



## EUROPEAN COMMISSION

Directorate-General for Trade

Directorate F - WTO, Legal Affairs and Trade in Goods  
**Dispute Settlement and Legal Aspects of Trade Policy**

Brussels

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**Subject: Meeting with Friends of the Earth (FoE), Client Earth (CE) and the Centre national de coopération au développement (CNCD) of 19 October 2017**

**Participants:** [REDACTED] (COM); [REDACTED] (FoE); [REDACTED] (CE); [REDACTED] (CNCD)

*The aim of this meeting was to provide an update on the latest procedural steps related to multilateral investment court project, both at the international and EU level*

COM gave details on UNCITRAL following the decision of this organisation in July 2017 to further work on a multilateral reform of ISDS. COM noted that, as a forum for discussions, UNCITRAL presents important advantages notably in terms of transparency and openness. COM explained the mechanics of the work in UNCITRAL Working Group III in light of the mandate of UNCITRAL Commission. COM gave a sense of timing of the UNCITRAL process (as foreseen) as well and on the EU internal procedures and regarding engagement with stakeholders.

The NGOs stressed the need for a debate on the possible multilateral investment court at the national level in Member States' parliaments and noted that they are being consulted in that regard. The NGOs sought confirmation that this initiative only seeks to reform the procedural aspects of investment dispute settlement. The possibility to reform certain substantive issues (exhaustion of domestic remedies, interventions, investor obligations) was also addressed. CE promised to send information in writing on the notion of "direct and present interest".

The NGOs shared hard copies of the paper "ISDS at a dangerous crossroads" (which they submitted in the context of the public consultation on a multilateral reform of investment dispute settlement and had also sent to the Commissioner. COM reiterated its position on the main concerns raised in the paper.

Other investment related developments were discussed, [REDACTED]  
[REDACTED]  
[REDACTED] [Out of scope]  
[REDACTED].

C.c: [REDACTED]  
[REDACTED]