

Emails and meetings with **Tim Farron MP** (and emails to/from **Catherine Bearder MEP** (LibDem SE) on [Climate "red lines" for TTIP and CETA](#) and Questions to **EU's Trade Commissioner Cecilia Malmstrom**.

By **Henry Adams**, member of **GJN South Lakes group, SLACtt** (South Lakes Action on Climate Change Towards Transition) and STOP TTIP South Lakes

Tim has written to the EU Trade Commissioner with at least several of my questions on **TTIP's impact on climate legislation** (such as the Fuel Quality Directive), and hopefully too: my questions on democratic process regarding CETA.

Scroll down to the line of highlighted red asterisks (*****) if you want to quickly read the questions.

Henry Adams, April 2016

From: henryadams@dragonfly1.plus.com
Sent: Wednesday, April 20, 2016 11:02 PM
To: [Tim Farron MP](#)
Cc: info@greenlibdems.org.uk
Subject: Re: Climate "red lines" for TTIP and CETA - Questions to Malmstrom

Dear Tim, Your Ref: Adam032/45/hr

[Climate "red lines" for TTIP and CETA](#) - Questions to Malmstrom

Many thanks for writing to the Trade Commissioner Cecilia Malmstrom with my questions for her consideration, and my apologies for this delayed reply.

I hope that your raising of our climate concerns regarding TTIP and CETA will provide at least a bit of help in countering the inevitably strong lobbying by oil and gas interests – not just by extraction industries and their lobbyists, but also by their financiers, politicians representing their interests, and major fossil users. Their lobbying power was well evidenced by the gutting of much of the text of the Paris agreement, such that for example, the words 'fossil fuel' do not even appear once, never mind their 'extraction', 'trade' or 'burning'. Especially 'trade'!

I much look forward to her response.

I am about to examine EU Commission reports on TTIP negotiations, and have just found this promising sentence:

"On climate change, the EU is looking at tabling a proposal that takes into account the recently concluded Paris Agreement."

(pp.13-14 of "REPORT OF THE TWELFTH ROUND OF NEGOTIATIONS FOR THE TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP
(Brussels, 22-26 February 2016)"

I'll try and track down that proposal...

(I expect the Trade Commissioner or her assistants may email it to you)

Yours sincerely,

Henry Adams

From: [Tim Farron MP](#)
Sent: Friday, April 15, 2016 1:55 PM
To: henryadams@dragonfly1.plus.com
Subject: Re: Climate "red lines" for TTIP and CETA - Questions to Malmstrom

Dr. Henry Adams
55 Hayclose Crescent
KENDAL, CUMBRIA
LA9 7NT

Our Ref: Adam032/45/hr

15 April 2016

Dear Henry

Thank you for your email following my surgery on 19th March. I apologise for the delay in my response, and I am pleased to confirm I have now written to the Trade Commissioner with your questions for her consideration.

I will write to you again when I have the response.

With best wishes

Yours sincerely

TIM FARRON MP

From: henryadams@dragonfly1.plus.com <henryadams@dragonfly1.plus.com>
Sent: 22 March 2016 08:06
To: Tim Farron MP
Cc: info@greenlibdems.org.uk
Subject: Re: Climate "red lines" for TTIP and CETA - Questions to Malmstrom

Dear Tim,

Your ref: Adam032/44/ag

**Climate red lines for TTIP and CETA:
Questions to Cecilia Malmstrom**

I attach an improved update of questions to Cecilia Malmstrom, as parts of the first version had cumbersome wording, especially Q1.
The present version is much clearer.

Yours sincerely,

Henry Adams

[Q's below]

Questions to Cecilia Malmstrom, EU Trade Commissioner, on TTIP's impact on climate legislation such as the FQD, and CETA with regards democratic process

Draft questions written by Dr Henry Adams to assist Tim Farron MP write a letter to Malmstrom – as agreed in a surgery meeting on 18 March 2016.

