EU court slams EU Commission for blocking anti-TTIP movement

Deutsche Welle, 10 May 2017

The General Court of the European Union passed a ruling in support of public initiatives critical of EU legislation. The court said that movements like "Stop TTIP" could contribute to public debates on pressing issues.

The ruling in the case of the citizens' initiative "Stop TTIP" on Wednesday effectively annulled a previous decision made by the commission several years ago. In 2014, the EU's executive arm blocked the registration of the citizens movements, which aim to **prevent** the conclusion of two major trade agreements between the EU and the US (TTIP) and with Canada (CETA).

The bloc's lower court ruled that "nothing justifies excluding legal acts from democratic debate" by "Stop TTIP" and added that the commission had been wrong to **reject the initiative** and its efforts as something outside the scope of citizens.

The EU had argued in 2014 that it could not allow any initiative to register that was opposed to legal proceedings already underway.

The ruling may now set a precedent for other movements that have previously been struck down by the EU Commission. Other organizations like the anti-globalization group Attac and the German environmental movement BUND have welcomed the decision.

TTIP on hold anyway

Any initiative that collects 1 million signatures can have its case heard and discussed by the EU. But only if they are registered with the EU Commission beforehand.

"Stop TTIP" had planned to collect the required number of signatures from EU citizens to force the EU Commission into issuing an official response to their concerns regarding how the deal would affect, among other things, the environment and data protection. However, the 2014 ruling had hindered the movement from registering in the first place, blocking it from fulfilling the petition requirement.

The EU's trade deal with Canada, known as CETA, was successfully finalized last year and can enter into full force after ratification from the national parliaments of **EU member states**.

TTIP was put on hold with the election of US President Donald Trump, who has been critical of broad multilateral trade pacts.

European Parliament adopts its recommendations for TTIP negotiations

Agence Europe SA, 8 July 2015

Brussels, 08/07/2015 (Agence Europe)-On Wednesday 8 July, the European Parliament approved (by 436 votes in favour, 241 against and 32 abstentions) its recommendations for reframing the transatlantic trade and investment partnership agreement (TTIP). The recommendations call for greater market access but without undermining the high level of European standards. MEPs also gave their green light (447 votes in favour, 229 against and 30 abstentions) to including a new public legal mechanism for settling disputes between investors and states, which should serve as a model for future trade agreements.

"We demand a more transparent process, robust workers' rights and protection for personal data and public services. We insist that the right of lawmakers on both sides of the Atlantic to legislate must not be undermined by private arbitration courts or other bodies", said rapporteur Bernd Lange (S&D, Germany). "We have given clear guidance for the Commission on what kind of deal we want. And if, at the end of the day, the agreement is bad, we will reject it", he added.

The compromise text on the instrument for resolving disputes between investors and states - the fruit of bitter negotiations which is backed by the conservative right-wing, the liberals and a majority of socialists - calls for a new public legal mechanism to replace the arrangements related to the old investor-state dispute settlement (ISDS) mechanism, which are based on private arbitration.

This new system will have to be "subject to democratic principles and scrutiny" and cases should be handled "in a transparent manner" by "publicly appointed independent professional judges" and "in public hearings". The new system should include an appellate mechanism, respect the jurisdiction of EU and member state courts, and ensure that private interests cannot undermine public policy objectives, the Parliament's recommendations text states.

More generally, the European Parliament supports the continuation of the TTIP negotiations, but says that they must reach an "ambitious" and "balanced" agreement, which increases market access for goods and services, and also access to public procurement, with benefits shared across **EU member states**. **TTIP** will have to ensure an effective economic climate, which is suited to competition, and it will have to lift non-tariff barriers. The future agreement will also have to lift the US restrictions on foreign ownership of transport services and airlines, improve EU access to the US telecommunications markets, and achieve a real opening of US public procurement to all levels of government.

The Parliament's resolution also calls for a high level of protection for EU consumer data, health and safety to be guaranteed, and for social, fiscal and environmental dumping to be prevented. In addition, the Parliament calls for public services to be excluded from the scope of the agreement, for EU geographical indications to be strongly protected, and for special treatment for sensitive agricultural and industrial products.

MEPs also call for red tape to be cut on trade through mutual recognition of equivalent standards, but they ask that there should be "**no agreement**" in areas where US standards are very different - such as for the authorisation of medicines, GMOs, the use of hormones in bovines, cloning and endocrine-disrupting chemicals.

The TTIP negotiations are still on track after nine rounds of technical level talks. The last round to date (in New York at the end of April) enabled new progress ahead of the political review in the autumn (see EUROPE 11302). A tenth round is planned in Brussels next week (13-17 July).

Once drafted by the European and American negotiators, TTIP will have to receive the approval of the European Parliament and Council before it is able to enter into force. Schulz happy. The "resolution spells out clearly what a good TTIP would look like: what should and should not be in the final text to receive the needed consent of the European Parliament (…) The recommendations map out the European Parliament's red lines and the areas where the EU is more clearly set to gain in this transatlantic negotiation, going into both content and procedures", said European Parliament President Martin Schulz, who is from Germany. "The European Parliament clearly stated that it will not accept an agreement that threatens or lowers any standards, be it for workers, social affairs, health, the environment, animal welfare or cultural diversity. It will not accept an agreement which might imperil its right to regulate on public policy objectives", he said, adding that the new system agreed for settling investor-state disputes will make private arbitration "a thing of the past" and will ensure that private interests will not undermine public policy objectives. This "vote gives a much-needed renewed impetus to transatlantic negotiations. It shows that the European Parliament stands behind an open and trading Europe: one that wants to shape the world of tomorrow, one that creates new jobs of quality and confidently seizes the opportunities other markets offer, increasing its competitiveness, whilst defending its standards, culture and social model", Schulz concluded. (Emmanuel Hagry)

Germany, France Clash Over Transatlantic Trade Deal as Opposition Grows

2 September 2016, Sputnik News Service, RVESEN (Rossiya Segodnya International Information Agency)

Anti-TTIP protester

"The agreement on the table is, under these conditions, **unacceptable**. We need a clear halt in order to resume from a new basis," Valls said.

He implied that the current negotiations were more favorable to the US than to the EU. In contrast, Merkel told public broadcaster NDR: "It is in our interest not to fall behind other world regions such as the Asian region which has concluded such an agreement with the United States.

"I believe that such an agreement would mean job opportunities for us and we urgently need jobs in Europe," Merkel said.

The clash of views come just days after French trade minister Matthias Fekl told RMC radio and BFM TV: "What France is demanding is the pure, simple and definitive halt of these negotiations. There is no political backing by France to these negotiations anymore."

