

Ambassador Michael Froman  
United States Trade Representative  
Executive Office of the President  
600 17th Street NW  
Washington, DC 20508

Commissioner Karel de Gucht  
Commissioner for Trade  
European Commission  
BE-1049 Brussels

December 16<sup>th</sup>, 2013

Dear Ambassador Michael Froman and Commissioner Karel De Gucht:

The undersigned organizations are writing to express our opposition to the inclusion of investor-state dispute settlement (ISDS) in the Trans-Atlantic Trade and Investment Partnership (TTIP).

ISDS grants foreign corporations the right to go before private trade tribunals and directly challenge government policies and actions that corporations allege reduce the value of their investments. Even if a new policy applies equally to domestic and foreign investors, ISDS allows foreign corporations to demand compensation for the absence of a ‘predictable regulatory environment.’

In recent years, the use of ISDS to challenge a diverse array of government policies has expanded dramatically. Inclusion of ISDS in free trade agreements and bilateral investment treaties has allowed corporations to file over 500 cases against 95 governments. Many of these cases directly attack public interest and environmental policies. For the following reasons, we strongly urge you to exclude ISDS from TTIP:

**ISDS forces governments to use taxpayer funds to compensate corporations for public health, environmental, labor and other public interest policies and government actions:** ISDS has been used to attack clean energy, mining, land use, health, labor, and other public interest policies. In fact, of the more than \$14 billion in the 16 claims now pending under just U.S. free trade agreements, all relate to environmental, energy, financial regulation, public health, land use and transportation policies – not traditional trade issues.

Increasingly, corporations are using ISDS to challenge non-discriminatory government measures. For example, EU investors have attacked Egypt’s minimum-wage increase, and a U.S. corporation has attacked the Peruvian government’s decision to regulate toxic waste and close a dangerously polluting smelter under deals with ISDS. In one of the most notorious cases, U.S. tobacco giant Philip Morris launched investor-state cases challenging anti-smoking laws in

Uruguay and Australia after failing to undermine the health laws in domestic courts. Particularly because of the significant number of cross-registered companies in the United States and the EU, the number of ISDS attacks on public interest policies would likely increase dramatically if TTIP includes ISDS. Governments must have the flexibility to put in place public interest policies without fear of trade litigation launched by corporations.

**ISDS undermines democratic decision-making:** ISDS grants foreign corporations the right to directly challenge government policies and actions in private tribunals, bypassing domestic courts and creating a new legal system that is exclusively available to foreign investors and multinational corporations. ISDS also offers corporations a venue through which to challenge domestic court decisions, further undermining domestic decision-making. In short, ISDS is a one-way street by which corporations can challenge government policies, but neither governments nor individuals are granted any comparable rights to hold corporations accountable.

**European and U.S. legal systems are capable of handling investment disputes:** The United States and the EU have very strong domestic court systems and property rights protections. Inclusion of ISDS in TTIP would only provide corporations a new means to attack domestic policies deemed permissible by domestic courts. A state-to-state dispute settlement system is more than sufficient to handle investment disputes in TTIP.

These and other concerns underscore why our organizations are opposed to including investor-state in TTIP. We call on you to exclude investor-state dispute settlement from the agreement.

**U.S. and EU or Global:**

350.org  
Global Marshall Plan Initiative  
Greenpeace  
IBFAN  
International Trade Union Confederation  
Naturefriends International  
Transnational Institute

**United States**

ActionAid USA  
African Services Committee, U.S. and Ethiopia  
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)  
American Federation of State, County and Municipal Employees (AFSME)  
Americans for Democratic Action  
Blue Green Alliance  
Center for Digital Democracy  
Center for Effective Government  
Center for Food Safety  
Center for International Environmental Law (CIEL)  
Citizens Trade Campaign

Coalition for Sensible Safeguards  
Communications Workers of America (CWA)  
Consumer Action  
Consumer Federation of America  
Consumers Union  
Earthjustice  
Environmental Investigation Agency  
Fair World Project  
Farmworker Association of Florida  
Food & Water Watch  
Friends of the Earth U.S.  
Health GAP (Global Access Project)  
Indiana Toxics Action Project  
Institute for Agriculture and Trade Policy  
Institute for Policy Studies, Global Economy Project  
International Brotherhood of Boilermakers  
International Brotherhood of Teamsters  
International Fund for Animal Welfare  
Knowledge Ecology International  
National Association of Consumer Advocates  
National Legislative Association on Prescription Drug Prices  
National Wildlife Federation (NWF)  
Natural Resources Defense Council (NRDC)  
Oil Change International  
Pesticide Action Network North America  
Portland Area Global AIDS Coalition-Global South  
Public Citizen  
Sierra Club  
Sisters of Notre Dame de Namur Justice and Peace Network  
Sustainable Energy & Economy Network  
United Steelworkers (USW)  
Women's Voices for the Earth

**Europe:**

11.11.11, Belgium  
Act Up, France  
Africa Europe Faith and Justice Network (AEFJN) Belgium  
Afrika Kontakt, Denmark  
A G Post-Fossil, Germany  
AITEC, France  
Alliance for Cancer Prevention, UK  
Amigos de la Tierra (FoE Spain)  
Aquattac, Europe  
Arbeiterkammer Wien (Chamber of Labour Vienna), Austria  
Arbeitsgemeinschaft bäuerliche Landwirtschaft (ABL), Germany  
Arbeitskreis Heckenschutz, Germany

