

EUROPEAN COMMISSION

Directorate-General for Trade

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

> Brussels, 24 July 2017 F.2/ (2017) 2585498

Subject: Meeting with Transport & Environment on the multilateral investment court - 18 April 2017

Attendants:	,	(T&E),	,
(COM)			

The purpose of this meeting was to follow up on the online public consultation and to exchange views on some of the issues raised in T&E contribution. T&E responded to the questionnaire and enclosed a position paper. It had previously submitted another paper as a reaction to the IIA.

T&E enquired about the results of the public consultation including the figures and overall impressions as the COM is analysing the submissions. A discussion on the next steps (finalisation of Impact Assessment Report, submission to Regulatory Scrutiny Board, discussion in College and recommendation to Council, in addition to possible steps at the Parliament) ensued.

COM referred to the upcoming decision in UNCITRAL as well as pros and cons of this organisation conducting further work. **T&E** has had very positive experiences in UNFCCC as an open and inclusive negotiating forum which could be mirrored also in UNCITRAL.

With regard to its position paper, **T&E** highlighted its priorities and most notable points of concern, including in relation to so-called treaty shopping and lack of exhaustion of local remedies. COM referred to the EU's practice. The content of the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) was discussed. T&E provided details on its views regarding the possibility that the multilateral court envisages user fees. On a related note, the limits of third party funding were also discussed.

