

**News release****For immediate release****TTIP should include fair investor-state dispute settlement**

- **First reaction on EU Commission's ISDS proposal**

(Brussels, 16 September 2015) The European Commission today released its proposal on investment protection and an investment court system in TTIP.

This is an important step to move the negotiations forward with the USA. EU investors should have a non-discriminatory, fair and efficient system of investment protection to be part of TTIP, the transatlantic trade and investment agreement.

EU investors need a more modern and transparent form to resolve possible conflicts between states and investors. Investors need clearer definitions, a mechanism to prevent frivolous claims and stricter rules for the arbitrators.

Therefore we believe "Investor-to-State Dispute Settlement" (ISDS) is part of this system of protection and should be included in TTIP.

The European Commission proposal aims at creating an international court with appointed judges and an appeal mechanism. Commenting the proposal

Markus J. Beyer, Director General of BUSINESSEUROPE stated:

"These new ideas need to be further assessed as they have never been implemented before. For us it is critical to ensure that investors will not be denied access to justice and to a fair and equitable treatment regardless of their nationality or size."

Furthermore, some of the concepts in the EU Commission proposal raise a number of questions.

"We support the EU Commission proposal to avoid frivolous claims and to also foresee criteria that will prevent this kind of problems. In this light the "Loser Pays Principle" would be an unnecessary duplication and it might prevent investors, in particular SMEs, from using the mechanism to uphold their legitimate rights."

BUSINESSEUROPE favours a balanced system that ensures investor rights, while at the same time responds to legitimate public policy concerns.

"We understand that the intention of the European Commission is to make the system more transparent, more liable and objective. But we have to be careful as introducing too many conditions can limit the scope of the protection and make the system unworkable in practice"

said Beyer.

BUSINESSEUROPE together with its members will engage constructively in the debate that will follow, making sure that we have a modern, efficient and reliable investment protection system in TTIP.



ENDS

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