



EUROPEAN COMMISSION

Directorate-General for Trade

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

Brussels

F.2 [redacted] (2018) 5195229

Subject: Meeting with ETUC (European Trade Unions Confederation) of 26th September 2017

Participants: [redacted], [redacted] (COM); ETUC International Matters, Trade and International Development Committee Members (see annex below).

The aim of this meeting was to provide an update on the multilateral investment court project, following the recent adoption of the Recommendation and negotiating directives by the Commission

COM provided an update of the state of play of discussions in UNCITRAL, noting that this forum allows stakeholders to be involved and is highly transparent. COM explained the mechanics of work in UNCITRAL and its Working Groups. COM explained that the *Recommendation for a Council Decision authorising the opening of negotiations for a Convention establishing a multilateral court for the settlement of investment disputes* and related negotiating directives had been adopted as part of the State of the Union trade package and that other relevant documents, such as the Impact Assessment Report, had also been published. COM gave an indication of the procedural steps ahead.

Replying to questions from ETUC members, COM clarified that although the scope of the intended reform only extends to procedural rules, the COM believes certain flexibility is needed in order to be able to accommodate any future reforms of substantive rules.

[Out of scope]

A substantive discussion ensued on the justification for a multilateral court. COM referred to the existing system, which presents certain problems susceptible of being addressed through a multilateral court. Although ISDS is problematic in different ways for different countries, there is large support for multilaterally reforming ISDS and a number of countries recognise that the multilateral court would be a useful part of their intended reform.

C.c: [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted]