

Out of scope

**From:** Art. 4.1 (b) (TRADE)

**Sent:** Friday, October 23, 2015 9:23 PM

**To:** Art. 4.1 (b)

**Cc:** Art. 4.1 (b)

**Subject:** Meeting with CCBE International Legal Services Committee - 22 October 2015

Art. 4.1 (b) and I attended yesterday's meeting of the CCBE International Legal Services Committee. About 15 EU Bar associations were present, with DE and IT representatives dialling in via phone. Discussions focused on ISDS, a possible TTIP offer, and TISA.

1. ISDS:

- COM briefly outlined the history of the file (EU competence since 2009, increased public scrutiny since TTIP; the public consultation with over 150 000 replies; the EU proposal for a new Investment Court System; draft TTIP text under discussion with MS and EP)
- CCBE asked if COM had had any formal feedback yet from US and informed that the International Bar Association IBA discussed ISDS in quite some detail at their annual mtg in Vienna, and will develop a position on ISDS in general (not specifically addressed to the EU)
- Referring to a IBA public consultation, the DE Bar asked if the EU proposal was addressing the need for more transparency (COM: this is fully covered by the work done in UNCITRAL which will be integrated into all EU agreements), independence of arbitrators (strict rules included in TTIP text proposal), need for an appeal body (fully addressed in TTIP text proposal)
- Some questions also on the link with ICSID, and if a proposal to nominate appeal judges at a multilateral court would not lead to higher propensity for political interference (COM: TTIP proposal modelled on the WTO DSU AB which works fine; permanent status of judges ensures better independence than existing system of ad hoc arbitrators)
- CCBE also flagged that CCBE had been sceptical on the issue in earlier debates and asked how a possible CCBE position paper would be received. COM encouraged all stakeholders to express their views – CCBE comments are surely welcome. ES representative said CM Cabinet has taken same position at a recent event with the Spanish Chamber.

*Overall CCBE was very appreciative of the effort to explain and answer questions on ISDS.*

2. TTIP:

- I gave a brief read-out of discussions in TTIP, with USTR being sceptical on potential for a MRA and instead focusing on nationality restrictions in EU MS and asking about FLC status in EU MS.
- one representative warned that online provisions of legal services via online platforms (almost all US dominated) risk undermining the value of any commitments in FTAs. He said CCBE would look very closely at what the upcoming Internal Market Strategy

- [REDACTED]  
[Art. 4.1(a)]  
[REDACTED]  
[REDACTED]
- I clarified that the offer, if presented, would be valuable input for our market access discussions, but should not be considered a MRA. We would also discuss this offer, once received, with MS in TPC. [REDACTED] [Art. 4.1(a)]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- one participant opined that legal services could not be part of TTIP since USTR would be in no position to commit for the States. I replied that while this may be the case for recognition of prof qualifications, legal services are part of the US offer.

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Policy Officer - Services Trade Negotiator



Group	Percentage
Total	85%
Men	80%
Women	90%
18-24	85%