







July 2015

Transatlantic Trade and Investment Partnership – 14/7/15

362. Deputy Dara Calleary   asked the **Minister for Jobs, Enterprise and Innovation**   if he will provide an update on the latest discussions on the Transatlantic Trade and Investment Partnership; and if he will make a statement on the matter. [\[28711/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The 9th round of a new EU/US free trade deal negotiations took place in New York from 20 – 24 April 2015. The 10th round is being held this week (13 – 17 July) in Brussels. The objective during these rounds is to make as much progress as possible in all areas of the negotiations. During the last Round, work advanced in all three pillars of the negotiations: market access, regulatory cooperation and rules. On market access, the discussions were technical, aimed at better understanding the respective tariff offers and issues around government procurement. Regulatory issues took up a lot of the time, with a focus on both horizontal co-operation as well as the 9 specific sectors [cars, pharmaceuticals, medical devices, cosmetics, engineering, textiles, chemicals, pesticides, ICT]. The regulatory discussions are aimed at enhancing transatlantic trade by reinforcing regulatory co-operation in areas of shared interest and cutting out overlapping, unnecessary red-tape. The discussions in the area of rules included sustainable development, and energy and raw materials. Small and medium enterprises (SMEs) were also discussed in the last Round, specifically, how SMEs might benefit from a new free trade deal. A Report released by the EU Commission on 20 April, which identifies perceived obstacles to trade for SMEs, will inform the EU approach in this area. The definitive time-frame is difficult to predict but it is expected that there will be substantial progress in these negotiations in 2015. According to assessments made by the EU Commission, a comprehensive free trade deal could over time boost EU GDP by 0.5% bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. An independent study commissioned by my Department, carried out by Copenhagen Economics, estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests a boost to GDP of 1.1%, growth in Irish exports of almost 4%, increases in investment of 1.5%, and an increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs.

It also suggests that Irish SMEs will be particular beneficiaries. Many of these are part of European supply chains where their exports to the UK, Germany or elsewhere to the EU, feed into Europe's exports to the U.S. Ireland's approach to negotiations will be informed by the analysis from Copenhagen Economics. We will seek to have opportunities created in the agreement where we have clear strengths, and we will seek defend our interests where we have sensitivities.

As an economy that lives and grows by the freedom to trade, we have first-hand experience of how trade liberalisation has continually shaped and reshaped our economy. The Copenhagen Economics study should also inform our policy responses as a result of TTIP. Some of these may arise from sector impacts that have been identified in the Copenhagen Economics study. We have used openness to trade in the past, and will continue to use it, as an instrument for structural reform, modernisation and development, creating new opportunities for innovation and stronger productivity growth with higher skilled jobs throughout the economy.

365. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** if he will provide an update on the latest round of negotiations on the Transatlantic Trade and Investment Partnership; if, further to Parliamentary Question No.181 of 19 May 2015, he has had the opportunity to access the confidential reading rooms in the embassy of the United States of America in Dublin, in order to assess the content of the partnership; if so, if he has had the opportunity to read the US's input papers, draft partnership chapters, and consolidated texts, in this regard; and if he will make a statement on the matter. [\[28756/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The EU US consolidated negotiating texts have been made available through a confidential reading room in the US Embassy in Dublin. My officials have reviewed these texts on my behalf and fully briefed me on their contents.

366. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** if he has read the source research upon which much of the growth data for the Transatlantic Trade and Investment Partnership is based, namely Ecorys 2009 non-tariff measures in EU-US Trade and Investment and Economic Analysis (Rotterdam; Ecorys Netherlands BV), and CEPR 2013 reducing transatlantic barriers to trade and investment: an economic assessment (London: CEPR); and if he will make a statement on the matter. [\[28757/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I am familiar with these studies and the economic models on which these studies are based. The Ecorys 2009 study addresses the technically and analytically complex task of calculating the impact of non-tariff barriers in transatlantic trade. Non-tariff barriers include licences, standards, administrative rules or other measures that make it difficult or impossible for firms to sell into new markets. The aim of the EU US free trade agreement is to break down as many non-tariff barriers as possible. The Ecorys study presents a detailed qualitative and quantitative estimate of these NTBs using a multi-faceted methodology combining literature reviews, business surveys, econometric analyses, consultation with regulators businesses and sector experts. This was also used by the European Commission's assessment of the likely benefits of a new free trade agreement between the EU and US which was conducted by the Centre for Economic Policy Research (CEPR).

The study commissioned by my Department on the impact of a new deal in Ireland was prepared by Copenhagen Economics who are independent and renowned external experts in this field. The study is based on the best available techniques of economic modelling and uses the same model and methodology as the CEPR study, to facilitate direct comparison.

The CEPR and Copenhagen Economics studies use a computable general equilibrium (CGE) model to simulate the impact of TTIP. These are standard tools for trade economists that create a computerised simulation of the world economy and model what happens when changes are introduced.

The CGE model is state-of-the-art. It needs to make assumptions about the economy in order to work but these are as reasonable as possible to make it as close to the real world as possible. For instance, it is able to account for the effects of economies of scale, different skill-levels of employees, imperfect competition between companies and many other features of the real world economy.

Like any model, the CGE model has limitations. The figures are an indication of the economic effects rather than precise predictions of exactly what will happen. But the model is not able to take all effects on productivity into account, for example, nor the positive effects on foreign investment by multinational firms, which is very significant for international trade in services in particular. This suggests that the estimated benefits of an Agreement are conservative.

Alternatives to the CGE approach may have their merits but none has yet proven to be sufficiently reliable for an ex-ante analysis of economy-wide effects of trade policy changes.

Trade Agreement – 15/7/15

5. Deputy Clare Daly asked the **Minister for Jobs, Enterprise and Innovation** if he is satisfied with the credibility of the source studies on which the growth in gross domestic product, the projections for growth in jobs and the Transatlantic Trade and Investment Partnership are based; and if he will make a statement on the matter. [28706/15]



Deputy Clare Daly: This question relates to the Transatlantic Trade and Investment Partnership, TTIP. It is an absolute disgrace that we are heading into the recess without having a comprehensive discussion in the Parliament about its widescale implications. The Minister has made repeated claims that it will have a wonderful impact on job creation and GDP growth rates. In 2013 he told us it would lead to the creation of 2 million jobs and put an extra €500 in the pockets of every family of four. Earlier this year he said it would lead to the creation of 400,000 jobs. Is he satisfied with the credibility of the reports on which he is relying in making these outlandish statements?



Deputy Richard Bruton: We did have a comprehensive discussion in the Oireachtas. Three committees met together for an extensive discussion, with questions and answers, when there was a much more meaningful exchange than we could have had here. Members were able to raise concerns and the meeting ran for several hours. It was very fruitful and all shades of opinion were represented. The issues have also been discussed in numerous other fora, some of which were sponsored by my Department.



On the valuation, the European Commission's assessment of the likely benefits of the EU and US trade negotiations is based on analysis carried out by the Centre for Economic Policy Research, CEPR, a leading independent pan-European economic research organisation. The study commissioned by my Department of the potential impact on Ireland was prepared by Copenhagen Economics, independent external experts in this field. It is based on the best available techniques of economic modelling and uses the same model and methodology as for the CEPR study to facilitate direct comparison. It shows, based on reasonable assumptions, that a potential gain of €2.4 billion in national income, over €1,200 per family, is possible from an ambitious agreement.

The studies use the computable general equilibrium model, the purpose of which is to simulate the impact of an EU and US trade agreement based on assumptions about the outcome of the negotiations. The model can give important insights into the potential gains from negotiations and the potential opportunities or challenges for specific sectors. This, in turn, helps policymakers to frame policies to maximise the opportunities and mitigate the





challenges. Bearing in mind the limitations of all economic modelling, the studies provide important insights and add to our understanding of the potential of the EU and US trade negotiations. For Ireland, the studies show significant opportunities in important sectors such as pharmaceuticals, medical devices, food, especially dairy, software and public procurement. These represent an important and growing part of the exporting economy.



Deputy Clare Daly:   All of the studies cited by the Minister are based on computable general equilibrium modelling techniques and the general equilibrium theory that underpins them. They have been widely discredited by sociologists and most economists, with the exception of the neoclassical economists who are wedded to the neoliberal agenda. The methods used by these groups have been defined by some as fictional expectations of GDP and jobs growth will come from the TTIP. I am not the only one who is saying this. Even not so radical organisations such as *The Economist* stated, "If the modeller believes that trade raises productivity and growth, for example, then the model's result will mechanically confirm this". It is very much like what is called in computer terms "garbage in, garbage out" and the predictions around austerity. We were told it would deliver magnificent growth rates in Europe when, in reality, it has delivered the opposite. The idea of deregulating Europe, privatisation, lowering the living standards of workers and so on was very much supported. Given that the European Commission has stated ballpark figures are available, the Minister might want to revise his attitude to the studies.

Deputy Richard Bruton:   The truth is that economies need growth strategies. In the case of Ireland, our strategy has been very much based on export-led recovery. In our dealings with the United States 70%, or 125,000 people, are employed by US companies in Ireland. In the case of Irish companies, some €2 billion worth of trade is done with US companies. Both categories have grown rapidly. Ireland has used its trade links in the past few years to beat the pressures exerted by declining domestic demand and on the public finances by the crisis in banking. We have done so successfully and the growth strategy places Ireland at the top of the league in growth in employment, GDP and exports. We are managing it successfully. The reduction in trade barriers in the United States is good for Irish people because we have very strong trade links and can build on reduced tariffs and non-trade barriers and the better co-ordination of regulations. That is where we can gain and the model seeks to examine the impact of a reduction in tariffs and non-trade barriers. It naturally implies gains for Ireland which trades heavily in these markets.

Deputy Clare Daly:   The problem is that the Minister's predictions which he so confidently makes are nonsense in the context of the models used. I do not say this in a derogatory way but because the same rationale was used, for example, in making predictions about other trade agreements which did not materialise.

Transatlantic Trade and Investment Partnership – 15/7/15

13. Deputy Richard Boyd Barrett   asked the **Minister for Jobs, Enterprise and Innovation**   his views on the ISDS, or investor-state dispute settlement, as part of the transatlantic trade and investment partnership, through which corporations are able to sue governments for passing laws that threaten their profits and do not abide by the same rules as national court systems; his further views regarding the possible cost to the Exchequer; and if he will make a statement on the matter. [\[28662/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The aim of the EU-US trade negotiations is to reduce barriers to trade in order to promote jobs and investment. Because of our close trading links with the United States, Ireland would be a major beneficiary of such an agreement. The independent study commissioned by my Department carried out by Copenhagen Economics estimates that the benefits in Ireland would be proportionally greater than in the EU as a whole, with a boost to GDP of 1.1%, which equates to about €2.4 billion. This would represent a benefit of more than €1,200 per family. The study points to particular opportunities in Pharmaceuticals, Medical devices, Food (especially dairy), Software and Public Procurement.

The EU Commission's mandate to negotiate with the United States provides that a mechanism for settling investor-state disputes could be included in a negotiated agreement, but that it would only be included if it met EU interests.

Investment protection agreements have not been a feature of Ireland's trade and investment policy because of the strong protection for investors under the Irish Constitution. But all other EU Member States have them, and 9 Member States have them with the US. The EU-US agreement would replace these.

