

## TTIP & consumer protection and food safety

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In the [Final Report to Leaders](#), on February 11 2013 the Co-Chairs [EU-U.S. High Level Working Group on Jobs and Growth](#) states that an objective of the negotiations is to achieve "the levels of health, safety, and environmental protection that each side deems appropriate" at the same time. A key shared objective should be to "identify new ways to prevent non-tariff barriers from limiting the capacity of U.S. and EU firms to innovate and compete in global markets". The two sides should also seek to strengthen upstream cooperation by regulators."

The negotiations should be used to find new ways to reinforce existing mechanisms like the [Transatlantic Economic Council- TEC](#) and the [High Level EU-US Regulatory Cooperation Forum - HLRFC](#)". Areas where EU and US differ includes : hormones in meat, GMOs; energy consumption of cars, nanotechnology and privacy issues. The European Commission General Directorate for Trade has compiled a fact sheet "the [Regulatory part](#)". At a meeting on 3 December 2015 between the Health and Food Safety Commissioner Vytenis Andriukaitis and the US Food and Drug Administration (FDA) they agreed on a launch of a [Systems Recognition exercise](#).

### Overviews

[The Transatlantic Trade and Investment Partnership: Challenges and Opportunities for Consumer Protection](#) / Stephen Woolcock, Barbara Holzer and Petros Kusmu, Paper No. 11 in the CEPS-CTR project 'TTIP in the Balance' and CEPS Special Report No. 115, July 2015

This paper examines options for regulatory cooperation in the Transatlantic Trade and Investment Partnership (TTIP) and assesses the challenges and opportunities posed by regulatory cooperation for consumer protection. In broad terms, this analysis finds that regulatory powers on both sides of the Atlantic will not be significantly affected by the TTIP, but suggests that European and American legislators will need to ensure that their priorities shape the TTIP regulatory cooperation agenda and not the other way around.

[TTIP: Challenges and Opportunities for Consumer Protection](#) / Stephen Woolcock et al, LSE International Trade Policy Unit & Mariusz MACIEJEWSKI, Directorate General for Internal Policies, Policy Department A, June 2015

Based on established practice and on the Commission's recently published proposal on regulatory cooperation, the briefing eventually discusses the likely approach in the TTIP. Despite desirable opportunities there are also significant challenges of reconciling the different regulatory philosophies ahead. In broad terms it finds that the European Parliament's regulatory powers will not be affected by the Transatlantic Trade and Investment Partnership, but suggests that the EP will need to ensure that the EP's priorities shape the TTIP regulatory cooperation agenda and not the other way around.

[Risks and Opportunities for Consumer Welfare Arising from the Transatlantic Trade and Investment Partnership \(TTIP\)](#) / Jana Diels, Christian Thorun, Economic and Social Policy Unit of the Friedrich-Ebert-Stiftung, February 2015

Instruments for removing trade barriers -- Food and nutrition -- Drugs and medical products -- Data flows and data protection -- Financial services

[Food Standards in Trade Agreements : Differing Regulatory Traditions in the EU and the US and Tips for the TTIP](#) / Bettina Rudloff, SWP (Stiftung Wissenschaft und Politik), Comments 2014/C 49, November 2014

The European Union is both the largest exporter and importer of agricultural products in the world. Its major trading partners are the United States, Argentina, Brazil, Russia, and China. This trade in agricultural products is influenced by a number of political measures. In addition to tariffs, trade in foodstuffs is increasingly influenced by so-called nontariff measures (NTMs), among which are threshold values for pesticide residues, production standards, and packing- and labeling standards. In fact, such measures can impact the costs of trade much more than tariffs. Reducing these NTMs within the Transatlantic Trade and Investment Partnership (TTIP) offers enormous prospects for economic growth.

[Public Health and Food Safety Policies and Regulation in the United States](#) / Policy Department Economic and Scientific Policy, June 2013

This briefing note is made of two parts. The first on "Public Health Policy and Regulation in the United States", the second on "Food Safety Policy and Regulation in the United States".