(written as if addressing the Commissioner)

A number of my constituents are strongly concerned at the impact that TTIP, CETA and an associated Regulatory Cooperation body will have in constraining our democratic ability to introduce or improve on climate legislation such as the Fuel Quality Directive (FQD). They are concerned that TTIP and CETA head in the opposite direction to satisfying the temperature goals of the Paris Agreement, and have written a document endorsed by 2 local groups, to summarize in one page, a minimum of '[climate red lines](http://www.bit.ly/CLIMATEredlinesTTIPCETA)' that should not be crossed by TTIP or CETA: www.bit.ly/CLIMATEredlinesTTIPCETA

I would be grateful if you could answer the following questions that Dr Henry Adams, on their behalf, has put forward:

TTIP and climate

1. Will TTIP include text that (i) gives legal primacy to legislation aiming to protect our climate, over and above that to protect trade and investment principles? (ii) explicitly states that the Paris temperature goals come first over trade and investment principles? and (iii) gives robust legal protection to any climate legislation?

2. An example of 1.(iii) would be legislation that disincentivizes the trade or investment in sources of oil or gas that are of higher life-cycle carbon intensities as compared with other sources of oil or gas (or other fossil fuel category).

A more specific example is the **Fuel Quality Directive**, which intended to give such disincentive principally by distinguishing between oil feedstocks of differing life-cycle carbon intensity. Such distinction was strongly supported by Liberal Democrat MEPs, but was unfortunately removed from the FQD during the negotiation period for TTIP, on the grounds of it showing trade "discrimination". **If on future review of the FQD, distinctions on differing carbon intensity were re-proposed, would there be text within TTIP, such as in the proposed Energy chapter (or Energy and Climate chapter?), that would robustly protect such proposals from the very inevitable challenge of "discrimination" from oil interests?**

Without such explicit text, Dr Adams expects TTIP and CETA are likely to enlarge the scope and power for oil interests (including politicians representing their interests) to challenge proposed or existing climate legislation not just by lobbying as at present but also via stakeholder representations within the proposed Regulatory Cooperation body or Council, and/or "chilling" threats referring to investor-to-state dispute settlement powers in TTIP and CETA.

CETA and democratic process

3. Is CETA a 'mixed agreement'?

4. Will CETA be provisionally implemented prior to ratification by member-state parliaments?

5. If member-state parliaments vote against ratifying CETA, how long will it take (in years) before the 'dispute settlement' mechanism (i.e. the one that is in one direction: investor-[to]-state) ceases to be available to foreign and transnational companies?

Dr Adams is strongly concerned that CETA is on course to be at least provisionally implemented *prior* to ratification by member-state parliaments, and if CETA is not declared to be a 'mixed' agreement, it could dodge ratification by member-state parliaments altogether. He regards both these arrangements as showing an unacceptably high degree of democratic deficit, especially as the CETA text still includes a dispute settlement mechanism that is "investor-state" (investor-to-state to clarify the 1 direction), which could be active for many years even if member-state parliaments do not ratify CETA.

From: henryadams@dragonfly1.plus.com
Sent: Monday, March 21, 2016 5:18 PM
To: [Tim Farron MP](#)
Cc: info@greenlibdems.org.uk
Subject: Climate "red lines" for TTIP and CETA - Questions to Malmstrom

Dear Tim,

Your ref: Adam032/44/ag

**Climate red lines for TTIP and CETA:
Questions to Cecilia Malmstrom**

Thank you for offering to write to Cecilia Malmstrom, EU Trade Commissioner, on the impact of TTIP and CETA on our democratic ability to legislate on climate change, with the **Fuel Quality Directive (FQD)** as being a specific example. **I now attach draft questions to help you with this.**

It is essential in combatting climate change that new trade agreements do not constrain our ability to legislate to reduce the extraction, trade and burning of fossil fuels. Our futures depend on this.

As I have done my best to keep you aware, **Liberal Democrat MEPs** such as Caroline Bearder, and formerly Chris Davies, have fought hard to try and keep distinctions within the FQD between oil sources of differing life-cycle carbon intensities, with a view to making the FQD effective in disincentivizing import of oil or fuel from the worst sources for carbon emissions. This distinction was removed during the period of negotiation for TTIP, using the (debatable) argument that such distinctions are "discriminatory", a trade principle that TTIP and CETA are on track to re-inforce.