The EU views this as an important opportunity to reform the system and to establish a model of arbitration for settling disputes under international investment agreements that would set new high standards, building on the significant reforms included in the EU-Canada agreement. Some of the key principles of this reform include:

- Full protection for the right of Member States and their Parliaments to regulate in areas of public policy such as social, employment, environment, public health and safety issues;
- Cases could only be taken where there is denial of justice, a fundamental breach of process, targeted discrimination on manifestly wrong grounds, or manifest arbitrariness;
- Provision for the prior selection of the arbitrators by the EU and US sides from amongst persons qualified to be judges, with clear rules governing the arbitration process;
- An appeals mechanism; and
- Rules preventing investors from running cases both in the dispute settlement process and in the Courts.

The EU Commission has conducted widespread consultations to ensure that legitimate public concerns will be fully dealt with in any approach adopted.

These improvements are aimed at addressing the concerns with older investor dispute settlement agreements in order to create a new modern system of investment arbitration.

The inclusion of an acceptable model of ISDS would provide a common approach across the 28 Member States and at federal and state level in the US.

25. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** if at any point in the transatlantic trade and investment partnership negotiation process to date, he has had, or has raised, any concerns regarding the widely reported implications of the partnership's investor-state dispute mechanism; and if he will make a statement on the matter. [28651/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): According to assessments made by the EU Commission, a comprehensive free trade agreement between the EU and the US could over time boost EU GDP by 0.5% bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. A study commissioned by my Department estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests a boost to GDP of 1.1%, growth in Irish exports of almost 4%, increases in investment of 1.5% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs.

The EU Commission's mandate to negotiate with the United States on the Transatlantic Trade and Investment Partnership (TTIP) includes in the scope (paragraphs 22 and 23), investment protection and investor-state dispute settlement (ISDS). The stated aim of negotiations on investment is to negotiate investment liberalisation and protection provisions on the basis of the highest levels of liberalisation and highest standards of protection that both sides have negotiated to date.

The mandate makes it clear that the inclusion of investment protection and ISDS will depend on EU interests being met and on the final balance of the Agreement. Importantly, the mandate states that the objectives of any investment protection provisions would be without prejudice to the right of EU and the member states to adopt and enforce measures necessary to pursue legitimate public policy objectives such as social, environmental, security, stability of the financial system, public health and safety in a non-discriminatory manner.

This means that the type of investment arbitration system under TTIP will be a vast improvement on investment protection in existing Bilateral Investment Treaties, some of which date back to the 1950's.

The Commission's Concept Paper, "*Investment in TTIP and beyond – the path for reform*", published on 6 May, sets out the context for this reform and, building on the important progress that has been achieved in the investment agreements with Canada and Singapore, sets out four areas for further improvement: Governments' right to regulate, establishment and functioning of tribunals, relationship between national judicial systems and an ISDS system, and an appellate mechanism.

These improvements are aimed at addressing the concerns with older investor dispute settlement agreements in order to create a new modern system of investment arbitration. The inclusion of an acceptable model of ISDS would provide a common floor across the 28 Member States and at federal and state level in the US.

There have been no negotiations between the EU and the US on this issue since the EU Commission decided early last year to conduct a formal public consultation on ISDS in TTIP. I welcomed the decision in relation to the public consultation, and I have also welcomed the comprehensive work by the EU Commission in following up on the views expressed by stakeholders. Together with other EU Ministers I welcomed the proposed further reform of

the system of investor state arbitration set out in the Commission's concept paper which was presented by the Commission at the meeting of Trade Ministers in Brussels on 7 May last.

30. Deputy Richard Boyd Barrett asked the **Minister for Jobs, Enterprise and Innovation** his views regarding the transatlantic trade and investment partnership; and if he will make a statement on the matter. [\[28661/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): A trade agreement between the EU and the US has a huge significance for Ireland.

The relationship between Ireland and the United States is a systemically important one, with close business and economic ties, but also a huge Irish diaspora in the US and unique cultural and political links. The €55 billion in Irish-US trade demonstrates the importance of our economic, investment and business ties. The 135,000 jobs provided in the US by Irish companies and the 120,000 jobs provided by US companies in Ireland, demonstrates how interconnected our economies are.

According to assessments made by the EU Commission, a comprehensive TTIP could over time boost EU GDP by 0.5% bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. An independent study commissioned by my Department, carried out by Copenhagen Economics, estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests a boost to GDP of 1.1%, growth in Irish exports of almost 4%, increases in investment of 1.5%, and an increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs.

It also suggests that Irish small and medium enterprises (SMEs) will be particular beneficiaries. Many of these are part of European supply chains where their exports to the UK, Germany or elsewhere to the EU, feed into Europe's exports to the U.S.



Ireland's interests in the TTIP negotiations will be assisted by the indications from the Copenhagen Economic study. We will seek to have opportunities created in the agreement where we have clear strengths, and we will seek defend our interests where we have sensitivities.

As an economy that lives and grows by the freedom to trade, we have first-hand experience of how trade liberalisation has continually shaped and reshaped our economy. The Copenhagen Economics study should also inform our policy responses as a result of TTIP. Some of these may arise from sector impacts that have been identified in the Copenhagen Economics study.

We have used openness to trade in the past, and will continue to use it, as an instrument for structural reform, modernisation and development, creating new opportunities for innovation and stronger productivity growth with higher skilled jobs throughout the economy.

32. Deputy Maureen O'Sullivan asked the **Minister for Jobs, Enterprise and Innovation** if he and his Department have concerns regarding the effects the transatlantic trade and investment partnership will have on farmers in countries in the

developing world, their fears of further harassment and intimidation from multinational corporations, and the fears that giving more powers to large profit-making corporations will cause further misery to local farmers. [\[19337/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   According to assessments made by the EU Commission, a comprehensive EU/US free trade agreement could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. An independent study commissioned by my Department carried out by Copenhagen Economics estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1.5% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs.

As regards impact on third countries, the independent study carried out by the Centre for Economic Policy Research (CEPR) for the European Commission indicates that TTIP could bring an overall estimated gain for third countries of between €46.6 billion (an increase of 0.07 % of world GDP) and €99.2 billion (0.14 % of world GDP), and an increase in exports from third countries of between 0.51 % and 1.04 %. This is because more growth in the EU and US would increase demand for exports from other countries of raw materials, components and machinery, finished products, and business services like customer support or after-sales care. The wider the scope of the Agreement, the more it would benefit the rest of the world. For example, if the EU and US harmonised technical standards in some areas, other countries could adopt these too which would mean that instead of having to produce to two sets of standards, they could produce to one set. That would in turn make trade easier and less costly. The CEPR study also found that low income countries would see GDP gains of some €2.4billion.





The EU also works in other ways to help developing countries benefit from trade and attract more foreign investment. One example is the Cotonou Agreement, which is a Treaty between the EU and the African, Caribbean and Pacific (ACP) countries, is aimed at the reduction and eventual eradication of [poverty](#) while contributing to [sustainable development](#) and to the gradual integration of ACP countries into the [world economy](#). Another example is through our active involvement in the latest round - known as the Doha Round - of global trade talks between members of the World Trade Organisation, where one of the main goals is to help developing countries share in the growth in world trade.



The European Union's aim for coherence between trade and development policies is clearly set out in the EU Commission's negotiating mandate for TTIP where it states that the European Union's partnership with the United States is based on common principles and values consistent with the principles and objectives of the European Union's external action.

The mechanisms under the Cotonou Agreement are providing a positive framework for discussion between the European Union and African Caribbean and Pacific countries on the progress and possible impacts of TTIP. The most recent discussions took place at the ACP EU Council of Ministers on 28-29th May and at the Joint ACP EU Ministerial Trade Committee on 26th June.

June 2015

Transatlantic Trade and Investment Partnership – 9/6/15

409. Deputy Robert Dowds   asked the **Minister for Jobs, Enterprise and Innovation**   if the introduction of investor-state dispute settlements to Ireland, as part of the proposed Transatlantic Trade and Investment Partnership trade agreement between the European Union and the United States of America, could lead to the State being sued for enormous sums of money by private corporations if the Government were to enact any legislation or implement any policy which threatened the profitability of such a corporation; and if he will make a statement on the matter. [\[21512/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The EU Commission's mandate to negotiate with the United States on the Transatlantic Trade and Investment Partnership (TTIP) includes in the scope (paragraphs 22 and 23) investment protection and investor-state dispute settlement (ISDS). The stated aim of negotiations on investment is to negotiate investment liberalisation and protection provisions on the basis of the highest levels of liberalisation and highest standards of protection that both sides have negotiated to date. The mandate makes it clear that the inclusion of investment protection and ISDS will depend on EU interests being met and on the final balance of the Agreement. Importantly, the mandate states that the objectives of any investment protection provisions would be without prejudice to the right of the EU and the member states to adopt and enforce measures necessary to pursue legitimate public policy objectives such as social, environmental, security, stability of the financial system, public health and safety in a non-discriminatory manner.

This means that the type of investment arbitration system under TTIP would be a vast improvement on investment protection in existing Bilateral Investment Treaties, some of which date back to the 1950s.

In the case of the recently concluded negotiations between the EU and Canada, for example, a breach of the fair and equitable treatment obligation could only arise when there is:

- denial of justice in criminal, civil or administrative proceedings;
- a fundamental breach of due process, including a fundamental breach of transparency, in judicial and administrative proceedings;
- manifest arbitrariness;
- targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief; or
- abusive treatment of investors, such as coercion, duress and harassment.

In addition, in the Canada Agreement, there is provision for a list of arbitrators pre-agreed by the EU and Canada.

The Commission's Concept Paper, "*Investment in TTIP and beyond – the path for reform* ", published on 6 May, sets out the context for this reform and, building on the important

progress that has been achieved in the investment agreements with Canada and Singapore, sets out four areas for further improvement: Governments' right to regulate, establishment and functioning of tribunals, relationship between national judicial systems and an ISDS system, and an appellate mechanism.

These improvements are aimed at fixing the problems with dispute settlement in order to create a new modern system of investment arbitration. Ireland already provides the highest protection for investors by virtue of Article 43 of our Constitution, so the policy intention of the Commission in these negotiations is not new to Ireland.

410. Deputy Robert Dowds asked the **Minister for Jobs, Enterprise and Innovation** his views on the current suing of the German Government by a Swedish energy company, using an investment state dispute settlement which forms part of their bilateral trade agreement, for billions of euro on foot of the German Government's decision to phase out the use of nuclear energy, and whether the proposed Transatlantic Trade and Investment Partnership agreement between the European Union and the United States of America could lead to the State being sued in a similar manner for changing its regulatory environment or its public policy, and whether such a threat of being sued would act as a deterrent to any future Government from making regulations which were in the public interest. [21513/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The EU Commission's mandate to negotiate with the United States on the Transatlantic Trade and Investment Partnership (TTIP) includes in the scope (paragraphs 22 and 23) investment protection and investor-state dispute settlement (ISDS). The stated aim of negotiations on investment is to negotiate investment liberalisation and protection provisions on the basis of the highest levels of liberalisation and highest standards of protection that both sides have negotiated to date.

