

| 1. RESPONDENT DETAILS | |
|---|--|
| 1.1. Type of respondent -single choice reply- (compulsory) | I am answering this consultation on behalf of a company/organisation |
| Your details - Companies/Organisations | |
| 1.1.1. My company's/organisation's name may be published alongside my contribution. -single choice reply- (compulsory) | Yes |
| 1.1.2. Company/Organisation name: -open reply- (compulsory) | Commission des affaires européennes de l'Assemblée nationale française |
| 1.1.5 What is your profile? -single choice reply- (compulsory) | Government institution/regulatory authority |
| 1.1.5.1. If you are a company, what is the size of your company? -single choice reply- (compulsory) | |
| 1.1.5.2. If you are a non-governmental organisation, how many members does your organisation have? -single choice reply- (compulsory) | |
| 1.1.5.3. If you are a trade association, how many members does your association have? -single choice reply- (compulsory) | |
| 1.1.5.4. If you are a trade association representing businesses, please provide information on your members (number, names of organisations). -open reply- (compulsory) | |
| 1.1.5.5. If you are an organisation representing several non-governmental organisations, please provide information on your members (number, names of organisations). -open reply- (compulsory) | |
| 1.1.5.6. If you replied "other", please specify: -open reply- (compulsory) | |
| 1.1.6. In which country are the headquarters of your company/organisation located? -single choice reply- (compulsory) | In one of the EU28 Member States |
| 1.1.6.1. Please specify which Member State: -single choice reply- (compulsory) | France |
| 1.1.6.2. If you replied "other", please specify: -open reply- (compulsory) | |
| Your details - Individuals | |
| 1.1.1. My name may be published alongside my contribution -single choice reply- (compulsory) | |
| 1.1.1.1. Contact person -open reply- (compulsory) | |

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| 1.1.2. If you are answering as a citizen/individual, please specify: -single choice reply- (compulsory) | |
| 1.1.2.1. If you replied "EU citizen", please specify from which Member State: -single choice reply- (compulsory) | |
| 1.1.2.1. If you replied "other", please specify: -open reply- (compulsory) | |
| 1.2. Your contribution I agree for my contribution to be made public on the European Commission's website -single choice reply- (compulsory) | Yes |
| 1.3. What is your main area/sector of activity/interest? -open reply- (compulsory) | |
| PARLEMENT | |
| 1.4. Registration: Are you registered in the EU's transparency register? -single choice reply- (compulsory) | No |
| 1.5. Have you already invested in the USA? -single choice reply- (compulsory) | No |
| A. Substantive investment protection provisions | |
| Question 1: Scope of the substantive investment protection provisions | |
| Question: <i>Taking into account the above explanation and the text provided in annex as a reference, what is your opinion of the objectives and approach taken in relation to the scope of the substantive investment protection provisions in TTIP?</i> | |
| <i>If you do not want to reply to this question, please type "No comment".</i> -open reply- (compulsory) | |
| pas de commentaire | |
| Question 2: Non-discriminatory treatment for investors | |
| Question: <i>Taking into account the above explanations and the text provided in annex as a reference, what is your opinion of the EU approach to non-discrimination in relation to the TTIP? Please explain.</i> | |
| <i>If you do not want to reply to this question, please type "No comment".</i> -open reply- (compulsory) | |
| pas de commentaire | |
| Question 3: Fair and equitable treatment | |
| Question: <i>Taking into account the above explanation and the text provided in annex as a reference, what is your opinion of the approach to fair and equitable treatment of investors and their investments in relation to the TTIP?</i> | |
| <i>If you do not want to reply to this question, please type "No comment".</i> -open reply- (compulsory) | |
| pas de commentaire | |

B. Investor-to-State dispute settlement (ISDS)

Question 7: Multiple claims and relationship to domestic courts

Question:

Taking into account the above explanation and the text provided in annex as a reference, please provide your views on the effectiveness of this approach for balancing access to ISDS with possible recourse to domestic courts and for avoiding conflicts between domestic remedies and ISDS in relation to the TTIP. Please indicate any further steps that can be taken. Please provide comments on the usefulness of mediation as a means to settle disputes.

