European Parliament
2014 - 2019

TEXTS ADOPTED

P8_TA(2015)0252

Negotiations for the Transatlantic Trade and Investment Partnership (TTIP)

European Parliament resolution of 8 July 2015 containing the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) (2014/2228(INI))

The European Parliament,

– having regard to the EU directives for the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the US, unanimously adopted by the Council on 14 June 2013[1] and declassified and made public by the Council on 9 October 2014,

– having regard to Articles 168 to 191 of the Treaty on the Functioning of the European Union (TFEU), and in particular to the precautionary principle enshrined in Article 191(2),

– having regard to the Joint Statement of the EU-US Summit of 26 March 2014[2],

– having regard to the joint statement of 20 March 2015 by Commissioner Cecilia Malmström and US Trade Representative Michael Froman regarding the exclusion of public services in EU and US trade agreements,

– having regard to the Council Conclusion on TTIP of 20 March 2015,

– having regard to the Council conclusions on TTIP of 21 November 2014[3],

– having regard to the joint statement of 16 November 2014 by US President Barack Obama, Commission President Jean-Claude Juncker, European Council President Herman Van Rompuy, UK Prime Minister David Cameron, German Chancellor Angela Merkel, French President François Hollande, Italian Prime Minister Matteo Renzi and Spanish Prime Minister Mariano Rajoy, following their meeting on the margins of the G20 Summit in Brisbane, Australia[4],

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1 http://data.consilium.europa.eu/doc/document/ST-11103-2013-DCL-1/en/pdf
2 http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/141920.pdf
3 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/145906.pdf
4 http://europa.eu/rapid/press-release_STATEMENT-14-1820_en.htm

– having regard to the European Council conclusions of 26-27 June 2014[1],

– having regard to President Juncker's political guidelines of 15 July 2014 addressed to the next Commission and entitled 'A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change'[2],

– having regard to the Commission's communication to the College of the Commission of 25 November 2014 on transparency in TTIP negotiations (C(2014)9052)[3], to the Commission decisions of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals (C(2014)9051) and on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals (C(2014)9048), to the judgments and opinions of the Court of Justice of the European Union (C-350/12 P, 2/13, 1/09) on access to documents of the institutions and the decision of the European Ombudsman of 6 January 2015 closing her own-initiative inquiry (OI/10/2014/RA) concerning the European Commission on dealing with requests for information and access to documents (Transparency),

– having regard to the joint statement of 3 December 2014 by the EU-US Energy Council[4],

– having regard to the EU integrated approach to food safety ('farm to fork') established in 2004[5],

– having regard to the Commission report of 13 January 2015 on the online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the TTIP (SWD(2015)0003),

– having regard to the EU's textual proposals tabled for discussion with the US in the TTIP negotiating rounds, in particular those which have been declassified and made public by the Commission, inter alia the EU position papers entitled 'TTIP regulatory issues - engineering industries'[6], 'Test–case on functional equivalence: proposed methodology for automotive regulatory equivalence'[7], and 'Trade and sustainable development chapter/labour and environment: EU paper outlining key issues and elements for provisions in the TTIP'[8], and the textual proposals on technical barriers to trade (TBT)[9], sanitary and phytosanitary measures (SPS)[10], customs and trade facilitation[11], small and medium-sized enterprises (SMEs)[12], possible provisions on competition[13], possible provisions on state enterprises and enterprises granted special or exclusive rights or

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1 http://data.consilium.europa.eu/doc/document/ST-79-2014-INIT/en/pdf
2 http://ec.europa.eu/priorities/docs/pg_en.pdf
3 http://ec.europa.eu/news/2014/docs/c_2014_9052_en.pdf
4 http://europa.eu/rapid/press-release_IP-14-2341_en.htm
5 http://ec.europa.eu/dgs/health_consumer/information_sources/docs/from_farm_to_fork_2004_en.pdf
6 http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153022.pdf
7 http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153023.pdf
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12 http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153028.pdf
13 http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153029.pdf

privileges[1], possible provisions on subsidies[2], and dispute settlement[3], initial provisions on regulatory cooperation[4],

– having regard to the opinion on 'The Transatlantic Trade and Investment Partnership (TTIP)' of the Committee of the Regions (ECOS-V-063) adopted during the 110th plenary session (11-13 February 2015), and to the opinion of the European Economic and Social Committee of 4 June 2014 on 'Transatlantic trade relations and the EESC's views on an enhanced cooperation and eventual EU-USA FTA',

– having regard to the Final Inception Report of 28 April 2014 by ECORYS for the Commission entitled 'Trade Sustainability Impact Assessment (Trade SIA) in support of negotiations of a comprehensive trade and investment agreement between the European Union and the United States of America'[5],

– having regards to the Commission's 2015 report on Trade and Investment Barriers (COM(2015)0127) [6],