ATTAC Austria  
ATTAC Darmstadt, Germany  
ATTAC France  
ATTAC Germany  
Attac Gruppe Schwalm-Eder, Germany  
ATTAC Stuttgart, Germany  
Attac Wuppertal (Agrargruppe), Germany  
Austrian Trade Union Federation (ÖGB)  
Baby Milk Action, UK  
Bee Life European Beekeeping Coordination  
Berliner Wassertisch (Berlin Watertable), Germany  
Buglife - The Invertebrate Conservation Trust, Europe  
BUND e.V. - Friends of the Earth Germany  
Bürgerinitiative Fracking freies Hessen, Germany  
Bürgerinitiative für ein lebenswertes Korbach, Germany  
Campact e.V., Germany  
CEE Bankwatch Network, Europe  
Center for Encounter and Active Non-violence, Austria  
Chaos Computer Club e.V., Germany  
ClientEarth, UK, Belgium, Poland  
Climate Action Network Europe  
CNCD-11.11.11, Belgium  
Corporate Europe Observatory, Belgium  
Danish Ecological Council  
Décroissance Bern, Switzerland  
Deutsche Umweltstiftung, Germany  
Deutscher Berufs- und Erwerbssimkerbund e.V  
Deutscher Naturschutzring (DNR), Germany  
DIVaN e.V., Germany  
Earth Watch Media, Netherlands  
Ecologistas en Acción, Spain  
EcoNexus, UK and International  
European Attac Network, Europe  
European Environmental Bureau (EEB)  
European Federation of Public Service Unions (EPSU)  
European Professional Beekeepers Association  
European Public Health Alliance  
Fairwatch, Italy  
Federation of Greek Beekeepers Associations  
Forschungs- und Dokumentationszentrum Chile-Lateinamerika e.V., Germany  
Friends of the Earth Europe  
Gemeingut in BürgerInnenhand (GiB), Germany  
Gen-ethisches Netzwerk, Europe  
German Nature and Biodiversity Conservation Union (NABU), BirdLife partner, Germany  
German NGO Forum on Environment and Development  
Germanwatch

Gewerkschaft der Gemeindebediensteten-Kunst, Medien,Sport, freie Berufe (GdG-KMSfB),  
Austria  
Global Responsibility – Austrian Platform for Development and Humanitarian Aid, Austria  
Health Action International  
Health and Environment Alliance (HEAL), Europe  
Health Care Without Harm, Europe  
Health Poverty Action, UK  
Ibfan Italia, Italy  
Initiativ Liewensufank, Luxemburg  
Initiative für Netzfreiheit, Austria  
Institut za trajnostni razvoj(Institute for Sustainable Development), Slovenia  
John Mordaunt Trust, UK  
Keep Our NHS Public, United Kingdom  
KEPKA (Consumers Protection Center), Greece  
Lambeth Keep Our NHS Public, UK  
Les Verts du Golfe, France  
Milieudedefensie, Friends of the Earth Netherlands  
National Union of Teachers, UK  
NaturFreunde Deutschlands, Germany  
NOAH, Friends of the Earth Denmark  
No Moor Fracking, Germany  
ÖBV-Via Campesina Austria  
Occupy London Economics Working Group, UK  
Occupy London - Real Democracy Working Group, UK  
One World Week-UK  
Patients4nhs, UK  
PELLETIER, Rhone-Alpes  
PEGAH - Verein für regionale und globale Kunst und Kultur / Iranischer Kunst- und  
Kulturverein, Germany  
Pesticide Action Network Europe  
Piratenpartei, Germany  
PowerShift e.V., Germany  
PRO-GE, Austria  
Quercus – ANCN, Portugal  
Reseau Environment Sante, France  
R.I.S.K. Consultancy, Belgium  
Slovene Consumers Association, Slovenia  
Slow Food Deutschland e.V., Germany  
SOMO, Netherlands  
StopTTIP, UK  
Student Stop AIDS Campaign, UK  
SÜDWIND, Austria  
The Berne Declaration, Switzerland  
The Cancer Prevention & Education Society, England  
The Danish Ecological Council  
The Energy, Equity and Environment Group of Occupy London

Therapeutikum Wuppertal e. V., Germany  
Tower Hamlets Keep Our NHS Public, UK  
Trade Justice Movement, UK  
Trades Union Congress, UK  
Traidcraft Exchange, UK  
Transition Town Brixton, UK  
Transport & Environment  
UK National Hazards Campaign, UK  
Umweltdachverband, Austria  
UNISON, UK  
Vrijschrift, Netherlands  
War on Want, UK  
Wasser in Bürgerhand (WIB), Germany  
Women and Development (KULU), Denmark  
Women in Europe for a Common Future  
World Development Movement (WDM), UK  
World Economy, Ecology & Development (WEED), Germany  
WWF European Policy Office

### **Africa**

AIDSCARE WATCH ORG, Kenya  
Center for Health Human Rights and Development, Uganda  
Girls-Awake Foundation (GAF), Uganda  
Treatment Action Campaign, South Africa

### **Asia**

IBFAN-ICDC, Malaysia

### **Latin America**

Democracy Center, Bolivia  
LATINDADD