[Legal Implications of TTIP for the Acquis Communautaire in ENVI Relevant Sectors](#) / Ecologic institute & Lorenzo Vicario, Policy Department A: Economic and Scientific Policy, October 2013

This study discusses the potential impact of the Transatlantic Trade and Investment Partnership agreement on the EU acquis in the areas of environmental and food safety. It recommends, in particular, that the European Parliament pays very close attention to the precise wording of provisions regarding the environment, food safety, and investment set out in the final text to ensure that both parties are able to maintain the environmental and consumer protection standards they deem appropriate, as provided for in the European Commission's negotiating mandate

## Analysis

[The Transatlantic Trade and Investment Partnership \(TTIP\): Challenges and Opportunities for the Internal Market and Consumer Protection in the Area of Engineering, including Machinery](#) / Jacques PELKMANS, CEPS & Foundation EUROSCOPE, Policy Department A: Economic and Scientific Policy European Parliament, July 2015

The European Engineering industry, by far the biggest exporter of goods to the US, suffers from a range of TBTs (Technical Barriers to Trade) when exporting to the US. After two decades of trying – in vain – to reduce the costs of these TBTs, TTIP should address them, yielding significant economic gains. US standards, relevant for US safety regulation, are very rarely international standards from ISO and IEC, in sharp contrast with the EU.

[Greater TTIP Ambition in Chemicals: Why and how](#) / E. Donald Elliott & Jacques Pelkmans, Paper No. 10 in the CEPS-CTR project 'TTIP in the Balance' and CEPS Special Report No. 114, July 2015

This paper makes the economic case for firmly addressing the regulatory barriers, discusses the EU's proposals, finds that the European Parliament's Resolution on TTIP of July 2015 lacks a rationale (for chemicals), argues that both TSCA and REACH ought to be improved (based on 'better regulation'), discusses the link with a global regime, advocates significant improvement of market access where equivalence of health and environmental objectives is agreed and, finally, proposes to lower the costs for companies selling in both markets by allowing them to opt into the other party's more stringent rules, thereby avoiding duplication while racing-to-the-top.

[The TTIP: challenges and opportunities for the internal market and consumer protection in the area of textiles and labelling](#) / Elisa Borghi, Università Bocconi, Rodolfo Helg, Associate Senior Research Fellow ISPI and Università Cattaneo, Lucia Tajoli, Associate Senior Research Fellow ISPI, Policy Department A: Economic and Scientific Policy. European Parliament, May 2015

The paper, produced by Policy Department A for the IMCO committee, analyses opportunities and challenges of TTIP for the EU in textile and clothing (T&C). This area differs from other industrial sectors in that average tariff levels are relatively high and a number of tariff peaks still exist. It would not be difficult to negotiate the complete phase out of all tariff barriers and obtain gains for consumers and firms.

[Chancen und Risiken der Transatlantischen Handels- und Investitionspartnerschaft \(TTIP\) für die Verbraucherwohlfahrt](#) : Expertise im Auftrag der Abteilung Wirtschafts- und Sozialpolitik der Friedrich-Ebert-Stiftung / Jana Diels ; Christian Thorun. Friedrich-Ebert-Stiftung, November 2014

Ziel der vorliegenden Studie ist es, den derzeitigen Verhandlungsstand und den gesellschaftlichen Diskurs zum Abkommen im Hinblick auf die verbraucherpolitischen Implikationen zu analysieren und zu bewerten. Zu diesem Zweck wird ein Bewertungsrahmen entwickelt, der den Einfluss der in Frage kommenden Instrumente zum Abbau nichttarifärer Handelshemmnisse auf die einzelnen Dimensionen der Verbraucherwohlfahrt in den verbraucherrelevanten Teilmärkten (1) Lebensmittel und Ernährung, (2) Arzneimittel und Medizinprodukte, (3) Datenfluss und Datenschutz sowie (4) Finanzdienstleistungen zu messen erlaubt

[Lebensmittelstandards in Handelsabkommen : Unterschiedliche Regelungstraditionen von EU und USA und Tipps für TTIP](#) / Bettina Rudloff, SWP-Aktuell 2014/A 63, Oktober 2014, 8 Seiten

['Race to the bottom' or setting global standards? Assessing the regulatory impact of the Transatlantic Trade and Investment Partnership \(TTIP\)](#) / Gabriel Siles-Brügge, Real Instituto Elcano. ARI 42/2014 - 19/9/2014

This study considers the likely regulatory impact of the proposed EU-US Transatlantic Trade and Investment Partnership (TTIP) in three key policy areas: investor protection, public services and food safety.

