



EDRi, Privacy International and Access welcome the amendments to the [LIBE draft opinion](#) on TTIP.

In line with our organisations' policies on TTIP, we would like to make some comments on selected proposed amendments below.

The left column repeats the LIBE draft opinion proposal; the right column contains the amendments proposed by the shadow rapporteurs and the members of the LIBE Committee.

EDRi, Privacy International and Access' joint comments can be found below. For ease of reading, the headings are highlighted and marked with arrows:

- green (++) for amendments which we welcome;
- yellow (+) for amendments which pursue good aims, but could benefit from further suggested improvements;
- red (-) for amendments which in our view should be reconsidered.

A short justification is given, when relevant.

### Amendment 1 Axel Voss

Recital A	
+	
<i>Draft opinion</i>	<i>Amendment</i>
A. in der Erwägung, dass die Union an die Charta der Grundrechte der Europäischen Union, darunter Artikel 8 über das Recht auf Schutz personenbezogener Daten, und an Artikel 16 des Vertrags über die Arbeitsweise der Europäischen Union (AEUV) über dasselbe Grundrecht gebunden ist, was als tragende Säule des EU-Primärrechts gilt, dem in allen internationalen Abkommen <b>uneingeschränkt</b> Rechnung zu tragen ist;	A. in der Erwägung, dass die Union an die Charta der Grundrechte der Europäischen Union, darunter Artikel 8 über das Recht auf Schutz personenbezogener Daten, und an Artikel 16 des Vertrags über die Arbeitsweise der Europäischen Union (AEUV) über dasselbe Grundrecht gebunden ist, was als tragende Säule des EU-Primärrechts gilt, dem in allen internationalen Abkommen Rechnung zu tragen ist;
Comments: The full compliance of the TTIP with the EU Treaties and Charter of Fundamental rights must be ensured. Compliance with the primary law of the EU cannot be perceived or	

portrayed as optional

## **Amendment 2 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

<b>Recital A a (new)</b>	
+	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>A a. whereas the European Union is bound by Article 2 of the Treaty on European Union, inter alia, to the values of democracy and the rule of law;</i></b>
Comments: We welcome this addition to the text. Although some principles should not be portrayed as more fundamental than others, this should not be a major issue.	

## **Amendment 3 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

<b>Recital A b (new)</b>	
++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>A b. whereas both Article 1 and Article 10 (3) of the Treaty on European Union stipulate that "decisions shall be taken as openly and as closely as possible to the citizen";</i></b>
Comments: We welcome this addition to the text highlighting the need for greater transparency in the negotiating process.	

## **Amendment 4 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

<b>Recital A c (new)</b>	
++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>A c. whereas the European Ombudsman has opened, on 29 July 2014, an own-initiative inquiry concerning the European Commission's dealing with requests for information and access to documents in relation to the TTIP negotiations<sup>1 c</sup> ; whereas the case was closed on 6 January 2015;</i></b>
	<hr/> <b><i>1 c Case OI/10/2014/RA</i></b>
Comments: We welcome the reference to the European Ombudsman inquiry which has identified several areas where transparency could be improved in the TTIP negotiations.	

## Amendment 5 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

<b>Recital A d (new)</b> +	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>A d. whereas Members of the European Parliament depend on leaked documents when scrutinizing the negotiations for TTIP;</i></b>
Comments: While this amendment acknowledges the challenges faced by MEPs when working on TTIP due to the limited access to document, it could include that this also undermines the work of civil society and journalists.	

## Amendment 6 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

<b>Recital A e (new)</b> ++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>A e. whereas there is no evidence that encryption standards cause a more compelling interoperability problem than exists in relation to other ICT-standards, while their regulation makes both businesses and citizens more vulnerable to online attacks and surveillance.</i></b>
Comments: We welcome the recognition of the importance of encryption standard for greater network security. We therefore oppose any regulatory measure that would lead to a weakening of this practice.	

## Amendment 7 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

<b>Recital A f (new)</b> +	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>A f. whereas the Union is bound by Articles 20 and 21 of the Charter to the principles of equality before the law and freedom from discrimination;</i></b>
Comments: We welcome this addition. Although some principles should not be portrayed as more fundamental than others, this should not be a major issue.	

## Amendment 8 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

<b>Recital A g (new)</b> ++	
<i>Draft opinion</i>	<i>Amendment</i>

	<i>A g. whereas regulatory cooperation could prejudice legislative prerogatives of the European Parliament as well as of national parliaments and therefore have a chilling effect on the application of the values of the Union as laid out in Article 2 TEU;</i>
Comments: We share the concerns raised in this amendment.	

### **Amendment 9 Axel Voss, Artis Pabriks**

<b>Recital B</b>	
-	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>B. in der Erwägung, dass die laufenden Verhandlungen über internationale Handelsabkommen, einschließlich über die transatlantische Handels- und Investitionspartnerschaft (TTIP) und des Weiteren über das Abkommen über den Handel mit Dienstleistungen (TiSA), eindeutig den internationalen Datenverkehr und die internationale Datenverarbeitung betreffen, darunter die Verarbeitung und Übermittlung personenbezogener Daten;</i></b>	<b><i>entfällt</i></b>
Comments: Given the link between the TTIP and the TiSA negotiations and the recent US leaked proposal on TiSA which include measures that would undermine the EU right to privacy and data protection enshrined in the Charter as well as the current effort to reform the data protection framework, we suggest keeping this recital in the text.	

### **Amendment 10 Timothy Kirkhope on behalf of the ECR Group**

<b>Recital B</b>	
-	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in Services Agreement (TiSA), clearly touch upon international data flows and data processing, including the processing and transfer of personal data;</i></b>	<b><i>deleted</i></b>
Comments: Identical to amendment 9. Given the link between the TTIP and the TiSA negotiations and the recent US leaked proposal on TiSA which include measure that would undermine the EU right to privacy and data protection enshrined in the Charter as well as the current effort to reform the data protection framework, we suggest keeping this recital in the text.	

## Amendment 11 Lorenzo Fontana

Recital B	
++	
Draft opinion	Amendment
B. considerando che i negoziati in corso sugli accordi commerciali internazionali, compreso il partenariato transatlantico su commercio e investimenti (TTIP) e anche l'accordo sugli scambi di servizi (TiSA), riguardano chiaramente i flussi internazionali di dati e l'elaborazione <b>dei dati</b> , compreso il trattamento e il trasferimento dei dati personali;	B. considerando che i negoziati in corso sugli accordi commerciali internazionali, compreso il partenariato transatlantico su commercio e investimenti (TTIP) e anche l'accordo sugli scambi di servizi (TiSA), riguardano <b>anche</b> chiaramente i flussi internazionali di dati e l'elaborazione <b>degli stessi</b> , compreso il trattamento e il trasferimento dei dati personali <b>e che questi ultimi sono sempre più sensibili e importanti per la vita dei cittadini europei</b> ;
Comments: This addition builds on a positive statement from the rapporteur, to emphasise the importance of data protection for EU citizens.	

## Amendment 12 Mariya Gabriel

Recital B	
-	
Draft opinion	Amendment
B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in Services Agreement (TiSA), <b>clearly touch</b> upon international data flows <b>and</b> data processing, <b>including the processing and transfer of personal data</b> ;	B. whereas ongoing negotiations on international trade agreements, including the Transatlantic Trade and Investment Partnership (TTIP), and also the Trade in Services Agreement (TiSA), <b>touches</b> upon international data flows, <b>while excluding</b> data processing, <b>privacy and data protection entirely, which will be discussed in parallel track within the framework of the US-EU Safe Harbor and the Data Protection Umbrella Agreement</b> ;
Comments: This amendment is logically flawed. It is impossible to say that TTIP touches on data flows but exclude data processing. For data to flow, they logically must be processed. The original text is clearer and more precise.	

