Brussels, 17 June 2015

To: President Donald Tusk
Heads of State and Government

RE: Preserve the general interest in the negotiations on the Transatlantic Trade and Investment Partnership (TTIP)

Dear President,
Dear Prime Minister,

In view of the European Council meeting on 25-26 June, we would like to express our concerns about the negotiations on TTIP and present you with our requests.

I. Exclude all social services, and health and education services of general interest, regardless if they are publicly or privately funded.

We call for the exclusion from the scope of TTIP, through a positive list, of public services and services of general interest (SGI), in particular in the social, health and education fields, regardless of whether they are publicly or privately funded. The criterion to decide on the inclusion or exclusion of services in trade agreements should be the mission of the services, namely if they respond to the general interest or not, and not their source of funding. Especially in member states hit hardest by the economic crisis, many social, health and education services of general interest are privately funded or supported by a hybrid of public and private sources.

The recent vote of the European Parliament's INTA Committee unambiguously requests that all public services are exempt from TTIP, irrespective of how they are provided and funded.

II. Base TTIP negotiations on the *acquis* of the new public procurement directive, the services directive and the recently revised state aid rules.

Trade agreements must be in line with the existing secondary EU law that recognises the specific characteristics of SGI, to ensure policy coherence. In particular, the exceptions foreseen in the services directive for healthcare and social services should be integrated in the same way in TTIP. The negotiations should also not affect the provisions of the public procurement directive that allow contracting authorities to promote sustainable development, social progress, labour law enforcement, and the specific provisions concerning social and health services. Finally, TTIP should have no impact on the schemes and subsidies compliant with article 106 TFEU and the "Almunia package".

III. Do not use Investor-State Dispute Settlement (ISDS) in order to preserve the general interest

Social Platform calls on the Commission not to include ISDS in TTIP. Both the EU and the US must be considered to have advanced legal systems which have sufficiently strong legal mechanisms to reassure foreign investors. The ISDS mechanism is both unnecessary and potentially destabilising. Furthermore, a governments' right to regulate must be explicitly stated in the investment chapters, and not only in the preamble and the chapters on environment and labour, as is the case with CETA.

We hope that you will consider our proposals and respond positively to our concerns.

Yours sincerely,

Jana Hainsworth
President

Pierre Baussand
Director

Social Platform is the largest civil society alliance fighting for social justice and participatory democracy in Europe. Consisting of 48 pan-European networks of NGOs, we campaign to ensure that EU policies are developed in partnership with the people they affect, respecting fundamental rights, promoting solidarity and improving lives.