scope and broader context

While we support the Rapporteur's views regarding promotion of democratic principles and values, high standards and support for European consumers and workers, we previously suggested that the Resolution be more ambitious in its statements for such values. We therefore particularly welcome those amendments that spell further the need to respect fully and guarantee existing levels of consumer and other social rights and protections, and the right of the partners to legislate for higher levels in the future.

- **SUPPORT amendments 82, 240, 243, 244, 246, 249, 259, 265, 269, 270, and 608 (EPP, S&D, ALDE, GUE/NGL and Greens/EFA groups)**
- **REJECT amendments 78, 99, 136 (EPP, ECR and ALDE groups)**

b) Regarding market access

- **Financial services and protections:** we previously expressed concern regarding the Rapporteurs' view to address market access in the TTIP, despite the call for regulation on the highest level, because many "market access" proposals in fact argue for the roll back of prudential and pro-consumer safeguards. We therefore welcome the amendments that recommend to negotiators

¹ TACD is a forum of some 80 EU and US organisations representing directly many millions of consumers. We have provided input into EU and US policies since 1998. Our Secretariat is based in Consumers International, the global federation of consumer organisations.

² <http://tacd.org/tacd-comments-on-draft-ttip-resolution-by-european-parliaments-international-trade-committee/>

to ensure that EU and national regulatory and supervisory sovereignty is not limited by the TTIP agreement, and that includes banning or restricting risky financial services or products.

➤ **SUPPORT amendments 427 and 441 (S&D and Greens/EFA groups)**

- **Data privacy and protection:** we did not think in our initial comments that the Rapporteur's recommendation regarding data privacy is strong enough or reflects past European Parliament resolutions. To ensure that data privacy is respected in TTIP, the Resolution should recommend that data flows are kept out of the TTIP altogether and global privacy standards be discussed in other competent international fora. Failing this, a specific clause should be included in the TTIP text, which clearly and unambiguously affirms the right of the parties to enact policies and laws for privacy protections and which applies to all the relevant chapters and sectors. TACD therefore strongly supports the LIBE committee opinion in this respect and welcomes those amendments that are closest to it.
 - We urge you to **SUPPORT and adopt LIBE committee Opinion recommendation 1.(d); and amendments 619 and 815 (GUE/NGL and EPP groups)**
 - **REJECT amendments 179, 185, 435, 443, 446, 448-50, 442 and 454 (by EPP, ECR and ALDE groups)**

c) Regarding NTBs

- **Regulatory Cooperation:** We support the Rapporteur's view that the regulatory cooperation chapter should ensure security of high levels of consumer and other protections, and that clarity regarding measures that must not be compromised should be equally ensured. We judge that the initial, published EU proposal for 'horizontal' regulatory cooperation is overly broad in scope and proposes a complex institutional process which will more than likely impair the ability of regulatory authorities to carry out their statutory obligations. TACD does not believe that a general mandatory cooperation process is an appropriate component for TTIP. If however agreement on such a process is to go ahead, we urge the European Parliament to recommend to the negotiators to limit its scope to EU central acts only and only sectors under negotiation, and restrict its coverage to good practice principles only, in particular principles of transparency and public consultations; each partner must be free to determine how these principles are to be implemented. Primary authority for any regulatory cooperation should reside with the agencies charged with those responsibilities, which have the right expertise, rather than any centralised body.
 - **SUPPORT in particular amendments 546, 554 and 616 (by S&D, Greens/EFA groups), and also amendments 542, 565, 600, 601, 608 and 613 (by EPP, S&D, ALDE, GUE/NGL, Greens/EFA and EFDD groups)**
 - **REJECT amendments 541, 544, 548, 549, 555 and 558 (by EPP, S&D, ECR and ALDE groups)**
- **Impact assessments:** We support the Rapporteur's views that prior impact assessments for regulatory acts should measure impacts on consumers and the environment. The horizontal regulatory cooperation chapter should not require that separate trade impact assessments be included; there must be tight definitions of impact assessments to make clear they include

consumer, worker and environmental impacts, and have a balanced focus on both costs and benefits of legislation. We welcome the few amendments that strengthen these concepts, though more should have been recommended and a separate point on impact assessments included, since they play a major role in the EU horizontal regulatory cooperation chapter.