At your surgery meeting on 18th March you expressed a wish that if TTIP liberalizes export of oil and gas from the US it should also support or provide disincentives for the worst types for carbon emissions. However – **unless politicians push for TTIP to protect such legislation as the FQD from re-including such distinctions**, it will be even more vulnerable to challenge by oil interests, as the latter will have their armoury to challenge re-inforced by the provisions in TTIP, CETA, and the Regulatory Cooperation body (RCC), to continue to put trade before climate (the current default as revealed by leaks prior to COP21).

I thus would be grateful if you could include as much as possible of the attached draft of questions, as they have hopefully been worded for robustness for encouraging clear and distinct answers rather than vague un-evidenced "reassurances".

I would be grateful also if you could copy your letter to me so I can copy it to GJN-SL and SLACC-TT. I have also copied this to the Green Liberal Democrats in case they would like to provide comment.

Yours sincerely,

Henry Adams

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Mobile: 07555607015

55 Hayclose Crescent, Kendal, Cumbria, LA9 7NT

Email: henryadams@dragonfly1.plus.com

Twitter: www.twitter.com/@henryadamsUK

My website: www.dragonfly1.plus.com/topics.html

Hidden dangers for us all in TTIP and CETA: www.bit.ly/STOP-TTIP-South-Lakes <<<<

From: henryadams@dragonfly1.plus.com

Sent: Thursday, March 17, 2016 12:12 PM

To: [Tim Farron MP](#)

Subject: Fw: Climate "red lines" for TTIP and CETA

Dear Tim,

Your ref: Adam032/44/ag

Climate **red lines** for TTIP and CETA

I'm looking forward to meeting you at your surgery this Friday to see whether you had time to raise with ALDE leaders the issue of the **climate consequences** of TTIP and CETA, and the **red lines** that must not be crossed for compatibility with the temperature goals of the Paris agreement.

My email below summarizes some of the questions and points I would like to raise tomorrow, and a separate email shows how ALDE wish to cross these red lines with a push for liberalizing fossil fuels, instead of the green alternatives, for providing energy security.

Yours sincerely,

Henry Adams

From: henryadams@dragonfly1.plus.com

Sent: Thursday, March 3, 2016 5:32 PM

To: [Tim Farron MP](#)

Cc: info@greenlibdems.org.uk ; [John Studholme](#)

Subject: Fw: Climate "red lines" for TTIP and CETA

Dear Tim,

Your ref: Adam032/44/ag

Climate **red lines** for TTIP and CETA

Firstly thank you again for promising to take up this issue with ALDE leaders.
(Your email on this topic is part of this thread below)

In your 17th February email to me you wrote "I will raise your concerns with the leaders whom I am to meet in Brussels tomorrow".

The concerns I raised were the need to adhere to "**climate red lines for TTIP and CETA**", which I summarized in my online pdf document www.bit.ly/CLIMATEredlinesTTIPCETA and provided action

points in our surgery meeting agenda here: www.dragonfly1.plus.com/TimFarronSurgeryMtg12feb16-HenryAdams.pdf

I am very interested to know whether you were able to raise these climate concerns regarding TTIP and CETA at your meeting, and if so what response you received, and to what extent you agree with the responses. Unfortunately illness has delayed this email for a fortnight from the meeting.

A recap:

I must admit my hopes as regards the ALDE leaders are not high (to put it mildly), because last summer ALDE posted a web-page expressing enthusiasm for TTIP to **liberalize the export of fossil fuels from the US**, an intent that was to my dismay added to the EP resolution on TTIP. Catherine Bearder MEP then voted *for* this resolution, despite my having warned her (and yourself) that oil and gas from the US is of higher carbon intensity than existing conventional sources, because US sources would include much US fracked oil and gas, as well as tar sands oil. (US fracked gas has a carbon intensity of similar magnitude to coal, due to high fugitive methane leakage).

Thus if the ALDE leaders you met, support the liberalization of fossil fuels from the US – they would be crossing at least one of the climate red lines, and thereby making TTIP work in opposition to the 1.5 and 2 degree targets of the Paris COP21 agreement. Furthermore – they would be undermining any reassurances that ALDE try to make as regards the safety of TTIP and CETA as regards our climate and environment.

You wrote that “you know that I do not share your worst fears”.