[The Transatlantic Free Trade Agreement : What's at Stake for Communities and the Environment](#) / The Sierra Club, Juni 2013

U.S. - EU Regulatory Differences - Environment and Climate Change - Food Safety and Agriculture - Chemical Safety Trade, the Precautionary Principle, and Post-Modern Regulatory Process: Regulatory Convergence in the Transatlantic Trade and Investment Partnership / Lucas Bergkamp, Lawrence A. Kogan, European Journal of Risk Regulation 4/2013, pp. 493-507

Europe's precautionary principle ("PP") has been identified as a potential obstacle to a successful outcome of TTIP negotiations. In our view, TTIP presents a significant opportunity for creating a process for regulatory cooperation, harmonization, and convergence. In this article, we focus on the PP and related differences in regulatory procedures. Specifically, we discuss the PP's relationship to post-modernism, and its influence on EU regulatory procedure and science, highlighting the paradoxes inherent in the PP. To put these issues into perspective, we also review the 'reality of precaution.' In light of this analysis, we assess the effectiveness of the trading partners' attempts to reduce the regulatory divide, and explore what the EU and US can learn from each other. We then proceed to present some recommendations on how they should proceed in the TTIP negotiations.

[Transatlantic regulatory cooperation : the shifting rules of the EU, the US and California](#) / Vogel, David, 1947- ; Swinnen, Johan F. M., 1962-, Cheltenham: Edward Elgar, 2011. EP Library Shelfmark 20.12.04 TRA 11

Legal guidelines for cooperation between the EU and American state governments / Daniel Farber -- Transatlantic environmental regulation-making : strengthening cooperation between California and the EU / Christina G. Hioureas and Bruce E. Cain -- California motor vehicle standards and federalism : lessons for the EU / Ann E. Carlson -- Rivers of diversity : water regulation in California and the EU / Gabrielle Bouleau and Matt Kondolf -- Reshaping chemicals policy on two sides of the Atlantic : the promise of improved sustainability through international collaboration / Megan R. Schwarzman and Michael P. Wilson -- Climate change policy in California : balancing markets versus regulation / Michael Hanemann and Chris Busch -- US versus EU biotechnology regulations and comparative advantage : implications for future conflicts and trade / Gal Hochman, Gordon C. Rausser and David Zilberman -- Circuits of regulation : transatlantic perspectives on persistent organic pollutants and endocrine disrupting chemicals / Chris Ansell and Jörg Balsiger -- How to get out of the transatlantic regulatory deadlock over genetically modified organisms? / Alberto Alemanno -- Food labels and the environment : towards harmonization of EU and US organic standards / David E. Winickoff and Kendra Klein -- EU-US horizontal regulatory cooperation : mutual recognition of impact assessment? / Anne C. M. Meuwese -- Transatlantic regulatory cooperation : conclusions and implications / Axel Marx and Jan Wouters -- Lessons learned and suggestions for improving regulatory cooperation between California and the EU / Ian Clark

## Stakeholder views

### EU Institutions' views .

[EU negotiating positions in more areas](#) , 14 May 2014

[EU position on chemicals](#) - [EU position on cosmetics](#) - [EU position on pharmaceutical products](#) - [Sanitary and phytosanitary issues](#) ( [Textual proposal](#) , Jan 2015 & [Factsheet](#) )

Internal market and consumer protection (IMCO) committee, February 5 2015, [discussion on amendments](#) tabled to the IMCO opinion on recommendations on the TTIP negotiations

[European Parliament resolution of 23 May 2013 on EU trade and investment negotiations with the United States of America](#)

17. Emphasises the sensitivity of certain fields of negotiation, such as the agricultural sector, where perceptions of Genetically Modified Organisms (GMOs), cloning and consumer health tend to diverge between the US and the EU; sees an opportunity in enhanced cooperation in agriculture trade, and stresses the importance of an ambitious and balanced outcome in this field; stresses that the agreement must not undermine the fundamental values of either side , for example the precautionary principle in the EU; calls on the US to lift its import ban on EU beef products, as a trust-building measure;