## Amendment 13 József Nagy

Recital B a (new)	
-	
Draft opinion	Amendment
	<b>B a. Whereas the USA has already concluded several other trade and investment partnership agreements with other global actors of the World, and whereas key involvement in formulating global standards should be top priority for the EU, where timely action would</b>

	<i>be most important,</i>
<p>Comments: The mere fact that the USA has or is in the process of concluding trade and investment partnership with other countries does not mean that the EU compromises its position and rushes into an agreement. The potential impact of this massive trade agreement needs to be carefully assessed to ensure that European standards, including binding human rights protections, will not be abandoned.</p>	

### **Amendment 14 Sophia in 't Veld, Angelika Mlinar**

<b>Recital B a (new)</b> ++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>B a. having regard to the fact that data protection legislation differs in the EU and the US, and that European citizens are concerned about the possibility that the TTIP agreement will undermine the fundamental right to privacy;</i></b>
<p>Comments: We welcome this amendment. A small improvement could be added to make a reference to the fact that data protection is legally protected as a fundamental right in the EU.</p>	

### **Amendment 15 Sophia in 't Veld, Angelika Mlinar**

<b>Recital B b (new)</b> ++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>B b. having regard to its resolution of 14 May 2013 on EU trade and investment negotiations with the United States of America, paragraph 13 in particular;</i></b>
<p>Comments: We fully support the addition of this amendment to the LIBE opinion reaffirming the European Parliament position regarding the protection of Human Rights and the exclusion of data protection in the negotiations.</p>	

### **Amendment 16 Sophia in 't Veld, Angelika Mlinar**

<b>Recital B c (new)</b> ++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>B c. having regard to the Council Directives for the negotiation on the Transatlantic Trade and Investment Partnership between the European Union and the United States of America;</i></b>
<p>Comments: We welcome this amendment.</p>	

## Amendment 17 Axel Voss

Recital C	
-	
<i>Draft opinion</i>	<i>Amendment</i>
C. in der Erwägung, dass <b>die US-amerikanischen Verhandlungsführer</b> in der siebten Verhandlungsrunde einen Entwurf eines Kapitels über elektronischen Handel für die TTIP vorgeschlagen haben; <b>in der Erwägung, dass dieser Entwurf den Mitgliedern des Europäischen Parlaments nicht zugänglich ist, auch nicht den Berichterstattern in den zuständigen Ausschüssen;</b>	C. in der Erwägung, dass <b>beide Verhandlungsseiten</b> in der siebten Verhandlungsrunde einen Entwurf eines Kapitels über elektronischen Handel für die TTIP vorgeschlagen haben;
<p>Comments: The suggested deletion is problematic as it is important to acknowledge the lack of access to documents for members of the Parliament, civil society and journalists.</p>	

## Amendment 18 Mariya Gabriel

Recital C	
+	
<i>Draft opinion</i>	<i>Amendment</i>
C. whereas the US negotiators have proposed a draft chapter on e-commerce for the TTIP in the 7th round of negotiations; whereas <b>this draft is not available to Members of the European Parliament, including rapporteurs in the competent committees;</b>	C. whereas the US negotiators have proposed a draft chapter on e-commerce for the TTIP in the 7th round of negotiations; whereas <b>the Parliament reserves the right to express its opinion after consulting the draft.</b>
<p>Comments: We welcome the proposed addition. However, we recommend keeping the reference to the fact that this text is not available to the members of the Parliament.</p>	

## Amendment 19 Axel Voss

Recital C a (new)	
++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b>C a. in der Erwägung, dass die Entschließung des Europäischen Parlaments vom 12. März 2014 zu dem Überwachungsprogramm der Nationalen Sicherheitsagentur der Vereinigten Staaten, den Überwachungsbehörden in mehreren Mitgliedstaaten und den entsprechenden Auswirkungen auf die Grundrechte der EU-Bürger und die transatlantische Zusammenarbeit im Bereich Justiz und Inneres verabschiedet</b>

	<i>wurde;</i>
Comments: We welcome the proposed amendment, which only changes the structure of the opinion as this text was proposed by the Rapporteur.	

### **Amendment 20 Mariya Gabriel**

<b>Recital C a (new)</b>	
++	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>C a. Whereas the Parliament adopted its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1 a</sup> ;</i></b></p> <p><sup>1 a</sup> <i>Texts adopted, P7_TA(2014)0230.</i></p>
Comments: We welcome the proposed amendment, which only changes the structure of the opinion as this text was proposed by the Rapporteur.	

### **Amendment 21 Christine Revault D'Allonnes Bonnefoy, Marju Lauristin, Sylvie Guillaume**

<b>Recital C a (new)</b>	
++	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>C a. whereas Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; whereas, in application to that article, EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination';</i></b></p>
Comments: We welcome this amendment, which insists on the need for privacy and data protection to be excluded from the negotiation talks.	

### **Amendment 22 Louis Michel**

<b>Recital C a (new)</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>C bis. considérant qu'au sein d'une zone de libre-échange, les citoyens issus d'une des parties contractantes doivent jouir</i></b></p>



	<i>d'une facilité d'accès à l'ensemble du territoire que recouvre cette zone.</i>
Comments: The provision proposed in this amendment falls outside of our scope.	

### **Amendment 23 Louis Michel**

<b>Recital C b (new)</b>	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>C ter. considérant que la lutte contre la corruption, le blanchiment d'argent et la fraude sont d'intérêts communs pour les parties contractant un traité de libre-échange; considérant que les Etats-Unis comme l'Union européenne et ses Etats membres sont parties à la Convention de l'OCDE relative à la lutte contre la corruption.</i>
Comments: This amendment falls outside of our scope.	

### **Amendment 24 Jan Philipp Albrecht**

<b>Paragraph -1 (new)</b> ++	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>-1. Addresses the following recommendations to the Commission:</i>
Comments: This amendment only modifies the structure of the opinion.	

### **Amendment 25 Axel Voss**

<b>Paragraph -1 (new)</b> -	
<i>Draft opinion</i>	<i>Amendment</i>
	<i>-1. ist der Ansicht, dass Datenschutzaspekte zwar im Rahmen der Verhandlungen über die transatlantische Handels - und Investitionspartnerschaft Berücksichtigung finden müssen, weist aber darauf hin, dass kein neues Recht für diesen Bereich gesetzt werden kann, weist ferner hin, dass sich das Freihandelsabkommen am jeweils bestehenden Rechtsrahmen für Datenschutz orientieren muss;</i>

Comments: This amendment is not logically coherent and, at the end, factually incorrect.

### Amendment 26 Timothy Kirkhope

Paragraph 1 -	
<i>Draft opinion</i>	<i>Amendment</i>
<b>1. Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries;</b>	<b>deleted</b>
Comments: Ensuring both parties' respect for fundamental rights and mutual recognition of rights through the inclusion of an accessible and enforceable human rights clause should be a condition <i>sine qua none</i> .	

### Amendment 27 Axel Voss, Artis Pabriks

Paragraph 1 -	
<i>Draft opinion</i>	<i>Amendment</i>
1. ist der Ansicht, dass im Rahmen des Abkommens die <b>uneingeschränkte</b> Achtung der EU-Grundrechtsnormen gewährleistet werden <b>sollte, indem eine Menschenrechtsklausel aufgenommen wird, die ein standardmäßiger Bestandteil von Handelsabkommen der EU mit Drittländern sein</b> sollte;	1. ist der Ansicht, dass im Rahmen des Abkommens die Achtung der EU-Grundrechtsnormen gewährleistet werden sollte;
Comments: Ensuring both parties' respect for fundamental rights and mutual recognition of rights through the inclusion of an accessible and enforceable human rights clause should be a condition <i>sine qua none</i> .	

### Amendment 28 Christine Revault D'Allonnes Bonnefoy, Marju Lauristin, Sylvie Guillaume

Paragraph 1 ++	
<i>Draft opinion</i>	<i>Amendment</i>
<b>1. Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements</b>	<b>1. Defends the inclusion of a strong human rights clause in the agreement, that shall be legally binding and suspensive in order to guarantee full respect for EU fundamental rights</b>

<i>with third countries;</i>	<i>standards ;</i>
Comments: We welcome this amendment strengthening the Rapporteur's proposal for a binding human rights clause.	

### Amendment 29 Jean Lambert, Ska Keller, Judith Sargentini

Paragraph 1 ++	
<i>Draft opinion</i>	<i>Amendment</i>
1. Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries;	1. Believes that the agreement should guarantee full respect for EU fundamental rights standards through the inclusion of a human rights clause as a standard part of EU trade agreements with third countries; <b><i>considers that the European Parliament would not be able to accept any TTIP which does not contain such a clause</i></b>
Comments: We welcome this amendment. It is regrettable that the enforceability of the clause was not addressed. However, a compromise between this and AM 28 seems possible.	

