

Tim Farron's 21Jan15 position statement on TTIP and ISDS and NHS etc (scroll down)

(copy of emails)

From: henryadams@dragonfly1.plus.com
Sent: Wednesday, January 21, 2015 4:56 PM
To: [Tim Farron MP](#)
Subject: Re: TF Ref: Adam032/38/ac

Dear Tim Your Ref: Adam032/38/ac

I am very pleased that you have now come to the conclusion that you “do not support the inclusion of an ISDS within the TTIP negotiations”, and thank you for informing me. I am also sure that the 700 or so of your constituents who have signed the ongoing petition to you to urge removal of the ISDS from TTIP and CETA will be very pleased to hear that too, and I will post your letter below on to the STOP TTIP South Lakes website and circulate by email.

I guess you will now also wish to see the ISDS also removed from CETA – which is now at a much more advanced stage than TTIP and ready for ratification with the ISDS still in it. The reasons for its removal from CETA are almost just as important as from TTIP because a huge number of trans-national companies operating in UK and the EU also have subsidiaries in Canada (or can create them there if they wish). The following text I've copied from the STOP TTIP South Lakes website to explain this:

ISDS in CETA: 'US multinationals could sue EU governments through CETA' - EurActiv, 20nov14. Refers to 'Analysis finds EU-Canada trade deal would unleash wave of investor lawsuits' 18nov14, Transport & Environment, and 'CETA: Trading away democracy' - Corporate Europe Observatory. Also: 'Tens of Thousands of U.S. Firms Would Obtain New Powers to Launch Investor-State Attacks against European Policies via CETA and TTIP' (pdf by PublicCitizen USA). Nick Dearden (WDM Director) on ISDS and CETA: 'New trade agreements will TTIP us into powerlessness' -- New Internationalist, nov14. My tweet:

Henry Adams @henryadamsUK · 27nov14: 10 hours ago

.@timfarron UK will NOT be immune from #ISDS threats under #TTIP & #CETA despite gov "reassurances" ...newint.org/blog/2014/11/2..... #stopttip #nottip

Links to these articles are here: <http://www.dragonfly1.plus.com/STOP-TTIP-South-Lakes.html#ISDSinCETA>

As I explained, ISDS would enable fracking companies in UK to threaten to sue for potential profits lost from any new regulations or controls, such as is ongoing in Canada via the ISDS in NAFTA.

So your decision is a very welcome one!

I would like to get back to you on other points you've made in your letter – but will leave that for now.

Yes it's the Infrastructure Bill in HoC on Monday pm so I/we will look forward to seeing you at 11:30am on Monday with the petition from FoE/Greenpeace/38Degrees against fracking beneath homes.

Yours sincerely,

Best Wishes,

Henry

Dr Henry Adams (Ecological Consultant)

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My website:

www.dragonfly1.plus.com/topics.html

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

And how you can try and remove them: www.bit.ly/FTAemailMP

From: [Tim Farron MP](#)

Sent: Wednesday, January 21, 2015 4:06 PM

To: henryadams@dragonfly1.plus.com

Subject: TF Ref: Adam032/38/ac

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

Our Ref: Adam032/38/ac
21 January 2015

Dear Henry

I thought you might want to see the response I've just drafted for constituents who are getting in touch with me on TTIP, so please see the attached document.

Whilst I remain a supporter for free trade, over the period that I've been looking more closely at this subject I have come to the view that an ISDS agreement is not needed between two parties with mature legal systems. I'm grateful to you for taking the time to pass on so much information on this issue to me, which has been really valuable when I've been considering this.

I understand that we are meeting briefly on Monday, and I look forward to seeing you then.

With best wishes,

TIM FARRON MP

Thank you very much for your recent email with regard to the Transatlantic Trade and Investment Partnership (TTIP).

The proposed treaty has the potential to bring economic benefits of around £10 billion to the UK. Of course, with any new deal like this, some people are going to be concerned about the potential impact of the agreement. It is therefore vital that we scrutinise the proposals very carefully, including for example the potential impact the treaty might have on the NHS.

The European Commission has been clear that they are not seeking to privatise publicly run services through this, or any other trade agreement and that they will uphold high European standards of environmental, health and consumer protection. We should ensure that the protection of the NHS is made explicit in the wording of the treaty. The UK and the EU already have free trade agreements with many countries, such as South Korea, Mexico, South Africa and others, as well as over 100 bilateral investment treaties. None of these have had any impact on the NHS in terms of privatisation or any other negative consequences. The balance between public and private provision of public services will - quite rightly - continue to remain with national governments, regardless of the progress of TTIP. There will be no change in access to the NHS

for private providers and there will be no change to the principle that access to NHS services is based on need, not ability to pay.

No trade or investment agreement has ever been negotiated by publishing in advance every piece of negotiating text to the general public and to do so would make any negotiation with other parties impossible. It would be like playing poker while showing your hand! However, it's important that the TTIP negotiations are as open as possible. It's good that the Commission has published important documents which form part of the TTIP negotiation process. I'm also pleased that the EU Trade Commissioner recently announced a public consultation on the investment provisions of a future TTIP deal.

I've been contacted by a number of constituents who are concerned about the 'Investor-State Dispute Settlement' (ISDS) proposal. This is a clause found in the text of some trade and investment agreements that allows investors to take legal action against foreign governments who are party to the agreement, if they believe they have been subject to discriminatory treatment in that country. Because the proposed TTIP has a dispute settlement mechanism, some have raised concerns that TTIP will undermine the power of national governments to act in the interest of their citizens.

The Liberal Democrats recognise these concerns and our MEPs have been following this issue closely for several years. I think it is acceptable for businesses to be able to take legal action against a government, if they have been treated inappropriately. This is an important principle of contract law. For example, if the US government decided to nationalise Lakeland Ltd's business in America, they should be allowed to sue! However I am concerned that the inclusion of an ISDS within TTIP removes this process from the respective EU and US established legal systems, with their independent judiciaries. For that reason I do not support the inclusion of an ISDS within the TTIP negotiations.

When the EU reaches an agreement with the US in principle, the final text of the agreement will be sent to the 28 EU national governments. They, as well as the European Parliament, must unanimously agree to the final deal for it to be ratified. If the deal does not deliver the objectives we in the EU have demanded, or challenges the values, standards and principles which we have developed, then the Parliament or any single European country can, and no doubt will, withhold their consent and the agreement will fall.

I can report that I have repeatedly questioned Ministers on TTIP and whilst I support the principle of a free trade deal between the US and EU, I do not think it should take place at any cost. I hope this helps to explain my position and I have also attached the Minister's latest response to my enquiries for your information.