– having regard to the 'Detailed Appraisal of the European Commission's Impact Assessment on EU-US Transatlantic Trade and Investment Partnership' published on April 2014 by CEPS for the Parliament,

– having regard to its earlier resolutions, in particular those of 23 October 2012 on trade and economic relations with the United States[7], 23 May 2013 on EU trade and investment negotiations with the United States of America[8], and 15 January 2015 on the annual report on the activities of the European Ombudsman 2013[9],

– having regard to Rules 108(4) and 52 of its Rules of Procedure,

– having regard to the report of the Committee on International Trade and the opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection, the Committee on Agriculture and Rural Development, the Committee on Culture and Education, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs, and the Committee on Petitions (A8-0175/2015),

A. whereas exports through trade and growth through investments are key drivers of jobs and economic growth which do not require government investments;

B. whereas the EU's GDP is heavily dependent on trade and export and benefits from trade and investment based on rules and whereas an ambitious and balanced agreement with the

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1 http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153030.pdf
2 http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153031.pdf
3 http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153032.pdf
4 http://trade.ec.europa.eu/doclib/docs/2015/february/tradoc_153120.pdf
5 http://trade.ec.europa.eu/doclib/docs/2014/may/tradoc_152512.pdf
6 http://trade.ec.europa.eu/doclib/docs/2015/march/tradoc_153259.pdf
7 OJ C 68 E, 7.3.2014, p. 53.
8 Texts adopted, P7_TA(2013)0227.
9 Texts adopted, P8_TA(2015)0009.

US should support the reindustrialisation of Europe and help to achieve the 2020 target for an increase in the EU's GDP generated by industry from 15 % to 20 % by strengthening trans-atlantic trade in both goods and services; whereas it has the potential to create opportunities especially for SMEs, micro enterprises (in accordance with the definition of Commission Recommendation 2003/361/EC), clusters and enterprise networks which suffer disproportionally more from non-tariff barriers (NTBs) than larger companies, as the latter have economies of scale that allow them easier access to markets on both sides of the Atlantic; whereas an agreement between the two biggest economic blocs in the world has the potential to create standards, norms and rules, which will be adopted at a global level, which would serve to the advantage of third countries as well and which would prevent a further fragmentation of world trade; whereas failure to negotiate an agreement will allow other third countries with different standards and values to assume this role instead;

C. whereas nine Member States of the European Union have already signed a bilateral agreement with the USA, so allowing TTIP to take inspiration from good practice and better enable the obstacles encountered by these Member States to be overcome;

D. whereas the recent crises on the EU's borders and developments around the world show the need to invest in global governance and a system based on rules and values;

E. whereas, given the growing interconnectedness of global markets, it is crucial that policy makers shape and promote the interaction of markets; whereas proper trade rules and removing unnecessary barriers are fundamental to creating added value while maintaining and developing a strong, competitive and diversified industrial base in Europe;

F. whereas EU's attempts to deal with the challenges of climate change, environmental protection and consumer safety have resulted in high regulatory costs for EU enterprises, coupled with high energy feedstock and electricity prices, which – if left unaddressed in TTIP – may accelerate the process of delocalization, deindustrialization and job losses thereby threatening EU reindustrialization and employment targets, that will also defeat the very policy targets that EU regulations seek to achieve;

G. whereas a well-designed trade agreement could contribute to harnessing the opportunities of globalisation. Whereas a strong and ambitious trade agreement should not only focus on reducing tariffs and NTBs but should also be a tool to protect workers, consumers and the environment; whereas a strong and ambitious trade agreement is an opportunity to create a framework by strengthening regulation to the highest level, in line with our shared values, thereby preventing social and environmental dumping and ensuring a high level of consumer protection in light of the shared objective of open competition on a level-playing field;

H. whereas even though**,** common high standards are in the interest of consumers, it should be recognised that convergence also makes sense for businesses, as the higher costs stemming from higher standards may be better compensated by increased economies of scale in a potential market of 850 million consumers;

I. whereas previous trade agreements have shown significant benefits for the European economy, it is difficult to assess the real impact of TTIP on both the EU and US economies and to predict while negotiations are ongoing and studies show contradictory results; whereas TTIP alone will not resolve longstanding structural economic problems and their underlying causes in the EU but should be seen as an element in a broader

European strategy to create jobs and growth, and expectations for TTIP should be commensurate with the level of ambition that will be reached in the negotiations;

J. whereas the consequences of the Russian embargo have clearly demonstrated the continuous geopolitical relevance of agriculture, the importance of having access to a range of different agricultural markets and the need for strong and strategic trade partnerships with reliable trade partners;

K. whereas it is important for European agriculture to secure a mutually beneficial trade deal with the US in order to advance Europe's position as a key player on the global market without jeopardising the current quality standards of European agricultural products and future improvement of those standards, while preserving the European agricultural model and ensuring its economic and social viability;

