

45.

[Art. 4.1b] (TRADE)

Subject: 29/04/14-Chevron - ISDS/TTIP

Importance: High

From: [Art. 4.1b]

Sent: Tuesday, April 29, 2014 12:54 PM

To: [Art. 4.1b] GARCIA BERCERO Ignacio (TRADE); [Art. 4.1b] [Art. 4.1b]

Cc: [Art. 4.1b] [Art. 4.1b] [Art. 4.1b] [Art. 4.1b] [Art. 4.1b] [Art. 4.1b] [Art. 4.1b] [Art. 4.1b]

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29/04/14

Chevron: E. B. Scott (Vice President and General Counsel), [Art. 4.1b] [Art. 4.1b]

EC: [Art. 4.1b] [Art. 4.1b] (TRADE), [Art. 4.1b] (ENER)

Constructive and open meeting with Chevron on importance of ISDS in TTIP along the same lines as developed in their submission to USTR. ISDS has only been used once by Chevron, in its litigation against Ecuador. Yet, Chevron argues that the mere existence of ISDS is important as it acts as a deterrent. Also, Chevron argues that not including the provisions on ISDS would set a wrong precedent vis a vis the 3rd countries. Main message: Chevron case is often used as an example not to have ISDS; this is a misperception since the case clearly proves the exact opposite. The company is raising awareness on this issue in Brussels and has handed over a more detailed analysis of the case. We informed about the ongoing public consultation and used the opportunity to raise the importance of the energy chapter in TTIP – which is also pursuing the aim of creating a template to be promoted in the 3rd countries. Finally, we agreed to follow up in our bilateral contact.

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Unit G3 Market Access, Industry, Energy and Raw Materials