Like #TPP, #TTIP's failed to put people above corporations, thus facing an uncertain future https://t.co/mbn15aj8dY pic.twitter.com/bCAI8V8ce6— Stop the TPP (@ExposeTPP) August 31, 2016

Merkel's remarks highlight divisions within **Germany** over the trade deal. German Vice-Chancellor Sigmar Gabriel said:

"In my opinion, the negotiations with the United States have de facto failed, even though nobody is really admitting it."

Stumbling Blocks

The TTIP would create the biggest trading zone in the world opening up the EU and US markets to each other. However, the talks have courted controversy because of their secretive nature, **disagreements** over regulatory issues—food safety and genetic modification in particular — and the contentious Investor-State Dispute Settlement (ISDS) mechanism. One of the major **stumbling blocks** has been over the detail of regulatory difference between the US and the EU. A common trade agreement requires commonality of regulatory issues. None is more important than food and farming — affecting what people put in their mouths.

#TISA the trade deal could be greater threat to public services than #TTIP

Our new briefing https://t.co/bSNxAdFzcP pic.twitter.com/ifkrceqEui— Global Justice Now (@GlobalJusticeUK) August 31, 2016

Food regulations in the EU and the US are different, with the EU being less open to genetic modification than the US. In order to have a trade agreement, the two sides need to agree on a common regulatory framework.

In the event of a US firm not being allowed to sell its products — such as beef and pork treated with growth hormones, chicken washed in chlorine, fruit and vegetables treated with endocrine-disrupting pesticides and genetically engineered and modified foods, as are all currently allowed in the US — in the EU, the firm could sue the EU or **member states**.

"#**TTIP** is a proxy for corporate greed… but society is geared up to fight it" https://t.co/48PQTnIsDa #NoTTIP #CETA pic.twitter.com/FmTEGZv4ax— War on Want (@WarOnWant) September 2, 2016

Such a situation would trigger the controversial Investor-State Dispute Settlement (ISDS) mechanism, which critics say is a secretive trade tribunal system, separate from EU member states judiciary systems.

Why transatlantic trade deal faces stiffening wind from Europe

September 1, 2016

https://www.csmonitor.com/World/Europe/2016/0901/Why-transatlantic-trade-deal-faces-stiffening-wind-from-Europe

Germans Rally Against Planned EU Trade Deals With US, Canada

VOA News

17 September 2016, Voice of America Press Releases and Documents, VOA (U.S. Government)

VOA News

Tens of thousands of people marched through major **German** cities Saturday to **protest against** planned European Union free trade deals with the United States and Canada.

Opponents of the Transatlantic Trade and Investment Partnership (TTIP) and the Canada-EU Comprehensive Economic and Trade Agreement (CETA) have said the pacts would undermine democracy and lower food safety, environmental and labor standards.

In Berlin, demonstrators waved banners reading "Stop CETA - Stop TTIP" and "People over profits".

An alliance of environmental groups, labor unions and opposition parties that called the **protests** said 320,000 people took part in rallies organized in Berlin, Cologne, Frankfurt, Hamburg, Leipzig, Munich and Stuttgart.

Police put the figure at around 180,000 and said the marches had been peaceful.

Smaller protests were also planned in other European cities, including Vienna and Salzburg in Austria and Gothenburg and Stockholm in Sweden.

Supporters of the deals have maintained that such trade pacts would boost the global economy.

Negotiations on CETA have already concluded, and the treaties are awaiting the approval of European Union **member states**. **TTIP** is still being negotiated, with the next round of talks slated for early October in New York. While the Obama administration is hoping to complete the deal before the end of the president's term, recent comments from **French and German finance ministers** have **cast doubt on** the agreements viability.

WTO Format to Eventually Replace TPP, TTIP - Sweden's National Trade Board

1 October 2015, Sputnik News Service, Rossiya Segodnya International Information Agency

Demonstrators hold a sign **against the TTIP** contract during a protest.

GENEVA (Sputnik), Anastasia Levchenko - The United States has been leading the charge to establish free trade blocs with Europe via the Trans-Atlantic Trade and Investment Partnership (TTIP), and the Pacific Rim nations via the Trans-Pacific Partnership (TPP). Both **agreements have been criticized** for being negotiated under unusual secrecy and accused of unfairly benefiting multinational corporations.

"We have the concern that TTIP could, in the long run, take energy from WTO. In the end, we will need to get back to the WTO, where everyone is member, not just the **US," Swedish trade board's Per Altenberg** said. Altenberg, the board's trade and policy development analyst, addressed the WTO Public Forum's working session on trade negotiations in the Swiss city of Geneva earlier on Thursday.

The TTIP seeks to streamline and deregulate trade between the United States and the European Union and, according to those who have seen the closely guarded text, includes stipulations that would enable multinational corporations to sidestep and even override sovereign governments from implementing national and international law.

Moreover, Per Altenberg thinks that the deal must open its doors to other countries, including BRICS **member-states**. "**TTIP** must be open for other participants, such as Mexico or Turkey who should be able to join TTIP in future, and that relates to other countries too, BRICS countries too," National Board of Trade of Sweden senior adviser, Per Altenberg, said. The global transparency organization WikiLeaks contends that TTIP will create a global economic bloc to rival BRICS, an association between Brazil, Russia, India, China and South Africa.

TTIP is widely criticized for bypassing the multilateral format provided by the World Trade Organization (WTO) and excluding BRICS countries. Its stated goal is to ease the flow of goods and services across the what would become the world's largest free trade zone, accounting for 60 percent of global production.

The unusually secretive nature of the TTIP negotiations as well as its provisions to establish extraterritorial courts to settle trade disputes and the advantages afforded to multinational corporations have drawn criticism from activists and lawmakers.

TTIP neogitations: Visit to the U.S. – Blog post by EU Commissioner Günther H. Oettinger

Link to blog - 21 September 2015

But my **position**, and that of the European Commission, is very clear: the DSM is about adapting the European economy to the Digital age; Europeanising our digital policies. Europe is not targeting companies from any specific part of the world. We want to achieve a level-playing field, where all market players – from the EU or elsewhere must respect the same rules throughout Europe.

I will be very clear with all my interlocutors: no political decision on this matter has been taken yet. Europe is ready to listen to the concerns and suggestions of the U.S. But we will not be lectured or pressured to back off from asking tough questions, nor impressed by cheap claims of "over-regulation".

EU proposal for a TTIP chapter on investment protection mechanism Committee on International Trade

21092015 02:26 PM EEST

During the exchange of views with Mr Mauro Petriccione, Deputy Director General of DG Trade, INTA

The Commission launched a public consultation on this issue last year, and in March in INTA Committee presented its initial thinking on how best to proceed on this key matter and how to address the various concerns that were raised. On the basis of that consultation, the European Commission prepared a concept paper entitled "Investment in TTIP and beyond the path for reform" which **Commissioner Malmström** presented to **INTA Members** last May. In July 2015 the Parliament adopted its recommendations to the Commission on the TTIP negotiations.