Please take into account the fact that some of my worst fears about TTIP and CETA ***have already happened***, and are thus supported by factual evidence.

Here are 3 examples of a large number (for which I’ve already provided references):

- the example described above (which the EU Commission also agree with, showing how they also favour false fossil fuel “solutions” to “energy security”),
- the watering down to ineffectiveness of climate regulation in the **Fuel Quality Directive** in parallel with CETA and TTIP negotiation (as if the FQD just a bargaining chip to discard),
- the EU Commission leak showing they continue to put trade above climate,

I look forward to your reply.

So will SLACtt and GJN-SL (I’ll forward to both groups)

Yours sincerely,

Henry Adams

(scroll to end of thread for contact info.)

From: henryadams@dragonfly1.plus.com
Sent: Wednesday, February 17, 2016 4:11 PM
To: [Tim Farron MP](#)
Subject: Re: Climate "red lines" for TTIP and CETA

Dear Tim,

Your ref: Adam032/44/ag

1. Thank you for writing to your MEP on the **RCC** – the proposed **Regulatory Cooperation Council/body** for TTIP.

Two of many references that explain well my concerns on this are:

19jan16 **You thought ISDS was bad? TTIP’s “regulatory cooperation” is even worse** – Glyn Moody in Ars Technica UK <http://arstechnica.co.uk/tech-policy/2016/01/you-thought-isds-was-bad-ttips-regulatory->

[cooperation-is-even-worse/](#) “Op-ed: Trying to harmonise US-EU regulations may result in democracy being sidelined.”

3oct15 **TTIP: A box of tricks for corporate climate criminals** - Corporate Europe Observatory
<http://corporateeurope.org/international-trade/2015/10/ttip-box-tricks-corporate-climate-criminals>
- which links to this pdf:
http://corporateeurope.org/sites/default/files/attachments/ttip_and_climate_en.pdf

2. Best of luck with your meeting with leaders in Brussels.

I hope they do not dismiss the connections between **flooding and fossil fuels**, and thus how important it is for TTIP and CETA to put climate before trade and investment in fossil fuels. However I fear they will promote transatlantic trade in fossil fuels as a [false] solution to “energy security” threats (re Russia).

3. A CLARIFICATION: John Studholme is heavily criticizing me for [accidentally] implying that the *entire* legal profession, rather than just a significant part of it, has rejected the ICS. I apologize if I have accidentally created that impression. To clarify my meaning, I should have added the words in red, so as to have written: “2. Why **ICS** is in major core respects a re-badged version of an isds and has been rightly rejected by *a significant part of* the legal profession (*the German Magistrates Association*).” Although I do explain this more fully within the body of the pdf. (Trying to work when debilitated by flu does not help!).

With Best Wishes,

Yours sincerely,

Henry Adams

From: [Tim Farron MP](#)

Sent: Wednesday, February 17, 2016 3:04 PM

To: henryadams@dragonfly1.plus.com

Subject: Re: Climate "red lines" for TTIP and CETA

Dr. Henry Adams
55 Hayclose Crescent
KENDAL, CUMBRIA
LA9 7NT

Our Ref: Adam032/44/ag
17 February 2016

Dear Henry

Thank you very much for having attended my advice surgery at the Foyer with regard to the climate red lines for TTIP and CETA.

I found your briefing to be most illuminating, although you know that I do not share your worst fears. I am pleased to confirm that I have written to our MEP to seek assurances upon the RCC and I will raise your concerns with the leaders whom I am to meet in Brussels tomorrow. I will write again, when I have received the response.

With best wishes

Yours sincerely

TIM FARRON MP

From: henryadams@dragonfly1.plus.com <henryadams@dragonfly1.plus.com>
Sent: 12 February 2016 11:39
To: Tim Farron MP
Cc: info@greenlibdems.org.uk; Catherine Bearder MEP - Brussels Office; John Studholme; casework@bearder.eu
Subject: Fw: Climate "red lines" for TTIP and CETA

Hi Tim, **Climate red lines for TTIP and CETA**

Here is a link to the points I'd like to put across at your surgery this afternoon:

www.dragonfly1.plus.com/TimFarronSurgeryMtg12feb16-HenryAdams.pdf

In summary:

1. **Climate red lines for TTIP and CETA.** – the main topic today. www.bit.ly/CLIMATEredlinesTTIPCETA
2. Why **ICS** is in major core respects a re-badged version of an isds and has been rightly rejected by the legal profession.
Please ask Catherine Bearder/ALDE to provide evidence justifying a separate special court system for the privilege of foreign companies and TNC's.
3. Please demand that **CETA** is not provisionally implemented prior to ratification by member-state parliaments, as this is an unacceptable and un-necessary democratic deficit, and that it's ISDS is removed.

