

## TTIP Update: September 2015



### TTIP even more secret

The secretly negotiated TTIP has just become even more secret. Previously, TTIP texts were sent to national governments and parliaments. But from July 2015, according to a [German news website, Correct!v](#), this will no longer be the case. If national governments want access to TTIP texts, they will now have to view them in a secure reading room in Brussels.

Apparently this move is a response to a number of documents being leaked, especially by this German website.

EU Trade Commissioner Cecilia Malmström has said that [no more reports on TTIP negotiations](#) will be sent to Member States because of

"important vulnerabilities in the last rounds of negotiations".

And so the Brussels 'reading room' is where national government representatives will have to go if they want to find out what's happening to the TTIP text.

Alternatively, specially designated representatives of national governments will be able to view consolidated TTIP texts (those already agreed by the US and the EU) in US embassies 'during two designated days each week'. A [document from the US trade representative](#) in December 2014, outlined the conditions for access to TTIP texts. On designated days only two government officials will be allowed to visit and visits will be limited to two hours. US embassy personnel will be present in the room when documents are being read. No computing devices will be permitted and government officials will have an obligation not to reveal what they have read.

### Who makes decisions once the treaty is signed?

Experts have raised a serious problem about the trade treaty with Canada

(CETA) which is seen as a model for TTIP. It is this: can committees of officials and experts make changes to the treaty after it has been ratified? For instance, if the treaty bans neonicotinoids as a means of pest control in agriculture, could a TTIP committee at some time in future overturn this ban, without the agreement of national governments? The treaty calls for the creation of committees of experts to supervise different aspects of the implementation of the agreement and a Joint Committee consisting of representatives of 'both parties' to oversee their work. There is an article in the EU-Canada treaty which appears to say that these committees can make changes to the agreement which are binding on governments.

#### 'Article X.03 Decision Making

The CETA Joint Committee shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions in respect of all matters in the cases provided by this Agreement.

The decisions taken shall be binding on the Parties, which shall take the measures necessary to implement the decisions taken. The CETA Joint Committee may also make appropriate recommendations.' (p. 449)

Earlier this year, the Left Party in the German parliament commissioned a legal opinion on this from legal experts at the University of Göttingen. The [report was published in June](#). It concluded that:

'It needs to be clarified whether a binding decision of the CETA Joint Committee requires the agreement of parliaments. If this is the case, the treaty needs to make that explicitly clear.' (7.1.1.2) (*translated from the German*)

Since agreement on what public services can be privatised and which environmental and other regulations and standards are to apply in Europe and the US is a major part of what is being negotiated in TTIP, who makes decisions on such matters post-TTIP is rather crucial. By anchoring these areas of law-making in an international treaty, decisions about such matters could be completely removed from elected governments and made by unaccountable committees of officials and so-called 'experts', a code word for corporate representatives.