The mandate makes it clear that the inclusion of investment protection and ISDS will depend on EU interests being met and on the final balance of the Agreement. Importantly, the mandate states that the objectives of any investment protection provisions would be without prejudice to the right of the EU and the member states to adopt and enforce measures necessary to pursue legitimate public policy objectives such as social, environmental, security, stability of the financial system, public health and safety in a non-discriminatory manner.

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The Commission's Concept Paper, "*Investment in TTIP and beyond – the path for reform* ", published on 6 May, which builds on the important progress that has been achieved in the investment agreement with Canada, sets out four areas for further improvement: Governments' right to regulate, establishment and functioning of tribunals, relationship between national judicial systems and an ISDS system, and an appellate mechanism.

These improvements are aimed at fixing the problems with dispute settlement in order to create a new modern system of investment arbitration. Ireland already provides the highest protection for investors by virtue of Article 43 of our Constitution, so the policy intention of the Commission in these negotiations is not new to Ireland.

The case referred to by the Deputy does not involve Ireland and is a matter for the parties involved.

414. Deputy Maureen O'Sullivan asked the **Minister for Jobs, Enterprise and Innovation** if he will list, in tabular form, the representations received by him, his Department and his Department's Ministers of State, on the European Union-United States of America Transatlantic Trade and Investment Partnership or any of the other names by which these negotiations have been known; if he will provide a full list of the persons and organisations from whom these representations came; the number of meetings he, his ministerial colleagues or his Department officials have had with interested parties regarding it; with whom they were held and the date on which they took place; and if he will make a statement on the matter. [22464/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): According to my Department's records, since the EU Council's decision in June 2013 to start negotiations with the US on a Transatlantic Trade and Investment Partnership (TTIP), 586 representations on TTIP have been received, 566 of which were from private citizens. The remainder were from organisations including trade unions' representatives, county councils, the Irish Farmers Association, the Irish Pharmaceutical Healthcare Organisation, Chambers Ireland, the American Chamber of Commerce, European Movement Ireland, Faith in Action, Ash Ireland, Peoples Movement Campaign Against TTIP, the Irish Recorded Music Association, the Future We Need, the Irish Cancer Society, the Young Friends of the Earth, and the European Filmmakers.

As the issue of the negotiations on a possible trade agreement between the EU and the US is discussed on an ongoing basis, it would not be possible to provide the dates and details of all meetings that take place. I regularly meet the EU Commissioner for Trade, Cecilia Malmström, and hosted her visit to Ireland on 27 March last when she also took the

opportunity to meet with the Joint Oireachtas Committee on EU Affairs. I also meet regularly with fellow EU trade ministers.





I have met three times with the US Trade Representative, Mike Froman, in March 2013, just before he was appointed as USTR, in April 2013, when he came to Dublin at my invitation to the informal meeting of EU trade ministers during Ireland's Presidency, and in October 2014, during a trade mission to the US.



I frequently engage with Oireachtas Committees and individual Oireachtas members. I met with Irish Members of the European Parliament on 28 May. I have been invited to attend a special joint session on 23 June of three Joint Oireachtas Committees: Jobs, Enterprise and Innovation, Agriculture Food and the Marine, and EU Affairs, meeting in single session, to discuss TTIP.

I have hosted two seminars in Dublin Castle on TTIP, in June 2014 and in March 2015, to which Oireachtas members, all Irish MEPs, and business, trade unions and farm representative groups were invited. I have participated in two round table discussions at the European Parliament Dublin office, one in December 2014, and the other, which took place on 26 May.

Meetings at official level take place mostly between other officials. My officials regularly meet EU Commission, Council and Parliament officials, as well as officials from other EU Member States. Officials of my Department convene regular meetings of officials of other departments and agencies. Other official level meetings that take place are with stakeholders including business, workers, farming and NGO interest groups. The opportunity was provided recently to an NGO umbrella group called Uplift to meet with the interdepartmental group of officials. Official level briefing sessions have been held for Oireachtas members and their advisors, and Members of the European Parliament and their advisors.

Transatlantic Trade and Investment Partnership – 17/6/15

114. Deputy Michael Creed   asked the **Minister for Jobs, Enterprise and Innovation**   the position regarding the Transatlantic Trade and Investment Partnership; his views regarding the investor state dispute settlement therein; his views that this new court-arbitration system for disputes is going to be inaccessible to the small and medium enterprises sector due to costs and affordability issues; if he will ensure that this issue is addressed in the ongoing negotiations; and if he will make a statement on the matter. [\[24204/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   According to assessments made by the EU Commission, a comprehensive TTIP could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. A study commissioned by my Department estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs.

The last formal round of the Transatlantic Trade and Investment Partnership (TTIP) negotiations, which was the ninth since negotiations began in 2013, took place in New York

during the week beginning 20 April, 2015. The tenth formal round is scheduled to take place in Brussels during the week beginning 13 July, 2015. Work has advanced in all three pillars of the negotiations, namely, market access, regulatory cooperation and rules.

One of the general principles set out in the EU's negotiating mandate is the objective to take into account the particular challenges faced by small and medium-sized enterprises in contributing to the development of trade and investment. TTIP will include a specific chapter on SMEs which is aimed at making the terms of TTIP more accessible by providing information which in turn will help to identify opportunities to trade and invest.

Insofar as negotiations on investment is concerned, the stated aim of EU's negotiating mandate is to negotiate investment liberalisation and protection provisions on the basis of the highest levels of liberalisation and highest standards of protection that both sides have negotiated to date. The mandate makes it clear that the ultimately, the decision to include investment protection and ISDS in TTIP will depend on EU interests being met and on the final balance of the Agreement. Negotiations on investment protection including ISDS are on hold pending further work being undertaken by the EU Commission.


The EU's aim is to overhaul investment protection provisions and the ISDS in international agreements, learning from experience of others under existing agreements globally. Significant progress in this regard has already been made under the EU-Canada (CETA) free trade and investment agreement. The Commission's Concept Paper on reforming ISDS "*Investment in TTIP and beyond – the path for reform* ", builds on this progress and sets out ideas to further improve four key issues, namely, Governments' right to regulate, establishment and functioning of tribunals, relationship between national judicial systems and an ISDS system, and an appellate mechanism.

As regards accessibility of SMEs to arbitration, some of the improved provisions included in CETA were introduced with SMEs in mind and should provide the basis for similar provisions in TTIP. These include specific provisions on mediation, to encourage an amicable solution between parties and avoid a longer and costlier formal arbitration process. CETA also introduces the possibility of a sole arbitrator when both parties agree, which would reduce costs, and also introduces limits on the fees paid to arbitrators.

I am open to considering proposals that can achieve a reasonable and workable arbitration system that is fair, transparent and efficient and addresses the shortcomings of historic models of investment arbitration which have given rise to concern.

Transatlantic Trade and Investment Partnership – 23/6/15

303. Deputy Thomas P. Broughan  asked the **Minister for Jobs, Enterprise and Innovation**  if he will report to Dáil Éireann on the most up-to-date status of the Transatlantic, Trade and Investment Partnership; his plans to support this; if a new Irish Government will have the option to withdraw from partnership negotiations after the general election; if opt-out procedures for European Union states are in place; and if he will make a statement on the matter. [\[24736/15\]](#)





Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):  The last formal round of negotiations around a new EU–US Free Trade agreement, which was the 9th round, took place in New York from 20 – 24 April 2015. I detailed the outcome of this Round in



response to the Dáil Question put down by the Deputy on 13 May last. The 10th round is scheduled to take place in Brussels during the week beginning 13 July 2015.

According to assessments made by the EU Commission, a comprehensive free trade deal between the EU and US could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. The independent study commissioned by my Department carried out by Copenhagen Economics estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1.5% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs. It also suggests that Irish small and medium enterprises (SMEs) will be particular beneficiaries.

Ireland clearly has much to gain under an EU-US trade agreement. This Government, therefore, supports the EU Commission in these negotiations. The aim of the negotiations is to achieve an ambitious and comprehensive agreement contributing to growth and jobs in the EU, and this Government's aim is to get the best deal for Ireland that will deliver growth and jobs that will be for the benefit of the long term development of our country.

These negotiations between the EU and the US fall under the EU's Common Commercial Policy. The EU Commission is negotiating on behalf of all Member States on the basis of a mandate agreed by the Council of Ministers in 2013. Ratification by Ireland of any future agreement will, in due course, be a matter for Dáil Éireann.

309. Deputy Maureen O'Sullivan   asked the **Minister for Jobs, Enterprise and Innovation**   if he will provide further details on the representations his Department has received on the Transatlantic Trade and Investment Partnership, which numbered 586 at the time of his previous reply; if he will provide a list of the number of meetings that have taken place between his Department and all non-governmental organisations or industry groups; if he will indicate whether the large number of representations received from private citizens reflected widespread support for the partnership, or concerns and opposition to it; and if he will make a statement on the matter. [\[24977/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   As I noted in my previous response to the Deputy on this issue, as of 9th June my Department's records indicate receipt of 586 representations on Transatlantic Trade and Investment Partnership (TTIP) since the negotiations began in 2013. Of the 566 that I indicated were from private citizens, 514 of these, received between January and February this year, focused on a single issue, namely, investment protection and investor-state dispute settlement (ISDS) in TTIP.

It is important to remember that the negotiating mandate in respect of a Free Trade deal between the EU and US makes it clear that the inclusion of investment protection and ISDS will depend on EU interests being met and on the final balance of the Agreement. The mandate states that the objectives of any investment protection provisions would be without prejudice to the right of EU and the member states to adopt and enforce measures necessary to pursue legitimate public policy objectives such as social, environmental, security, stability of the financial system, public health and safety in a non-discriminatory manner.

The details available on meetings were set out in my previous response.

310. Deputy Maureen O'Sullivan asked the **Minister for Jobs, Enterprise and Innovation** the views of the Industrial Development Agency Ireland on the Transatlantic Trade and Investment Partnership; if it has expressed concerns that the partnership will diminish Ireland's advantages as a gateway to Europe for investors from the United States of America and elsewhere; the way these concerns were raised and discussed, and if they should be discussed more publicly; and if he will make a statement on the matter. [24978/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): According to assessments made by the EU Commission, a comprehensive Freed Trade deal between the EU and US could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. An independent study commissioned by my Department carried out by Copenhagen Economics estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1.5% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs.

IDA Ireland was represented on the steering group that was chaired by my Department to oversee the Copenhagen Economics study. It is standard practice to have a steering group in any commissioned research which involves public funds. The role of the steering group was also to ensure that any data or information required by Copenhagen Economics was provided, and also to see that the terms reference were adhered to.

IDA Ireland supports an EU/US Freed Trade deal (TTIP) and the potential for the increased investment which accompanies greater trading flows as identified by the Copenhagen Economics study. IDA Ireland also welcomes the expected 3.5% increase Irish exports from the FDI sector and the expected positive employment and productivity impacts.

My Department will continue to liaise with relevant Government Departments and agencies as the negotiations proceed to ensure Ireland's position is optimised under the terms of any emerging deal.

