Recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)

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The Council took stock of ongoing negotiations on a comprehensive trade and investment agreement (TTIP) with the United States. It discussed investor-state dispute settlement (ISDS).

It is expected that the TTIP will be made up of three components: (i) market access; (ii) regulatory issues and non-tariff barriers; and (iii) rules. The Commission is leading the negotiations on behalf of the EU and its member states, on the basis of a mandate agreed by the Council in June 2013. The Council decided in October 2014 to make public its negotiating directives.

During the debate, the Council:

- encouraged the Commission to maintain its efforts aimed at achieving meaningful progress across all three components of the agreement by the summer of 2015. This will enable the negotiators to tackle more delicate issues of a political nature thereafter;
- reiterated its call for more transparency and for better access to negotiating documents;
- welcomed the Commission's paper on ISDS and its suggestions and urged it to step up its dialogue with national parliaments and with civil society, as well as planning and communication with respect to the preparatory work on ISDS.

The Commission's paper on ISDS builds on ideas presented by Commissioner Cecilia Malmström in March 2015 to the European Parliament's committee on international trade and at an informal meeting of EU trade ministers in Riga.

It follows a public consultation, which identified four areas for further work:

- protection of the right to regulate;
- the establishment and functioning of arbitral tribunals;
- the review of ISDS decisions for legal correctness via an appellate mechanism, with permanent members established directly under the TTIP, while exploring in parallel options for setting up a multilateral appeal mechanism;
- defining the relationship between domestic judicial systems and ISDS.

The Commission will issue a more detailed paper on the reformed ISDS in TTIP before the 2015 summer recess, after the adoption by the European Parliament of a resolution on TTIP in June.

The Council will continue to closely monitor the work of its preparatory bodies and - as needed - provide the necessary political guidance.