

TTIP – Beware What Lies Beneath: Is the EU-US Free Trade Agreement the End of the European Precautionary Principle?

Greens | European Free Alliance EFA European Parliament Wiertzstraat 1047 Brussels

TTIP and Dogmatic Strangle the Precautionary Principle

Since the summer of 2013 to negotiate the European Commission and the US a Transatlantic Trade and Investment Partnership, abbreviated TTIP (Transatlantic Trade and Investment Partnership). It is the largest bilateral trade negotiations ever between the two largest trading blocs in world. European Commissioner for Trade Karel De Gucht was to late October 2014, the (un) responsible negotiator for the EU and has since followed by the Swedish Cecilia Malmström. This is about sheer power and geopolitics of the first order. We go De Gucht still missing because he suggested are particularly dogmatic and arrogant in this debate, while the Malmström many diplomatic and subtle looks tackle. By, for example allocated giving way in terms of transparency - more openness about the offer Negotiations - she hopes to break the growing resistance.

Officially, the purpose of TTIP still a giant at the latest in 2016 Transatlantic Free Trade Area to create and maximize handelsbar- Rieres abolish. According to the European Commission and advocates The agreement means "the best economic stimulus package that you can imagine 'and it will bring great economic benefits for both the US and the EU 1 . Critics of the TTIP - many CSOs, associations and NGOs 2 , Trade unions 3 , Academics, small business and employers' organizations, citizens, and the green parties in Europe 4 - Very true- warn of weakening regulations, erosion of democratic decision in favor of multinational corporate interests, and esti- felachtige economic promises. Behind this agenda go ideological choices hiding.

(p. 4)

...Precaution or care?

The TTIP discussions are about much more than trade volumes and economic growth. The classic tariff barriers are in fact already very layer between the US and the EU 7 . The main negotiations are therefore on the reduction of the so-called non-tariff barriers and differences in regulation and controls. This like the EU and the US in the TTIP reduce by current regulations to align and future establish regulatory cooperation. If one wants to simultaneously global define standards for trade and investment (see also footnote 1). A future agreement would therefore logically have a major impact on European and American domestic markets, our way of regulation, and through the intended 'gold standards' in other future handelsak- cords and International Trade (competition with China!). European and American policy on food security, environment and climate, social rights, workers' rights, health, and gegevensbescher- tion is based on a fundamentally different logic. In America, one places the focus more on the final product and a risk assessment in Europe is the whole process is important and it is based on the precautionary principle, which also anchored in the Lisbon Treaty (Article 191 (2)). These are according to the Greens fundamentally different approaches, which cannot become simply harmonized. Formally, the EU took this principle already to in the Maastricht Treaty as European and international environmental policy to harmonize more. Meanwhile, after many European jurisprudence, the precautionary principle applied not only in strict environmental legislation but for everything that has to do with the health of humans, animals or plants, and safety.

(p. 6)

As Catherine Mackenzie wrote in the Cambridge Law Journal "that there is not an unambiguous definition of the precautionary principle, there being about is generally believed that "if there is a risk of injury that an lack of scientific certainty than no action should prevent those that damage can restrict or prevent ". Moreover, it was later it there cost saving aspect added via 'principle 15 of the UN Declaration Rio 1992: "If there is a threat of serious or irreversible

damage, lack of full scientific certainty should not be used as a reason to take cost-effective measures that degradation of the environment may occur.'

Mackenzie cites finally even the definition that most EU quoted, namely those from the 90s, when Europe was shaken by the BSE scandal or mad cow disease, "Where there is uncertainty about the existing risks or their scope to human health of, the institutions may take protective measures without thereby to wait until the reality and seriousness of those risks fully become visible "(A ruling in a lawsuit of UK versus the European Commission: Case C-180/96, *United Kingdom vs. Commission* [1998] ECR I-2265, para graph 99).