Yours sincerely,

Henry Adams

(for contact details: scroll down)

From: henryadams@dragonfly1.plus.com
Sent: Tuesday, February 9, 2016 10:31 AM
To: [Tim Farron MP](#)
Subject: Fw: Climate "red lines" for TTIP and CETA

Hi Tim,

I am hoping to see you at your surgery this Friday on the topic of:

Climate "red lines" for TTIP and CETA:

Flooding and climate: we need to deny fossil fuel interests the powers that TTIP and CETA will give them.

(And it's not just the ICS-ISDS)

I hope you can be persuaded that **fighting for climate red lines for TTIP and CETA is a reason why we need to stay in the EU!**

The LibDems need to reframe their better-in position from a simplistic (white-washed?) support for the EU as it is now (and TTIP) to being in it to fundamentally reform it, not for corporate or nationalistic interests but for the long-term benefit of all of us – and that includes complying with the climate reality.

Henry Adams

From: henryadams@dragonfly1.plus.com
Sent: Tuesday, February 9, 2016 9:19 AM
To: [Catherine Bearder MEP](#) ; [Tim Farron MP](#)
Cc: info@greenlibdems.org.uk ; [John Studholme](#)
Subject: Re: Climate "red lines" for TTIP and CETA

Dear Catherine, **Climate "red lines" for TTIP and CETA**

I am writing with the aim of trying to “green” the LibDems, or is this now a lost cause? I hope not.

I am with you in my desire for the UK to remain in the EU, for example to retain the protection of the Birds and Habitats Directives, and other environmental standards.

BUT:

We also **have to remain in the EU to be able to continue to fight against TTIP and CETA**, or at least against their current direction of travel – which is unfit for our climate reality (and not just that).

Yes - we have to remain in the EU or we will get a US-UK BIT that’s worse than TTIP, if Osborne and Cameron remain at the helm.

I’m amused that you refer to Sam Lowe’s article (which I agree with), because the FoE are against TTIP and CETA like I am!

On my other climate red lines, i.e. other than ICS/ISDS:

All these are unacceptable:

Q: Regulatory Cooperation: Do you support business interests (which would include the over-powerful US TNC’s) having an early say on EU regulations as proposed? Which would mean Chevron – as an official US “stakeholder” for the US trade rep., having an early say on climate regulations e.g. the FQD?

Q: Legal primacy: Do you agree with the current status quo that TTIP and CETA reinforce, for trade to trump climate? This status quo was confirmed by a leak before COP21 – which Sam Lowe (FoE) and CEO both describe.

Q: The liberalization of trade in fossil fuels, as proposed by both the EU Commission for TTIP, *and by the EP recommendation document for TTIP that you voted for!!* Do you still agree with this? You did vote for it last summer to my extreme dismay.

I would be interested in your answers to these questions.

If the LibDem Party continues to support TTIP and CETA without insisting on such red lines for what’s unacceptable for our climate, then the LibDem’s face going down in history as having put business “growth” before tackling climate change, and in increasing the power of fossil fuel interests to scupper action on climate via democratic processes.

Source references for the above are on p.2 of www.bit.ly/CLIMATEredlinesTTIPCETA

Yours sincerely,

Henry Adams

PS: I regret using the expression “Like a typical politician...” in my previous email below. The point should have been made more tactfully. However it did show the frustration of those of us who both know about climate change and are experiencing its consequences, with the huge chasm between climate reality and the position of so many politicians – including those of the LibDem Party.