Transatlantic Trade and Investment Partnership – 24/6/15

147. Deputy Finian McGrath asked the **Minister for Jobs, Enterprise and Innovation** if he is aware of the consequences of the inclusion of the investor state dispute settlement mechanism in the transatlantic trade and investment partnership agreement; and if he will make a statement on the matter. [25403/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): According to assessments made by the EU Commission, a comprehensive EU/US Free Trade agreement (TTIP) could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. A study commissioned by my Department estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1.5% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs. The EU Commission's

mandate to negotiate with the United States on a new Free Trade deal includes in the scope (paragraphs 22 and 23), investment protection and investor-state dispute settlement (ISDS). The stated aim of negotiations on investment is to negotiate investment liberalisation and protection provisions on the basis of the highest levels of liberalisation and highest standards of protection that both sides have negotiated to date.





The mandate makes it clear that the inclusion of investment protection and ISDS will depend on EU interests being met and on the final balance of the Agreement. Importantly, the mandate states that the objectives of any investment protection provisions would be without prejudice to the right of EU and the member states to adopt and enforce measures necessary to pursue legitimate public policy objectives such as social, environmental, security, stability of the financial system, public health and safety in a non-discriminatory manner.



This means that the type of investment arbitration system under TTIP will be a vast improvement on investment protection in existing Bilateral Investment Treaties, some of which date back to the 1950's.

The Commission's Concept Paper, "*Investment in TTIP and beyond – the path for reform*", published on 6 May, sets out the context for this reform and, building on the important progress that has been achieved in the investment agreements with Canada and Singapore, sets out four areas for further improvement: Governments' right to regulate, establishment and functioning of tribunals, relationship between national judicial systems and an ISDS system, and an appellate mechanism.

These improvements are aimed at fixing the problems with investor dispute settlement in order to create a new modern system of investment arbitration. Ireland already provides the highest protection for investors by virtue of Article 43 of our Constitution, so the policy intention of the Commission in these negotiations is not new to Ireland.

Transatlantic Trade and Investment Partnership – 30/6/15

299. Deputy Peadar Tóibín   asked the **Minister for Jobs, Enterprise and Innovation**   the reason the Copenhagen Economics "TTIP impact in Ireland" study commissioned by him used 2011 as a baseline year for all sectoral projections but 2013 as the baseline year for gross domestic product. [\[26396/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The Copenhagen Economics study commissioned by my Department uses baseline figures to facilitate comparison with the European Commission's study, carried out by the Centre for Economic Policy Research. This approach was proposed by Copenhagen Economics and agreed by the Department. I am informed that in 2014 when Copenhagen Economics carried out the work, the large scale database used for these types of analyses (GTAP data) were available for 2011 as the latest year when it comes to the detailed sector data, and that this is still the case.

The Copenhagen Economics study was in the final stage of preparation at the end of 2014, at which time the 2013 figure of GDP was the most up-to-date figure available.

May 2015

Transatlantic Trade and Investment Partnership – 13/05/15

13. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** his views on the chapters of the Transatlantic Trade and Investment Partnership regarding regulatory co-operation; if he will provide a progress update on the latest negotiations at European Union level in relation to the Partnership; and if he will make a statement on the matter. [18405/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I welcome the publication of the EU's draft Regulatory Cooperation Chapter which is intended to provide the framework for ongoing regulatory cooperation under TTIP. This is an area where significant mutual gains can be made which will promote trade and job creation. It will be a particular area of interest for Ireland with our large pharmaceutical and medical device sectors, It offers all parties an opportunity to make input into this significant area on the TTIP. The revised regulatory cooperation text was tabled by the EU and is available on the EU Commission website along with a detailed explanation of the EU proposal. The chapters on Regulation first set out the potential benefits of regulatory cooperation in terms of:

- Jobs and growth
- More choice for consumers
- Stronger regulation, better enforced
- Greater influence on the international stage

They then demonstrate that such cooperation will not lower existing protection in the EU or in the US. It makes clear that nothing in a TTIP agreement will affect the right of either side to make new regulations, or undermine the procedures through which those regulations are made.

The detailed articles set out the general objectives and principles of cooperation. The key objectives are to facilitate trade and investment by removing unnecessary burden, promoting a transparent and predictable regulatory environment and promoting international cooperation. Some principles of good regulation are enshrined in the cooperation agreement such as early indication of plans, opportunity for consultation, sound impact assessment, development of an annual cooperation programme covering information exchange, identifying the scope for mutual recognition of equivalence, simplification or harmonisation. It also provides for the establishment of a Joint Regulatory Cooperation Body to facilitate their implementation of the cooperation agreement.

In addition, nine specific sectors have been identified as areas on which regulatory cooperation work can be carried out and mutual gains achieved. These are cars, pharmaceuticals, medical devices, cosmetics, engineering, textiles, chemicals, pesticides, ICT.

The EU and US work closely already in a number of areas. Air transport is one example of where common standards for safety and technical requirements are already in place, we have

also agreed to recognise each other's organic food standards. The ultimate objective of these initiatives is to avoid duplication and to find ways to make our systems work more smoothly.

Regulatory compatibility and cooperation recognises the realities of globalisation and will make the trading landscape easier and more predictable. This will be particularly important in unlocking the potential of SMEs helping them to internationalise and grow exports as is reflected in my Department's recent report on the impacts of TTIP on Ireland.

16. Deputy Maureen O'Sullivan asked the **Minister for Jobs, Enterprise and Innovation** if he has given due consideration to the damage the Transatlantic Trade and Investment Partnership will create for Ireland and other countries in relation to the investor state dispute settlement and the fact that corporations, with profit as their only motivation, will be granted further rights to challenge Governments in legal proceedings, against decisions Governments make in the public good that will affect these corporations' profitability or potential profitability; if he will acknowledge that the partnership is a bad deal for Ireland and many other countries; and if he will make a statement on the matter. [\[18323/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The purpose of the negotiations on a Transatlantic Trade and Investment Partnership (TTIP) is to reduce barriers to trade and investment in order to generate jobs and growth. According to assessments made by the EU Commission and other European bodies, a comprehensive TTIP could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This injection of economic activity will bring new job opportunities. Based on EU Commission estimates, about 30 million jobs in the EU depend on sales to the rest of the world, and on average, each additional €1 billion of exports supports 15,000 additional jobs across the EU. That suggests that across the EU, an ambitious TTIP could generate 400,000 jobs.

The results of the study commissioned by my Department suggest that TTIP will be good for Ireland. It estimates that the benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs. It also suggests that Irish small and medium enterprises (SMEs) will be particular beneficiaries.

In relation to ISDS, the EU Commission has been working over the last few months on a number of areas by way of follow-up to its public consultation on ISDS. These are: the protection of the right to regulate; the establishment and functioning of arbitral tribunals; the relationship between domestic judicial systems and Investor to State Dispute Settlement (ISDS); and the review of ISDS decisions for legal correctness through an appellate mechanism.

Last week, the EU Commissioner for Trade, Cecilia Malmström, presented a concept paper to the EU Council of Ministers and to the EU Parliament's International Trade Committee. The paper sets out ideas for reforming the current ISDS system, with the overall aim of creating a new modern system of investment arbitration. The ideas include strengthening governments' right to regulate, making arbitral tribunals operate more like traditional court systems with a clear code of conduct for arbitrators, and guaranteeing access to an appeals system. The paper can be found at:

http://trade.ec.europa.eu/doclib/docs/2015/may/tradoc_153408.PDF

I welcome the comprehensive work by the EU Commission in following up on the views expressed by stakeholders, and the ideas it has set out in the concept paper, which I will be carefully considering.

20. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** his views on the concerns raised in many corners regarding the human rights implications of the Transatlantic Trade and Investment Partnership, including the recent call, reported in the British newspaper, The Guardian, from a former senior official in the United Nations, Mr Alfred de Zayas, calling for the suspension of the partnership negotiations for this reason; and if he will make a statement on the matter. [18404/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The primary objective of the TTIP is to promote growth and jobs, greater compatibility in regulation, high standards, and common rules to facilitate trade and investment. The EU Commission's mandate to negotiate with the United States on a Transatlantic Trade and Investment Partnership on behalf of the EU states that that the Agreement will exclusively contain provisions on trade and trade-related areas applicable between the parties. The mandate also states that the Agreement should confirm that the transatlantic trade and investment partnership is based on common values, including the protection and promotion of human rights and international security.

Transatlantic Trade and Investment Partnership – 19/05/15

181. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** if he has availed of the opportunity to access the confidential reading rooms in the US Embassy in Dublin, in order to assess the content of the Transatlantic Trade and Investment Partnership; if so, if he has had the opportunity to read US input papers and draft partnership chapters, consolidated texts, in this regard; and if he will make a statement on the matter. [19669/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I very much welcome Commissioner Malmstrom's efforts to improve transparency since she took office. As the Deputy will be aware the EU's negotiating documents and concept papers are now available publically on the EU's Trade website. Together with other member states we have encouraged the Commissioner in her discussion with the US side to improve access to the US negotiating documents and in this context the opening of reading rooms is a welcome first step. I have not had the opportunity to read US input papers as they are not available. However, I look forward to the availability of consolidated texts in due course and to having access to these documents in Dublin.

April 2015

Transatlantic Trade and Investment Partnership – 2/04/15

90. Deputy Robert Dowds asked the **Minister for Jobs, Enterprise and Innovation** if the Investor State Dispute resolution mechanism of the proposed Transatlantic Trade and Investment Partnership trade agreement between the European Union and the United States of America will hold precedence over Irish court decisions or Irish law; and if so, if he will state his full and unequivocal opposition to any agreement which includes a mechanism of any trade agreement that would enable companies to ignore Irish court decisions or Irish law under any circumstances. [\[13818/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The EU Commission is currently considering some ideas for reforming the investor state dispute settlement arbitration system, following the public consultation on investor protection in the Transatlantic Trade and Investment Partnership. One of those areas it is considering is the relationship between domestic legal systems and investor state dispute settlement. In order to address the perception that investor state dispute settlement gives investors a second chance to overrule the decisions of national courts, the Commission is considering two possible options: Firstly to require claimants to choose between national courts and arbitration from the outset, so they would not be allowed to use the arbitration system once a case had begun in national courts; or, to avoid the risk that this might encourage claimants to avoid national courts altogether, to provide that they would have to abandon any proceedings they have started in national courts if they launch an arbitration case. Recourse to arbitration would not be possible if the claimant decided to exhaust local remedies.

The aim is to ensure that a ruling of a member state court could not be overturned by a tribunal.

Transatlantic Trade and Investment Partnership – 16/04/15

92. Deputy Thomas P. Broughan asked the **Minister for Jobs, Enterprise and Innovation** the progress of the Transatlantic Trade and Investment Partnership; the next steps for Ireland with regards to this partnership; and if he will make a statement on the matter. [\[15033/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Since the Transatlantic Trade and Investment Partnership or TTIP negotiations started with the US in 2013, eight negotiating rounds have taken place, the most recent during the week 2-6 February 2015 in Brussels. The 9th round is scheduled to take place in Washington from 20th-24th April 2015. It is hoped that there will be substantial progress in the TTIP negotiations in 2015.





According to assessments made by the EU Commission and other European bodies, a comprehensive TTIP could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU.



A study commissioned by my Department estimates that the benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs. It also suggests that Irish small and medium enterprises (SMEs) will be particular beneficiaries.