Finally in 2000 the European Commission published a (non-binding) communication that the precautionary principle even further entrenched. It may applied "in those specific situations where scientific evidence inadequate, not final or uncertain and where there are indications through preliminary objective scientific evaluation that there are reasonable grounds of concern that the potentially dangerous effects on the environment, human, animal and plant health is not adequately protected by the chosen level of protection. " (Commission Communication on the Precautionary Principle COM (2000) 1, 10).

These were the times for Barroso and his followers took over, when the European Commission has not yet permeates was a neoliberal dogmas. **What the lately is very striking that are ongoing since the TTIP negotiations, increasingly organized attacks on the precautionary principle, 8 . Now That is no coincidence. As described in this brochure come that attacks sometimes from a particular industry because we find that there European legislation is too strict.** Sometimes the criticism from conservative or blue blue, liberal political corner, where one finds that the government much may need to step back to the free market and globalization are blessing work to get things done. Who thought that they have now learned their lesson after the huge market failure that we could all suddenly very clearly in the outbreak of the financial crisis in 2008, will be disappointed.

(pp. 7-8)

...Parliament itself is also not meaningfully involved in the negotiation and will ultimately only 'yes' or 'no' vote may one. In the spring of 2014, the European chief negotiator tried Members of the Parliamentary Commission for the Environment, Health and Food appease by promising us that we "really knowledgeable ' would be. This multinational while on either side of the Atlantic Ocean that the driving factor for these negotiations' variety Consumer and environmental rules as defined 'barriers'. Especially in Europe - however not very strictly applied - precautionary principle is live ammunition.

(p. 10)

...European and American policy on food security, environment and climate, social rights, workers' rights, health, and gegevensbescher-ming is as said based on a very different logic. For us the precautionary principle is central. Lobbyists from the US Embassy in Brussels advocate in the European institutions active against that precautionary principle. During meetings with NGOs and others suggest Americans outright that their policy is based on hard science and the precautionary principle "Floaty thing" is. That's not it: going to apply this precautionary principle about the balancing of private (corporate) interests and (long-term) public interests.

(p. 11)

...Agricultural policy in Europe is fundamentally different from that in America. Beginning in July 2013 wrote dozens of social, consumer, civil rights and environmental organizations from US and EU an open letter to Obama, Barroso and Van Rompuy in which they expressed their concern about the real goals of this deregulatory treaty that the US Transatlantic Business Council (and the European Rountable of Industrialists, ERT) has been pursuing for years. Through 'harmonization' of standards for products, which will clean up any barriers. The organizations that rightly acquired legal, social and ecological cal protection will be undermined. And with confidence of citizens.

(p. 12)

...If Brussels and Washington in 2016 to find an agreement on the TTIP - just before election as President Obama

wants - then the European Parliament will be asked to approve it in its entirety. Adjust the agreement so will not be able to, it is a simple 'yes' or 'no'. It's just that you know. Better safe than sorry.

Bart Staes MEP (Green)
(p. 14)

Chemical Warfare to the Precautionary Principle - Or How TTIP is Hijacked by an Industrial Lobby to Break European Environmental and Health Standards

The last twelve months was greater numbers of live ammunition on the European precautionary principle. Some law firms (Bergkamp & Kogan, 2013) consider it as an obstacle to the Transatlantic Partnership for Trade and Investment (TTIP). Also the British preservative vative MEP Julie Girling (2014) finds that "the increasing embracing the "precautionary regulation 'by the EU [...] sometimes the greatest obstacle "could be the signing of an agreement.
(p. 15)

...Because of the particular importance of a science-based decision ming in the USA, however, the country is still today in the previous century, in the field of chemical control. It also consistently opposed against the REACH - and EU restrictions on chemicals - and is considered outsider in the international chemical policy. For example, the USA unable to the lowest common denominator of the chemical conventions UN, such as the Stockholm and Rotterdam Conventions, to ratify because of the deficiencies in US legislation on chemicals and are unwilling to change that. That is not a good starting point for cooperation in regulating surface.
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...Axel Singhofen
Health and environmental consultant, Greens / EFA group in the European parliament
(p. 20)

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(p. 21)