From: henryadams@dragonfly1.plus.com
Sent: Monday, February 8, 2016 4:58 PM
To: [Catherine Bearder MEP](#) ; [Tim Farron MP](#)
Cc: info@greenlibdems.org.uk ; [John Studholme](#)
Subject: Re: Climate "red lines" for TTIP and CETA

Dear Catherine, [Climate "red lines" for TTIP and CETA](#)

Thank you for your rapid reply to part of my email below.

A. ISDS-ICS Firstly I must correct a misleading impression you portray in how you make a distinction between the new ICS and the existing ISDS.

Although the proposed ICS – Investment Court System – has a number of “improvements” on the existing forms of ISDS, nonetheless it retains a number of the intrinsic central flaws of existing ISDS, such that *in effect*, although the new proposal has been re-badged with a new name – ICS, it is actually a type of investor [to] state dispute settlement proposal, or ISDS in effect, or “ISDS-lite” – as the similar EP’s proposal has been rightly nick-named, so as prevent any misleading impressions the re-badged new version might [intentionally?] create.

Here are just a few of these intrinsic core flaws that the ICS and previous versions of ISDS share in common (there are numerous documents online that add to these):

1. Both provide court systems *separate* from longer-standing domestic national court systems for the unique privilege of foreign companies and TNC’s, and are thus intrinsically both discriminatory and distanced from democracy. **Furthermore you have provided no convincing evidence-based justification for why such a system is needed and would be good for all of us rather than those privileged sectors** (Tim Farron has raised this point in discussion with me but it has not been adequately addressed by ALDE). In contrast there is ample and increasing evidence for the abuse of such separate systems.
2. They work in one direction only, investor to state, without allowing state to investor cases or public citizens to investor or NGO’s e.g Client Earth to investor. This is intrinsically imbalanced and prone to innate bias in a number of ways.
3. They give legal primacy to trade principles, money and profit-foregone as values, down-grading more important human values such as our health, safety and wellbeing, environment, climate and biodiversity. For example they give legal primacy to trade over climate – an existing and dangerous ordering that will be reinforced by TTIP and CETA.

And there are more such flaws in common, brought out by legal assessments by for example

[Gus Van Harten](#)

of Osgoode Hall Law School, York University (not UK York) and the German Association of Judges, and many other critical assessments.

Furthermore, Cecilia Malmstrom insists that the differences between the existing ISDS in CETA, and the ICS proposed for TTIP, are not so great that CETA needs to be opened up for renegotiation!

I quote from the Council of Canadians:

“The Council of Canadians has rejected this because ICS and ISDS are not substantially different. Council of Canadians chairperson Maude Barlow says, “The proposed investment court system still gives a special

status to foreign corporations by allowing them to challenge the laws that apply to everyone else through a special system outside established court systems.""

"Meanwhile, the European commissioner for trade Cecilia Malmström has tried to downplay the issue by asserting it could be settled without reopening CETA. According to her [media release](#), "[Malmström] **stressed that the CETA provisions on investment were already state of the art and that the EU was aiming for some fine tuning to make it equivalent to the new EU approach as laid out in the Investment Court System proposal.**"

Lastly – legal analysis of ICS shows that it does not give the adequate protection that you portray.

Please provide to Tim Farron and us - convincing evidence-based justification for why such a separate legal system is needed and would be good for all of us rather than those privileged sectors. Give examples of cases where existing domestic courts have failed to provide an adequate balanced judgement.

B. On TTIP negotiations: US is currently anti-ICS. A final deal with the US may result in an Investment Chapter outcome which has even less distinction between the ICS and existing ISDS.

C. The LibDem Spring Conference. The priority I brought up here is 'climate' first, not 'trade'. Is your conference not addressing climate issues, and why should it desire to blot out the main cause of climate change: the fossil fuel industry, and the gains it will get in power if TTIP and CETA continue on their present tracks, which will cover not just trade but also investment, such as into fossil fuel extraction, including fracking.

D. Climate, and staying in the EU. Like a typical politician your answer again dodges the words **CLIMATE CHANGE** - which is the main reason why I am bringing up the subject again.

The reason why – is because TTIP and CETA will be disastrous for climate in the ways I've brought up, and politicians (except the Green Party) repeatedly dodge this subject.

You switch to keeping the UK in the EU as being your priority.

I agree with you and FoE, and the Green Party, that it will be better to stay in the EU to protect our environment and climate, rather than give the destructive Tory government fewer constraints.