OPINION: US, EU Betraying Democratic Ideals by Refusing to Release TTIP Negotiations Texts

Sputniknews, 21-5-2014

WASHINGTON, May 21 (RIA Novosti) – The Transatlantic Trade and Investment Partnership (**TTIP) negotiations** are secretive and undemocratic, Debbie Barker, International Director at the Washington-based Center for Food Safety told RIA Novosti Wednesday. (interest groups)

"We find it a little ironic that the US and EU, who often pride themselves at being the most democratic, transparent nations, but in this case of the **TTIP negotiations**, will not release the negotiating texts after each round," Barker said.

"We're calling on the EU and US negotiating bodies to release the texts after each round of talks to ensure that we have public transparency and an informed public discourse," said Barker. "That is the minimum if they want to claim any kind of credibility of being democratic."

Barker's primary concern is the possible effects of the agreement on food producers.

European and American negotiators are currently meeting in Arlington, VA for the fifth round of TTIP talks. The free trade agreement, if implemented, would establish trade policy across economic sectors for countries that comprise almost 40 percent of the world's GDP.

Drafts of agreements that alter national laws have traditionally been made available to the public and elected officials in democratic countries.

According to Barker, "there are approximately 550-600 corporate advisors who are now advising on TTIP negotiations and they have access to the negotiating texts. Yet elected officials have stringent and limited access to the texts." She has recently presented the findings of the Center for Food Safety to members of the US House Judiciary Committee.

Advocates of TTIP say the agreement will expand trade and investment between the United States and the EU, increase economic growth, jobs, and improve the ability to address geo-economic and geopolitical challenges. However, Barker is skeptical of the data used to calculate those advantages. "Because the negotiating texts are secret, we don't have data, and they don't provide the data on which they're basing these claims," she said.

EU Says It Will Hit 'Pause' On TTIP Investment Talks Pending Public Debate

24 January 2014; Inside U.S. Trade IUST; Vol. 32, No. 4
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In a rare move, the European Commission has decided to freeze talks with the United States on the investment provisions of the Transatlantic Trade and Investment Partnership (TTIP) for three months while it conducts a public consultation on how the deal should approach investment, according to an EU official.

The commission announced in a Jan. 21 statement that it plans to publicly release its draft proposal on investor protections

in TTIP in March, after which it will open up a three-month public comment period. The EU official said the talks on the investment portion of TTIP will be on "pause" until this review period is concluded, which would likely be in late May or June.

The EU official said the freeze on investment talks "will not upset the timeline in any way in our view" of the overall TTIP negotiations. A spokeswoman for the Office of the U.S. Trade Representative did not respond to a request for comment on the new EU plan.

EU Trade Commissioner Karel De Gucht said in a statement that he was launching the public consultation in order to give Europeans "their say" on how to strike a balance between protecting EU investors and upholding governments' right to regulate in the public interest. He pointed to "unprecedented" levels of interest in the TTIP negotiations in explaining the rationale for opening up the investment proposal to public comment.

Private-sector observers said the move was clearly designed to deflate public criticism over the TTIP investment issue ahead of the EU parliamentary elections in May. The outcome of the

2014 elections will have a direct impact on who heads the next commission, as a result of new powers bestowed to the parliament through the 2009 Lisbon Treaty.

Heads of state and government are required to take the result of the elections into account in nominating a successor to current European Commission President Jose Manuel Barroso, whose term ends in October. The candidate must then be approved by an absolute majority of members of the European Parliament before becoming commission president.

But observers also said that the strategy was a risky one and could easily backfire if the commission does not respond to criticism from civil society groups by changing its tack on investment in TTIP. One source also said the commission had opened up a "Pandora's box" because it is likely to lead to demands for similar consultations on other controversial issues like regulatory cooperation.

De Gucht's announcement has already met skepticism from critics in EU civil society and the European Parliament, who want the commission to exclude an investor-state dispute settlement (ISDS) mechanism from TTIP altogether.

In a speech made in Germany the day following the announcement, De Gucht specified that the process would particularly focus on ISDS. He added that the results of the consultations would "feed into" the EU's negotiating process and allow it to "form its position on these issues for the negotiations on the text in respect of this particular issue."

But he gave a clear indication that the commission is not prepared to drop the idea of including an ISDS mechanism in TTIP altogether. De Gucht made the case for why investors need such measures, even while acknowledging that they have been used by companies such as Philip Morris to challenge tobacco control measures.

He said the review would focus on "finding the right legal language to balance the need for policies to protect people and the environment on the one hand and -- on the other -- protecting and encouraging investment and with it jobs and growth."

In the statement issued Jan. 21, De Gucht noted that he was given the authority to negotiate a deal that includes ISDS through a mandate approved by EU member state ministers last June (Inside U.S. Trade, June 21, 2013)

But the negotiating mandate makes the inclusion of investor protection and ISDS in TTIP conditional on whether a "satisfactory solution" can be reached on a series of investment objectives laid out by member states. Their inclusion should also be considered "in view of the final balance of the agreement," the mandate states.

In the TTIP talks, the commission has already put forth some initial text on investment provisions, but thus far nothing on ISDS (Inside U.S. Trade, Nov. 8, 2013). However, the EU has already agreed to ISDS in a trade deal with Canada, which one investment expert said makes it difficult for the EU not to do the same in TTIP.

In addition to De Gucht's statement, the commission also announced its plans for the public consultation in an identical letter sent to the presidency of the Council of the EU, currently held by Greece, and to **member state** trade ministers, according to European officials.

In the letter, De Gucht issued a call for all EU trade ministers to reach out to the public and stakeholders to better inform them about TTIP and the investment issues and bring their input into the public debate, one EU official said.

The letter said one reason why the commission opted to launch the public comment process was to respond to attacks against the idea of including ISDS in the TTIP deal from **non-governmental organizations (NGOs)** and **members of the European** Parliament, according to an EU source.

The announcement comes amid a push by the commission to put forward a coordinated, positive message about the goals of TTIP (Inside U.S. Trade, Dec. 13, 2013). Many see that effort as aimed at avoiding the pitfalls that led to the demise of the Anti-Counterfeiting Trade Agreement, which was **rejected** by the European Parliament.

The lack of clarity from the commission on whether inclusion of ISDS mechanism is still up for debate wasassailed by activists opposed to ISDS and to the commission's current approach toward investment. Some saw the plan to open the investment proposal for public comment as a move designed to blunt criticisms that the TTIP negotiations have been non-transparent, rather than a signal that the commission is willing to seriously rethink its strategy.