Ireland's interests in these negotiations will be guided by the indications from the study. Our priorities include advancing in regulatory cooperation and common rules which aim to make trade and investment easier especially for SMEs, and protecting our interests in any sensitive areas, including beef.

Ireland supports the Commission in these negotiations which aim to achieve an ambitious and comprehensive agreement contributing to growth and jobs in Ireland and the EU. We will seek to maximise any potential benefits for our economy and our citizens throughout the negotiation period.

Transatlantic Trade and Investment Partnership – 21/04/15

326. Deputy Bernard J. Durkan   asked the **Minister for Jobs, Enterprise and Innovation**   the extent to which he and his Department continue to monitor progress in EU-US trade negotiations with a view to maximisation of benefit for Irish companies; and if he will make a statement on the matter. [\[15695/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   My Department and I are closely monitoring the progress of the Transatlantic Trade and Investment Partnership (TTIP) negotiations. Since these negotiations started with the US in 2013, eight negotiating rounds have taken place. The 9th round is taking place in New York this week from 20 to 24 April 2015. It is hoped that there will be substantial advancement in the TTIP negotiations in 2015. According to assessments made by the EU Commission, a comprehensive TTIP could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU. Right across the range of issues covered by TTIP, I will ensure we are best positioned to make the most from these and other trade and investment opportunities in order to maximise any potential benefits for Irish companies and citizens.

A study commissioned by my Department estimates that these benefits in Ireland will be proportionally greater than in the EU as a whole. It suggests growth in Irish exports of almost 4%, increases in investment of 1% and increase in real wages of 1.5%. It estimates somewhere between 5,000 and 10,000 additional export related jobs. It also suggests that Irish small and medium enterprises (SMEs) will be particular beneficiaries.

Ireland's interests in the TTIP negotiations will be assisted by the indications from this study. Our priorities include advancing regulatory cooperation and common rules which aim to make trade and investment easier especially for SMEs, and protecting our interests in any sensitive areas, including beef.

Ireland supports the Commission in these negotiations which aim to achieve an ambitious and comprehensive agreement contributing to growth and jobs both here and the EU. I will continue to promote our objective for a comprehensive, balanced agreement for the benefit of the long term development of our country.

March 2015

Transatlantic Trade and Investment Partnership – 26/03/15



2. Deputy Peadar Tóibín asked the **Minister for Jobs, Enterprise and Innovation** the number of the estimated 1.3 million jobs that will be lost to worker displacement arising from the Transatlantic Trade and Investment Partnership that will be Irish small and medium-sized enterprise jobs. [\[12180/15\]](#)



Deputy Peadar Tóibín: The European Commission and the Government have stated over and over again that the transatlantic trade and investment partnership, TTIP, will be advantageous to small and medium sized enterprises, SMEs. Very little evidence of the exact benefits of TTIP have been provided to date. The Minister has said that businesses will enjoy increased market share, but we have heard very little about the practical elements that will be available to SMEs to allow them to do that. We are very worried about the 1.3 million jobs in Europe which will be displaced when TTIP is enforced. Can the Minister tell us how the Government will deal with that?



Deputy Richard Bruton: It has been estimated that TTIP will have a positive impact on European output, incomes and employment. It is estimated that it will increase the size of the European economy by 0.5% of GDP and increase employment by 400,000. This would mean that a European family of four would see its annual disposable income increase by an average of €545. The suggestion that 1.3 million jobs will be lost is untrue. The EU entered these negotiations to boost jobs and growth. If this were not the case, we would not proceed. A study commissioned by my Department on the same basis as European estimates suggested that the benefit to Ireland will be proportionally greater than the benefit to the EU. It suggested that Irish exports will grow by almost 4%, investment will increase by 1% and real wages will increase by 1.5%. It estimated that between 5,000 and 10,000 additional export-related jobs will be created. It suggested that Irish SMEs will be particular beneficiaries of TTIP. The impact of this trade agreement, when concluded, will be felt over a long period. It is expected that resources will move to stronger and higher value sectors over time. This is occurring in the economy all the time. The Commission has estimated that as a result of the agreement, approximately seven in every 1,000 workers will move out of some sectors and into other sectors. As the Deputy knows, job creation and job loss is a dynamic process. For example, in the last four years gross job creation in companies supported by the enterprise agencies was 147,000. This was offset by job losses of 102,000, generating net gains of 45,000. This represents a loss of approximately 4% each year. In that context, labour movement of 0.7% over a ten-year period as a result of TTIP would be a modest adjustment.

Deputy Peadar Tóibín: A study into the first 12 years of the North American Free Trade Agreement found that more than 1 million jobs were lost in the US during that period, with millions of other people suffering a significant decline in wages and conditions. As assessment by the Centre for Economic Policy Research, which was financed by the European Commission, found that TTIP is likely to result in prolonged and substantial dislocation of EU workers. It suggested that 1.3 million EU workers and 715,000 US workers will be displaced. The Minister suggested that "job loss is a dynamic process". It is not a dynamic experience for an individual. We have seen examples of jobs in this State being lost *en masse*. It happened in the construction industry. When numbers are that large, it is practically impossible to fully reorient and retrain those individuals to work in new and developing areas of employment. That has not been the practical experience in this State so far. Our discussions with the trade directorate-general of the European Commission have shown us that it is not interested in attending to this problem. It has said that it is up to the

national Parliaments and the Council to address this issue. I suppose I am looking for information on the practical steps that will be taken by the Government in advance of this displacement, which the Minister admits is likely to happen, to ensure it will not happen or, if it does happen, it will be dealt with.

Deputy Richard Bruton:   I think the Deputy is trying to mislead the House here. The Korea agreement that was signed recently has resulted in Europe's export sales into Korea growing at 2.5 times the rate of growth of any other market. The net gain that is occurring as a result of that agreement - it is tangible and can be tested - is the addition by European companies of jobs, employment and opportunities. TTIP has the same potential. It will reduce tariff barriers and non-tariff barriers. It will allow food products in. It will ensure pharmaceutical products have fewer obstacles. It will open opportunities for growth in certain sectors. That is really important. The net benefit when that is analysed will be more jobs for Irish people in the economy. As the Deputy said, there will be a movement towards the stronger sectors. If our dairy sector grows, there will be a decline in the use of land for other agricultural purposes. People will switch from one product to another. That is a dynamic process which happens in the economy all the time. It is certainly within our capacity to adapt to a 0.7% movement over a ten-year period. It will not be like the impact on the construction sector, which was mentioned by the Deputy. There was a 66% collapse in our construction sector over four years because of some very bad policies that had been pursued. I think the Deputy is seeking to mislead by making false comparisons here. This will have a net benefit, particularly for Ireland. We should seek to embrace it, but not naively.

Deputy Peadar Tóibín:   The displacement of 1.3 million jobs in Europe will be an economic shock to 1.3 million families. The Minister has given information on a global scale about the objectives of TTIP with regard to increased trade and business levels, etc. All we are seeking is the detail. There is pressure at the moment for TTIP to be delivered very quickly. We are asking the Government to set out its stall in advance of TTIP being concluded to explain how SMEs will deal with the new transatlantic trade deal. How will we deal with the workers who will be displaced? There are 20 million SMEs across the EU. They account for 99.8% of all enterprises. If we look at the experience of the US with the North American Free Trade Agreement, we will see that the percentage of exports in which SMEs were involved actually declined over the period of experience of the agreement. It is not the case that SMEs generally experience upward motion when these large trade agreements are reached. The truth is that multinationals experience upward movement. Our fear is that TTIP is orientated towards the needs and benefits of multinationals and against the needs and benefits of SMEs and workers.

Deputy Richard Bruton:   That is simply untrue. The research being undertaken both at European level and individually in Ireland denies that. The strongest performance of Irish companies is in the US. Enterprise Ireland supports thousands of Irish companies in entering the US market. It has offices across the US. It will take various steps to support any SME that is seeking to expand into that market. It can offer first-time exporter's support and marketing support, for example. If enterprises want to put feet on the ground, they can get support for graduate placement in certain cases and they can access all of Enterprise Ireland's staff in all areas of the US. When those barriers come down, we will be particularly well placed to support Irish SMEs that are seeking to access a very familiar market. We are really well placed to take advantage of this. Enterprise Ireland will be gearing up and working with companies that can penetrate that market. Members will be aware that umpteen companies, including Combilift, McHale Engineering and Keenan of Carlow, are really up and ready. We

hope to have a whole new swathe of companies coming in behind them because this is a good market with good contacts for Irish people, not only through Enterprise Ireland but through many other contacts over the years.

Trade Agreements – 26/03/15

17. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** the business sectors which have lobbied the Government in relation to the transatlantic trade and investment partnership talks; the percentage that were supportive; the sectors that opposed specific proposals and the sectors in total opposition; and if he will make a statement on the matter. [12047/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): As part of our engagement and consultation on matters relating to EU-US trade negotiations my Department has met with stakeholders and in particular representative organisations and sectors of enterprise on questions arising in the negotiations. I am not aware of any total opposition to the negotiations arising in these consultations. Indeed business sectors have been broadly supportive of the negotiations and are assisting the Department in identifying priorities and sensitivities in the negotiations. Business sectors represented by IBEC in consultation and briefing meetings with the Department have been broadly supportive of the TTIP negotiations.

IBEC as an organisation are publically supportive of the trade agenda including the EU US trade negotiations. IBEC has 7,500 members. On the other hand, I have received 470 same content emails from individuals concerned about investment provisions in the negotiations. I have responded to these emails to clarify and explain the position.

As I have said previously in the House the purpose of the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) is to generate jobs and growth by reducing barriers to trade and investment.

I would like to add that My Department commissioned a study on the impact in Ireland of TTIP. The study, which has now been finalised will be published tomorrow. I welcome hearing the views of all stakeholders including all sectors of business so that we can be in the best position to get the best overall deal for Ireland.

Trade Agreements – 26/03/15

21. Deputy Paul Murphy asked the **Minister for Jobs, Enterprise and Innovation** the reason the State, in October 2014, communicated to the European Commission its support for the inclusion of an investor state dispute settlement mechanism in

the transatlantic trade and investment partnership negotiations; and if he will make a statement on the matter. [12087/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Ireland was one of 14 EU member states that co-signed a letter addressed to the EU Commissioner for Trade, Cecilia Malmström, concerning the public consultation on investment protection in the Transatlantic Trade and Investment Partnership (TTIP) that the EU Commission had undertaken earlier in 2014. In the letter, it was pointed out that the consultation was an important step, that the outcome of the consultation should run its course and that the views expressed by stakeholders should be carefully considered before reaching firm decisions on the way forward.

The EU Commission published its report on the results of the on 13 January, 2015. The report, along with explanatory material, can be found at

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1234>.

Commissioner Malmström has indicated that work is underway on developing specific proposals for the TTIP negotiations in the areas it identified in the report, namely, the protection of the right to regulate, the establishment and functioning of arbitral tribunals, the relationship between domestic judicial systems and Investor to State Dispute Settlement (ISDS), and the review of ISDS decisions for legal correctness through an appellate mechanism.

In line with Article 207 of the Treaty on the Functioning of the European Union, the position to be taken by the EU on issues in the TTIP negotiations is the subject of consultation with the EU Council. Like other Member States, Ireland could only support an ISDS mechanism that is fair, transparent and efficient. Ultimately, the TTIP negotiations, once they are concluded, must be ratified by each member state. This means that Ireland will be part of the final decision to ratify the agreement.

