



January 16, 2015

Mr. Bernd Lange MEP  
Chair, Committee on International Trade  
European Parliament  
Altiero Spinelli building - 12G205  
60, rue Wiertz  
B-1047 Brussels Belgium

Dear Chairman Lange:

The Business Coalition for Transatlantic Trade (BCTT) is a coalition of major American and European companies and associations with significant equities in the transatlantic economy. BCTT seeks to promote growth, jobs and competitiveness through an ambitious, comprehensive and high-standard trade and investment agreement between the United States and the European Union. You might recall meeting with a BCTT delegation shortly after assuming your chairmanship last summer. We write today to articulate the coalition's priorities for an agreement and also to elaborate on our views concerning investor-state dispute settlement (ISDS).

The BCTT strongly supports TTIP and applauds your efforts, as Chair of the International Trade Committee, to keep negotiations advancing. We welcome the forthcoming INTA review of the state of the negotiations. As you proceed with that exercise, we want to underscore our support for an agreement that:

- eliminates tariffs on all agricultural and industrial products, based on rules of origin that reflect the realities of today's global value chain;
- facilitates trade and promotes the uniform administration of customs laws and regulations by streamlining customs procedures through a single electronic platform, by raising *de minimis* thresholds, including for taxes on imported products, and by building on the U.S.-EU Mutual Recognition Agreement for trusted trader programs;
- promotes trade in services, including by promoting e-commerce and data flows;

- expands opportunities to access government procurement tenders;
- enhances protection and enforcement of intellectual property rights;
- liberalizes and protects investment, which is at the heart of the transatlantic economic relationship;
- allows freedom of movement related to the expansion of business;
- ensures transparent, participatory and accountable regulatory processes based on risk assessment and sound scientific evidence, while encouraging increased cooperation between counterpart regulators to reduce unnecessary existing barriers and prevent such barriers in the future; and
- develops new rules in such key areas as disciplines on state-owned enterprises that will promote the rule of law for international commerce.

On the specific issue of ISDS, we have reviewed the Commission's January 13 analysis of comments received in response to its public consultation on including investment protection provisions in TTIP. We remain convinced that any agreement must include strong, and effectively enforceable, investment protections. These must include obligations on our governments to:

- not discriminate or treat our citizens or investors unfairly or inequitably;
- provide similar levels of protection and security for all;
- recognize that when governments seize private property (directly or indirectly), prompt, adequate and effective compensation is due to the property owner;
- reject distortive and protectionist conditions from being placed on investment; and
- permit investors to transfer freely funds related to their investment.

These obligations reflect fundamental principles in which both the United States and Europe believe deeply and, indeed, have enshrined in nearly 2,000 treaties. Agreeing to abide by these principles between us strengthens the global rule of law governing the treatment of foreign investment.

For nearly half a century, ISDS has proven to be an appropriate and effective means to enforce these internationally recognized standards among countries big and small, developing and developed, including between the U.S. and several EU member states and between EU member states themselves. It helps to depoliticize disputes and to provide greater security to investors, promoting the growth-producing investments that both the United States and EU seek. As has been done in the United States, we are confident that the negotiators can conclude a TTIP investment chapter that includes ISDS and that is transparent, effective and upholds the fundamental

principles outlined above, without undermining either side's ability to regulate appropriately in the public interest.

We look forward to the results of your report, and look forward to meeting with you and other committee members, whether in Brussels or Washington.

Sincerely,



U.S. CHAMBER OF COMMERCE