Pia Eberhardt, a trade researcher and campaigner at Corporate Europe Observatory who has focused on investment issues, said her group welcomed the announcement, but noted that it leaves many questions unanswered. She also lamented that the commission was not willing to have a broader debate on other controversial aspects of the TTIP negotiations, such as its aim of making U.S. and EU regulations more compatible.

"Our experience with consultations with the EU in general is they are very much used by business to push their agenda, and the commission is willing to take [that agenda] on board," Eberhardt said. She added that the announcement could also "be a clever move to take the wind out of the sails" of those opposed to ISDS by trying to broadcast the image of the commission being open to all voices, when it may well have already made up its mind.

Marc Maes, trade policy officer at the Belgian Development NGO Coalition 11-11-11, was even more critical in his assessment. In an interview with Inside U.S. Trade, he speculated that what the commission would really do is "take a three-month pause to convince the European public that what they're doing is good."

Both Maes and Eberhardt suggested that, unless the commission is willing to throw out ISDS altogether, many civil society groups would not be satisfied with the results of the public comment process.

Similarly, the European Parliament's second-largest political party, the Socialists and Democrats, responded to the commission's announcement by demanding the full exclusion of any ISDS measures from TTIP.

"We don't want the commission to improve investor-state dispute settlement in the TTIP negotiations, but we request that the commission drops ISDS within TTIP altogether," the party said in a Jan. 21 statement reacting to the announcement by De Gucht.

"The European Parliament will have the final vote on whether to approve or reject the whole agreement. So the sooner we address the shortcomings, the better. We want to have a good agreement with the U.S., but we won't accept just any agreement," it added.

The commission also faces opposition to including ISDS in a TTIP deal from EU member states, especially those countries with which the U.S. does not already have a bilateral investment treaty.

An EU official last fall also clearly indicated that the commission views the inclusion of an ISDS mechanism in TTIP as an opportunity to set the standard for future agreements (Inside U.S. Trade, Oct. 18, 2013) Both the U.S. and the EU are currently negotiating bilateral investment treaties with China.

Text On A/V, Procurement, Remedies, SOEs Altered In New Mandate Draft

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Inside U.S. Trade
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English
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In addition to the changes on investment and services (see related stories), the revised version of the European Union's draft mandate for the upcoming Transatlantic Trade and Investment Partnership (**TTIP) negotiations** alters a variety of other provisions, including in areas like audiovisual services, procurement policies, trade remedies, competition policy and regulatory matters.

The revised mandate, obtained by Inside U.S. Trade this week, is likely not the final version. In fact, one source said the European Commission circulated this first revision to member states for their review in late April, and that it has been under discussion for much of May. However, the commission is now expected to circulate a second revision to member states within days with further changes, this source said.

Still, the details of the initial revision are informative when it comes to examining how the debate between the commission and member states on the parameters for the **TTIP negotiations** are unfolding.

In an apparent nod to France -- which has strongly argued in favor of excluding audiovisual services from the **TTIP negotiations** -- the revised mandate contains new language making clear that Europe is uninterested in changing its existing policies through the trade talks. At the same time, the new language does not categorically exclude audiovisual services from the **TTIP negotiations**, and thus may not mollify France.

The original mandate stated that TTIP "shall not contain provisions that would risk prejudicing the Union's cultural and linguistic diversity, namely in the audio-visual sector." The revised version adds the agreement also shall not "limit those Member States from maintaining existing policies and measures in support of the audio-visual sector given its special status within EU law."

France and other EU member states reserve airtime and theater screens for domestic and EU content in order to promote European culture. The Motion Picture Association of America (MPAA) does not want an upfront exclusion of audiovisual services because this could lead to other "carve outs" from both sides; however, it is not pressing hard to reform Europe's policies in this sector (Inside U.S. Trade, May 17).

With regards to trade remedy matters, there are several changes in the revision. In a new paragraph, the mandate states that TTIP should include a clause on antidumping (AD) and countervailing duties (CVDs) acknowledging that the two parties "may take appropriate measures against dumping and/or countervailing subsidies" in accordance with WTO rules. "The Agreement should establish a regular dialogue on trade defense matters," the revision adds.

The revised mandate also makes several changes in its section on public procurement. First, it strengthens language on using TTIP to guard against future "Buy American" policies in the United States. Whereas the initial mandate simply stated that the agreement "shall ... include rules and disciplines to address barriers having a negative impact on each others' public procurement markets," the new version adds "in particular Buy America(n) provisions."

Even though the EU is a party to the World Trade Organization's Government Procurement Agreement (GPA), the EU is still adversely affected by "Buy American" requirements in the U.S.. For instance, the EU may run into "Buy American" requirements in situations where U.S. federal government money is distributed to states or municipalities whose procurement is not covered under the GPA (Inside U.S. Trade, April 12).

On procurement, the revised mandate also steps back a bit from language included in the initial mandate on public procurement in the defense and security sector. The initial mandate stated that TTIP will aim at enhanced mutual access to public procurement markets at all administrative levels, "including in the field of defense and security." The new version states only that the enhanced access will "possibly include" the field of defense and security.

The revised version also appears a bit less ambitious in the area of competition policy. The initial draft stated that the agreement "should include" provisions on competition policy, but the revision changes that to state that TTIP "should aim at including" these provisions. Likewise, the original draft mandate said TTIP "shall" address state monopolies, state-owned enterprises (SOEs) and enterprises, whereas the revised text states that TTIP "should" address these issues.

Concerning regulatory matters, the revised mandate inserts new language apparently designed to reinforce the idea that the **TTIP negotiations** will not undermine Europe's "precautionary principle." This principle allows EU regulators to put in place restrictions on products or processes when they believe that scientific evidence on their potential impact on human health or the environment is inconclusive.

While the revised mandate maintains language stating that the sanitary and phytosanitary (SPS) provisions in the agreement will build upon WTO disciplines in this area, it adds new language underscoring that parties have the right "to appraise and manage risk in accordance with the level of protection that each side deems appropriate, in particular when relevant scientific evidence is insufficient."

A high-ranking EU official has already said publicly that the EU is not prepared to negotiate on the "precautionary principle" itself, although it is open to discussions on individual SPS measures that may hamper U.S. exports. U.S. food and agriculture groups, on the other hand, want to negotiate on the principle itself (see related story).

The revised mandate also includes a new paragraph on transparency of SPS measures. When it comes to SPS measures, it states that TTIP "should seek to achieve full transparency" and, in particular, should "establish provisions for the recognition of equivalence, implementation

of pre-listing of food-producing establishments, preventing implementation of pre-clearance, recognition of disease-free and pest-free health status of the Parties and the principle of regionalization for both animal diseases and plant pests."

The new mandate also clarifies that a TTIP dispute settlement mechanism should include special provisions for the resolution of non-tariff barriers (NTBs). The original mandate stated that TTIP "should include provisions for expedient problem-solving such as a flexible mediation mechanism." The new version adds that this mechanism "will pay special attention to facilitating the resolution of differences in NTB issues."