Trade Agreements



24. Deputy Thomas Pringle asked the **Minister for Jobs, Enterprise and Innovation** his views on whether the adoption of the transatlantic trade and investment partnership treaty will require a referendum here; and if he will make a statement on the matter. [12083/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Transatlantic Trade and Investment Partnership (TTIP) is a Free Trade Agreement being negotiated between the European Union and its Member States and the US. It will be an Agreement within the meaning of Article 29.5.2 of the Constitution. Ratification by Ireland will therefore be subject to prior approval of Dáil Éireann. The question of a referendum does not arise.

Trade Agreements

25. Deputy Richard Boyd Barrett asked the **Minister for Jobs, Enterprise and Innovation** the progress of talks between the European Union and the United States of





America on the Transatlantic Trade and Investment Partnership; the meetings he has attended; and if he will make a statement on the matter. [11959/15]



Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   Since the formal negotiations between the European Union and the United States on a Transatlantic Trade and Investment Partnership (TTIP) began in July 2013, eight negotiating rounds have taken place. The 9th round is scheduled to take place in Washington from 20th-24th April 2015.

Reports of previous Rounds, together with background documents, are available on the European Commission's TTIP website at <http://ec.europa.eu/trade/policy/in-focus/ttip/>

In accordance with Article 207 of the Treaty on the Functioning of the European Union, the EU Commission negotiates on behalf of the EU and regularly reports to the Council of Ministers which I attend.

Trade Agreements





26. Deputy Mick Wallace   asked the **Minister for Jobs, Enterprise and Innovation**   his views on the EU's regulatory co-operation provisions in the transatlantic trade and investment partnership talks; and if he will make a statement on the matter. [12046/15]



Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The European Union's initial proposal for legal text on Regulatory Cooperation in the Transatlantic Trade and Investment Partnership (TTIP) was tabled for discussion with the United States in the negotiating round of 2-6 February 2015. The text, which was made public by the Commission on 10 February 2015, can be found at the following link: http://trade.ec.europa.eu/doclib/docs/2015/february/tradoc_153120.pdf

The draft contains proposed text establishing a regulatory co-operation body, the purpose of which would be to monitor and facilitate the implementation of any agreed regulatory co-operation provisions under TTIP.

It is usual that an international agreement would provide for the appropriate structures to oversee the implementation of the various provisions of the agreement, and so an appropriate structure should be provided for to oversee any regulatory co-operation provisions agreed under TTIP.

Trade Agreements

27. Deputy Thomas Pringle   asked the **Minister for Jobs, Enterprise and Innovation**   the proposals in the transatlantic trade and investment partnership negotiations that have been discussed to liberalise the market for public services and water; and if he will make a statement on the matter. [12078/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The EU's mandate to negotiate the Transatlantic Trade and Investment Partnership (TTIP) states that services supplied in the exercise of governmental authority as defined by Article I.3 of GATS shall be excluded from these negotiations.

Both the EU and the US have repeatedly confirmed that no commitments will be taken on public services. This means that TTIP will have no implications for health, education, social services and other public services, including water.

February 2015

Transatlantic Trade and Investment Partnership – 03/02/15

299. Deputy Michael Fitzmaurice asked the **Minister for Jobs, Enterprise and Innovation** the position on the Transatlantic Trade and Investment Partnership and the way the partnership is being structured; the position on the investor-state dispute settlement element of the proposed partnership; and if he will make a statement on the matter. [5002/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Together the EU and the US account for almost half of world GDP and 30% of world trade. The purpose of the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) is to reduce barriers to trade and investment in order to generate jobs and growth in the EU and the US. According to assessments made by the European Commission and other European bodies, a comprehensive TTIP could over time boost the EU's GDP by 0.5% per annum, resulting in 400,000 additional jobs across the EU.

Ireland has particularly strong economic links with the US, with over 118,000 people employed in 585 US companies here. The total level of trade (imports and exports) between Ireland and the US in 2012 was €55 billion. The US is Ireland's biggest merchandise export market. The most recent data from the CSO shows that Ireland's services exports to the US increased by 40% in 2012. Notwithstanding the present high level of trade, significant benefits could be derived from a comprehensive and ambitious TTIP.

My Department commissioned a study on the potential impact of the TTIP for Ireland. This study is intended to assist in guiding the Irish position in the negotiations. The study is expected to be finalised shortly and published in early 2015.

The initial findings of the study show that the benefit to Ireland would be more than double the EU average, with 1.1% added to GDP. Other preliminary findings include increased exports (2.7%), increases in real wages (1.4%) and investment (1.6%). Opportunities are expected mainly in manufacturing – pharmaceutical and chemical industry, electrical machinery and other advanced machinery; in certain services and in processed foods.

The scope of the EU Commission's mandate to negotiate with the US on TTIP is comprehensive. It is therefore very much in the interests of Ireland that the partnership will be structured according to the mandate, which is publicly available and can be found on the EU Council's website at

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/145014.pdf .

The important question of investment protection in the TTIP was the subject of a public consultation by the EU Commission, the results of which were published on 13 January, 2015. [<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1234> .] The EU Commission

has stated that it will be discussing the report with Member States and the European Parliament, and with different stakeholders, and that following these consultations, it will develop specific proposals for the TTIP negotiations. I very much welcome this approach, and I believe that it is important to take time to have open and constructive discussion following the Commission's report that will inform the next steps.

The following information was provided under Standing Order 40A

The investment protection part of the EU Commission's mandate to negotiate with the United States on a Transatlantic Trade and Investment Partnership includes investor state dispute settlement (ISDS).

Investment protection, including ISDS, in the TTIP was the subject of a public consultation by the EU Commission, the results of which were published on 13 January, 2015. <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1234.>

The EU Commission has stated that it will be discussing the report with Member States and the European Parliament, and with different stakeholders, and that following these consultations, it will develop specific proposals for the TTIP negotiations.

I very much welcome this approach, and I believe that it is important to take time to have open and constructive discussion following the Commission's report that will inform the next steps.

At this stage, there are no negotiations taking place with the United States on this aspect of the proposed agreement. Ultimately this element, as indeed other elements of the mandate, will only be included if the overall outcome is satisfactory to the EU.

Transatlantic Trade and Investment Partnership – 12/02/15

5. Deputy Seamus Healy asked the **Minister for Jobs, Enterprise and Innovation** if he will withdraw his stated support for the inclusion in the transatlantic trade and investment partnership negotiations of a new investor state dispute settlement mechanism, which allows corporations to sue Governments for loss of revenue, bypassing the Irish courts, when Government regulations are seen to affect expected profits; and if he will make a statement on the matter. [5842/15]

Deputy Seamus Healy: Will the Minister provide an update on the transatlantic trade and investment partnership negotiations and, specifically, the proposed investor state dispute settlement mechanism?

Deputy Richard Bruton: The purpose of the negotiations on a transatlantic trade and investment partnership, TTIP, is to reduce barriers to trade and investment in order to generate jobs and growth. Based on European Commission estimates, an ambitious TTIP could generate 400,000 jobs. The gains for Ireland could be double this in proportionate terms, approximately 8,000 additional jobs, because of the significant flows of trade between Ireland and the US.

The scope of the European Commission's mandate to negotiate with the United States on a TTIP includes investment protection and investor state dispute settlement, ISDS. The aim is



to promote more two-way investment between the US and EU with high standards of protection for investors. This mandate has been supported by all member states, including Ireland. All of the EU's free trade agreements seek to provide EU investors abroad with a level of protection similar to that which they would obtain in the EU. This is important for Irish investors abroad.



Ireland does not have bilateral investment treaties. In Ireland, guarantees to investors that they will not be treated in a discriminatory manner are provided by virtue of Article 43 of our Constitution. However, in other EU member states this protection is provided through bilateral investment treaties with third countries that include ISDS. Nine member states have such treaties with the US. TTIP would replace these.

International experience points to a wide disparity of bilateral investment agreement provisions. Some cases taken by investors under some of these have justifiably brought criticism of ISDS as a mechanism. The TTIP negotiations give the EU an opportunity to make improvements and create a new generation ISDS model that addresses the weaknesses identified in other agreements. Indeed, the existing mandate already provides important provisions protecting the right of government to regulate sectors. I support the European Commission in its continuing work to modify and improve the existing models and through the public consultation which it has conducted.



In the case of the recently concluded negotiations between the EU and Canada, for example, a breach of the fair and equitable treatment obligation could only arise when there is denial of justice in criminal, civil or administrative proceedings; a fundamental breach of due process, including a fundamental breach of transparency, in judicial and administrative proceedings; manifest arbitrariness; targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief; or abusive treatment of investors, such as coercion, duress and harassment. In addition, in the Canada agreement, there is provision for a list of arbitrators pre-agreed by the EU and Canada.



The European Commission has indicated it will engage in further consultations with member states, the European Parliament and other stakeholders and that, following these consultations, it will develop specific proposals for the TTIP negotiations. I very much welcome this approach and it is important to take time to have open and constructive discussion following the Commission's report that will inform the next steps. At this stage, there are no negotiations taking place with the United States on this aspect of the proposed agreement. Ultimately, this element, as indeed other elements of the mandate, will only be included if the overall outcome is satisfactory to the EU.

Deputy Seamus Healy:   There are serious and significant concerns about these negotiations in a variety of areas, including the prospect of the displacement of 1 million jobs in the European Union which will affect this country too. There is a concern that low-grade, hormone-injected and genetically modified beef products from the US may gain access to the Irish market. Questions have arisen about the investor state dispute mechanism which would appear to undermine the democratic foundations of the State. Questions have also arisen over the reduction in wages and conditions of employment for workers. There is considerable concern that transnational corporations could bypass the courts through the dispute resolution mechanism.

Deputy Richard Bruton:   The idea of low-grade or genetically modified beef coming into Europe has been explicitly excluded in the mandate. That is not an eventuality that the EU would countenance. In respect of wages and employment conditions, the Department has commissioned some research into this which indicates there would be benefits through improvements in wages, employment, exports and growth. The balance sheet is positive on all aspects of employment and working conditions.



I recognise there are concerns in any trade negotiations because barriers will come down. Obviously, those sectors behind some large barriers will face more competition. Other opportunities, however, will arise in sectors where Europe can now get into US markets, where previously there were substantial barriers to European businesses. It is a two-way process and there will always be some level of trading to be agreed. Both sides will have to be satisfied that the reduction in trade barriers is an improvement. Every assessment would show the reduction of such barriers improves the opportunities in both countries. Trade barriers are not helpful by pushing up costs and representing a loss. While I understand the Deputy's concerns, these are negotiations which will be done in a very open and transparent way and people will have an opportunity to input into them.



Deputy Seamus Healy:   There is a concern these negotiations are secret. Is the Minister prepared to advise the Dáil on an ongoing, say quarterly, basis on the conduct and the progress of these negotiations?

Deputy Richard Bruton:   As Deputy Mick Wallace has a later question on this very topic, I do not want to encroach on it now. Suffice to say, these have been very open negotiations. There are briefings after every session and the information is available on the public record to Members of the European Parliament. I have engaged in several consultations with the relevant committees. I am happy to appear before any committee again at any point on these discussions.