But you have failed to put a good case that TTIP and CETA will be good for our environment and climate, as compared with no TTIP nor CETA, or trade agreements designed for everyone not just for corporate gain.

It wouldn't surprise me that the LibDems (who I used to always vote for pre-June 2010), are afraid of being critical of TTIP and CETA in case raising any criticisms contribute to public criticisms of the EU, and increases the number of UK voters voting for out. But white-washing TTIP and CETA is and will backfire on you. Many of us want to be in the EU in order to change it – especially its lack of democracy and the excessive pro-corporate influence on the Commission.

Now reframing this debate back to climate as a top priority – you have only touched on one of the climate red line topics I brought up, the ICS version of investor state dispute settlement.

Also on that one topic you have lost that argument, not just with me for the reasons I have provided above and before, but also with millions of Europeans, thousands of UK citizens, independent legal experts, and also – in Tim's constituency, with many hundreds of his constituents who have signed up against any separate court systems outside of domestic courts, for the privilege of foreign companies and TNC's (however they are "improved" and re-badged).

BTW: I must praise you for your hard work against air pollution which has not gone unnoticed. But the dreadful outcome – that puts car manufacturers profits in front of the loss of thousands of lives, brings home the unacceptably excessive power big business has to get its way, not just in the UK but also in

the EU. It shows why we cannot trust TTIP and CETA not to put big business interests first before public interest. Corporate lobbying has been in there right from the start.

Yours sincerely,

Dr Henry Adams

Consultant Ecologist (contact details below)

From: [Catherine Bearder MEP](#)
Sent: Monday, February 8, 2016 11:51 AM
To: henryadams@dragonfly1.plus.com ; 'Tim Farron MP'
Cc: info@greenlibdems.org.uk
Subject: RE: Climate "red lines" for TTIP and CETA

Dear Mr Adams,

Thank you for your email about the Transatlantic Trade and Investment Partnership (TTIP).

The European Union (EU) is currently phasing out the Investor-State Dispute Settlement (ISDS) from TTIP. I, along with the majority of MEPs demanded that the controversial ISDS be replaced by a transparent and accountable form of investor protection that protects the right of governments to regulate in the public interest. An International Investment Court will replace the existing ISDS mechanism in all ongoing and future EU investment negotiations, including the EU-US talks on TTIP. This removes the legal threat to EU regulations would mentioned.

Regarding where the EU and US is with TTIP, I understand negotiations are still on going. The EU is trying to get to a place where a decision can be made before President Obama leaves office in January 2017, however they are concerned this might not be possible. Please see the Commission's website for the latest news on TTIP: <http://trade.ec.europa.eu/doclib/press/index.cfm?action=section§ionid=146&searchfrom=2013>

The agenda for the Lib Dem Spring Conference in York has already been set and does not include a section on trade. In terms of priorities, my priority is keeping the UK in the EU. I think the threat to the environment is much greater from the UK leaving the EU than any trade deal, and so does Friends of the Earth and virtually all environmental groups. You might be interested to read the following articles:

<http://www.independent.co.uk/voices/no-we-cant-protect-ourselves-from-ttip-by-leaving-europe-heres-why-a6853876.html>

<http://greenallianceblog.org.uk/2016/01/28/seven-things-you-should-know-about-the-eu-and-the-environment/>

Yours sincerely,

Catherine Bearder MEP

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From: henryadams@dragonfly1.plus.com [<mailto:henryadams@dragonfly1.plus.com>]
Sent: 05 February 2016 16:28
To: Tim Farron MP

Cc: Catherine Bearder MEP - Brussels Office; info@greenlibdems.org.uk; casework@bearder.eu
Subject: Climate "red lines" for TTIP and CETA

Dear Tim, (and also Catherine Bearder MEP & team [FAO Will] and the GreenLibDems)

Climate "red lines" for TTIP and CETA

Last May we were very pleased to hear you say at the GJN-organized hustings that **TTIP should not give legal primacy to free trade principles above the need to tackle climate change**, especially as I/we had been briefing you on this over several years (5 years if we include the similar CETA). Also because powerful fossil fuel interests have ensured that *the reverse* of this order of legal primacy: i.e. trade over climate, has been the status quo in trade agreements over many years, and even in climate agreements, from as way back as the 1992 Rio Earth Summit (REF 1: Naomi Klein 'This Changes Everything' p.77).

