

Stichting Vrijdschrift

19 February 2015

Draft AFCO Opinion on TTIP (2014/2228(INI))

Dear Members of the Committee on Constitutional Affairs,

We are writing regarding the draft AFCO Opinion on Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) (2014/2228(INI)).

The draft Opinion mentions investor-to-state dispute settlement (ISDS). We would like to note an issue regarding compatibility with the EU treaties.

ISDS tribunals do not only interpret and apply provisions of international investment agreements, but also interpret local laws. This is not compatible with the CJEU's exclusive jurisdiction over the definitive interpretation of European Union law.

We would like to invite you to add the following text to the draft Opinion:

“Considers that ISDS tribunals would be able to interpret and apply EU fundamental rights and (general principles of) EU law, which would be incompatible with the CJEU's exclusive jurisdiction over the definitive interpretation of European Union law; insists that the Commission ascertain that adjudicative systems in trade agreements are compatible with the Treaties;”

Yours sincerely,
on behalf of Stichting Vrijdschrift,

Ante Wessels