

Press release

Transatlantic Free Trade: Greenpeace Netherlands releases TTIP documents

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Amsterdam, 2 May 2016 - www.ttip-leaks.org Today Greenpeace Netherlands releases secret documents of the EU-US TTIP negotiations. On www.ttip-leaks.org the documents will be made available for everyone to read, because democracy needs transparency.

"These documents make clear the scale and scope of the trade citizens of the United States and the European Union are being asked to make in pursuit of corporate profits. It is time for the negotiations to stop, and the debate to begin."

Should we be able to act when we have reasonable grounds to believe our health and wellbeing is at risk, or must we wait until the damage is done?

Were our governments serious in Paris when they said they would do what was necessary to protect the planet, and keep climate change under 1.5 degrees?

Environmental protection should not be seen as a barrier to trade, but as a safeguard for our health, and the health of future generations.

We call on citizens, civil society, politicians and businesses to engage in this debate openly and without fear. We call on the negotiators to release the latest, complete text to facilitate that discussion, and we ask that the negotiations be stopped until these questions, and many more have been answered. Until we can fully engage in a debate about the standards we and our planet need and want" - Sylvia Borren, Executive Director Greenpeace Netherlands.

Which documents are we releasing?

The documents that Greenpeace Netherlands has released comprise about half of the draft text as of April 2016, prior to the start of the 13th round of TTIP negotiations between the EU and the US (New York, 25-29 April 2016). As far as we know the final document will consist of 25 to 30 chapters and many extensive annexes. The EU Commission published an overview stating that they have now 17 consolidated texts. This means the documents released by Greenpeace Netherlands encompass 3/4 of the existing consolidated texts.[1]

Consolidated texts are those where the EU and US positions on issues are shown side by side. This step in the negotiation process allows us to see the areas where the EU and US are close to agreement, and where compromises and concessions would still need to be made. Of the documents released by Greenpeace Netherlands, in total 248 pages, 13 chapters offer for the first time the position of the US.

How have the documents been handled?

The documents we received had clearly been treated to make it possible to identify individual copies. Prior to release they have been retyped and identifying features removed. We have not altered content of the documents and have preserved the layout. For this reason we are not offering access to the original documents.

How do you know the documents are genuine?

After receiving the documents both Greenpeace Netherlands and Rechercheverbund NDR, WDR und Süddeutsche Zeitung, a renowned German investigative research partnership have analysed them and compared them to existing documents. The Rechercheverbund, which consists of different German media outlets, has covered, amongst other big stories, the Snowden leaks and the recent Volkswagen emissions scandals.

What are the first conclusions from the documents?

From an environmental and consumer protection point of view four aspects are of serious concern.

Long standing environmental protections appear to be dropped

None of the chapters we have seen reference the General Exceptions rule. This nearly 70-year-old rule enshrined in the GATT agreement of the World Trade Organization (WTO), allows nations to regulate trade "to protect human, animal and plant life or health" or for "the conservation of exhaustible natural resources" [2]. The omission of this regulation suggests both sides are creating a regime that places profit ahead of human, animal and plant life and health.

Climate protection will be harder under TTIP

The Paris Climate Agreement makes one point clear: We must keep temperature increase under 1.5 degrees to avoid a climate crisis with effects on billions of people worldwide. Trade should not be excluded from climate action. But nothing indicating climate protection can be found in the obtained texts. Even worse, the scope for mitigation measures is limited by provisions of the chapters on Regulatory Cooperation or Market Access for Industrial Goods. [3] As an example these proposals would rule out regulating the import of CO₂ intensive fuels such as oil from Tar Sands.

The end of the precautionary principle

The precautionary principle, enshrined in the EU Treaty[4], is not mentioned in the chapter on Regulatory Cooperation, nor in any other of the obtained 12 chapters. On the other hand the US demand for a 'risk based' approach that aims to manage hazardous substances rather than avoid them, finds its way into various chapters. This approach undermines the ability of regulators to take preventive measures, for example regarding controversial substances like hormone disrupting chemicals.

Opening the door for corporate takeover

While the proposals threaten environmental and consumer protection, big business gets what it wants. Opportunities to participate in decision making are granted to corporations to intervene at the earliest stages of the decision making process.

While civil society has had little access to the negotiations, there are many instances where the papers show that industry has been granted a privileged voice in important decisions. [5] The leaked documents indicate that the EU has not been open about the high degree of industry influence. The EU's recent public report [6] has only one minor mention of industry input, whereas the leaked

documents repeatedly talk about the need for further consultations with industry and explicitly mention how industry input has been collected.

END

Notes

[1] The documents we are releasing are

[chapter 1.1.] National Treatment and Market Access for Goods

This chapter addresses trade in goods between EU and US.

[chapter 1.2.] Agriculture

This chapter deals with trade in agricultural products and illustrates EU-US disagreements on matters such as genetically modified organisms.

[chapter 1.3.] Cross-Border Trade in Services

This chapter addresses trade in the service industry sector.

[chapter 1.4] Electronic Communications

This chapter addresses Internet and telecommunications issues.

[chapter 1.5.] Government Procurement

This chapter deals with purchases by government entities within the EU and US.

[chapter 1.6.] Annex Government Procurement

The annex of the previous chapter, with additional information about a US-proposed chapter on anti-corruption.

[chapter 1.7.] Customs and Trade and Facilitation

This chapter addresses differences among various customs regulations.

[chapter 1.8.] EU - US revised tariff offers

These are the respective positions regarding tariffs.

[chapter 2.1.] Regulatory Cooperation

In this controversial chapter EU and US aim for joint regulations on products and services, for example for food and cosmetics safety.

[chapter 2.2.] Technical Barriers to Trade

This chapter addresses differences between EU-US regulations and the ways in which they affect trade.

[chapter 2.3.] Sanitary and Phytosanitary Measures

This chapter deals with the protection of plant and animal health.

[chapter 3.1.] Competition

This chapter deals with competition between parties.

[chapter 3.2.] Small and Medium-sized Enterprise

This chapter addresses enterprises smaller than multi-national corporations.

[chapter 3.3.] State-owned Enterprise

This chapter addresses nationalised enterprises.

[chapter 4.] Dispute Settlement

This chapter deals with resolving disagreements between the EU and the US.

[chapter 5.] Tactical State of Play

Not intended for public viewing, this document describes EU-US disagreements and shows how much private industry influences the TTIP negotiations.

[2] Most of the WTO's agreements were the outcome of the 1986-94 Uruguay Round of trade negotiations. Some, including GATT 1994, were revisions of texts that previously existed.

[3] Nothing in the relevant Articles 10 (Import and Export Restrictions) and 12 (Import and Export Licensing) of the Chapter on National Treatment and Market Access for Goods shows that necessary trade related measures to protect the climate would be allowed as a trade restriction under GATT Article XX (see footnote 1).

[4] "The precautionary principle is detailed in Article 191 of the Treaty on the Functioning of the European Union (EU). It aims at ensuring a higher level of environmental protection through preventative decision-taking in the case of risk.

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A132042>

[5] e.g. "While the US showed an interest, it hastened to point out that it would need to consult with its industry regarding some of the products" – Chapter "Tactical State of Play", paragraph 1.1, Agriculture.

[6] 'The Twelfth Round of Negotiations for the Transatlantic Trade and Investment Partnership (TTIP)' http://trade.ec.europa.eu/doclib/docs/2016/march/tradoc_154391.pdf

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<http://www.greenpeace.org/international/en/press/releases/2016/Greenpeace-Netherlands-releases-TIP-documents/>