L. whereas trade and investment flows are not an end in themselves and the well-being of ordinary citizens, workers and consumers as well as increased opportunities for business as drivers of growth and jobs are the benchmarks for a trade agreement; whereas TTIP should be considered a model for a good trade agreement responding to these requirements in order to serve as an example for our future negotiations with other trade partners;

M. whereas a certain degree of confidentiality is required in negotiations in order to achieve a high quality outcome, and the limited level of transparency in which the negotiations have been conducted in the past has led to deficiencies in terms of democratic control of the negotiation process;

N. whereas President Juncker has clearly reiterated in his Political Guidelines that he wants a balanced and reasonable trade agreement with the United States and that – while the EU and the US can go a significant step further in recognising each other's product standards and working towards transatlantic standards – the EU will not sacrifice its (food)-safety, health, animal health, social, environmental, and data protection standards and cultural diversity; recalling that the safety of the food we eat, the protection of Europeans' personal data and its services of general interest are non-negotiable unless the aim is to achieve a higher level of protection;

O. whereas it is important to ensure a satisfactory conclusion of the negotiations on the Safe Harbor and the Data Protection Umbrella Agreement;

P. whereas President Juncker has also clearly stated in his political guidelines, that he will not accept that the jurisdiction of courts in the Member States is limited by special regimes for investment disputes; whereas now that the results of the public consultation on investment protection and ISDS in the TTIP are available, a reflection process – taking account of the contributions – is currently being undertaken within and between the three institutions, while exchanging with civil society and the business sector, on the best way to achieve investment protection and equal treatment of investors while ensuring states' right to regulate;

Q. whereas Parliament fully supports both the decision of the Council to declassify the negotiation directives and the Commission's transparency initiative; whereas the lively public debate across Europe on TTIP has shown the need for the TTIP negotiations to be concluded in a more transparent and inclusive manner taking into account the concerns

voiced by European citizens and communicating the negotiation results to the general public;

R. whereas since July 2013 talks between the US and the EU have been going on, but up to now no common text has been agreed;

S. whereas TTIP is expected to be a mixed agreement requiring ratification by the European Parliament and all 28 EU Member States;

1. Believes that the EU and the US are key strategic partners; stresses that the Transatlantic Trade and Investment Partnership (TTIP) is the most significant recent EU-US project and should reinvigorate the transatlantic partnership as a whole, beyond its trade aspects; emphasises that its successful conclusion is of high political importance;

2. Addresses, in the context of the ongoing negotiations on TTIP, the following recommendations to the Commission:

(a) regarding the scope and the broader context:

(i) to ensure that transparent TTIP negotiations lead to an ambitious, comprehensive and balanced trade and investment agreement of a high standard that would promote sustainable growth with shared benefits across Member States, with mutual and reciprocal benefits between the partners, increase international competitiveness and open up new opportunities for EU companies, in particular SMEs, support the creation of high-quality jobs for European citizens, directly benefit European consumers; the content and the implementation of the agreement are more important than the speed of the negotiations;

(ii) to emphasise that while the TTIP negotiations consist of negotiations on three main areas – ambitiously improving reciprocal market access (for goods, services, investment and public procurement at all levels of government), reducing NTBs and enhancing the compatibility of regulatory regimes, and developing common rules to address shared global trade challenges and opportunities – all these areas are equally important and need to be included in a comprehensive package; TTIP should be ambitious and binding on all levels of government on both sides of the Atlantic, the agreement should lead to lasting genuine market openness on a reciprocal basis and trade facilitation on the ground, and should pay particular attention to structural measures to achieve greater transatlantic cooperation while upholding regulatory standards and consumer protection and preventing social, fiscal and environmental dumping;

(iii) to keep in mind the strategic importance of the EU-US economic relationship in general and of TTIP in particular, inter alia as an opportunity to promote the principles and values, anchored in a rules-based framework, that the EU and the US share and cherish and to design a common approach and vision to global trade, investment and trade-related issues such as high standards, norms and regulations, in order to develop a broader transatlantic vision and a common set of strategic goals; to bear in mind that given the size of the transatlantic market, TTIP is an opportunity to shape and regulate the

international trade order in order to ensure that both blocs thrive in an interconnected world;

(iv) to ensure, especially given the recent positive developments taking place in the World Trade Organisation (WTO), that an agreement with the US serves as a stepping-stone for broader trade negotiations and is not pre-empting or counteracting the WTO process; bilateral and plurilateral trade agreements should generally speaking be considered as a second-best option and must not prevent efforts made in order to reach significant improvements on the multilateral level; TTIP must ensure synergies with other trade agreements currently being negotiated;

(v) to bear in mind that the TFEU defines EU trade policy as an integral part of the Union's overall external action and, therefore, to evaluate the implications of the final agreement, acknowledging opportunities, such as easier market access due to common trans-Atlantic standards, and risks, such as trade diversion from developing countries due to tariff preference erosion;

