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European Parliament safeguards health in TTIP, says No to 'business as usual' ISDS

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by [epha](#) -- last modified 08 July 2015

Today, the European Parliament adopted its Initiative report with recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP). EPHA and EHN welcome the report as it includes vital safeguards for public health, and sends a clear signal that the controversial Investor-to-State Dispute Settlement system (ISDS) must be reformed.

It is essential that EU trade agreements do not limit the ability of national governments to legislate to protect and promote health and prevent negative health impacts such as cardiovascular diseases (CVD), especially heart disease and stroke, and related risk factors.

As the European Parliament will have a final say on TTIP, it is crucial that MEPs have set down some red lines assuring citizens that fundamental European standards – especially those protecting health and preventing disease - will not be compromised in EU trade deals. The European Parliament has clearly signaled that TTIP must not take precedence over the right of the EU and national governments to regulate in the public interest.

"Today's main public health challenges in the EU are chronic diseases and obesity. The growing prevalence of these conditions is largely the result of changes in the economic and social environment. Tackling the underlying causes requires innovative policies. These policies must be allowed to prove their effectiveness and not be seen as trade nuisances," said Susanne Lögstrup, Director of the European Heart Network, Member of the TTIP Advisory Group.

The European Parliament has clearly stated that the proposed ISDS is not fit for purpose and requires reform. The public health community agrees: it has the potential to induce a "regulatory chill", discouraging governments from introducing health protection measures. For example, national laws requiring plain packaging for cigarettes. The Parliament has made clear that business as usual is no longer an option and the European Commission has to change the system fundamentally. Specifically, the Parliament supported by large majority (447 for, 229 against, 30 abstentions) an amendment put forward by President Schulz calling "to replace the ISDS-system with a new system" where "private interests cannot undermine public policy objectives". The report also references President Juncker's political guidelines, which state that is it unacceptable for the jurisdiction of courts in the Member States to be limited by special regimes for investment disputes.

Specifically, the Parliament supported [by large majority] an amendment put forward by President Schulz calling "to replace the ISDS-system with a new system" where "private interests cannot undermine public policy objectives". The report also references President Juncker's political guidelines, which state that is it unacceptable for the jurisdiction of courts in the Member States to be limited by special regimes for investment disputes.

However, the Parliament's consensus position on ISDS falls short of making a clear

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However, the Parliament's consensus position on ISDS falls short of making a clear reform recommendation. Public health organisations remain concerned that partial reform could lead to the institutionalisation of arbitration, against the public interest.

"The MEPs are adding their voices to 150,000 citizens who said No to ISDS in a public consultation earlier this year. Now it's time for the Commission to finally listen to the public and do away with an fatally flawed, undemocratic, opaque private arbitration system which allows companies to sue sovereign governments for protecting us from dangers to our health", concluded Nina Renshaw, EPHA Secretary General and Member of the TTIP Advisory Group.

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