Unfortunately, **TTIP and CETA (and thus also the ICS/ISDS) will reinforce the existing legal primacy for trade above climate**, and this was confirmed last year by a leak of an instruction from part of the EU Commission to climate negotiators in Paris last month at COP21 (REF 2 below). This has extremely bad implications for our future ability to regulate fossil fuel interests not just as regards their trade but also their investment – such as into fossil fuel extraction.

Your support for CETA and TTIP is thus in contradiction with the view you expressed last May, unless you openly express a "red line" for TTIP and CETA that you will vote against them (if you get given a chance!), unless the documents give legally robust primacy to climate over trade.

There are also numerous other aspects of TTIP and CETA which point in the opposite direction to our urgent need to tackle climate change, such as the power they give to fossil fuel interests to not just challenge climate policy via ICS/ISDS but also to "kill it at birth", as "stakeholders" within the proposed "Regulatory Cooperation" body, which effectively institutionalizes corporate lobbying (as if it's not powerful enough now!).

I have thus listed the most vital four (of the many) "climate red lines" for TTIP and CETA in a brief document intended to be accessible to all including the public, and it is online here:

www.bit.ly/CLIMATEredlinesTTIPCETA

The forthcoming LibDem conference would be a timely occasion for such red lines to be discussed and agreed to. If the LibDems continue to side with the Tories (i.e. big business) in support of TTIP and CETA in their present direction of travel, they would be putting debatable business profits from extra trade and investment above our urgent need to tackle climate change – because that is implicit within these agreements by default.

Unless politicians – MPs and MEPs - make a strong stand on red lines as soon as possible, instead of pretending the climate issues don't exist, are adequately protected (they are not), or "play them down" as insignificant.

(There won't be scope for amendments at voting stage for MEPs, and MPs are unlikely to get an effective vote until after provisional implementation, if at all, such is the democratic deficit)

Yours sincerely,

Henry Adams


The following link to some of our previous email threads and surgery discussions on climate and TTIP/CETA:

www.bit.ly/TTIPclimateBearder - June-July 2015

<http://www.dragonfly1.plus.com/STOP-TTIP-South-Lakes.html#TimFarron>

Reference 2:

REF 2: 'Trade trumps climate' 4dec15 <http://corporateeurope.org/climate-and-energy/2015/12/trade-trumps-climate> & 'Does trade trump climate?' by Sam Lowe of FoE - Friends of the Earth
<https://www.foe.co.uk/blog/does-trade-trump-climate>



Henry Adams @henryadamsUK · 2h
@timfarron @GreenLibDems
@catherinemep Essential "climate red lines" for #TTIP & #CETA:
bit.ly/CLIMATEredline...

How TTIP and CETA will increase the likelihood of FLOODING:

TTIP and CETA will boost **climate change** and thus increase the likelihood of flooding, by giving extra powers to fossil fuel interests to scupper climate policies, sue for profits lost from any that escape their influence, and by reinforcing the existing legal primacy of trade over climate.

Please help deny fossil fuel companies these extra powers.
We can help you do this by helping you have a say. Tell your MPs and MEPs.

To find out more, do read this brief pdf document on the internet:
www.dragonfly1.plus.com/Flooding-Climate-FossilFuels-TTIP-CETA.pdf

It includes linked references providing source facts and evidence, and is written by Dr Henry Adams, with help from Andy Mason, both members of **Global Justice Now South Lakes**

For other aspects of TTIP & CETA: www.bit.ly/STOP-TTIP-South-Lakes &/or www.facebook.com/StopTTIPSouthLakes/

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Hidden dangers for us all in TTIP and CETA: www.bit.ly/STOP-TTIP-South-Lakes <<<<

While Tim Farron MP will treat as confidential any personal information that you pass on, he will normally allow staff and authorised volunteers to see it if this is needed to help and advise you. He may pass on all or some of the information to external agencies if this is necessary to help with your case. Tim Farron MP may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let him know if you do not wish to be contacted for this purpose.

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