Finally, the revision adds a new section on "sectoral trade agreements," which states that TTIP should, where appropriate, "review, build on and complement existing sectoral trade agreements," including the U.S.-EU wine agreement, the Agreement on Mutual Recognition between the European Community and the United States, and the bilateral agreement on customs cooperation and mutual administrative assistance in customs matters.

Advocates Reiterate Call To Strip Toxic Chemicals From TTIP Negotiations

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TXRN
English
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Environmentalists are reiterating calls for the European Union (EU) to halt negotiations on harmonizing toxic chemicals rules as part of ongoing trade talks, arguing the United States' calls for the EU to follow EPA's approach would weaken protections, though an industry source says negotiations should continue in order to reach a compromise.

Advocates have long opposed calls from industry and U.S. officials in negotiations on the Transatlantic Trade and Investment Partnership (TTIP) for the EU to adopt EPA's emphasis on quantifying risk prior to imposing restrictions, as opposed to the EU's current practice of banning substances that pose key hazards.

In a May 12 letter to European Parliament Member Bernd Lange, environmental and public health advocates call for stripping chemicals regulation from **TTIP negotiations**, arguing the United States has used the negotiations to attack EU regulations as unnecessary barriers to trade.

"TTIP could weaken current public health and environment standards for toxic chemicals and impede the development of new standards," according to the letter from more than two dozen groups, including the Center for International Environmental Law (CIEL), Pesticide Action Network Europe and Greenpeace.

The advocates' push comes as committees of the European Parliament are in the midst of a series of votes on whether to recommend that trade negotiations halt talks on chemicals regulation. In April, the environment committee backed that move, though a committee on trade set to consider the issue later this month is unlikely to endorse that recommendation, an environmentalist says.

But the source also says calls for pulling chemicals negotiations from **TTIP negotiations** will be considered again later this spring, though the policy recommendation would not bar trade representatives from negotiations on the issue.

In the letter calling for a stop to negotiations on chemicals, advocates cite U.S. government comments to the European Commission on how to identify endocrine disrupting

chemicals for regulation of pesticide and biocide products, an issue that will be the subject of a June 1 stakeholder meeting in Brussels, sources say.

In the Jan. 16 comments, the United States says documents suggest the EU is considering a hazard-based approach that would identify and ban potential endocrine disruptors, substances that mimic human hormones, without further consideration of whether there is risk of exposure or available mitigation to prevent adverse impacts.

The United States cites "systemic concerns" with EU regulation of endocrine disruptors to date, and pushes for options the EU has considered, which "could potentially allow for a suitable risk-based approach and foster continued U.S.-EU cooperation to increase transatlantic and global regulatory compatibility for endocrine disruptors."

Environmentalists, in the recent letter, argue the comments continue the U.S. government's "long track record" of criticizing EU health rules as trade barriers and seeking to deter European regulators from moving ahead of the EPA.

"This inappropriate use of trade to attack implementation of current EU laws on pesticides and biocides demonstrates the danger of increased regulatory cooperation under TTIP," advocates say in the letter.

Additionally, the groups argue industry and the European Commission proposals on regulatory cooperation during **TTIP negotiations** would hamper regulators in the United States and Europe by creating mechanisms that would delay enactment of future rules and slow implementation of existing measures.

"The Commission's proposals for regulatory cooperation would limit the ability of US states to regulate toxic chemicals, and apply onerous and lengthy procedures for both US states and EU member states," according to the letter.

To support their arguments, the groups point to an April 14 vote of the European Parliament's Committee on the Environment, Public Health and Food Safety calling for TTIP negotiators to halt discussion on chemicals and four other health-related areas.

The environment panel's opinion "recognizes irreconcilable regulatory differences between the US and EU when it comes to environmental issues," CIEL says in a statement.

In the letter, the groups urge the Committee on International Trade to follow the opinion of the environment panel when considering a resolution May 28. But an environmentalist says the trade committee is unlikely to heed the environment panel's recommendation, though calls for removing chemicals from **TTIP negotiations** could still gain traction in later deliberations expected this spring.

An industry source says the repetitive votes, discussions and meetings are necessary to resolving the long-standing disagreement between EPA and EU regulators on whether to follow a risk-based or hazard-based approach, a dispute that leads to differing rules regarding substances from pesticides and environmental chemicals to food additives.

The source says that negotiations should continue, noting that $4 billion is at stake in trade in agriculture.

On the issue of endocrine disrupting chemicals, industry and other stakeholders will have a chance to weigh in during a June 1 meeting the European Parliament is holding in Brussels relating to categories for identifying endocrine disruptors, as well as approaches for chemical safety assessment, the source says.

"It's convenient to say your system is less precautionary without getting to what really makes sense," the industry source says. "The conversations the U.S and others are having are about, 'What are you talking about when you talk about a risk assessment vs. a hazard-based assessment, and which really does the job of protecting you in the real world?'" -- Dave Reynolds

TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP : TTIP: COMMISSION CLARIFIES EU POSITION

913 words
28 January 2014
Europolitics (Europe Information Service SA)
EURREP
4796
English

The European Union wants to establish closer cooperation on financial services regulation in the context of the Transatlantic Trade and Investment Partnership (TTIP). This does not involve defining under the TTIP the rules applied to financial services, however, explains the European Commission in a document, published on 27 January, to clarify the EU's position(1). The issue is controversial. The United States has always been particularly sceptical about the idea of including this area in the TTIP.

The Commission insists: "The aim of the EU proposal is not to negotiate within the TTIP on the substance of international standards, on the ongoing implementation of these standards or on other elements of ongoing regulatory reforms [ ]. Discussions on these subjects may continue in parallel with, but outside of, the **TTIP negotiations**".

On the other hand, the EU wants to negotiate within the TTIP the establishment of a regulatory cooperation framework in order to obtain greater convergence of rules applied on both sides of the Atlantic.

The two parties engage in discussions in this policy area, but that is not sufficient, finds the EU executive. It mentions the negotiations on implementation - still uncertain - of the agreement in principle reached last July on the equivalence of American and European rules on the derivatives sector.

This cooperation would be steered by several principles, the most important being the commitment of the parties to evaluate whether each has a regulatory and supervisory framework "equivalent" to the other's. This "could potentially lead to mutual reliance on the rules of the other party," the Commission cautiously suggests. It insists that the EU does not envisage each party making binding declarations, but "rather carrying out a detailed assessment of the consistency of the implementation of each standard".

The Commission also set up the same day a group of experts in different areas, from health to the environment, to advise it in the **TTIP negotiations**.