### Amendment 30 Marina Albiol Guzmán

Paragraph 1 – point 1 (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>(1) Asks the Commission to oppose TTIP and all other neoliberal free trade agreements, as they have, among other reasons, harmful economic and social consequences which will affect negatively the citizens' rights and civil liberties, as well as the democratic standards of the European Union.</i></b>
Comments: This amendment falls outside of the scope of the current resolution.	

### Amendment 31 József Nagy

Paragraph 1 a (new) ++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>1 a. Stresses that transparency and open dialogue between the partners, including citizens are of utmost importance during the negotiations and the implementation</i></b>

	<i>phase as well</i>
Comments: We welcome this amendment stressing the need for further transparency.	

### **Amendment 32 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

<b>Paragraph 1 a (new)</b>	
++	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>1 a. Calls on the Commission to propose that the human rights clause should include:</i></b></p> <ul style="list-style-type: none"> <li><b><i>– Confirmation of states obligations under the Universal Declaration of Human Rights and other relevant international human rights instruments including, but not limited to, the European Convention on Human Rights and the International Covenant on Civil and Political Rights;</i></b></li> <li><b><i>– Assurance that state parties will interpret the provisions in the agreement in accordance with international human rights law;</i></b></li> <li><b><i>– Assurance that none of the obligations arising from the agreement will have the effect of modifying the obligations to respect, protect, and fulfil fundamental rights in the EU;</i></b></li> <li><b><i>– An exception permitting parties to suspend their obligations arising from the agreement if there are grounds to believe that it will result in a breach of fundamental rights;</i></b></li> <li><b><i>– A mechanism putting forward periodic human rights impact assessments to be conducted jointly by a designated committee of the US Congress and the European Parliament;</i></b></li> <li><b><i>– A mechanism to bring complaints in front of national courts in order to initiate an investigation by the designated authority into human rights disputes arising under the agreement;</i></b></li> </ul> <p><b><i>– Procedures to ensure that citizens have equality before the law;</i></b></p>

	<p>– Assurance that the Parties to the agreement will not in any way whatsoever relatively privilege their own citizens, or otherwise discriminate against non-citizens, merely according to their citizenship status in any matter affected by this agreement, concerning public order, national security, crime or grounds of important public interest; such as internationally recognised labour standards, environment, public health or food safety standards;</p> <p>– An accessible mechanism to impose sanctions when fundamental rights and standards are abused and dialogue or mediation have been exhausted;</p>
<p>Comments: We welcome this amendment that further details the content of the Human Rights clause. Another addition could be made to ensure this clause is binding.</p>	

### Amendment 33 József Nagy

Paragraph 1 b (new)	
++	
Draft opinion	Amendment
	<p><b>1 b. Considers that consumer rights and human rights cannot become bargaining chips to be traded off, weakened or amended in exchange for other trade-related issues.</b></p>
<p>Comments: We welcome the sentiment of this amendment.</p>	

### Amendment 34 Axel Voss, Artis Pabriks

Paragraph 2	
-	
Draft opinion	Amendment
<p><b>2. verweist auf seine EntschlieÙung vom 12. März 2014 zu dem Überwachungsprogramm der Nationalen Sicherheitsagentur der Vereinigten Staaten, den Überwachungsbehörden in mehreren Mitgliedstaaten und den entsprechenden Auswirkungen auf die Grundrechte der EU-Bürger und die transatlantische Zusammenarbeit im Bereich Justiz und Inneres<sup>1</sup> ; weist darauf</b></p>	<p><b>entfällt</b></p>

<p><b>hin, dass die Zustimmung des Europäischen Parlaments zu dem endgültigen TTIP-Abkommen gefährdet sein könnte, solange die pauschale Massenüberwachung nicht völlig eingestellt und eine angemessene Lösung für Datenschutzrechte von EU-Bürgern gefunden wird, einschließlich behördlicher und gerichtlicher Rechtsbehelfe;</b></p>	
<p><sup>1</sup> <i>Angenommene Texte, P7_TA(2014)0230.</i></p>	
<p>Comments: While we acknowledge that the first part of this provision was moved into another part of the opinion, we do not support the deletion of the second part of this provision related the <i>possibility</i> for the Parliament to reject TTIP if mass surveillance programmes have not been abandoned. It seems counterintuitive that the Parliament would not ensure that it would have the option of using this strategy.</p>	

## Amendment 35 Mariya Gabriel

Paragraph 2	
-	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b>2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup>; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the 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;</b></p>	<p><b>deleted</b></p>
<p><sup>1</sup> <i>Texts adopted, P7_TA(2014)0230.</i></p>	
<p>Comments: While we acknowledge that the first part of this provision was moved into another part of the opinion, we do not support the deletion of the second part of this provision related to the possibility for the Parliament to reject TTIP if mass surveillance programmes have not been abandoned. It seems counterintuitive that the Parliament would not ensure that it would have the option of using this strategy.</p>	

## Amendment 36 Timothy Kirkhope

Paragraph 2	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b>2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>1</sup> ; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the 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;</b></p>	<p><b><i>deleted</i></b></p>
<p>_____</p> <p><sup>1</sup> <b>Texts adopted, P7_TA(2014)0230.</b></p>	
<p>Comments: It is unclear why anyone would suggest weakening the Parliament's negotiating position by removing this paragraph.</p>	

## Amendment 37 Harald Vilimsky, Georg Mayer

Paragraph 2 ++	
<i>Draft opinion</i>	<i>Amendment</i>
<p>2. verweist auf seine EntschlieÙung vom 12. März 2014 zu dem Überwachungsprogramm der Nationalen Sicherheitsagentur der Vereinigten Staaten, den Überwachungsbehörden in mehreren Mitgliedstaaten und den entsprechenden Auswirkungen auf die Grundrechte der EU-Bürger und die transatlantische Zusammenarbeit im Bereich Justiz und Inneres<sup>1</sup> ; weist darauf hin, dass die Zustimmung des Europäischen Parlaments zu dem endgültigen TTIP-Abkommen <b>gefährdet sein könnte</b>, solange die pauschale Massenüberwachung nicht völlig eingestellt und eine angemessene Lösung für Datenschutzrechte von EU-Bürgern gefunden wird, einschließlich behördlicher und gerichtlicher Rechtsbehelfe;</p>	<p>2. verweist auf seine EntschlieÙung vom 12. März 2014 zu dem Überwachungsprogramm der Nationalen Sicherheitsagentur der Vereinigten Staaten, den Überwachungsbehörden in mehreren Mitgliedstaaten und den entsprechenden Auswirkungen auf die Grundrechte der EU-Bürger und die transatlantische Zusammenarbeit im Bereich Justiz und Inneres<sup>1</sup>; weist darauf hin, dass die Zustimmung des Europäischen Parlaments zu dem endgültigen TTIP-Abkommen <b>ausgeschlossen ist</b>, solange die pauschale Massenüberwachung nicht völlig eingestellt und eine angemessene Lösung für Datenschutzrechte von EU-Bürgern gefunden wird, einschließlich behördlicher und gerichtlicher Rechtsbehelfe;</p>

<sup>1</sup> Angenommene Texte, P7_TA(2014)0230.	<sup>1</sup> Angenommene Texte, P7_TA(2014)0230.
Comments: While this amendment does not alter the meaning of this paragraph, the language proposed in the Amendment strengthen the Draft Opinion.	

### Amendment 38 Marju Lauristin, Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy

Paragraph 2 ++	
<i>Draft opinion</i>	<i>Amendment</i>
2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs <sup>1</sup> ; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities are not completely <b>abandoned</b> and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress;	2. Recalls its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs <sup>1</sup> ; recalls that the consent of the European Parliament to the final TTIP agreement could be endangered as long as the blanket mass surveillance activities are not completely <b>prohibited</b> and an adequate solution is found for the data privacy rights of EU citizens, including administrative and judicial redress;
<sup>1</sup> Texts adopted, P7_TA(2014)0230.	<sup>1</sup> Texts adopted, P7_TA(2014)0230.
Comments: We welcome this amendment strengthening the language of this paragraph. We would suggest including both “abandoned and prohibited” into this paragraph.	

