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Impact of a potential EU-US FTA (TTIP) on consumer protection and food safety

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In its Interim Report to Leaders, 19 June 2012 (the final report was due end 2012, but still not published as of Feb. 2013), the Co-ChairsEU-U.S. High Level Working Group on Jobs and Growth states on p.3, that "In order to set the most constructive stage for U.S.-EU discussions during the hoped-for negotiations, we believe that the HLWG should immediately establish a consultation process under which the U.S. and EU: (1) would be required to notify each other of pending and new major proposed regulatory initiatives; and (2) would be able to discuss these initiatives in the context of the ongoing negotiations" and "Finally, it is important to recognize that some regulatory barriers and distortions may be so complicated or so deeply embedded in our respective legal, policy and political structures that greater transatlantic regulatory compatibility may not be immediately achievable. Instead of simply setting these issues aside, the negotiations should be used to find new ways to reinforce existing mechanisms like the Transatlantic Economic Council- TEC and the High Level EU-US Regulatory Cooperation Forum – HLRCF". Areas where EU and US differ includes: hormones in meat, GMOs; energy consumption of cars, nanotechnology and privacy issues. The European Commission General Directorate for Trade has compiled a fact sheet "theRegulatory part" from September 2013 and an initial position paper on "Sanitary and Phytosanitary" (SPS) issues.

Overviews

Public Health and Food Safety Policies and Regulation in the United States / Policy Department Economic and Scientific Policy, June 2013
This briefing note is made of two parts. The first on "Public Health Policy and Regulation in the United States", the second on "Food Safety Policy and Regulation in the United States".

Legal Implications of TTIP for the Acquis Communautaire in ENVI Relevant Sectors / Ecologic institute & Lorenzo Vicario, Policy Department A: Economic and Scientific Policy, October 2013
This study discusses the potential impact of the Transatlantic Trade and Investment Partnership agreement on the EU acquis in the areas of the environment and food safety. It recommends, in particular, that the European Parliament pay very close attention to the precise wording of provisions regarding the environment, food safety, and

investment set out in the final text to ensure that both parties are able to maintain the environmental and consumer protection standards they deem appropriate, as provided for in the European Commission's negotiating mandate
DG Enterprise: EU-USA – Regulatory Cooperation

Transatlantic Regulatory Cooperation: A Possible Role for Congress / Raymond J. Ahearn, Specialist in International Trade and Finance. Vincent Morelli, Section Research Manager, Congressional Research Service, December 1, 2009
Since it began nearly two decades ago, transatlantic regulatory cooperation has been mostly limited to the executive branches and regulatory bodies on both sides of the Atlantic. However, the idea of legislators assuming a more proactive role in transatlantic economic and regulatory cooperation is not a new issue

Analysis

US Perspectives on the EU Medical Device Approval System, and Lessons Learned from the United States / European Journal of Risk Regulation 4/2013: pp. 443-464
The literature on the regulation of drugs at the FDA and the European Union is substantial, yet little research has provided comparative analyses and robust empirical data on the regulation of medical devices in the United States and the European Union. As medical and health markets become increasingly globalized, and the U.S. and the EU compete for leadership and recognition, salient domestic regulatory issues are becoming increasingly international and transnational policy issues. Building on Carpenter's (2010) work on drug regulation at the FDA, but taking a slightly narrower yet at the same time a broader approach by drawing on interdisciplinary studies instead of limiting ourselves to only the Political Science literature, this comparison focuses on key aspects of risk regulation and governance of medical devices in the U.S. and the EU, and shows how and why individual and organizational learning is imperative in each case.

The Transatlantic Free Trade Agreement : What's at Stake for Communities and the Environment / The Sierra Club, Juni 2013
U.S. – EU Regulatory Differences – Environment and Climate Change – Food Safety and Agriculture – Chemical Safety – Increasing Natural Gas Exports and Fracking

Trade, the Precautionary Principle, and Post-Modern Regulatory Process: Regulatory Convergence in the Transatlantic Trade and Investment Partnership / Lucas Bergkamp, Lawrence A. Kogan, European Journal of Risk Regulation 4/2013, pp. 493-507

Europe's precautionary principle ("PP") has been identified as a potential obstacle to a successful TTIP outcome. In our view, the TTIP presents a significant opportunity for creating a process for regulatory cooperation, harmonization, and convergence. In this article, we focus on the PP and

related differences in regulatory procedures. Specifically, we discuss the PP's relation to post-modernism, and its influence on EU regulatory procedure and science, highlighting the paradoxes inherent in the PP. To put these issues into perspective, we also review the 'reality of precaution.' In light of this analysis, we assess the effectiveness of the trading partners' attempts to reduce the regulatory divide, and explore what the EU and US can learn from each other. We then proceed to present some recommendations on how they should proceed in the TTIP negotiations

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