Principles

The EU proposes to the United States a framework for greater cooperation on financial services that would be based on four principles: joint work to ensure consistent implementation of international rules; mutual consultations in advance of any new financial measures that may significantly affect the provision of financial services between the EU and the US; joint examination of the existing rules to examine whether they create unnecessary barriers to trade; and a commitment to assessing whether the other jurisdiction's rules are equivalent in outcomes.

(1) The document is available at <ARTICLE id=»349693» type=»sujet»><ENTETE><SURTITRE>Transatlantic Trade and Investment Partnership</SURTITRE><TITRE>TTIP: Commission clarifies EU position</TITRE></ENTETE><SIGNATURE>By Manon MalhÃ¨re</SIGNATURE><TEXTE><PARA>The European Union wants to establish closer cooperation on financial services regulation in the context of the Transatlantic Trade and Investment Partnership (TTIP). This does not involve defining under the TTIP the rules applied to financial services, however, explains the European Commission in a document, published on 27 January, to clarify the EU's position<APPEL_NOTE>1</APPEL_NOTE>. The issue is controversial. The United States has always been particularly sceptical about the idea of including this area in the TTIP.</PARA><PARA>The Commission insists: «The aim of the EU proposal is not to negotiate within the TTIP on the substance of international standards, on the ongoing implementation of these standards or on other elements of ongoing regulatory reforms [â€¦]. Discussions on these subjects may continue in parallel with, but outside of, the **TTIP negotiations**».</PARA><PARA>On the other hand, the EU wants to negotiate within the TTIP the establishment of a regulatory cooperation framework in order to obtain greater convergence of rules applied on both sides of the Atlantic.</PARA><PARA>The two parties engage in discussions in this policy area, but that is not sufficient, finds the EU executive. It mentions the negotiations on implementation â€" still uncertain â€" of the agreement in principle reached last July on the equivalence of American and European rules on the derivatives sector.</PARA><PARA>This cooperation would be steered by several principles, the most important being the commitment of the parties to evaluate whether each has a regulatory and supervisory framework «equivalent» to the other's. This «could potentially lead to mutual reliance on the rules of the other party,» the Commission cautiously suggests. It insists that the EU does not envisage each party making binding declarations, but «rather carrying out a detailed assessment of the consistency of the implementation of each standard».</PARA><PARA>The Commission also set up the same day a group of experts in different areas, from health to the environment, to advise it in the **TTIP negotiations**.</PARA><NOTE><NUMERO_NOTE>(1)</NUMERO_NOTE> The document is available at www.europolitics.info > Search = 349693</NOTE></TEXTE><ENCADRE><TITREENCADRE>Principles</TITREENCADRE><PARAENCADRE>The EU proposes to the United States a framework for greater cooperation on financial services that would be based on four principles: joint work to ensure consistent implementation of international rules; mutual consultations in advance of any new financial measures that may significantly affect the provision of financial services between the EU and the US; joint examination of the existing rules to examine whether they create unnecessary barriers to trade; and a commitment to assessing whether the other jurisdiction's rules are equivalent in outcomes.</PARAENCADRE></ENCADRE></ARTICLE>www.europolitics.info > Search = 349693

FRENCH MINISTER TO SEEK SUSPENSION OF TTIP NEGOTIATIONS AT EU MEETING

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2 September 2016
Inside U.S. Trade (Inside Washington Publishers)
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French Minister of State for Foreign Trade Matthias Fekl this week announced that the French government will officially request at least a temporary cessation of Transatlantic Trade and

Investment Partnership negotiations at the informal meeting of European Union trade ministers in Bratislava, Slovakia, on Sept. 22-23, according to a French embassy spokesman.

In his public comments, Fekl demanded a "cessation" of TTIP talks, but Inside U.S. Trade has learned that could amount to a temporary suspension and the negotiations could resume when more favorable political conditions prevail.

France is expected to send a letter to the European Commission formally requesting a cessation of the TTIP talks, but because trade policy is solely in the purview of the commission, one member state cannot in effect suspend or end the negotiations.
Separately, French President Francois Hollande, in an Aug. 30 speech , said **TTIP negotiations** are bogged down and plagued by an obvious imbalance. This likely refers to the U.S.'s unwillingness to meet EU demands on services and procurement market access.
Hollande also noted that France will not approve a TTIP deal in 2016.
One private-sector EU source said he expects the Bratislava meeting will result in a suspension of the negotiations, as the U.S. has been unwilling to budge on key EU demands. But he also said that member states could lay out conditions for what they consider an acceptable TTIP deal.

The stated purpose of the TTIP discussion at the Bratislava meeting is to determine if the negotiations have reached the point where they can enter into the so-called "end game" negotiations.

Fekl's comments come against the backdrop of German economics minister Sigmar Gabriel saying that the **TTIP negotiations** have "de facto failed" because the EU cannot subject itself to U.S. demands.

The commission has responded to these developments by pointing out that it has a mandate to negotiate a trade deal with the United States. When asked on Aug. 30 if the commission had received any notification from the French government of a change in its TTIP position, Margaritis Schinas, the chief commission spokesman, said "as far as we're concerned, there is no change. There is a structured process following on a unanimous mandate given at the last European Council [in June]."

The unanimous mandate Schinas referred to appears to have been informal, as there was no mention of TTIP in the European Council's conclusions issued after a June 28-29 meeting. The June 28 council conclusion said only that "The European Council recalls its previous conclusions on trade...." The council last reaffirmed its commitment to TTIP at a Dec. 18, 2015, meeting.

"The European Council stresses the importance it attaches to a successful conclusion of the **TTIP negotiations**. It urges all sides to redouble their efforts with a view to concluding an ambitious, comprehensive and mutually beneficial agreement as soon as possible with a view to harnessing the full potential of the transatlantic economy," according to the conclusions of the Dec. 18 meeting.
At a press briefing on Aug. 29, held in response to Gabriel's comments, Schinas said Commission President Jean-Claude Juncker asked EU leaders one by one at the June28-29 council if the commission should continue to negotiate TTIP. He said the commission received "once again the mandate to conclude these negotiations."
The Office of the U.S. Trade Representative, when asked to respond to Fekl's and Gabriel's comments, similarly indicated that the **TTIP negotiations** would continue unabated.
"The European Commission and EU member state leaders have clearly reiterated their commitment to moving negotiations forward," USTR spokesman Matt McAlvanah said in an

emailed statement to Inside U.S. Trade. "We share that commitment and throughout the summer the United States has been focused on identifying pathways to an agreement that address the priorities of both sides. Ambassador Froman is looking forward to continuing that work when he meets with EU Trade Commissioner Malmstrom in the coming weeks." Froman and Malmstrom are slated to meet in Bratislava on Sept. 22, before the trade ministers are to discuss TTIP. The EU and U.S. have also not yet scheduled the next negotiating round because they are awaiting the outcome of the trade ministers meeting. -- Brett Fortnam

(AE) USA: France wants more reciprocity from USA on TTIP negotiations

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29 September 2015
Bulletin Quotidien Europe
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Agence Europe SA

Brussels, 28/09/2015 (Agence Europe) - Speaking to French media on Monday 28 September, France's Secretary of State for Trade Matthias Fekl said that the USA should show “more reciprocity” in the negotiations for an EU-US free trade agreement (TTIP) or there was a risk that France would put a “pure and simple stop” to the talks.

