

Stichting Vrijchrift

8 January 2015

European Parliament Legal Affairs committee
TTIP: compatibility of ISDS with the Treaties

Dear Members of the Legal Affairs committee,

We are writing to express our concerns regarding the negotiations on the Transatlantic Trade and Investment Partnership (TTIP). We would like to invite you to call on the Committee on International Trade, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

Has regard to CJEU Opinions 1/09 and 2/13;

Recalls that the CJEU has exclusive jurisdiction over the definitive interpretation of European Union law; considers that investor-to-state dispute settlement (ISDS) tribunals do not only interpret and apply provisions of the international investment agreements concerned, but frequently interpret local laws; emphasises that the drafts for CETA and EUSFTA, and the ISDS consultation reference text, do not foreclose ISDS tribunals to interpret and apply EU fundamental rights and (general principles of) EU law;

Considers that the CJEU has not yet had the opportunity to define the extent to which its jurisdiction is limited in common foreign and security policy matters (Opinion 2/13, paragraph 251); emphasises that present ISDS plans do not foreclose ISDS tribunals gain competence on issues the CJEU is not competent on (compare CJEU Opinion 2/13 paragraph 254);

Insists that the Commission ascertain that adjudicative systems in trade agreements are compatible with the Treaties;

Insists that the proposed TTIP safeguard the EU's policy space regarding intellectual property rights.

Yours sincerely,
on behalf of Stichting Vrijschrift,

Ante Wessels