



fighting heart disease
and stroke
european heart network



**[EHN-EPHA Joint Press Release]
European Parliament safeguards health in TTIP,
says No to 'business as usual' ISDS**

Brussels, 8th July – Today, the European Parliament adopted its own initiative report with recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP). EPHA and EHN welcome the report as it includes vital safeguards for public health, and sends a clear signal that the controversial Investor-to-State Dispute Settlement system (ISDS) must be reformed.

It is essential that EU trade agreements do not limit the ability of national governments to legislate to protect and promote health and prevent negative health impacts **(1)** such as cardiovascular diseases (CVD), especially heart disease and stroke, and related risk factors **(2)**.

As the European Parliament will have a final say on TTIP, it is crucial that MEPs have set down some red lines assuring citizens that fundamental European standards – especially those protecting health and preventing disease – will not be compromised in EU trade deals. The European Parliament has clearly signaled that TTIP must not take precedence over the right of the EU and national governments to regulate in the public interest **(3)**.

"Today's main public health challenges in the EU are chronic diseases and obesity. The growing prevalence of these conditions is largely the result of changes in the economic and social environment. Tackling the underlying causes requires innovative policies. These policies must be allowed to prove their effectiveness and not be seen as trade nuisances," said Susanne Løgstrup, Director of the European Heart Network, Member of the TTIP Advisory Group **(4)**.

The European Parliament has clearly stated that the existing ISDS is not fit for purpose. The public health community agrees: it has the potential to induce a "regulatory chill", discouraging governments from introducing health protection measures. For example, national laws requiring plain packaging for cigarettes. The Parliament has made clear that business as usual is no longer an option and the European Commission has to change the system fundamentally.

Specifically, the Parliament supported by large majority **(447 for, 229 against, 30 abstentions)** an amendment put forward by President Schulz calling "to

replace the ISDS-system with a new system” where “private interests cannot undermine public policy objectives”. The report also references President Juncker’s political guidelines, which state that it is unacceptable for the jurisdiction of courts in the Member States to be limited by special regimes for investment disputes.

However, the Parliament’s consensus position does not outright reject ISDS. Public health organisations remain concerned that partial reform could lead to the institutionalisation of arbitration, against the public interest **(5)**.

“The MEPs are adding their voices to 150,000 citizens who said No to ISDS in a public consultation earlier this year. Now it’s time for the Commission to finally listen to the public and do away with an fatally flawed, undemocratic, opaque private arbitration system which allows companies to sue sovereign governments for protecting us from dangers to our health,” concluded Nina Renshaw, EPHA Secretary General and Member of the TTIP Advisory Group.

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- **Notes to editors**

(1)The London School of Economics and Political Science (LSE) presented a study which assessed the health impact of the proposal - Khan, U., Pallot, R., Taylor, D. and Kanavos, P. (2015) [‘The Transatlantic Trade and Investment Partnership: international trade law, health systems and public health’](#) London School of Economics and Political Science and Modus Europe report

(2)Cardiovascular disease (CVD) – the main forms of which are coronary heart disease and stroke – is the main cause of death in the EU, accounting for over 1.9 million deaths each year. CVD is also a major cause of disability and a significant economic burden across the EU, estimated to cost the EU economy almost 196 billion euros (2009 figures) every year; 106 billion euros are the cost to the health care systems in the EU and 90 billion euros due to production losses and informal care costs. - [Nichols M et al. \(2012\)](#)

(3)The final report highlights core elements of public health policy in the context of EU trade negotiations such as access to affordable medicines, food safety, clinical trials, antimicrobial resistance (AMR) and the exclusion of public services - such as national healthcare systems - from the scope of the negotiations.

- (4) This [special Advisory Group of experts](#) represents a broad range of interests, from environmental, health, consumer and workers' interests to different business sectors to provide EU trade negotiators with high quality advice in the areas being negotiated in the Transatlantic Trade and Investment Partnership (TTIP) talks.
- (5) EHN has adopted its position on [TTIP, international trade and cardiovascular health – a European Heart Network paper](#) in February 2015 in which EHN says: *"While no sovereign state, in principle, can lose its right to regulate in the public interest under any trade or investment agreement, the fear of being sued before an arbitration tribunal may lead to a so-called 'regulatory chill', i.e. a decision by governments not to introduce a measure to protect public health, such as plain packaging for tobacco, because the financial risks involved in ISDS – in terms of both arbitration costs and the amount of damages awarded – are significant."*

The European Public Health Alliance (EPHA) is a change agent – Europe's leading NGO advocating for better health. We are a dynamic member-led organisation, made up of public health NGOs, patient groups, health professionals, and disease groups working together to improve health and strengthen the voice of public health in Europe. <http://www.eph.org/>

The European Heart Network (EHN) is a Brussels-based alliance of heart foundations and likeminded non-governmental organisations throughout Europe, with member organisations in 24 countries. The EHN plays a leading role in the prevention and reduction of cardiovascular diseases, in particular heart disease and stroke, through advocacy, networking, capacity-building and patient support, so that they are no longer a major cause of premature death and disability throughout Europe. <http://www.ehnheart.org/>