Transatlantic Trade and Investment Partnership – 12/02/15

7. Deputy Mick Wallace   asked the **Minister for Jobs, Enterprise and Innovation**   his plans to ensure transparency and openness, in and about the trade talks, relating to the transatlantic trade and investment partnership, TTIP; and if he will make a statement on the matter. [\[6093/15\]](#)



Deputy Mick Wallace:   We have broached the subject a number of times. It was interesting to see comments by the former Ombudsman, Emily O'Reilly, who said: "One should not forget that traditional methods of conducting international trade negotiations, characterised as they are by confidentiality and limited public participation, are ill-equipped to generate the legitimacy necessary in such high stakes talks." She argues that things need to be different from now on and that citizens need a stronger role. She has been critical of the lack of citizen participation in the TTIP negotiations to date.

Deputy Richard Bruton:   To be fair, that has been reflected in the approach of Commissioner Malmström. There is a whole new approach being adopted, with greater engagement by citizens than has occurred previously in trade negotiations. The purpose of the TTIP negotiations is to generate jobs and growth by reducing barriers to trade and investment. As I mentioned to Deputy Seamus Healy, there is potential for 400,000 jobs across the EU and 8,000 additional jobs in Ireland from an ambitious trade agreement.



I welcome the wide interest in these negotiations and the opportunities it presents for constructive engagement and discussion on issues arising in the negotiations. I have sought to provide opportunity for open discussion. During the course of the past year, I have briefed the Oireachtas Joint Committee on Jobs, Enterprise and Innovation and the Oireachtas Joint Committee on European Union Affairs. In June 2014, I hosted a conference in Dublin Castle for stakeholders, including Oireachtas Members. Last December, I participated in a round-table discussion with a range of stakeholders organised by the European Parliament's office in Dublin. I plan to continue these engagements with the Oireachtas and MEPs. The publication in the next few weeks of the study commissioned by my Department on the opportunities of the TTIP for Ireland will provide further opportunity for engagement and openness on the issues of interest to us in these negotiations.

The European Commission is the EU's negotiator in TTIP. Last November, the European Council of trade Ministers, which I attended, underlined the importance of better communicating the scope and the benefits of TTIP and called for enhanced transparency and dialogue with civil society. Commissioner Malmström's response to this call for improving transparency and openness in the negotiations has been positive. The European Commission is making public more EU negotiating texts and is providing access to TTIP texts to all Members of the European Parliament. Fewer TTIP negotiating documents are classified as EU restricted.

Engagement with stakeholders during the TTIP negotiating rounds is now a permanent feature. Last week in Brussels, during the eighth round, in excess of 80 stakeholders from both sides of the Atlantic presented their views on the various aspects of the negotiations. This provides further opportunity for openness and transparency in direct stakeholder engagement with the negotiators.

Deputy Mick Wallace:   The Minister is telling us that everything is open and transparent but many people feel otherwise. The Minister is aware of the group, Corporate Europe Observatory, which has taken a close look at this. There is fierce opposition to the far-reaching rights for foreign investors in this treaty. There are fears they will be given the right to undermine existing legislation. It is almost as if they will be given the opportunity to write their own legislation.

Going against what the Minister says in his answer, Ms Emily O'Reilly has raised the point that the US has sought to veto access to some documents. She is concerned. For the US to say that it will be unhappy if certain documents are disclosed is, according to Ms. O'Reilly, not good enough. It gives the US a veto over disclosure of certain documents, which is worrying. Coming up with the final document, presenting it to people, telling them that this is what we are doing and letting them say "Yes" or "No" to it at that stage is not good enough. There must be greater engagement with the citizens throughout the process if people will be content with the final outcome.

Deputy Richard Bruton:   There is exactly that. We have had eight rounds and after every round there has been an open and transparent opportunity for people to express views. Nothing is agreed until everything is agreed. It is a rolling process.

I acknowledged that there are people who are critics but I ask the Deputy to look honestly at what is in the document. I quoted to Deputy Healy what went into the Canadian document to protect investors. They can only call on the investor dispute mechanism if they are faced with

a fine denial of justice in criminal or administrative procedures, if there has been a fundamental breach of due process, if there has been manifest arbitrariness in the way they have been treated, or if there has been targeted discrimination. The elements that go into the improved investor-state dispute settlements, ISDS, over time are narrowing the ranges where they can pursue complaints and these elements are improving the process. In the mandate, we have excluded rafts of things that the agreement cannot enter into, including GMO, the right to regulate or the right to have public services provided through the public sector.

Transatlantic Trade and Investment Partnership – 12/02/15

27. Deputy Mick Wallace asked the **Minister for Jobs, Enterprise and Innovation** if he will provide an update on developments from the eighth round of negotiations on the Transatlantic Trade and Investment Partnership from 2 to 6 February 2015, his position on the regulatory co-operation proposal in view of concern expressed by civil society groups and the public that this measure is heavily weighted in favour of corporations; and if he will make a statement on the matter. [6094/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The 8th round of negotiations took place last week in Brussels. Comprehensive discussions were had in all 3 areas of the negotiations; Market Access, Regulatory Cooperation and the Rules, which includes trade facilitation, intellectual property, sustainable development, labour, the environment and SMEs. ISDS or investment protection was not discussed. The **Market Access** discussions focused on tariffs, services and public procurement. Discussions in the **Regulatory** area were around the proposals tabled by both sides on regulatory cooperation, technical barriers to trade i.e. standards and conformity assessment and sanitary and phytosanitary measures (SPS). The regulatory cooperation text was tabled by the EU and is available on the EU Commission website:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230#regulatory-cooperation>.

The main elements of the EU text are good regulatory practices and enhanced regulatory cooperation. Negotiators are discussing ways to establish a good system of cooperation between the US and EU regulators in a manner that does not compromise standards on either side of the Atlantic.

Discussions on the **Rules** area included sustainable development, labour and the environment. Both the EU and the US believe in the protection of workers' rights and in the protection of the environment. Negotiators stated that they are committed to achieving an ambitious outcome. Also discussed were trade facilitation, intellectual property, state to state dispute settlement, rules of origin, energy and raw materials and small and medium enterprises (SMEs).

During the 8th round the negotiating teams spent one day meeting and hearing from over 400 civil society representatives from business and industry, professional associations, consumer bodies, environmental groups and the labour movement.

Turning to Regulatory Cooperation, the EU and US work closely already in a number of areas. Air transport is one example of where common standards for safety and technical requirements are already in place. The EU and the US have also agreed to recognise each other's organic food standards. The TTIP proposes to extend this to other areas such as cars, medical devices and pharmaceuticals. The objective is to avoid duplication and to find ways

to make our systems work more smoothly.

Regulatory compatibility and cooperation is not about deregulation. Rather it recognises the realities of globalisation and will make the trading landscape easier and more predictable. This will be particularly important in unlocking the potential for SMEs and in helping them to internationalise and grow exports.

Trade Agreements – 12/02/15

30. Deputy Peadar Tóibín asked the **Minister for Jobs, Enterprise and Innovation** if he will provide his Department's priorities presented at the recent eighth round of the Transatlantic Trade and Investment Partnership negotiations. [5846/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The 8th round of the TTIP negotiations between the European Commission and the US Trade Representative took place in Brussels last week from the 2nd – 6th February. The Commission reported solid progress in all 3 areas of the negotiations; Market Access, Regulatory Cooperation and the Rules, which includes trade facilitation, intellectual property, sustainable development, labour, the environment and SMEs. Our priorities in these negotiations include advances in regulatory cooperation and common rules which aim to make trade and exporting easier especially for SMEs. Ireland supports the Commission in these negotiations which aim to achieve an ambitious and comprehensive agreement contributing to growth and jobs in Ireland and the EU.

Trade Agreements– 12/02/15

31. Deputy Paul Murphy asked the **Minister for Jobs, Enterprise and Innovation** if he will report on progress on negotiations of the Transatlantic Trade and Investment Partnership; his views of reported opposition to the investment state dispute settlement mechanism from the French and German Governments (details supplied) and the results of the European Commission's public consultation on TTIP in which the majority of the near 150,000 submissions expressed opposition to TTIP and the investment state dispute settlement mechanism.; and if he will make a statement on the matter. [2664/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The purpose of the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) is to reduce barriers to trade and investment in order to generate jobs and growth. According to assessments made by the European Commission and other European bodies, a comprehensive TTIP could over time boost the EU's GDP by 0.5% per annum, resulting in 400,000 additional jobs across the EU. Ireland has particularly strong economic links with the US, with over 118,000 people employed in 585 US companies here. The total level of trade (imports and exports) between Ireland and the US in 2012 was €55 billion. The US is Ireland's biggest merchandise export market. The most recent data from the CSO shows that Ireland's services exports to the US increased by 40% in 2012. Notwithstanding the present high level of trade enormous benefits could be derived from a comprehensive and ambitious TTIP.

My Department has commissioned a study on the potential impact of the TTIP for Ireland. This study is intended to assist in guiding the Irish position in the negotiations.

The initial findings by Copenhagen Economics show that the benefit to Ireland would be

more than double the EU average, with 1.1% added to GDP. Other preliminary findings include increased exports (2.7%), increases in real wages (1.4%) and investment (1.6%). Opportunities are expected mainly in manufacturing, pharmaceutical and chemical industry, electrical machinery and other advanced machinery; services – insurance and ICT and Agriculture and processed foods.

A total of eight rounds of negotiations in the Transatlantic Trade and Investment Partnership (TTIP) have taken place to date, the most recent being held in Brussels last week (2nd – 6th February). ISDS or investment protection was not discussed.

During the 8th round the negotiating teams spend one day meeting and hearing from over 400 civil society representatives from business and industry, professional associations, consumer bodies, environmental groups and the labour movement.

On 7 January, 2015, the EU Commission published a number of documents, all of which can be found at <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230>.

Included in the published documents are the EU's proposals for legal text in the TTIP that have been tabled for discussion with the US. The areas covered by the texts published are competition, food safety and animal and plant health, customs issues, technical barriers to trade, small and medium-sized enterprises (SMEs), government-to-government dispute settlement and regulatory cooperation. The EU Commission also published EU position papers explaining the EU's approach in the areas of engineering, vehicles, and sustainable development.

In relation to ISDS the EU Commission published its report on the results of the public consultation on investor protection on 13 January, 2015. The report, along with explanatory material, can be found at <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1234>.

The Commission has indicated that, based on the comments received, there are a number of areas that appear to be particularly important to respondents, which represent four areas of work that should be explored further. These are: the protection of the right to regulate; the establishment and functioning of arbitral tribunals; the relationship between domestic judicial systems and Investor to State Dispute Settlement (ISDS); and the review of ISDS decisions for legal correctness through an appellate mechanism.

In response to the public consultation and the views of Member States the EU Commission has stated that, in the first quarter of 2015, it will be discussing the report with Member States and with the European Parliament, as well as with different stakeholders, including non-governmental organisations, business, trade unions, consumer and environment organisations. The Commission has indicated that, following these discussions, it will develop specific proposals for the TTIP negotiations, which I expect will, in due course, be considered by the EU Council of Ministers. I very much welcome this approach, as I believe that it is important to take time to have open and constructive discussion to help inform next steps. Like other Member States Ireland could only support an ISDS mechanism that is fair, transparent and efficient.