In an interview in Monday's French daily newspaper Sud Est, Fekl first criticises the “the opacity and total lack of transparency” in the **TTIP negotiations**. In his view, this poses “a democracy problem”. “Parliamentarians must have access to the documents in other places than in secure rooms in the US embassy”, he says, regretting that “American parliamentarians have access to a far larger number of documents than European parliamentarians”.

Fekl also criticises the fact that the US shows “too much asymmetry and not enough reciprocity” in what is tabled in the negotiations. “Europe has multiplied its offers on all the subjects and has not received any serious counterpart from the USA in return - either for access to American public procurement, or for access to agricultural and agri-food markets (which remain closed). We don't feel the American side is taking account of what we want on services, nor on the problem of arbitration by private courts” for settling disputes between investors and states, he says.

Underlining the need for increased access to the American market for European SMEs and farmers, Fekl brandishes the threat of calling for a halt to the **TTIP negotiations**. “If nothing changes, it will show that there is no will to bring the negotiations to a mutually beneficial and successful result. These negotiations are not making progress, and where they are making progress, it's not in the right direction. France can envisage all options - including a pure and simple stop to the negotiations”, he warns.
During a meeting in Washington on 22 September, European Commissioner for Trade Cecilia Malmström and US Trade Representative Mike Froman agreed to accelerate the **TTIP negotiations** by stepping up contacts and by supplementing the 11th round of negotiations (to be held in New York in October) with technical talks between sessions. (Original version in French by Emmanuel Hagry)

COALITION CRITICIZED; Foul Play in Free Trade

Thomas Sigmund

Thomas Sigmund; Klaus Stratmann; Anja Müller

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HNDBGL

German industry is critical of Berlin for failing to push the trans-Atlantic trade deal. Economics minister Sigmar Gabriel has garnered particular disapproval. Once a TTIP supporter, he now seems lukewarm.

German business leaders have huge respect for Angela Merkel, especially because she kept her promise not to raise taxes. But recently that respect has faded. That's due to the growing impression that her government is failing to get behind the Transatlantic Trade and Investment Partnership, the proposed bilateral trade agreement between the European Union and the United States, also known as TTIP.

In a series of unusually frank interventions, influential voices from the business community have spoken out against Ms. Merkel's government on TTIP, criticizing its double-dealing and "foul play."

Their anger focuses above all on Sigmar Gabriel, the leader of the center-left Social Democratic Party, or SPD, who is also the economics minister and vice-chancellor of Ms. Merkel's coalition government. As economics minister, Mr. Gabriel carries the primary responsibility for the German government's policy on TTIP.
Arndt Kirchhoff's frustration is typical of that felt by German business leaders on the matter. He's the managing partner of the Kirchhoff Group, a family-owned industrial corporation specializing in car components and mobility vehicles, employing over 10,000 people worldwide. Speaking about Mr. Gabriel, Mr. Kirchhoff loses his usual calm demeanor.

"As minister for economic affairs, Mr. Gabriel should be helping German small and medium-sized businesses to succeed," he said. Without TTIP, he added, family-owned businesses would be "hung out to dry." It was "irresponsible and not in keeping with his office," for Mr. Gabriel to put party considerations before ministerial responsibilities, he warned: in Britain, this kind of behavior had led to the Brexit.

/// "Without TTIP, family-owned businesses will be hung out to dry."– Arndt Kirchhoff, managing partner, Kirchhoff Group// .

Mr. Kirchhoff's views are widely shared among German businesspeople. The vast majority of German companies see TTIP as a golden opportunity. For quite a while, they also saw Mr. Gabriel as an ally, as he'd made an alliance with German business to sell the deal to a skeptical German public. But as next year's general elections approach – in which Mr. Gabriel expects to run as the SPD's candidate for chancellor – his enthusiasm seems to be waning.

He gives the impression he would be happy to see the trade deal die a quiet death. "After three years of talks, we eventually have to start seeing results, or else we should have a honest reckoning of where negotiations actually stand," he told Handelsblatt recently. If there was no progress on the key questions, he added, "then the government also has to make an honest assessment."

Mr. Gabriel has changed his tune. Until earlier this year, he was a solid TTIP supporter. Back then, he argued that the deal was the last chance for Europe and the United States to determine the ground rules for world trade. It would be much better for employers and workers if Europeans and Americans set the rules, rather than Asian governments, he said.

Mr. Gabriel also had a real impact on the details of the negotiations. He pushed hard for highly-controversial "arbitration tribunals" – proposed to decide on disputes between investors and states – to be replaced by a system of investor courts. This has since become the

official negotiating position of the European Commission. In the early days of the **TTIP negotiations**, the SPD leader was also quite prepared to push back against popular opposition, including within the trade unions and his own party. But in recent weeks, his position has changed substantially. The pretext for this seems to have been the end of the 14th round of **TTIP negotiations**, which made little progress on key issues.

Business leaders worry that Mr. Gabriel's shift on TTIP is indicative of his wider move to the left ahead of the elections. After the 2013 federal elections, Mr. Gabriel's party entered government in a "grand coalition" with Ms. Merkel's center-right Christian Democrats. He seemed keen to shift the party to a more business-friendly direction. But those days may now be over. There are serious doubts about Mr. Gabriel's reliability, say some senior business figures.

Doubts extend to his advocacy for Germany's industrial base. Earlier this year the minister joined with business organizations and trade unions to launch the "Future of Industry" initiative. This aimed to keep industry at its current 23 percent level of gross value added in the German economy, and if possible raise that figure. Mr. Gabriel also promised to support industry demands in E.U. negotiations on emissions standards. "It remains to be seen just how seriously that promise was meant," said one executive.

On TTIP, the impression is that Mr. Gabriel wants to quietly sneak away from earlier commitments. "The government and senior politicians need to keep their nerve, not switch into electoral mode and see who can make the most critical statement on TTIP," Ulrich Grillo, president of the federation of German industry, or BDI, wrote in an op-ed for Handelsblatt today. "Stand up for TTIP in public," he appealed to the government, demanding "clear, passionate and ongoing support" for free trade.