### Amendment 39 Lorenzo Fontana

Paragraph 2 – point 1 (new) -	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>(1) è perciò doveroso che le Istituzioni Europee nei negoziati in corso chiariscano che la protezione dei dati non è un aspetto minoritario ma anzi, una priorità fondamentale per il rispetto dei cittadini dell'Unione;</i></b>
Comments: While we support the sentiment of this amendment, data protection is not only a “fundamental priority”, but a fundamental right for EU institutions to respect.	



## Amendment 40 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Paragraph 2 a (new) +	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b><i>2 a. Calls on the Commission to take immediate measures to ensure that in particular the recommendation for the development on a European strategy for IT independence and an EU cyber strategy, as included in the European Parliament resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs, are implemented;</i></b></p>
<p>Comments: We welcome this amendment aiming at proving greater network security. However, it might not be relevant for this Resolution.</p>	

## Amendment 41 Heinz K. Becker

Paragraph 2 a (new) ++	
<i>Draft Opinion</i>	<i>Amendment</i>
	<p><b><i>2 a. ist der Ansicht, dass beide Vertragsparteien Datenschutzfragen innerhalb ihrer jeweiligen Rechtssysteme und gemäß der dort vorgesehenen Zuständigkeiten regeln sollten und dass TTIP daher nicht die richtige Materie ist, um offene Datenschutzfragen zu regeln. Entsprechende Verhandlungen zu datenschutzrechtlichen Fragen etwa im Bereich des berechtigten Zugangs von Strafverfolgungsbehörden zu personenbezogenen Daten zum Zwecke der Bekämpfung von Terrorismus und schwerer Kriminalität sollten daher außerhalb dieses Freihandelsabkommens einer Regelung zugeführt werden;</i></b></p>
<p>Comment : As the amendment prescribes, the TTIP are not the adequate forum to discuss data protection issues. This does not, however, preclude the Parliament/EU from demanding badly needed major reforms of the US mass surveillance programmes.</p>	

## Amendment 42 Sophia in 't Veld, Angelika Mlinar

<b>Paragraph 2 a (new)</b> ++	
<i>Draft Opinion</i>	<i>Amendment</i> <b>2 a. ensure that the agreement guarantees full respect for EU fundamental rights standards;</b>
Comment : Human rights clauses have been included in trade and cooperation agreements since the 90s. A trade agreement cannot prejudice the rights and freedoms embedded in the EU Charter of Fundamental Rights. However, it is important for such guarantees to be implementable.	

## Amendment 43 Cornelia Ernst, Barbara Spinelli

<b>Paragraph 2 b (new)</b> ++	
<i>Draft Opinion</i>	<i>Amendment</i> <b>2 b. Believes that any expansion of coordination with the USA on matters of IT-security should be contingent on the end of mass surveillance programmes and targeted intrusion against EU citizens, institutions and Member states.</b>
Comment : The Snowden revelations confirm the need for the US to give assurance that mass surveillance programmes on EU citizens shall be abandoned and prohibited.	

## Amendment 44 Sophia in 't Veld, Angelika Mlinar

<b>Paragraph 2 b (new)</b> ++	
<i>Draft Opinion</i>	<i>Amendment</i> <b>2 b. ensure that the agreement takes account of the General Agreement on Trade in Services (GATS) provisions on the protection of personal data;</b>
Comment : Human rights cannot be considered as a trade barrier, indeed. This amendment is welcomed to remind the negotiators of the importance to respect existing obligations that both the EU and the US must fulfil.	

## Amendment 45 Sophia in 't Veld, Angelika Mlinar

<b>Paragraph 2 c (new)</b>	
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++	
<i>Draft Opinion</i>	<i>Amendment</i> <b>2 c. insist that the Agreement will not preclude the enforcement of exceptions on the supply of services justifiable under the relevant WTO rules (Articles XIV and XIVbis GATS);</b>
<p>Comment : Human rights cannot be considered as a trade barrier, indeed. This amendment is welcomed to remind the negotiators of the importance to respect existing obligations that both the EU and the US must respect.</p>	

### Amendment 46 Axel Voss

Paragraph 3	
-	
<i>Draft opinion</i>	<i>Amendment</i>
<p>3. weist darauf hin, dass in Artikel XIV des Allgemeinen Abkommens über den Handel mit Dienstleistungen (GATS) klar darauf Bezug genommen wird, dass die Privatsphäre und der Schutz personenbezogener Daten als Ausnahme zu werten sind, die nicht als Handelshemmnis angesehen werden dürfen; betont, dass die Datenschutzvorschriften der EU nicht als „willkürliche oder ungerechtfertigte Diskriminierung“ erachtet werden dürfen, wenn Artikel XIV des GATS zur Anwendung kommt; <b>betont, dass eine umfassende und eindeutige horizontale Klausel aufgenommen werden sollte, durch die die EU-Vorschriften zum Schutz personenbezogener Daten vollständig aus dem Abkommen ausgenommen werden, und zwar ohne jegliche Vorbedingung, dass die Klausel mit anderen Teilen der TTIP im Einklang stehen muss;</b></p>	<p>3. weist darauf hin, dass in Artikel XIV des Allgemeinen Abkommens über den Handel mit Dienstleistungen (GATS) klar darauf Bezug genommen wird, dass die Privatsphäre und der Schutz personenbezogener Daten als Ausnahme zu werten sind, die nicht als Handelshemmnis angesehen werden dürfen; betont, dass die Datenschutzvorschriften der EU nicht als „willkürliche oder ungerechtfertigte Diskriminierung“ erachtet werden dürfen, wenn Artikel XIV des GATS zur Anwendung kommt;</p>
<p>Comment: GATS Art XIV formulated long before the internet age and current data practices, although useful, is not sufficient in this case – as, if challenged in the WTO, a country would have to pass the necessity test and in addition prove it is not an arbitrary and unjustifiable discriminations; there is limited case law on this issue. Furthermore, an additional exception for privacy protections is already present in the CETA agreement (Art X-03). A specific exception such as the ones suggested in the draft would eliminate the need for complex legal challenges and ensure clarity. It is also known that the US text offer specifically asks for provisions that run contrary to third-country transfer adequacy rules in the current data protection Directive. <b>N.B.: this amendment would only be acceptable if AM 51 is adopted.</b></p>	

### Amendment 47 Lorenzo Fontana

Paragraph 3	
<i>Draft opinion</i>	<i>Amendment</i>
<p>3. ricorda che l'articolo XIV dell'Accordo generale sul commercio dei servizi (GATS) si riferisce chiaramente alla riservatezza e alla protezione dei dati come eccezione che non può essere considerata un ostacolo agli scambi; sottolinea che la legislazione dell'Unione in materia di protezione dei dati non può essere considerata una «discriminazione arbitraria o ingiustificabile» nell'ambito dell'applicazione dell'articolo XIV del GATS; sottolinea la necessità di inserire una clausola orizzontale completa e inequivocabile, che esoneri totalmente dall'accordo le norme dell'UE sulla protezione dei dati personali, senza alcuna condizione che ne preveda la coerenza con altre parti del TTIP;</p>	<p>3. ricorda che l'articolo XIV dell'Accordo generale sul commercio dei servizi (GATS) si riferisce chiaramente alla riservatezza e alla protezione dei dati come eccezione che non può essere considerata un ostacolo agli scambi; sottolinea che la legislazione dell'Unione in materia di protezione dei dati non può essere considerata una «discriminazione arbitraria o ingiustificabile» nell'ambito dell'applicazione dell'articolo XIV del GATS; sottolinea la necessità di inserire una clausola orizzontale completa e inequivocabile, che esoneri totalmente dall'accordo le norme dell'UE sulla protezione dei dati personali <b>indipendentemente dal livello della controparte</b>, senza alcuna condizione che ne preveda la coerenza con altre parti del TTIP;</p>

### Amendment 48 Timothy Kirkhope

Paragraph 3	
<i>Draft opinion</i>	<i>Amendment</i>
<p>3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination' in the application of Article XIV of the GATS; <b>stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;</b></p>	<p>3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination' in the application of Article XIV of the GATS;</p>
<p>Comment: see amendment 46. This amendment would only be acceptable if AM 51 is adopted.</p>	

### Amendment 49 Marju Lauristin, Christine Revault D'Allones Bonnefoy, Sylvie

## Guillaume

Paragraph 3	
<i>Draft opinion</i>	<i>Amendment</i>
3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination' in the application of Article XIV of the GATS; <b><i>stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;</i></b>	3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination' in the application of Article XIV of the GATS;
Comment: See amendment 46. This amendment would only be acceptable if AM 51 is adopted.	

