



## EUROPEAN COMMISSION

Directorate-General for Trade

Directorate E - Neighbouring countries, USA and Canada  
**USA and Canada**

Brussels,  
USA and Canada

### Meeting Report

#### Meeting Report between Commissioner Malmström and ETUC - 15 January 2015

##### Participants:

Bernadette Segol, Art. 4.1b (ETUC)

Commissioner Malmström (CM), Jolana Mungengová, Art. 4.1b

##### Summary:

Welcomed meeting Commissioner, and while ETUC recognised that CM is in listening mood, ETUC was ready to be on the talking front.

ETUC noted that the "fresh start" should not only relate to trade but rather concern all EU policies and contribute to increasing confidence of workers and EU citizens in the EU system. It should not be about saying things differently but about a different practice and about delivering now. ETUC concerned that some parts of its membership base is also turning towards more extremism.

ETUC recalled that it is not an anti-trade or anti-globalisation movement as it recognises that trade can contribute to increasing employment (ie ETUC did not oppose the EU-FTA with Korea). But trade agreements should also bring quality jobs, social rights and respect EU values.

On trade agreements, ETUC opposes the inclusion of ISDS provisions and believe that labour and social provisions should be enforceable to ensure they mean something in practice.

##### **TTIP ISDS**

Long exchange on the outcome of the public consultation. ETUC noted that its single contribution to the consultation must be taken as more than one voice, given the weight this organisation has in the EU. CM recalled briefly the methodology used to take into account all the views expressed and recognised the strong scepticism of the majority of respondents.

ETUC noted how difficult it is becoming for it to maintain its current pro-TTIP approach given the political pressure on ISDS and the internal pressure from its members on this particular area. Ms Segol clearly indicated that she would not engage in a political battle

within ETUC for ISDS as it is a lost battle already. Also, she pointed out that there is no agreement between MS on ISDS either and understands that some countries are even asking to review the mandate (mentioned Germany and France).

CM enquired whether ETUC opposition to ISDS is a question of principle or whether it could consider supporting a deeply reformed mechanism. ETUC very skeptical about the possibility to reform a mechanism that "by definition is parallel to domestic jurisdictions" and about the need to include ISDS in a trade relationship that up until now has not been in need of such a tool to defend investors on both sides.

ETUC also made the point that the "we need it for China" argument does not work either for two reasons: EU companies will not dare to bring a case against the People's Republic of China (hereafter China) as they are afraid of implications. In any case, China is already bringing cases against MS (ie Belgium) so it may ask for the inclusion of ISDS itself.

Overall CM recalled the need to abide by the mandate received from MS, the next steps envisaged following the consultation, and that in any case the final outcome will also depend on the actual negotiation with the US and its willingness to accept a reformed ISDS mechanism.

## **OTHER TTIP**

ETUC expressed strong position in favour of clearly excluding public services from TTIP, by operating on the basis of a positive list of commitments ETUC concerned about the difficulties to understand what is TTIP about and on the lack of evidence about the potential job creation with TTIP, in which sectors? For whom? CM noted the existence of the impact assessment as well as other studies outlining potential benefits and recalled that the EU would not have embarked in such negotiations if it was not convinced about its benefits, in particular in the regulatory sectors.

As regards labour standards, ETUC noted that it is not asking the US to sign ILO Conventions but to commit to implement them, including at State level, as it is not possible to have States that prevent trade unions from doing their job. A commitment by both sides to implementation of ILO Conventions would be an incredible result and set a gold standard for future agreements. CM confirmed sustainable development will be discussed during the February 2015 round and confirmed that the EU is pressing on the implementation front.

## **TRANSPARENCY**

ETUC recognised efforts by the Commission and asked whether these will be extended to other negotiations. As regards dialogue with civil society, ETUC noted that trade unions are not NGOs and should not be treated only as one part of civil society, as they are more than that (cf. trade unions are an official party to tripartite negotiations taking place in Member States).

## **OTHER NEGOTIATIONS**

Outside the scope of the request