(vi) to ensure that the agreement guarantees full respect for EU fundamental rights standards through the inclusion of a legally binding and suspensive human rights clause as a standard part of EU trade agreements with third countries;

(b) regarding market access:

(i) to ensure that the market access offers in the different areas are reciprocal, equally ambitious and reflect both parties' expectations, underlines that the different proposals for those areas must be balanced;

(ii) to aim at the elimination of all tariff duties while respecting that there are a number of sensitive agricultural and industrial products on both sides for which exhaustive lists will have to be agreed upon during the negotiation process; to foresee for the most sensitive products appropriate transitional periods and quotas and in ***a*** few cases their exclusion, taking into account the fact that in many cases those products have higher production costs in the EU owing to EU rules;

(iii) to have a safeguard clause incorporated into the agreement, as is clearly set out in the negotiating mandate, which would be invoked where a rise in imports of a particular product threatened to cause serious harm to domestic production, with specific reference to food production and to the energy-intensive, carbon-leakage, chemicals, raw materials and steel sectors in the EU;

(iv) to keep in mind that as the EU is the largest trading bloc worldwide there are important offensive interests for the EU in the highly specialised services sector, for instance in the area of engineering and other professional services, telecommunication, financial or transport services;

(v) to increase market access for services according to a "hybrid list approach", using for market access "positive lists", whereby services that are to be opened up to foreign companies are explicitly mentioned and new services are excluded while ensuring that possible stand-still and ratchet clauses only

apply to non-discrimination provisions and allow for enough flexibility to bring services of general economic interest back into public control as well as to take into account the emergence of new and innovative services and using "negative list approach" for national treatment;

(vi) the negotiations should meaningfully address and remove the current US restrictions on maritime and air transport services owned by European businesses as a result of US legislation such as the Jones Act, Foreign Dredging Act, the Federal Aviation Act and the US Air Cabotage law and in relation to capital restrictions on foreign ownership of airlines, which seriously hinders market access for EU companies as well as innovation in the US itself;

(vii) to build on the joint statement reflecting the negotiators' clear commitment to exclude current and future Services of General Interest as well as Services of General Economic Interest from the scope of application of TTIP, (including but not limited to water, health, social services, social security systems and education), to ensure that national and if applicable local authorities retain the full right to introduce, adopt, maintain or repeal any measures with regards to the commissioning, organisation, funding and provision of public services as provided in the Treaties as well as in the EU's negotiating mandate; this exclusion should apply irrespective of how the services are provided and funded;

(viii) to strive hard to ensure mutual recognition of professional qualifications, notably via the creation of a legal framework with federal states that have regulatory powers in this domain, in order to enable EU and US professionals to practise on either side of the Atlantic and to facilitate mobility of investors, professionals, highly -skilled workers and technicians between the EU and the US in sectors covered by TTIP;

(ix) to bear in mind that visa facilitation for European service and goods providers is a key element for taking advantage of the agreement and to increase, in the context of the negotiations, political pressure on the US to guarantee full visa reciprocity and equal treatment for all citizens of EU Member States without discrimination as regards their access to the US;

(x) to combine market access negotiations on financial services with convergence in financial regulation at the highest level, in order to support the introduction and compatibility of necessary regulation in order to reinforce financial stability, to ensure adequate protection for consumers of financial goods and services and support ongoing cooperation efforts in other international forums, such as the Basel Committee on Banking Supervision and the Financial Stability Board; to ensure that these cooperation efforts do not limit the EU and member states regulatory and supervisory sovereignty, including their ability to ban certain financial products and activities;

(xi) to establish enhanced cooperation between the EU, the Member States and the US, including mechanisms for more efficient international cooperation with the aim to set global higher standards against financial and tax criminality and corruption;

(xii) to ensure that the EU's acquis on data privacy is not compromised through the liberalisation of data flows, in particular in the area of e-commerce and financial services, while recognizing the relevance of data flows as a backbone of transatlantic trade and the digital economy; to incorporate, as a key point, a comprehensive and unambiguous horizontal self-standing provision, based on Article XIV of the General Agreement on Trade in services (GATS), that fully exempts the existing and future EU legal framework for the protection of personal data from the agreement without any condition that it must be consistent with other parts of the TTIP; to negotiate provisions which touch upon the flow of personal data only if the full application of data protection rules on both sides of the Atlantic is guaranteed and respected to cooperate with the United States in order to encourage third countries to adopt similar high data protection standards around the world;

(xiii) to keep in mind that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the US blanket mass surveillance activities are not completely abandoned and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress, as stated in the paragraph 74 of Parliament's resolution of 12 March 2014[1];

(xiv) to ensure that the trust between the EU and US, which was damaged by mass surveillance scandals, be rapidly and fully restored;