## Amendment 50 Mariya Gabriel

Paragraph 3	
<i>Draft opinion</i>	<i>Amendment</i>
3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination' in the application of Article XIV of the GATS; <b><i>stresses that a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement should be incorporated, without any condition that it must be consistent with other parts of the TTIP;</i></b>	3. Recalls that Article XIV of the General Agreement on Trade and Services (GATS) clearly refers to privacy and data protection as an exception which cannot be considered a trade barrier; stresses that EU data protection legislation cannot be deemed an 'arbitrary or unjustifiable discrimination' in the application of Article XIV of the GATS;
Comment: see amendment 46. This amendment would only be acceptable if AM 51 is adopted.	

## Amendment 51 Marju Lauristin, Christine Revault D'Allones Bonnefoy, Sylvie Guillaume

<b>Paragraph 3 a (new)</b> ++	
<i>Draft opinion</i>	<i>Amendment</i>
	<b><i>3 a. Recommends that the Commission takes immediate action to incorporate in the agreement a comprehensive and unambiguous horizontal clause that fully exempts EU rules on the protection of personal data from the agreement, and without any condition that it must be legally binding and consistent with all chapters of the TTIP;</i></b>
<p>Comment: separating the two provisions makes sense, though additional reference here to GATS XIV is not necessary given para 3 above, and if such clause is introduced either in the general exceptions, or is repeated in the most relevant chapters for data transfers, such as e-commerce and financial services.</p>	

### **Amendment 52 Axel Voss**

<b>Paragraph 4</b> -	
<i>Draft opinion</i>	<i>Amendment</i>
<b><i>4. weist darauf hin, dass personenbezogene Daten lediglich dann in das Gebiet außerhalb der Union übertragen werden können, wenn die in den EU-Datenschutzvorschriften enthaltenen Bestimmungen für die Übertragung an Drittländer eingehalten werden; weist darauf hin, dass die Kommission nur dann über Bestimmungen verhandeln kann, die den Verkehr personenbezogener Daten berühren, sofern die uneingeschränkte Anwendung der EU-Datenschutzvorschriften gewährleistet wird; ist ernsthaft besorgt über den Textentwurf des TiSA, durch den sämtliche Vorschriften und Schutzbestimmungen der EU für die Übermittlung personenbezogener Daten an Drittländer vollkommen untergraben würden;</i></b>	<b><i>entfällt</i></b>
<p>Comment: given that it is reliably reported that the US text prohibits storage and processing of data within the EU, which runs contrary to EU data transfers to third countries adequacy rules, this clause is very necessary to remind negotiators that agreements must respect current EU laws.</p>	

### **Amendment 53 Lorenzo Fontana**

<b>Paragraph 4</b>
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<i>Draft opinion</i>	<i>Amendment</i>
4. ricorda che i dati personali possono essere trasferiti al di fuori dell'Unione solo se le disposizioni sui trasferimenti dei paesi terzi nelle leggi dell'UE sulla protezione dei dati vengono rispettate; ricorda che la Commissione può negoziare solo in merito a disposizioni che riguardino il flusso dei dati personali, a condizione che venga garantita la piena applicazione delle norme dell'UE sulla protezione dei dati; esprime preoccupazione per il progetto di testo TiSA, che comprometterebbe completamente tutte le disposizioni e le garanzie dell'UE in materia di trasferimento di dati personali verso paesi terzi;	4. ricorda che i dati personali possono essere trasferiti al di fuori dell'Unione solo se le disposizioni sui trasferimenti dei paesi terzi nelle leggi dell'UE sulla protezione dei dati vengono rispettate; ricorda che la Commissione può negoziare solo in merito a disposizioni che riguardino il flusso dei dati personali, a condizione che venga <b>garantita e rispettata</b> la piena applicazione delle norme dell'UE sulla protezione dei dati; esprime preoccupazione per il progetto di testo TiSA, che comprometterebbe completamente tutte le disposizioni e le garanzie dell'UE in materia di trasferimento di dati personali verso paesi terzi;

### Amendment 54 Artis Pabriks

Paragraph 4	
<i>Draft opinion</i>	<i>Amendment</i>
4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; <b>is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;</b>	4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed;
Comment: It is reliably reported by the European Commission that the US proposal on TiSA is similar to the one proposed on TTIP, which prohibits storage and processing of data within the EU. That would be contrary to EU data transfers to third countries adequacy rules. Therefore, the second sentence of this paragraph must not be deleted with the view to reminding negotiators that agreements must respect current EU rules.	

### Amendment 55 Timothy Kirkhope

Paragraph 4	
<i>Draft opinion</i>	<i>Amendment</i>
4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the	4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the

flow of personal data provided that the full application of EU data protection rules is guaranteed; <b>is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;</b>	flow of personal data provided that the full application of EU data protection rules is guaranteed;
Comment: see amendment 54	

### Amendment 56 Jean Lambert, Ska Keller, Judith Sargentini

Paragraph 4	
Draft opinion	Amendment
4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; is seriously concerned about <b>the TiSA</b> draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries;	4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; is seriously concerned about <b>a US provided</b> draft text <b>on e-commerce in the frame of the TiSA negotiations</b> , which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries; <b>calls on the Commission to make it clear to the US side that the draft chapter on e-commerce proposed by US negotiators in the 7th TTIP negotiation round will not be accepted as a base for negotiations, should it contain similar conditions to the US draft chapter on e-commerce in the TiSA negotiations;</b>
Comment: the EU TiSA text is also not much good and can undermine EU laws. See also comment for amendment 54	

### Amendment 57 Marju Lauristin, Christine Revault D'Allones Bonnefoy, Sylvie Guillaume

Paragraph 4	
Draft opinion	Amendment
4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions <b>which touch</b> upon the flow of personal data provided that <b>the full application of</b> EU data protection rules is	4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions <b>touching</b> upon the flow of personal data provided that <b>they neither undermine nor contradict</b> EU data protection



<i>guaranteed</i> ; is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards <b>for the transfer of personal data to third countries</b> ;	rules <b>and safeguards for the transfer of personal data to third countries</b> ; is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards <b>in this regard</b> ;
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### Amendment 58 Mariya Gabriel

Paragraph 4 -	
Draft opinion	Amendment
4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed; <b>is seriously concerned about the TiSA draft text, which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries</b> ;	4. Recalls that personal data can be transferred outside the Union only if the provisions on third-country transfers in EU data protection laws are respected; recalls that the Commission can only negotiate on provisions which touch upon the flow of personal data provided that the full application of EU data protection rules is guaranteed;
Comment: see amendment 54	

### Amendment 59 Jean Lambert, Ska Keller, Judith Sargentini

Paragraph 4 ++	
Draft opinion	Amendment
	<b>4 a. asks the Commission to ensure that negotiations on a chapter on e-commerce and on a chapter on telecommunications in TTIP be put on hold until the ongoing negotiations on Safe Harbor and the Data Protection Umbrella Agreement are successfully concluded</b> ;
Comment: good idea!	