At this stage, there are no negotiations taking place with the United States on investment protection or ISDS

Trade Agreements – 12/02/15

37. Deputy Denis Naughten asked the **Minister for Jobs, Enterprise and Innovation** the position regarding the negotiation on the Transatlantic Trade and Investment Partnership; and if he will make a statement on the matter. [5850/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Since the formal negotiations on the TTIP began in July 2013, eight negotiating rounds have taken place. The 8th round of negotiations took place in Brussels last week (2nd - 6th February). The Commission have reported solid progress in all 3 areas of the Agreement, Market Access, Regulatory Cooperation and the Rules, which includes trade facilitation, intellectual property, sustainable development, labour, the environment and SMEs. The Market Access discussions focused on tariffs, services and public procurement. These discussions have allowed both sides to better understand each sides priorities and sensitivities.

Discussions in the Regulatory area were around the proposals tabled by both sides on regulatory cooperation, technical barriers to trade i.e. standards and conformity assessment and sanitary and phyto-sanitary measures (SPS). A regulatory cooperation text was tabled by the EU and is available on the EU Commission website.

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230#regulatory-cooperation>.



The main elements of the EU text are good regulatory practices and enhanced regulatory cooperation. Negotiators are discussing ways establish a good system of cooperation between the US and EU regulators in a manner that does not compromise individual Member States right to regulate.

Discussions on the Rules area included sustainable development and labour and the environment. Both the EU and the US believe in the protection of workers' rights and on protection of the environment and negotiators are committed to achieving an ambitious outcome which goes beyond what has been done so far in trade agreements. Also discussed were had on trade facilitation, intellectual property, state to state dispute settlement, rules or origin, energy and raw materials and small and medium enterprises (SMEs).

During the 8th round the negotiating teams spend one day meeting and hearing from over 400 civil society representatives from business and industry, professional associations, consumer bodies, environmental groups and the labour movement.

Trade Agreements – 18/02/15

71. Deputy Finian McGrath asked the **Minister for Jobs, Enterprise and Innovation** his views on a matter (details supplied) regarding the Transatlantic Trade and Investment Partnership; and if he will make a statement on the matter. [7394/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The Transatlantic Trade and Investment Partnership (TTIP) is a trade and investment agreement being negotiated between the EU and the US. The scope of the EU Commission's mandate to negotiate with the US on TTIP is comprehensive and can be found on the EU Council's website at

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/145014.pdf.

Since the negotiations started with the US in 2013, eight negotiating rounds have taken place, the most recent during the week 2-6 February 2015 in Brussels. A further two rounds of negotiations are expected to take place before the summer.

Regulatory co-operation is one of three broad areas included in the negotiations. The main objective is to reduce or eliminate any unnecessary costs, for example, duplication of testing or inspection. The EU Commission has put together a paper that provides an overview of the EU's position in the negotiations on regulatory co-operation and this can be found on the EU Commission's website at

http://trade.ec.europa.eu/doclib/docs/2015/february/tradoc_153121.1.2%20TTIP%20and%20regulation%20overview.pdf.

In the area of public services, such as health and education, where there has been a lot of misinformation, it is important to point out that the agreement will not require any public service to be privatised.

The purpose of the TTIP negotiations is to generate jobs and growth by reducing barriers to trade and investment. According to assessments made by the EU Commission and other European bodies, a comprehensive TTIP could over time boost EU GDP by 0.5% per annum bringing significant economic gains as a whole for the EU. This converts into 400,000 jobs across the EU.

Ireland has particularly strong economic links with the US, with over 118,000 people employed in 585 US companies here. The total level of trade (imports and exports) between Ireland and the US in 2012 was €55 billion. The US is Ireland's biggest merchandise export market. The most recent data from the CSO shows that Ireland's services exports to the US increased by 40% in 2012. Notwithstanding the present high level of trade, significant benefits could be derived from a comprehensive and ambitious TTIP.

My Department commissioned a study on the potential impact of the TTIP for Ireland. This study is intended to assist in guiding the Irish position in the negotiations. The study is expected to be finalised shortly and published in early 2015.

The initial findings of the study show that the benefit to Ireland would be more than double the EU average, with 1.1% added to GDP. Other preliminary findings include increased exports (2.7%), increases in real wages (1.4%) and investment (1.6%). Opportunities are expected mainly in manufacturing – pharmaceutical and chemical industry, electrical machinery and other advanced machinery; in certain services and in processed foods. Small and medium enterprises in Ireland are expected to gain from this trade agreement.

In accordance with EU's Common Commercial Policy, on the basis of a proposal from the EU Commission, it is a matter for the EU Council to decide on the signature of a trade agreement, and, following the consent of the European Parliament and ratification by

Member States, to adopt the formal decision to conclude a trade agreement. This means that Ireland will be part of the final decision to ratify the agreement.

Transatlantic Trade and Investment Partnership – 26/02/15

211. Deputy Bernard J. Durkan asked the **Minister for Foreign Affairs and Trade** the extent to which he and his European Union colleagues can bring about better observation of human rights and the elimination of human rights abuses in the context of the Transatlantic Trade and Investment Partnership, TTIP; and if he will make a statement on the matter. [8670/15]

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): The primary objective of the TTIP is to promote growth and jobs, greater compatibility in regulation, high standards, and common rules to facilitate trade and investment. The EU Commission's mandate to negotiate with the United States on a Transatlantic Trade and Investment Partnership on behalf of the EU states that the Agreement will exclusively contain provisions on trade and trade-related areas applicable between the parties. The mandate also states that the Agreement should confirm that the transatlantic trade and investment partnership is based on common values, including the protection and promotion of human rights and international security.

January 2015

Trade Agreements 14/01/15

226. Deputy Michael McGrath asked the **Minister for Jobs, Enterprise and Innovation** the position regarding the proposed Transatlantic Trade and Investment Partnership; and if he will make a statement on the matter. [49526/14]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The purpose of the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) is to reduce barriers to trade and investment in order to generate jobs and growth. According to assessments made by the European Commission and other European bodies, a comprehensive TTIP could over time boost the EU's GDP by 0.5% per annum, resulting in 400,000 additional jobs across the EU. Ireland has particularly strong economic links with the US, with over 118,000 people employed in 585 US companies here. The total level of trade (imports and exports) between Ireland and the US in 2012 was €55 billion. The US is Ireland's biggest merchandise export market. The most recent data from the CSO shows that Ireland's services exports to the US increased by 40% in 2012. Notwithstanding the present high level of trade enormous benefits could be derived from a comprehensive and ambitious TTIP.

My Department has commissioned a study on the potential impact of the TTIP for Ireland. This study is intended to assist in guiding the Irish position in the negotiations. The study is expected to be finalised in January 2015 and published in early 2015.

The initial findings by Copenhagen Economics show that the benefit to Ireland would be more than double the EU average, with 1.1% added to GDP. Other preliminary findings include increased exports (2.7%), increases in real wages (1.4%) and investment (1.6%). Opportunities are expected mainly in manufacturing – pharmaceutical and chemical industry, electrical machinery and other advanced machinery; services – insurance and ICT and

Agriculture and processed foods.

A total of seven rounds of negotiations in the Transatlantic Trade and Investment Partnership (TTIP) have taken place to date, the most recent during the week beginning 29 September last year in the US. A summary of each of the Rounds is included in the reply to Question No 179 [48982/14] of 18 December 2015.

The next round of negotiations is scheduled to take place in Brussels during the week of 2 February 2015.



On 7 January, 2015, the EU Commission published a number of documents, all of which can be found at <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230>.

Included in the published documents are some of the EU's proposals for legal text in the TTIP that have been tabled for discussion with the US. The areas covered by the texts published are competition, food safety and animal and plant health, customs issues, technical barriers to trade, small and medium-sized enterprises (SMEs), and government-to-government dispute settlement. The EU Commission also published EU position papers explaining the EU's approach in the areas of engineering, vehicles, and sustainable development. This brings to 15 the total number of published EU position papers on TTIP. In addition, the EU Commission has published readers guides to the documents it has made available explaining what each text means, a glossary of terms and acronyms, and a series of factsheets that set out in plain language what is at stake in each chapter of TTIP and what the EU's aims are in each area. I very much welcome the openness and transparency which will help to demystify the negotiations.

The EU Commission published its report on the results of the public consultation on investor protection on 13 January, 2015. The Report, along with explanatory material, can be found at <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1234>.

Trade Agreements – 14/01/15

260. Deputy Peadar Tóibín   asked the **Minister for Jobs, Enterprise and Innovation**   if all public services and institutions have been excluded from the remit of the Transatlantic Trade and Investment Partnership trade agreement negotiations between the EU and US. [\[1471/15\]](#)

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):   The EU's mandate to negotiate the Transatlantic Trade and Investment Partnership (TTIP) states that services supplied in the exercise of governmental authority as defined by Article I.3 of GATS shall be excluded from these negotiations. Both chief negotiators confirmed after the last Round (7th) that no commitments will be taken on public services. This means that TTIP will have no implications for health, education, social services and other public services including water.

Transatlantic Trade and Investment Partnership – 29/01/15

69. Deputy Eoghan Murphy asked the **Minister for Jobs, Enterprise and Innovation** his position on the proposed Transatlantic Trade and Investment Partnership. [4085/15]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Together the EU and the US account for almost half of world GDP and 30% of world trade. The purpose of the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) is to reduce barriers to trade and investment in order to generate jobs and growth in the EU and the US. The government fully supports this objective.

According to assessments made by the European Commission and other European bodies, a comprehensive TTIP could over time boost the EU's GDP by 0.5% per annum, resulting in 400,000 additional jobs across the EU.

Ireland has particularly strong economic links with the US, with over 118,000 people employed in 585 US companies here. The total level of trade (imports and exports) between Ireland and the US in 2012 was €55 billion. The US is Ireland's biggest merchandise export market. The most recent data from the CSO shows that Ireland's services exports to the US increased by 40% in 2012. Notwithstanding the present high level of trade, significant benefits could be derived from a comprehensive and ambitious TTIP.

My Department commissioned a study on the potential impact of the TTIP for Ireland. This study is intended to assist in guiding the Irish position in the negotiations. The study is expected to be finalised shortly and published in early 2015.

The initial findings of the study show that the benefit to Ireland would be more than double the EU average, with 1.1% added to GDP. Other preliminary findings include increased exports (2.7%), increases in real wages (1.4%) and investment (1.6%). Opportunities are expected mainly in manufacturing – pharmaceutical and chemical industry, electrical machinery and other advanced machinery; in certain services and in processed foods.

The European Commission has been taking a much more open and transparent approach to these negotiations, which I believe is important and which I welcome.

The important question of investment protection in the TTIP was the subject of a public consultation by the EU Commission, the results of which were published on 13 January, 2015. [<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1234> .] The EU Commission has stated that it will be discussing the report with Member States and the European Parliament, and with different stakeholders, and that following these consultations, it will develop specific proposals for the TTIP negotiations. I very much welcome this approach, and I believe that it is important to take time to have open and constructive discussion following the Commission's report that will inform the next steps.