[European Parliament resolution of 23 October 2012 on trade and economic relations with the United States](#)

4. Stresses the importance of continuing with the strengthening of transatlantic economic relations, while supporting EU interests, in fields such as environmental, health and animal protection standards, food safety, cultural diversity, labour rights, consumers' rights, financial services, public services or geographical indications, among others;

11. Recognises that overly burdensome regulatory standards serve as significant barriers to trade, and that additional growth could follow from addressing such barriers; emphasises that an alignment of EU and US regulatory standards should aim at reaching the highest common standard and, thereby, also improve the product safety for consumers; underlines the need to avoid creating new (even if unintended) barriers to trade and investment, especially in key emerging technologies and innovative sectors;

13. Notes the importance of establishing data sharing protocols between the US Consumer Product Safety Commission and the European Commission in order to deal speedily and effectively with unsafe products placed on the market in either region

### US Dep. Agriculture

[U.S.-EU Organic Equivalence Arrangement](#) , 2012

A partnership that will recognize the two organic programs as equivalent and allow access to each other's markets

### Congressional Research Service - CRS

[Proposed Transatlantic Trade and Investment Partnership \(T-TIP\)](#) / Shayerah Ilias Akhtar, Vivian C. Jones, February 4, 2014

Data Privacy -- Genetically Modified Organisms -- Approaches to Transatlantic Regulatory Cooperation

[The Consumer Product Safety Commission \(CPSC\) and International Trade: Legal Issues](#) / Brandon J. Murrill, Legislative Attorney, November 5, 2013

Most consumer products within the jurisdiction of the U.S. Consumer Product Safety Commission (CPSC) are imported into the United States. The CPSC is the central, federal authority for the promotion and enforcement of consumer product safety. In 2008, following several well-publicized national recalls of toys and children's products, many of which contained lead, Congress passed the Consumer Product Safety Improvement Act (CPSIA), which included provisions addressing the CPSC's role in ensuring the safety of imported and exported consumer products

### Consumers' views

**BEUC (The European Consumer organisation)**

[Consumers at the heart of the Transatlantic Trade and Investment Partnership \(TTIP\) / BEUC Position Statement, Last update 21 May 2014](#)

[BEUC statement on Food & TTIP BEUC Statement delivered at the TTIP Stakeholder Presentation Event , Brussels, 16th July 2014](#)

### **Verbraucherzentrale Bundesverband**

[Stellungnahme des vzbv zu TTIP anlässlich der Anhörung im Wirtschaftsausschuss des Bundestags am 16. März 2015](#)

Wenn TTIP Maßstäbe für Wertvorstellungen im globalen Handel setzen soll, müssen nach Ansicht des vzbv die Lebensqualität der Menschen, eine nachhaltige und ressourcenschonende Wirtschafts- und Konsumweise sowie ein verantwortungsvoller Umgang mit Drittstaaten im Mittelpunkt der weiteren Verhandlungen stehen

[TTIP: Einschätzungen des vzbv zum Freihandelsabkommen : Positionspapier des vzbv zu TTIP , 19. Juni 2014](#)

[TTIP - Häufige Fragen und Antworten , aktualisiert am 12.01.2015](#)

TTIP aus Verbrauchersicht – was muss berücksichtigt werden?

Nachhaltigkeit, Ressourcenschonung und Corporate Social Responsibility als Leitmotiv

nur der Abbau von Handelshemmnissen im engen Sinn

beim Verbraucher- und Umweltschutz die Orientierung an Best Practice, das heißt am jeweils bislang höchsten Schutzniveau der Verhandlungspartner als Mindeststandard

ein enger, transparenter transatlantischer Fachaustausch und Zusammenarbeit mit unverbindlichen Empfehlungen unter Beachtung insbesondere der parlamentarischen gesetzgeberischen Zuständigkeiten und Kontrollbefugnisse

ein Schutz von Investoren und Investitionen ausschließlich nach dem Grundsatz der Inländergleichbehandlung und

keine darüber hinausgehenden materiellen Rechte oder Verfahrensrechte wie Zugang zu Schiedsverfahren

transparente Verhandlungen mit öffentlichen Konsultationen zu wesentlichen

die Ratifizierung des Abkommens auch durch die nationalen Parlamente

**Transatlantic Consumer Dialogue (TACD)** is a forum for US and EU consumer organisations which develops and agrees on joint consumer policy recommendations to the US government and European Union to promote consumer interests in EU and US policy making.