### Amendment 60 Sophie in 't Veld, Angelika Mlinar

Paragraph 4 a (new) ++	
Draft opinion	Amendment
	<b>4 a. oppose the US TiSA Agreement proposal, a text which would completely undermine all EU rules and safeguards for the transfer of personal data to third countries</b> ;

## Amendment 61 Jean Lambert, Ska Keller, Judith Sargentini

Paragraph 4 b (new)	
Draft opinion	Amendment
	<p><b>4 b.</b> asks the Commission to ensure that negotiations on a chapter on financial service regulation, and specifically the freedom of processing personal data in connection with financial transactions, be put on hold until the ongoing negotiations on Safe Harbour and the Data Protection Umbrella Agreement are successfully concluded;</p>
<p>Comment: we understand that the US does not want financial services included, as this is one case where the protections are stronger in the US; there's also sectoral data protection legislation for financial services in the US.</p>	

## Amendment 62 Axel Voss

Paragraph 5 -	
Draft Opinion	Amendment
<p>5. weist darauf hin, dass nach Maßgabe der EU-Vorschriften über die Übermittlung personenbezogener Daten die Verarbeitung solcher Daten in Drittländern untersagt sein kann, sofern diese nicht den Angemessenheitsstandards der EU entsprechen; <b>besteht darauf, dass in sämtlichen Bestimmungen in dem Abkommen, die die Lokalisierung von Anlagen und Einrichtungen für die Datenverarbeitung berühren, die EU-Vorschriften für die Übermittlung personenbezogener Daten nicht untergraben werden dürfen;</b></p>	<p>5. weist darauf hin, dass nach Maßgabe der EU-Vorschriften über die Übermittlung personenbezogener Daten die Verarbeitung solcher Daten in Drittländern untersagt sein kann, sofern diese nicht den Angemessenheitsstandards der EU entsprechen;</p>
<p>Comment : It is reliably reported by the European Commission that the US proposal on TiSA is similar to the one proposed on TTIP, which prohibits storage and processing of data within the EU. That would be contrary to EU data transfers to third countries adequacy rules. Therefore, the second sentence of this paragraph must not be deleted with the view to remind negotiators that agreements must respect current EU rules.</p>	

## Amendment 63 Harald Vilimsky, Georg Mayer

Paragraph 5 +	
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<p><i>Draft Opinion</i></p> <p>5. weist darauf hin, dass nach Maßgabe der EU-Vorschriften über die Übermittlung personenbezogener Daten die Verarbeitung solcher Daten in Drittländern untersagt sein kann, sofern diese nicht den Angemessenheitsstandards der EU entsprechen; besteht darauf, dass in sämtlichen Bestimmungen in dem Abkommen, die die Lokalisierung von Anlagen und Einrichtungen für die Datenverarbeitung berühren, die EU-Vorschriften für die Übermittlung personenbezogener Daten nicht untergraben werden dürfen;</p>	<p><i>Amendment</i></p> <p>5. weist darauf hin, dass nach Maßgabe der EU-Vorschriften über die Übermittlung personenbezogener Daten die Verarbeitung solcher Daten in Drittländern untersagt sein kann, sofern diese nicht den Angemessenheitsstandards der EU entsprechen; besteht darauf, dass in sämtlichen Bestimmungen in dem Abkommen, die die Lokalisierung von Anlagen und Einrichtungen für die Datenverarbeitung berühren, die EU-Vorschriften für die Übermittlung personenbezogener Daten nicht untergraben werden dürfen; <b>fordert für den Fall der Nicht-Einhaltung der Bestimmungen effiziente Sanktionsmaßnahmen vorzusehen, um den Schutz personenbezogener Daten nachhaltig gewährleisten zu können;</b></p>
<p>Comment : Although the intention of this amendment appears positive, trade agreements are not the place to discuss data protection. Not alone data protection was excluded from the mandate given to the Commission by the Council, but the US and the EU are discussing data protection standards in other fora as well. In case this is ignored by the Commission, effective sanctions on EU data protection breaches would be a means to ensure EU law is respected.</p>	

## Amendment 64 Mariya Gabriel

Paragraph 5	
<p><i>Draft Opinion</i></p> <p>5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard; <b>insists that any provisions in the agreement which touch upon the localisation of data processing equipment and establishments must not undermine these EU rules on data transfers;</b></p>	<p><i>Amendment</i></p> <p>5. Recalls that EU rules on the transfer of personal data may prohibit the processing of such data in third countries if they do not meet the EU adequacy standard;</p>
<p>Comment : It is reliably reported by the European Commission that the US proposal on TiSA is similar to the one proposed on TTIP, which prohibits storage and processing of data within the EU. That would be contrary to EU data transfers to third countries adequacy rules. Therefore, the second sentence of this paragraph must not be deleted with the view to remind negotiators that agreements must respect current EU rules.</p>	

## Amendment 65 Timothy Kirkhope, on behalf of the ECR Group

Paragraph 5 a (new)	
<p><i>Draft Opinion</i></p>	<p><i>Amendment</i></p>

	<p><b>5 a. Asks the Commission to consider working with the U.S. to establish the highest standards of data protection and respect of fundamental rights whilst ensuring the ability of businesses and consumers to transfer data within the existing legal framework; stresses that the EU should cooperate with the United States in order to encourage Third Countries to adopt similar high data protection standards in the area of trade around the world;</b></p>
<p>Comment : Trade agreements are not the place to discuss data protection. Not alone data protection was excluded from the mandate given to the Commission, but the US and the EU are discussing data protection standards in other fora.</p>	

### **Amendment 66 Axel Voss, Artis Pabriks**

<b>Paragraph 6</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b>6. weist darauf hin, dass Beschlüsse bei Rechtsstreitigkeiten über Grundrechte nur von zuständigen Gerichten der ordentlichen Gerichtsbarkeit gefasst werden dürfen; ist besorgt darüber, dass durch die Vorschriften über die Beilegung von Investor-Staat-Streitigkeiten der Zugang zur Justiz behindert und die Demokratie untergraben werden kann;</b></p>	<p><b>entfällt</b></p>
<p>Comment: Removes important paragraph.</p>	

### **Amendment 67 Timothy Kirkhope**

<b>Paragraph 6</b>	
<i>Draft opinion</i>	<i>Amendment</i>
<p><b>6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;</b></p>	<p><b>deleted</b></p>
<p>Comment: Removes important paragraph</p>	

### **Amendment 68 Marine Le Pen, Edouard Ferrand**

Paragraph 6 ++	
<i>Draft opinion</i>	<i>Amendment</i>
6. rappelle que les décisions concernant les conflits juridiques relatifs aux droits fondamentaux ne peuvent être prises que par les tribunaux ordinaires compétents; <b><i>est vivement préoccupé par</i></b> le fait que les dispositions du règlement des différends entre investisseurs et États (RDIE) puissent empêcher l'accès à la justice et nuire à la démocratie;	6. rappelle que les décisions concernant les conflits juridiques relatifs aux droits fondamentaux ne peuvent être prises que par les tribunaux ordinaires compétents; <b><i>juge inacceptable</i></b> le fait que les dispositions du règlement des différends entre investisseurs et États (RDIE) puissent empêcher l'accès à la justice et nuire à la démocratie;
Comment: Stronger language.	

### Amendment 69 Mariya Gabriel

Paragraph 6 -	
<i>Draft opinion</i>	<i>Amendment</i>
6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; <b><i>is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;</i></b>	6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts;
Comment: takes out an important part of the paragraph.	

### Amendment 70 Jean Lambert, Ska Keller, Judith Sargentini

Paragraph 6 ++	
<i>Draft opinion</i>	<i>Amendment</i>
6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy;	6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; is concerned that provisions on investor-state dispute settlement (ISDS) may prevent access to justice and undermine democracy; <b><i>is of the firm opinion that a possible TTIP agreement should not contain any ISDS mechanism, as the given level of investment protection in the EU and in the US is fully sufficient to guarantee legal security;</i></b>
Comment: adds justification.	