➤ **SUPPORT amendments 593 and 596 (by S&D and Greens/EFA groups)**

➤ **REJECT amendments 595 and 598 (by EPP and ECR groups)**

- **Food safety standards:** We support the Rapporteur's view to respect and uphold the fundamental values of both the EU and the U.S, including the EU's precautionary principle. We also recommended that the resolution should further mention that TTIP could help improve food safety by addressing traceability in global food supply chains (the "farm to fork" principle), establishing a transatlantic rapid alert notification system, and that the trading partners must be free to establish non-discriminatory food safety, nutrition and labelling standards that are stronger than the harmonised norm and meet, inter alia, ethical and cultural considerations ("other legitimate factors"). We welcome those amendments that underline some of these concepts.

➤ **SUPPORT in particular amendments 566, 569 and 574 (by S&D, GUE/NGL and Greens/EFA groups), and also amendments 2, 151, 177, 182, 250, 309, 579, 580, 584, 607, 655, 792 (by EPP, S&D, ALDE, GUE/NGL and Greens/EFA groups)**

➤ **REJECT amendments 179, 185, 572, 573, 575, 577, 595, 598, 602, 603 and 605 (by EPP, S&D and ECR groups)**

d) Regarding rules

- **Investor-State Dispute Settlement (ISDS):** TACD strongly supports the recommendation (xiv) stating that ISDS is not necessary. We further call on the INTA Members to spell out that ISDS must not be included in this trade agreement. While we appreciate amendments in favour of alternatives, we urge the members of INTA not to accept ISDS, since there is so far no evidence of viable alternatives outside robust judicial systems and property rights protections on both sides of the Atlantic. We welcome those amendments that refer to judicial systems on both sides as sufficient to resolve any claim of unfair treatment by States.

➤ **SUPPORT amendments 750, 762, 766, 769, 771 and 896 (by S&D, ALDE, GUE/NGL, Greens/EFA and EFDD groups)**

➤ **REJECT amendments 50, 196-200, 202, 204, 210, 734, 749, 751-760, 763-765, 767, 768, 770, 772 to 777 (by EPP, S&D, ECR and ALDE groups)**

e) Regarding transparency, civil society involvement and public outreach

- We welcome the Rapporteur's view that more negotiation proposals should be made public, and to give access to all EU and US documents to the Parliament and the Council. We also support the efforts of the European Commission towards improved transparency. The Resolution should in addition recommend that the Commission puts further pressures on the U.S to make its documents public. We particularly welcome amendments requiring access to the EU and US

combined TTIP legal texts for all citizens, as nothing is more important to an open process, with meaningful civil society input, than publication of negotiating texts as they are developed.

- **SUPPORT in particular amendments 159, 828, 836 and 840 (by S&D, GUE/NGL and Greens/EFA groups), and also support amendments 9, 12, 21 31, 221, 825, 826, 829, 830, 854, 856, 857, 862 and 863 (by EPP, S&D, ALDE, GUE/NGL, Greens/EFA and EFDD groups)**
- **REJECT amendments 155, 157, 158, 218, 227-229, 838 and 865 (by EPP, S&D, ECR and ALDE groups)**

Comprehensive TACD policy positions on ISDS, Food and Nutrition, Data Flows, Ecommerce, Financial Services, Intellectual Property Rights, Chemicals Regulation and Regulatory Coherence can be found on <http://tacd.org/ttip-policy-statements/>.

We would be happy to answer any further questions and give further comments and feedback on this important Resolution.

Yours sincerely



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On behalf of the TACD Steering Committee:

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Edmund Mierzwinski, Public Interest Research Group and US Chair

Benedicte Federspiel, Danish Consumer Council
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