

Letters to MEPs and MP on TTIP, CETA and ISDS

Transatlantic Trade and Investment Partnership (TTIP), CETA, and the European Commission Consultation on ISDS in relation to TTIP

I am writing to you because I am concerned about recent developments with regard to the above. As you know, due to pressure from NGOs and concerned citizens, the European Commission opened a consultation on TTIP and in particular the ISDS mechanism. The European Commission also said publicly that they would halt negotiations with the US on ISDS until the results of the consultation had been analysed.

The consultation closed in July and by that date had received a staggering 150 000 response which, I am sure you will agree, is unprecedented in the history of European Commission consultations. It will take the Commission some time to analyse the responses.

One of the key features of the consultation text was its reference to CETA; the Commission were arguing that the wording they had agreed in CETA (though at that time it was neither in the public domain nor was it finally agreed with Canada) served as reassurance that TTIP would contain adequate safeguards to allay the concerns of citizens about the impact of TTIP and the ISDS on the ability of governments to regulate and to maintain the regulation we currently have and which generations of citizens have fought for over the last 100 years.

I am sure I am not alone in pointing out in my response to the consultation that the wording quoted from CETA was not reassuring and that it did not change my view at all in terms of TTIP (and ISDS).

Nonetheless, the European Commission has now concluded CETA and this is now pending agreement by the Council (at the EU Canada summit in September if press coverage is to be believed) and it will then need to be ratified by the Member States and the European Parliament.

To me, this sounds like the Commission aren't really that interested in what the respondents to the consultation had to say; because if they were, they would also have put the negotiations with Canada on hold in order to ensure that they, too, would take the responses on board, given that the Commission itself had brought the CETA into the equation.

I would ask you to make representation to DG Trade to protest about this cavalier attitude vis-à-vis citizens' concerns.

I would also ask you to vote against CETA when it comes before the European Parliament not least because it contains an ISDS mechanism; to quote the prospective new European Commission President, Jean-Claude Juncker:

"I don't understand why great democracies would not have faith in the judiciary, We have courts which are able to deal with cases that are brought to them, and so I'm not really in favour of what one could call

‘private courts’ or arbitration bodies which may sometimes reach good decisions but don’t always have to justify their decisions.”

If even he doesn't think we need ISDS in agreements with countries such as the US and Canada, then why would he sign up to this kind of agreement?

I look forward to hearing from you and receiving confirmation that you will represent these views effectively in the European Parliament.

Letter to MP

Transatlantic Trade and Investment Partnership (TTIP), CETA, and the European Commission Consultation on ISDS in relation to TTIP

You may be aware of the fact that the European Union has recently concluded a Trade Agreement with Canada, called the Canada EU Trade Agreement (or CETA); this will be signed - or so the press say - in September at the EU-Canada summit and will then have to be ratified by all 28 Member States and the European Parliament.

Thus, this matter will come before the House of Commons in due course.

CETA contains a so-called Investor State Dispute Settlement mechanism, which allows companies to sue governments in front of unaccountable arbitration tribunals - which are completely outside of national judiciary - for compensation if government regulation or government decisions reduce actual or potential profits.

This is a similar mechanism to the one included in the Transatlantic Trade and Investment Partnership (TTIP) the EU is negotiating with the US; the latter has drawn much public comment and disquiet and indeed, the European Commission had to open a public consultation on this issue (especially the ISDS); this consultation had 150 000 responses (which is unprecedented in the history of public consultations undertaken by the European Commission); in fact, the European Commission is having a hard time coping with the analysis. By the way, over 50 000 of the responses came from UK citizens!

They agreed at the time the consultation was started that they would halt negotiations on the ISDS in TTIP; they also quoted CETA as an example of an agreement that had an ISDS which was drafted so as to allay all our fears. I responded to the consultation and I read the quoted text from CETA in detail: it did not reassure me, and I am sure it did not reassure many other respondents.

I would therefore like to ask you to:

- write to the responsible Minister and ask that CETA not be agreed at this stage and that it should also be subject to review in light of the results of the Commission consultation on TTIP;
- consider voting against the ratification of CETA when it does come before the House of Commons if it still includes the ISDS. Such mechanisms are dangerous and unnecessary. To quote Jean-Claude Juncker (hardly a radical) on the subject:

“I don’t understand why great democracies would not have faith in the judiciary, We have courts which are able to deal with cases that are brought to them, and so I’m not really in favour of what one could call ‘private courts’ or arbitration bodies which may sometimes reach good decisions but don’t always have to justify their decisions.”

If he doesn’t see the need for it, why should we?