



EUROPEAN COMMISSION

Directorate-General for Trade

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

Brussels, 7 April 2017

F.2/ (2017) 2099418

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Dear [Redacted],

Thank you for writing to the President of the European Commission, Mr Jean-Claude Juncker, to express your concerns about the initiative to establish a Multilateral Investment Court. The aim of this initiative, which has the support of the governments of the EU including the Government of Germany is to replace the private ad hoc arbitration provided for in many investment agreements and trade agreements around the world (there are over 3200 such agreements that foresee ad hoc arbitration, of which EU member states have signed around half) and which has led to significant criticism and concern by EU citizens because of lack of sufficient legitimacy, accountability and control. The proposal for a multilateral court was also made in the public consultation in 2014 on investment protection and Investor to state dispute settlement (ISDS) in the context of the negotiations of the EU-US trade agreement (TTIP).

The current proposal for the establishment of a single Multilateral Investment Court would provide for the necessary guarantees of legitimacy and independence through a new system for resolving disputes, with permanently employed, highly qualified and independent judges and also including an appeal instance. The features proposed for the Multilateral Court would be very similar to those found in national courts. The proposed court would be open to all countries around the world and would allow these countries to also replace the private arbitration tribunals with recourse to the permanent Multilateral Investment Court.

The European Commission is currently carrying out an impact assessment on this proposal. All relevant information on this proposal and the on-going impact assessment can be found on the following website.

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1608>

Please do not hesitate to contact us at the below functional mailbox should you require any further information.

TRADE-F2-MULTILAT-INVEST-DS@ec.europa.eu

Best regards

(e-signed)

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