(xv) to include am ambitious chapter on competition ensuring that European competition law is properly respected particularly in the digital world; to ensure that private companies can compete fairly with state-owned or state-controlled companies; to ensure that state subsidies to private companies should be regulated and subject to a transparent control system;

(xvi) to call for open competition in and development of the digital economy, which is by nature global but has its main bases in the EU and the USA; to emphasise in the negotiations that the digital economy must be central to the transatlantic market, with leverage in the global economy and in opening up global markets further;

(xvii) to keep in mind regarding information society services and telecommunications services, that it is of particular importance that the TTIP ensure a level playing field with equal and transparent access based on reciprocity for EU service companies to the US market and with an obligation on US service providers to respect and comply with all relevant industry and product safety standards and consumer rights when providing services in Europe or to European customers;

(xviii) to ensure via a legally binding general clause applicable to the entire agreement, in full compliance with the UNESCO Convention on the protection and promotion of the diversity of cultural expressions, that the parties, reserve their right to adopt or maintain any measure (in particularly those of a regulatory and/or financial nature) with respect to the protection or

[1] Texts adopted, P7_TA(2014)0230,

promotion of cultural and linguistic diversity, in line with the relevant Articles as established in the Treaty on the Functioning of the European Union, as well as media freedom and media pluralism, irrespective of the technology or distribution platform used and keeping in mind that the mandate given to the European Commission by the Member States explicitly excludes the audiovisual services;

(xix) to specify that nothing in the agreement shall affect the ability of the EU or EU Member States to subsidise and provide financial support to cultural industries and cultural, educational, audiovisual and press services;

(xx) to confirm that fixed book price systems and price fixing for newspapers and magazines will not be challenged by the obligations under the TTIP agreement;

(xxi) to ensure with a general clause the right of EU Member States to adopt or maintain any measure with regard to the provision of all educational and cultural services which work on a non-profit basis and/or receive public funding to any degree or state support in any form, and to ensure that privately funded foreign providers meet the same quality and accreditation requirements as domestic providers;

(xxii) given the huge interest on the part of European companies, notably SMEs, in obtaining non-discriminatory access to public contracts in the US both at federal and sub-federal level, for example for construction services, civil engineering, transport and energy infrastructure and goods and services, to have an ambitious approach to the chapter on public procurement, while respecting the compliance of the chapter with the new EU public procurement and concession directives, with a view to remedying, in line with the principle of reciprocity, the large disparity that currently exists in the degree of openness of the two public procurement markets on both sides of the Atlantic by significantly opening up the US market (still governed by the Buy American Act of 1933) at federal and sub-federal level alike building on commitments made in the Agreement on Government Procurement (GPA) and by removing the restrictions that currently apply at federal, state and local level alike in the United States; and to set up mechanisms to guarantee that commitments entered into by the US federal authorities will be honoured at all political and administrative levels;

(xxiii) to ensure, with the aim of creating open, non-discriminatory and predictable procedural requirements ensuring equal access for EU and US companies, especially SMEs, when tendering for public contracts, that the US increases the transparency of the adjudication process in force on its territory;

(xxiv) to promote EU-US cooperation at the international level in order to promote common sustainability standards for public procurement at all federal and sub-federal levels of government, inter alia in the implementation of the recently revised Government Procurement Agreement; and the adoption and observation of social responsibility standards by businesses based on the Guidelines for Multinational Enterprises of the Organisation for Economic Co-operation and Development (OECD);

(xxv) to ensure that the US states are included in the negotiation process in order to achieve meaningful results in opening up US public procurement contracts to EU companies;

(xxvi) to be aware regarding public procurement of the sensitive nature of the fields of defence and security and to take into account the objectives set by the Heads of States and Governments during the 2013 Defence Council to promote the establishment of a European security and defence market and of a European defence technological and industrial base (EDTIB);

(xxvii) to ensure that the negotiations on rules of origin aim at reconciling the EU and US approaches and at establishing effective rules of origin, thereby avoiding that rules of origin are undermined by other agreements, to consider the negotiations as an opportunity to move towards common standards for compulsory origin marking of products; given the conclusion of the negotiations for the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada and the potential upgrade of the EU-Mexico free trade agreement, the possibility and scope of cumulation will need to be considered; however to keep in mind that the purpose of TTIP is to facilitate trade in genuinely US and EU made products and not to allow imports from third countries, therefore exclusions for certain products will need to be considered on a case by case basis and exclusions from all type of cumulation should be granted for sensitive sectors;

(xxviii) to ensure that TTIP is an open agreement, and to look for ways in which valued partners, which have an interest in the TTIP negotiations because of Customs Union agreements with either the EU or the US, can be more actively informed of the developments;

(c) regarding regulatory cooperation and coherence pillar and NTBs:

(i) to ensure that the regulatory cooperation chapter promotes a transparent, effective, pro-competitive economic environment through the identification and prevention of potential future non-tariff barriers to trade, which disproportionately affect SME's, and the facilitation of trade and investment while developing and securing the highest levels of protection of health and safety in line with the precautionary principle laid down in Article 191 TFEU, consumer, labour environmental and animal welfare legislation and of cultural diversity that exists in the EU; to support, whilst fully respecting regulatory autonomy, the establishment of a structured dialogue and cooperation between regulators in the most transparent way possible and involving stakeholders; to include cross-cutting disciplines on regulatory coherence and transparency for the development and implementation of efficient, cost-effective, and more compatible regulations for goods and services; negotiators on both sides need to identify and to be very clear about which technical procedures and standards are fundamental and cannot be compromised, which ones can be the subject of a common approach, which are the areas where mutual recognition based on a common high standard and a strong system of market surveillance is desirable and which are those where simply an improved exchange of information is possible, based on the experience of several years of talks in a variety of fora including the Transatlantic Economic Council and the High Level Regulatory Cooperation Forum to ensure similarly that it will not affect standards that have

yet to be set in areas where the legislation or the standards are very different in the US as compared with the EU, such as, for example, the implementation of existing (framework) legislation (e.g. REACH), or the adoption of new laws (e.g. cloning), or future definitions affecting the level of protection (e.g. endocrine disrupting chemicals); to ensure that any provisions on regulatory cooperation in the TTIP do not set a procedural requirement for the adoption of Union acts concerned by it nor give rise to enforceable rights in that regard;

(ii) to base negotiations on SPS and TBT measures on the key principles of the multilateral SPS and TBT agreements and to protect European SPS standards and procedures; to aim in the first place at the elimination or significant reduction of excessively burdensome SPS measures including related import procedures; in particular to ensure that pre-approvals, obligatory protocols or pre-clearance inspections are not applied as a permanent import measure; to achieve increased transparency and openness, mutual recognition of equivalent standards, exchanges of best practices, strengthening of dialogue between regulators and stakeholders and strengthening of cooperation in international standards-setting bodies; to ensure in negotiations on SPS and TBT measures, that the high standards that have been put in place in order to ensure food safety, human, animal or plant life or health in the EU are not compromised in any way;

(iii) to recognise that, where the EU and the US have very different rules, there will be no agreement, such as on public healthcare services, GMOs, the use of hormones in the bovine sector, REACH and its implementation, and the cloning of animals for farming purposes, and therefore not to negotiate on these issues;

(iv) to encourage the US side to lift the ban on beef imports from the EU;

(v) with regard to the horizontal regulatory cooperation chapter, to foster bilateral regulatory cooperation in order to avoid unnecessary divergence, particularly as regards new technologies and services, for the benefit of European and US competitiveness and consumer choice; to achieve this through enhanced information exchange and to improve the adoption and implementation of international instruments, whilst respecting the subsidiarity principle, on the basis of successful precedents such as ISO standards or under the United Nations Economic Commission for Europe's (UNECE) World Forum for Harmonisation of Vehicle Regulations (WP.29); to remember that the recognition of equivalence of the greatest possible number of vehicle safety regulations based on a verified equivalent level of protection would be one of the most important achievements of the agreement; to ensure that the prior impact assessment for each regulatory act should measure its impact on consumers and the environment next to its impact on trade and investment; to promote regulatory compatibility without compromising the legitimate regulatory and policy objectives and the competences of the EU and US legislators;

(vi) to aim to continue to guarantee a high level of product safety within the Union while eliminate unnecessary duplication of testing that causes a waste of resources, in particular on low-risk products;

(vii) to address customs issues that go beyond the WTO Trade Facilitation Agreement (TFA) rules and stress that, in order to achieve real administrative burden removal, there is a need to work towards a maximum degree of regulatory alignment on customs and border related policies and practices;

(viii) to define clearly, in the context of future regulatory cooperation, which measures concern TBT and duplicated or redundant administrative burdens and formalities and which are linked to fundamental standards and regulations, or procedures serving a public policy objective;

(ix) to fully respect the established regulatory systems on both sides of the Atlantic, as well as the European Parliament's role within the EU's decision-making process and its democratic scrutiny over EU regulatory processes when creating the framework for future cooperation while at the same time ensuring the utmost transparency and being vigilant about having a balanced involvement of stakeholders within the consultations included in the development of a regulatory proposal and not do delay the European legislative process; to specify the role, the composition and the legal status of the Regulatory Cooperation Body, taking into consideration that any direct and compulsory application of its recommendations would imply a breach of the law-making procedures laid down in the Treaties; to also monitor that it fully preserves the capacity of national, regional and local authorities to legislate their own policies, in particular social and environmental policies;

(d) regarding the rules:

(i) to combine negotiations on market access and regulatory cooperation with the establishment of ambitious rules and principles bearing in mind that each pillar has specific sensitivities, on issues such as, but not limited to, sustainable development, energy, SMEs, investment and state-owned enterprises;

(ii) to ensure that the sustainable development chapter is binding and enforceable and aims at the full and effective ratification, implementation and enforcement of the eight fundamental International Labour Organisation (ILO) conventions and their content, the ILO's Decent Work Agenda and the core international environmental agreements; provisions must be aimed at further improving levels of protection of labour and environmental standards; an ambitious trade and sustainable development chapter must also include rules on corporate social responsibility based on OECD Guidelines for Multinational Enterprises and clearly structured dialogue with civil society;

(iii) to ensure that labour and environmental standards are not limited to the trade and sustainable development chapter but are equally included in other areas of the agreement, such as investment, trade in services, regulatory cooperation and public procurement;

(iv) to ensure that labour and environmental standards are made enforceable, by building on the good experience of existing FTAs by the EU and US and national legislation; to ensure that the implementation of and compliance with labour provisions is subjected to an effective monitoring process, involving social partners and civil society representatives and to the general dispute settlement which applies to the whole agreement;

(v) to ensure, in full respect of national legislation, that employees of transatlantic companies, registered under EU member state law, have access to information and consultation in line with the European works council directive;

(vi) to ensure that the economic, employment, social, and environmental impact of TTIP, is also examined by means of a thorough and objective ex-ante trade sustainability impact assessment (SIA) in full respect of the EU Directive on SIA, with clear and structured involvement of all relevant stakeholders, including civil society; asks the Commission to conduct comparative in-depth impact studies for each Member State and an evaluation of the competitiveness of EU sectors and their counterparts in the US with the aim to make projections on job losses and gains in the sectors affected in each Member State, whereby the adjustment costs could be partly taken up by EU and Member State funding;

(vii) to retain the objective of dedicating a specific chapter to energy, including industrial raw materials; to ensure that in course of the negotiations the two sides examine ways to facilitate energy exports, so that TTIP would abolish any existing restrictions or impediments of export for fuels, including LNG and crude oil, between the two trading partners, with the aim of creating a competitive, transparent and non-discriminatory energy market thereby supporting a diversification of energy sources, contributing to security of supply and leading to lower energy prices emphasises that this energy chapter must integrate clear guarantees that the EU's environmental standards and climate action goals must not be undermined; to encourage EU-US cooperation to end fuel tax exemptions for commercial aviation in line with the G-20 commitments to phase out fossil fuel subsidies;

(viii) to ensure that the right of either partner to govern and to regulate the exploration, exploitation and production of energy sources remains untouched by any agreement, but that the principle of non-discrimination is applied once exploitation is decided; to keep in mind that nothing in the agreement should undermine legitimate non-discriminatory democratic decisions with regard to energy production, in accordance with the precautionary principle; to ensure that access to raw materials as well as to energy should also be granted on a non-discriminatory basis for companies from either the EU or the US and quality standards for energy products must be respected, including those for energy products related to their impact on CO_2 emissions such as the one enshrined in the Fuel Quality Directive;

(ix) to ensure that TTIP supports the use and promotion of green goods and services, including through facilitating their development, and simplifies their exports and imports thereby tapping into the considerable potential for both environmental and economic gains offered by the transatlantic economy and complementing the on-going plurilateral negotiations on the Green Goods agreement with the aim of contributing to fight combat global warming and to create new jobs in the green economy;

(x) to ensure that TTIP serves as a forum for the development of ambitious and binding common sustainability standards for energy production and energy efficiency, always taking into account and adhering to existing standards on both sides such as the EU energy labelling and eco-design directives and to

explore ways to enhance cooperation on energy research, development and innovation and promotion of low-carbon and environmentally friendly technologies;

(xi) to ensure that TTIP contributes to the sustainable management of fishery resources, particularly through cooperation between the parties in combatting illegal, unreported and unregulated fishing (IUU);

(xii) to ensure that TTIP includes a specific chapter on SME's in TTIP based on the joint commitment of both negotiating parties and aims at creating new opportunities in the US for European SMEs (including micro enterprises), on the basis of SME exporters' actual reported experience, for instance by eliminating double certification requirements, by establishing a web-based information system about the different regulations and best practices, by facilitating access to support schemes for SME, by introducing 'fast-track' procedures at the border or by eliminating specific tariff peaks that continue to exist; it should establish mechanisms for both sides to work together to facilitate SMEs' participation in transatlantic trade and investment, for instance through a common SME 'one-stop shop' with SMEs stakeholders playing a key role in its establishment, which would provide specific information they need to export to, import from or invest in the US, including on customs duties, on taxes, on regulations, on custom procedures and on market opportunities;