The BDI's position was backed by Lutz Goebel, president of "Family Business," an organization promoting that sector of the economy. "Sigmar Gabriel is falling victim to his many different jobs. He is SPD leader and that party is looking to reestablish its identity. But he is also supposed to be economics minister for the largest economy in Europe," he said. Mr. Goebel said that Mr. Gabriel had worked hard for TTIP, and for the E.U.'s trade deal with Canada, known as CETA. But it would all be of no use if Mr. Gabriel "allowed weaker elements in his party to determine its direction. His motto should be: "More competition, more prosperity, less ideology." He added that "the left-wing tendencies of some Social Democrats should not be allowed to determine Europe's future trade framework," saying that Angela Merkel had to show leadership on the question.

/// "The left-wing tendencies of some Social Democrats should not be allowed to determine Europe's future trade framework."– Lutz Goebel, president, Family Business association// .

The SPD will decide on its stance on CETA on September 19, which may put more pressure on Mr. Gabriel. Michael Vassiliadis, head of Mining Chemistry Energy, also known as BCE, one of Germany's largest industrial trade unions, spoke out in favor of the trade deal in an interview with German news magazine Der Spiegel. However, the German trade union confederation is one of the main organizers of a large demonstration against both CETA and TTIP, scheduled for September 17.

Although the Canada deal is ready to be signed, TTIP is running short of time. It seems unlikely that it will be finalized during Barack Obama's term of office, as had been planned.

Mr. Obama leaves office in January 2017. In the view of business leaders, this makes it all the more crucial for the government to push on with the deal. And Mr. Gabriel above all.

It is rare for German business leaders to speak so critically of Ms. Merkel's government. In the longer term, a successful conclusion to TTIP may be the only way to heal the rift.

Thomas Sigmund is the bureau chief in Berlin, where he directs political coverage. Klaus Stratmann is the deputy bureau chief of Handelsblatt in Berlin and covers the energy market.

WHY IT MATTERS

German business leaders are deeply disappointed with the government's failure to adequately support the TTIP trade deal. In particular, they blame economics minister Sigmar Gabriel.

FACTS

For three years, Mr. Gabriel backed efforts to agree to the planned Transatlantic Trade and Investment Partnership. But with federal elections looming, his support has waned.

The 14th round of **TTIP negotiations** closed earlier this month, with the European Union and the United States still divided on issues including access to government contracts and dispute settlement procedures.

CETA, a similar trade deal between the E.U. and Canada, has been finalized. But it faces a tough battle to be ratified by every European country.

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GERMAN MINISTRY: 'SLIM' CHANCE OF BETTER PROCUREMENT MARKET ACCESS IN TTIP

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An internal document from the German Ministry of Economy says there is a "slim" chance that the Transatlantic Trade and Investment Partnership will substantially improve market access in public procurement, suggesting the ministry sees little likelihood the **TTIP negotiations** will deliver on a key European Union priority.

It also appears that the EU has dropped the demand that the U.S. include state-level procurement market access via TTIP, according to the document obtained by Inside U.S. Trade and initially reported on by the German news outlet Handelsblatt. The U.S. has refused

to do so because that is a state competency and cannot be negotiated by the federal government.
Instead, the EU is focusing on increasing its procurement market access by gaining access to federal contracts from more U.S. federal agencies as well as to sub-federal contracts that are funded with federal money and subject to "flow-down" restrictions. The EU believes there is the possibility for "individual concessions for specific programs" from the U.S. on its flow-down restrictions.

These offensive interests were not addressed in the U.S.'s procurement market access offer in February, which the German ministry called "very disappointing."

The U.S. has also rejected the possibility of a single digital access point for all notices of procurement, but the document notes that a "smaller solution" may be available.

There is also "no agreement in sight" on the EU's demand to reduce or eliminate Buy America provisions, as discussions on those issues will only take part during the final stage of negotiations.
But it remains to be seen when and if the **TTIP negotiations** will enter that stage. EU trade ministers will decide if the talks have progressed to the point where they can enter the so-called "end game" discussions at a Sept. 23 ministerial in Bratislava, Slovakia. EU Trade Commissioner Cecilia Malmstrom and U.S. Trade Representative Michael Froman are slated to hold a stocktaking the day before that meeting.
The EU has refused to commit to addressing all of the U.S. demands on services. The German ministry report says the EU will come forward with a revised services market access offer "if necessary," but that a revised offer would not reduce the number of reservations on the member state level in its offer. The U.S. has called for the EU to improve its services market access offer by reducing the number of those reservations. The U.S. has also shown no willingness to address the EU's priorities in services, such as maritime services and telecommunications, according to the document.
The document, which provides a snapshot of the overall negotiations after the 14th round concluded on July 15, casts doubt on whether TTIP will be able to live up to its expectations as the United States and EU continue to have fundamental differences.
"Whether the stated goals can be achieved in the **TTIP negotiations** remains to be seen. Fundamental differences in opinion remain in a variety of areas," the document says, according to an informal translation.
The U.S. and EU have not reached an agreement on any of the 27-30 chapters in TTIP, the report notes. As of July 25, there were 15 consolidated chapters in a Berlin reading room, but that merely means that both sides have put forward proposals, according to the report. "This has no bearing on the potential contextual agreement," it says. "At the same time it is notable that the existence of consolidated texts does not give any indication on the progress of the negotiations."

The 15 consolidated texts are: market access for goods, agriculture, services, procurement, regulatory coherence and good regulatory practices, regulatory cooperation, technical barriers to trade, sanitary and phytosanitary measures, customs and trade facilitation, small and medium-sized enterprises, state-state dispute settlement, competition, state-owned enterprises, telecommunications, and rules of origin.

There are also "11 planned chapters" for which consolidated text does not yet exist, according to the report. These are: trade defense instruments, electronic commerce, financial services, textiles, sustainability, energy and raw materials, investment protection, anticorruption,

intellectual property, protection for geographical indications (GIs), and institutional provisions.

The U.S. has not agreed to include separate chapters on energy and GIs and the European Commission does not have a mandate to negotiate anticorruption measures as those are the competence of the member states.
The document also notes the web of linkages made by the U.S. and EU across negotiating areas. For instance, the EU has conditioned negotiating tariff reductions on its most sensitive agricultural products on the progress on GIs and procurement market access and the U.S. has conditioned negotiating auto tariff reductions on the EU's willingness to reduce its tariffs on sensitive agricultural products.
The document further highlights the division within the German government over the **TTIP negotiations**. Chancellor Angela Merkel has been publicly supportive of trying to conclude the deal this year, but Vice Chancellor and Minister of Economic Affairs and Energy Sigmar Gabriel has publicly suggested the EU should not conclude a deal this year. Gabriel could also potentially challenge Merkel in next year's elections for chancellor. Merkel has not yet said she will run for a fourth term and Gabriel has not said he would run for the position. -- Brett Fortnam