## Amendment 71 Sophia in 't Veld, Angelika Mlinar

Paragraph 6	
<i>Draft opinion</i>	<i>Amendment</i>
<p>6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; <b>is concerned that</b> provisions on investor-state dispute settlement (ISDS) <b>may</b> prevent access to justice and undermine democracy;</p>	<p>6. Recalls that decisions on legal conflicts about fundamental rights may only be made by competent ordinary courts; <b>recalls that possible</b> provisions on investor-state dispute settlement (ISDS) <b>may not</b> prevent access to justice and undermine democracy;</p>
<p>Comment: Former and ongoing cases involving ISDS demonstrate ISDS creates a chilling effect on decision-making. The currently proposed regulatory cooperation chapter in the TTIP would imply that the EU would need to consult the US administration before changing its legislation. That would have a chilling effect on EU and Member States' right to regulate. Therefore, this amendment should not be accepted.</p>	

## Amendment 72 Ana Gomes

Paragraph 6 a (new)	
<i>Draft opinion</i>	<i>Amendment</i>
	<p><b>6 a. (new) Recalls that most EU member states and the United States have ratified the OECD Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions; recalls that several EU MS and the US have ratified the UN Convention against Corruption; recalls that several EU MS and the US are members of the Financial Action Task Force on money laundering; defends that enhanced cooperation between both the EU MS and the US should be established in the framework of TTIP in order to fight against financial crime, such as corruption, tax fraud, tax evasion and money laundering, including mechanisms for more efficient international cooperation, mutual legal assistance, asset recovery, technical assistance, exchange of information and implementation of international recommendations and standards.</b></p>

## Amendment 73 Mariya Gabriel

Paragraph 6 a (new)

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<i>Draft opinion</i>	<i>Amendment</i>
	<p><b>6 a. Considers the investor state dispute settlement (ISDS) an important tool for protecting investors; calls on the Commission and the Council to improve the mechanism to avoid potential abuse of ISDS proceedings and to ensure equal access to all investors, fair and transparent procedures and independent and impartial arbitration;</b></p>
<p>Comment: It is illogical to say that ISDS is an important tool and acknowledging the lack of equal access, fairness and transparency.</p>	

### **Amendment 74 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

Paragraph 6 a (new) ++	
<i>Draft Opinion</i>	<i>Amendment</i>
	<p><b>6 a. Calls on the Commission to respect the responses to the public consultation carried out by the Commission itself, indicating an overwhelming opposition to ISDS; points to the extraordinary success of the European Citizens' Initiative "Stop TTIP" that gathered 2 million signatures, notwithstanding the rejection by the Commission of this ECI.</b></p>
<p>Comment : The public consultation on ISDS obtained the most responses a public consultation has ever received. 97% of the responses asked for the Commission to exclude ISDS from TTIP. The European Parliament shall encourage respect for democracy and public participation.</p>	

### **Amendment 75 Timothy Kirkhope, on behalf of the ECR Group**

Paragraph 6 a (new) -	
<i>Draft Opinion</i>	<i>Amendment</i>
	<p><b>6 a. Underlines the crucial importance of data flows to the EU economy, especially for the services sector, which continues to generate the majority of EU jobs in the EU economy; demands that nothing in TTIP should impede the ability of EU citizens and businesses to freely transfer data across the Atlantic whilst respecting existing legal frameworks and protections;</b></p>

<p>Comment : Data protection was clearly excluded from the negotiation directives entrusted by the Council to the Commission. Logically, therefore, nothing in TTIP would impede data transfer. Whereas data flows are important, data protection standards between the two Parties to the TTIP are being discussed in other fora. It would create lock-in of existing data transfer agreements if provisions on data protection are included in TTIP.</p>	

### Amendment 76 Cornelia Ernst, Barbara Spinelli

Paragraph 6 b (new) ++	
<i>Draft Opinion</i>	<i>Amendment</i> <b>6 b. Calls on the Commission to make sure that encryption standards, or the certification thereof, are not included in the TTIP agreement, since there is no economic benefit, but a serious potential economic and societal loss to it.</b>
<p>Comment : This amendment is needed to ensure the constant update and improvement of high standards for encryption – to the benefit of the fundamental rights to privacy and data protection.</p>	

### Amendment 77 Timothy Kirkhope, on behalf of the ECR Group

Paragraph 6 b (new) -	
<i>Draft Opinion</i>	<i>Amendment</i> <b>6 b. Welcomes the US administrations commitment to introduce legislation into Congress extending certain U.S. Constitutional rights to EU citizens regarding data protection; believes that TTIP can play a positive role in facilitating and encouraging the adoption of this legislation at the earliest occassion possible; requests that the Commission keep parliament constantly informed of any developments in this area;</b>
<p>Comment : The reason to reject this amendment is twofold. First, data protection is a fundamental right embedded in the EU Charter of Fundamental Rights. Respect for human rights are not a trade barrier. Second, trade negotiations are neither a forum to discuss data protection legislation nor a place to set forth new standards. The EU is currently negotiating a reform on Data Protection and discussing data protection issues in other fora, such as the Safe Harbour Agreement.</p>	

### Amendment 78 Cornelia Ernst, Barbara Spinelli



### Paragraph 6 c (new)

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*Draft Opinion*

*Amendment*

**6 c. Calls on the Commission to ensure that any provisions on ISDS or regulatory cooperation will not have a chilling effect on democracy in the Union or the Member States;**

Comment : Former and ongoing cases involving ISDS demonstrate ISDS creates a chilling effect on decision-making. The currently proposed regulatory cooperation chapter in the TTIP would imply that the EU would need to consult the US administration before changing its legislation. That would have a chilling effect on EU and Member States' right to regulate. Therefore, this amendment should not be accepted.

### Amendment 79 Cornelia Ernst, Barbara Spinelli

### Paragraph 6 d (new)

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*Draft Opinion*

*Amendment*

**6 d. Calls on the Commission to oppose any mechanism regarding ISDS that could impair the fundamental right of equality before the law;**

Comment : The public consultation conducted by the European Commission obtained the most responses a public consultation has ever received. 97% of the responses asked for the Commission to exclude ISDS from TTIP. The inclusion of ISDS would bypass European democracy and judicial systems.

### Amendment 80 Marine Le Pen, Edouard Ferrand

### Paragraph 7

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*Draft Opinion*

*Amendment*

7. **rappelle** le besoin de transparence tout au long du processus de négociations; rappelle à la Commission qu'elle doit constamment tenir le Parlement informé lors de toutes les phases des négociations; insiste sur le fait que les citoyens doivent avoir accès aux documents pertinents utilisés lors des négociations émanant de toutes les parties, à l'exception de ceux qui doivent être classés pour un motif spécifique et clairement justifié, conformément au règlement (CE)

7. **insiste sur** le besoin de transparence tout au long du processus de négociations; rappelle à la Commission qu'elle doit constamment tenir le Parlement informé lors de toutes les phases des négociations; insiste sur le fait que les citoyens doivent avoir accès aux documents pertinents utilisés lors des négociations émanant de toutes les parties, à l'exception de ceux qui doivent être classés pour un motif spécifique et clairement justifié, conformément au règlement (CE)

n° 1049/2001 du Parlement européen et du Conseil du 30 mai 2001 relatif à l'accès du public aux documents du Parlement européen, du Conseil et de la Commission [2] .	n° 1049/2001 du Parlement européen et du Conseil du 30 mai 2001 relatif à l'accès du public aux documents du Parlement européen, du Conseil et de la Commission [2] .
[2] JO L 145 du 31.5.2001, p. 43.	[2] JO L 145 du 31.5.2001, p. 43.
Comment : The amendment is welcomed as it reinforces the need for transparency in trade negotiations.	

## Amendment 81 Axel Voss

Paragraph 7 +	
<i>Draft Opinion</i>	<i>Amendment</i>
7. weist darauf hin, dass im Laufe des gesamten Prozesses Transparenz bei den Verhandlungen gegeben sein muss; weist die Kommission auf ihre Verpflichtung hin, das Parlament in allen Phasen der Verhandlungen uneingeschränkt und umgehend zu unterrichten; <b>besteht darauf, dass die Öffentlichkeit Zugang zu einschlägigen Verhandlungsdokumenten aller Parteien hat, mit Ausnahme derer, die im Einzelfall mit einer klaren Begründung gemäß der Verordnung (EG) Nr. 1049/2001 des Europäischen Parlaments und des Rates vom 30. Mai 2001 über den Zugang der Öffentlichkeit zu den Dokumenten des Europäischen Parlaments, des Rates und der Kommission<sup>2</sup> für geheim erklärt werden.</b>	7. weist darauf hin, dass im Laufe des gesamten Prozesses Transparenz bei den Verhandlungen gegeben sein muss; weist die Kommission auf ihre Verpflichtung hin, das Parlament in allen Phasen der Verhandlungen uneingeschränkt und umgehend zu unterrichten; <b>weist ferner darauf hin, dass das Abkommen die Rechtsvorschriften der EU oder der Mitgliedsstaaten über den Zugang der Öffentlichkeit zu amtlichen Dokumenten in keiener Weise beeinträchtigen sollte;</b>
Comment : Although the original wording is preferable, since it is stronger and goes in line with EU law, the amendment still calls for transparency.	