(xiii) to ensure that TTIP contains a comprehensive chapter on investment including provisions on both market access and investment protection, recognising that access to capital can stimulate jobs and growth; the investment chapter should aim at ensuring non-discriminatory treatment for the establishment of European and US companies in each other's territory, while taking account of the sensitive nature of some specific sectors; these should look to enhance Europe as a destination for investment, increase confidence for EU investment in the US and also address investors' obligations and responsibilities by referring, inter alia, to the OECD principles for multinational enterprises and to the UN principles on Business and human rights as benchmarks;

(xiv) to ensure that investment protection provisions are limited to post-establishment provisions and focus on national treatment, most-favoured nation, fair and equitable treatment and protection against direct and indirect expropriation, including the right to prompt, adequate and effective compensation; standards of protection and definitions of investor and investment should be drawn up in a precise legal manner protecting the right to regulate in the public interest, clarifying the meaning of indirect expropriation and preventing unfounded or frivolous claims; free transfer of capital should be in line with the EU treaty provisions and should include a prudential carve-out not limited in time in the case of financial crises;

(xv) to ensure that foreign investors are treated in a non-discriminatory fashion**,** while benefiting from no greater rights than domestic investors, and to replace the ISDS system with a new system for resolving disputes between investors and states which is subject to democratic principles and scrutiny, where potential cases are treated in a transparent manner by publicly appointed, independent professional judges in public hearings and which includes an appellate mechanism, where consistency of judicial decisions is ensured**,** the

jurisdiction of courts of the EU and of the Member States is respected, and where private interests cannot undermine public policy objectives;

(xvi) to ensure that TTIP includes an ambitious, balanced and modern chapter on and precisely defined areas of intellectual property rights, including recognition and enhanced protection of geographical indications and reflects a fair and efficient level of protection, without impeding the EU's need to reform its copyright system and while ensuring a fair balance of IPRs and the public interest, in particular the need to preserve access to affordable medicines by continuing to support the TRIPS flexibilities;

(xvii) to consider it to be of great importance that the EU and the US remain committed and engaged in global multilateral patent harmonisation discussions through existing international bodies and thus cautions against attempting to introduce provisions on substantive patent law, in particular with regard to issues relating to patentability and grace periods, into the TTIP;

(xviii) to ensure that the IPR chapter does not include provisions on the liability of internet intermediaries or on criminal sanctions as a tool for enforcement, as having been previously rejected by Parliament including the proposed ACTA treaty;

(xix) to secure full recognition and strong legal protection of EU geographical indications and measures to deal with improper use and misleading information and practices; to guarantee the labelling, traceability and genuine origin of these products for consumers and the protection of the know-how of producers as an essential part of a balanced agreement;

(e) regarding transparency, civil society involvement, public and political outreach:

(i) to continue ongoing efforts to increase transparency in the negotiations by making more negotiation proposals available to the general public, to implement the recommendations of the European Ombudsman, in particular relating to the rules on public access to documents;

(ii) to translate these transparency efforts into meaningful practical results, inter alia by reaching arrangements with the US side to improve transparency, including access to all negotiating documents for the Members of the European Parliament, including consolidated texts, while at the same time maintaining due confidentiality, in order to allow Members of Parliament and the Member States to develop constructive discussions with stakeholders and the public,; to ensure that both negotiating parties should justify any refusal to disclose a negotiating proposal;

(iii) to promote an even closer engagement with the Member States, who were responsible for the negotiating mandate which directed the European Commission to open negotiations with the US, with the aim of forging their active involvement in better communicating the scope and the possible benefits of the agreement for European citizens, as committed to in the Council Conclusions adopted on 20 March 2015, in order to ensure a broad, fact-based public debate on TTIP in Europe with the aim of exploring the genuine concerns surrounding the agreement;

(iv) to reinforce its continuous and transparent engagement with a wide range of stakeholders, throughout the negotiation process; encourages all stakeholders to participate actively and to put forward initiatives and information relevant to the negotiations;

(v) to encourage Member States to involve national parliaments in line with their respective constitutional obligations, to provide all the necessary support for Member States to fulfil this task and to strengthen outreach to national parliaments, in order to keep national parliaments adequately informed on the ongoing negotiations;

(vi) to build on the close engagement with Parliament and to seek an even closer, structured dialogue, which will continue to closely monitor the negotiating process and to engage on its part with the Commission, the Member States, and the US Congress and Administration, as well as with stakeholders on both sides of the Atlantic, in order to ensure an outcome which will benefit citizens in the EU, the US and beyond;

(vii) to ensure that TTIP and its future implementation is accompanied by a deepening of transatlantic parliamentary cooperation, on the basis and using the experience of the Transatlantic Legislators Dialogue, leading in future to a broader and enhanced political framework to develop common approaches, reinforce the strategic partnership and to improve global cooperation between the EU and US;

3. Instructs its President to forward this resolution containing the European Parliament's recommendations to the Commission and, for information, to the Council, the governments and parliaments of the Member States, and the US Administration and Congress.