If you do not want to reply to this question, please type "No comment".

-open reply- (compulsory)

pas de commentaire

Question 8: Arbitrator ethics, conduct and qualifications

Question:

Taking into account the above explanation and the text provided in annex as a reference, please provide your views on these procedures and in particular on the Code of Conduct and the requirements for the qualifications for arbitrators in relation to the TTIP agreement. Do they improve the existing system and can further improvements be envisaged?

If you do not want to reply to this question, please type "No comment".

-open reply- (compulsory)

pas de commentaires

Question 9: Reducing the risk of frivolous and unfounded cases

Question:

Taking into account the above explanation and the text provided in annex as a reference, please provide your views on these mechanisms for the avoidance of frivolous or unfounded claims and the removal of incentives in relation to the TTIP agreement. Please also indicate any other means to limit frivolous or unfounded claims.

If you do not want to reply to this question, please type "No comment".

-open reply- (compulsory)

pas de commentaires

Question 10: Allowing claims to proceed (filter)

Question:

Some investment agreements include filter mechanisms whereby the Parties to the agreement (here the EU and the US) may intervene in ISDS cases where an investor seeks to challenge measures adopted pursuant to prudential rules for financial stability. In such cases the Parties may decide jointly that a claim should not proceed any further. Taking into account the above explanation and the text provided in annex as a reference, what are your views on the use and scope of such filter mechanisms in the TTIP agreement?

If you do not want to reply to this question, please type "No comment".

-open reply- (compulsory)

pas de commentaires

Question 11: Guidance by the Parties (the EU and the US) on the interpretation of the agreement

Question:

Taking into account the above explanation and the text provided in annex as a reference, please provide your views on this approach to ensure uniformity and predictability in the interpretation of the agreement to correct the balance? Are these elements desirable, and if so, do you consider them to be sufficient?

If you do not want to reply to this question, please type "No comment".

-open reply- (compulsory)

pas de commentaires

Question 12: Appellate Mechanism and consistency of rulings

Question:

Taking into account the above explanation and the text provided in annex as a reference, please provide your views on the creation of an appellate mechanism in TTIP as a means to ensure uniformity and predictability in the interpretation of the agreement.

If you do not want to reply to this question, please type "No comment".

-open reply- (compulsory)

pas de commentaires

C. General assessment

What is your overall assessment of the proposed approach on substantive standards of protection and ISDS as a basis for investment negotiations between the EU and US?

Do you see other ways for the EU to improve the investment system?

Are there any other issues related to the topics covered by the questionnaire that you would like to address?

If you do not want to reply to these questions, please type "No comment".

-open reply- (compulsory)

Avant que le mandat de négociations ne soit donné par les Etats membres à la Commission européenne, la commission des affaires européennes de l'Assemblée nationale avait, dans sa proposition de résolution du 29 mai 2013 www.assemblee-nationale.fr/14/ta/ta0156.asp demandé à ce que " soit exclu du mandat le recours à un mécanisme spécifique de règlement des différends entre les investisseurs et les Etats pour préserver le droit souverain des Etats". Elle estimait qu'un tel mécanisme ne se justifie pas dans le cadre de relations entre Etats de droit dans lesquels la protection des investisseurs est assurée par les juridictions de droit commun. Un tel mécanisme constituerait une atteinte à la souveraineté des Etats et à leur capacité à légiférer. Jugeant fondamental que les positions des différentes parties prenantes soient prises en compte par la Commission européenne, la commission des affaires européennes s'est félicitée dans sa proposition de résolution du 13 mai 2014 www.assemblee-nationale.fr/14/ta/ta0339.asp) de " l'organisation d'une consultation publique relative au mécanisme de règlement des différends qui a abouti à la suspension des négociations sur ce point". Pour autant , la position de la commission des affaires européennes est claire: il ne s'agit pas d'améliorer la procédure de règlement arbitral des différends mais de l'exclure purement et simplement des négociations.