## Amendment 82 Harald Vilimsky, Georg Mayer

Paragraph 7 ++	
<i>Draft Opinion</i>	<i>Amendment</i>
7. weist darauf hin, dass im Laufe des gesamten Prozesses Transparenz bei den Verhandlungen gegeben sein muss; weist die Kommission auf ihre Verpflichtung hin, das Parlament in allen Phasen der Verhandlungen uneingeschränkt und umgehend zu unterrichten; besteht darauf, dass	7. weist <b>ausdrücklich</b> darauf hin, dass im Laufe des gesamten Prozesses Transparenz bei den Verhandlungen gegeben sein muss; weist die Kommission auf ihre Verpflichtung hin, das Parlament in allen Phasen der Verhandlungen uneingeschränkt und umgehend zu unterrichten; be-

<p>die Öffentlichkeit Zugang zu einschlägigen Verhandlungsdokumenten aller Parteien hat, mit Ausnahme derer, die im Einzelfall mit einer klaren Begründung gemäß der Verordnung (EG) Nr. 1049/2001 des Europäischen Parlaments und des Rates vom 30. Mai 2001 über den Zugang der Öffentlichkeit zu den Dokumenten des Europäischen Parlaments, des Rates und der Kommission[2] für geheim erklärt werden.</p>	<p>steht darauf, dass die Öffentlichkeit Zugang zu einschlägigen Verhandlungsdokumenten aller Parteien hat, mit Ausnahme derer, die im Einzelfall mit einer klaren Begründung gemäß der Verordnung (EG) Nr. 1049/2001 des Europäischen Parlaments und des Rates vom 30. Mai 2001 über den Zugang der Öffentlichkeit zu den Dokumenten des Europäischen Parlaments, des Rates und der Kommission [2] für geheim erklärt werden.</p>
<p>[2] ABl. L 145 vom 31.5.2001, S. 43.</p>	<p>[2] ABl. L 145 vom 31.5.2001, S. 43.</p>
<p>Comment : This amendment is welcomed. It would make the call for transparency stronger.</p>	

### Amendment 83 Tomáš Zdechovský

<b>Paragraph 7</b> ++	
<p><i>Draft Opinion</i> 7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents[2] .</p> <p>[2] OJ L 145, 31.5.2001, p. 43.</p>	<p><i>Amendment</i> 7. Recalls the need for transparency <b>and accountability</b> in the negotiations throughout the entire process; <b>stresses the important role of the European Ombudsman office as guardian of EU transparency and endorses its call for a transparent policy approach and an information campaign on TTIP</b>; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents[2] .</p> <p>[2] OJ L 145, 31.5.2001, p. 43.</p>
<p>Comment : We welcome the amendment because of the importance of the European Ombudsman decision. Transparency without accountability would render the negotiations undemocratic – to the detriment of EU citizens.</p>	

### Amendment 84 Jean Lambert, Ska Keller, Judith Sargentini

<b>Paragraph 7</b>
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<p><i>Draft Opinion</i></p> <p>7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents[2] .</p> <hr/> <p>[2] OJ L 145, 31.5.2001, p. 43.</p>	<p><i>Amendment</i></p> <p>7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation , <b>according to TFEU Art 218.10 which, in a recent ruling, the ECJ confirmed as being of statutory character</b>, to keep Parliament fully informed on an immediate basis at all stages of the negotiations; <b>urges the Commission to work towards an agreement with the US Administration regarding the access of all Parliamentarians to the consolidated negotiation texts</b>; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified with clear justification on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [2].</p> <hr/> <p>[2] OJ L 145, 31.5.2001, p. 43.</p>
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Comment : We welcome this amendment because it respects case law and the Treaties. Access to consolidated texts are essential because it will be a way for the European Parliament to be “fully informed” (cf. Article 218(10) TFEU), not being forced to decide for/against the Agreement as a whole. This call goes in line with the decision of the European Ombudsman of 6 January 2015 (OI/10/2014/RA).

**Amendment 85 Sophia in 't Veld, Angelika Mlinar**

**Paragraph 7**  
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<p><i>Draft Opinion</i></p> <p><b>7. Recalls the need for transparency in the negotiations throughout the entire process; reminds the Commission of its obligation</b> to keep Parliament fully informed on an immediate basis at all stages of the negotiations; insists on access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified <b>with clear justification</b> on a case-by-case basis, in line with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament,</p>	<p><i>Amendment</i></p> <p>7. <b>maintain the</b> obligation to keep Parliament fully informed on an immediate basis at all stages of the negotiations; <b>ensure</b> access for the public to relevant negotiation documents from all parties, with the exception of those which are to be classified on a case-by-case basis <b>with a public justification of the extent to which access to the undisclosed parts of the document in question is likely to specifically and actually undermine the interests protected by the exceptions</b>, in line with Regulation (EC) No 1049/2001 of the European Parliament</p>
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Council and Commission documents[2].  [2] OJ L 145, 31.5.2001, p. 43.	and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [2] , <b><i>and in line with jurisprudence of the Court of Justice.</i></b>  [2] OJ L 145, 31.5.2001, p. 43.
Comment : The amendment is positive because it reinforces the call for the Commission to respect EU legislation and case law. However, the first sentence of Paragraph 7 of the Draft Opinion should not be deleted, as an explicit recognition of the need for transparency is essential, since it creates democratic accountability, facilitates citizen participation and helps shaping the final agreement (cf. European Ombudsman decision of 6 January 2015 (OI/10/2014/RA)).	

### **Amendment 86 Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán**

<b>Paragraph 7 a (new)</b> ++	
<i>Draft Opinion</i>	<i>Amendment</i> <b><i>7 a. Expects the Commission to take immediate measures to implement all recommendations made by the European Ombudsman in case OI/10/2014/RA;</i></b>
Comment : The decision of the European Ombudsman is of great importance to ensure real transparency, greater access to documents and enhance public participation in the TTIP negotiations.	

### **Amendment 87 Mariya Gabriel**

<b>Paragraph 7 a (new)</b>	
<i>Draft Opinion</i>	<i>Amendment</i> <b><i>7 a. Calls on the Commission and the Council to increase political pressure on the US in the framework of the negotiations in order to guarantee full visa reciprocity for all Member States of the European Union without discrimination;</i></b>
Comment : We do not oppose to this amendment. However, it falls outside of our scope of work.	

### **Amendment 88 Louis Michel**

<b>Paragraph 7 a (new)</b>	
<i>Draft Opinion</i>	<i>Amendment</i>

	<p><i>7 bis. rappelle que cette zone de libre-échange vise l'ensemble des Etats membres de l'Union européenne; par conséquent tout citoyen européen devra être traité équitablement dans son droit d'accès au territoire des Etats-Unis.</i></p>
<p>Comment : We do not oppose to this amendment. However, it falls outside of our scope of work.</p>	

## Amendment 89 Cornelia Ernst, Barbara Spinelli

<p style="text-align: center;"><b>Paragraph 7 b (new)</b> ++</p>	
<p><i>Draft Opinion</i></p>	<p><i>Amendment</i>  <b>7 b. Reminds the Commission that, should TTIP be considered a mixed agreement, according to the recent CJEU opinion on the EU accession to the ECHR (par 201) the Court has consistently held that an international agreement cannot affect the allocation of powers fixed by the Treaties or, consequently, the autonomy of the EU legal system, the observance of which is ensured by the Court. That principle is notably enshrined in Article 344 TFEU, according to which Member States undertake not to submit a dispute concerning the interpretation or application of the Treaties to any method of settlement other than those provided by the Treaties.</b></p>
<p>Comment : This amendment goes in line with case law of the European Court of Justice and the Treaty on the Functioning of the European Union itself.</p>	

## Amendment 90 Louis Michel

<p style="text-align: center;"><b>Paragraph 7 b (new)</b></p>	
<p><i>Draft Opinion</i></p>	<p><i>Amendment</i>  <b>7 ter. estime qu'une clause portant sur la lutte contre la corruption, la fraude et le blanchiment d'argent doit être insérée au sein dudit traité.</b></p>
<p>Comment : We do not oppose to this amendment. However, this falls outside of our scope of work.</p>	