[2013 TACD Stakeholder Forum: " The Transatlantic Trade and Investment Partnership: can it bring benefits to the people ?", October 30, 2013](#)

[Resolution on Regulatory Coherence in the Transatlantic Trade and Investment Partnership , December 2013](#)

[Resolution on better regulation of chemicals, including nanomaterials , October 2013](#)

[Resolution on the approach to food and nutrition related issues , October 2013](#)

[Resolution on Trade Rules and Financial Regulation , October 2013](#)

[Resolution on Data Flows in the TransAtlantic Trade and Investment Partnership , October 2013](#)

[The Consumer Perspective on addressing e-commerce within the Transatlantic Trade and Investment Partnership , October 2013](#)

**Consumer Reports / Consumers Union** is a non-profit organization best known as the publisher of Consumer Reports. Its mission is to "test products, inform the public, and protect consumers.". It focuses on policy issues related to telecommunications, mass media, vehicle safety, health care, product safety, financial services, investing, food safety, housing, and energy and utility deregulation.

[The Overuse of Antibiotics in Food Animals Threatens Public Health , 11/10/12](#)

[Stakeholder Presentation of Susan Grant, Director of Consumer Protection / Consumer Federation of America: To Negotiators in the Transatlantic Trade and Investment Partnership, December 18, 2013](#)

**The Consumer Federation of America (CFA)** is a non-profit organization founded in 1968 to advance consumer interests through research, education and advocacy. According to CFA's website, its members are approximately 300 consumer-oriented non-profit organizations, which themselves have a combined membership of 50 million people. It is generally regarded as liberal in the modern American sense of the term, and is associated with the consumer movement.

[Comments on the Transatlantic Trade and Investment Partnership , May 9, 2013](#)

**Public Citizen** is a non-profit, consumer rights advocacy group based in Washington, D.C., United States. Public Citizen was founded by Ralph Nader.

### **Public Citizen**

[Letter to USTR and EU Trade Commissioner , 10 July 2014](#)

The undersigned organizations write to express our strong opposition to the inclusion of any terms in the Transatlantic Trade and Investment Partnership (TTIP) agreement that implicate the regulation of chemicals. This includes, but is not limited to, chapters on regulatory cooperation, investment, technical barriers to trade (TBT), sanitary and phytosanitary measures (SPS), and all sectoral annexes.

[TAFTA as Monsanto's Plan B: A Backdoor to Genetically Modified Food , 2013](#)

European and U.S. agribusiness corporations, in their formal demands issued to TAFTA negotiators, have been remarkably candid in naming the specific U.S. and EU GMO regulations that they would like to see dismantled via TAFTA

[TAFTA Could Make You Sick: A Backdoor for Food Contamination , 2013](#)

## TAFTA Studies Project Tiny Economic Gains, Ignore Major Costs from Gutting Environmental, Health, Financial and Other Safeguards , 2013

That is why studies focused on the impact of TAFTA's possible tariff reduction have produced meager estimates of any economic impact.

[U.S. Polling Shows NAFTA-style Trade Deals Becoming Even More Unpopular](#) , 7 Nov. 2012 Recent polling indicates that American public opinion over the past few years has intensified from broad opposition to overwhelming opposition to NAFTA-style trade deals.

[Handelsabkommen: Die deutsche Angst vorm Chlorhühnchen](#) / Daniela Siebert, SWP & deutschlandfunk.de, 03.06.2014

Mit Chlor desinfizierte Hühnchen oder Gentechnik-Flocken im Müsli – in den USA werden solche Produkte akzeptiert, bei uns hätten sie keine Chance. Angesichts eines möglichen Handelsabkommens mit den USA kommt die Frage auf: Wie umgehen mit unterschiedlichen Lebensmittelstandards?

### Producers' views

#### TransAtlantic Business Dialogue (TABD)

On October 31, 2012 TABD submitted its [joint statement](#) along with the Business Roundtable and ERT to the Federal Register Notice USTR-2012-0028 and to the European Commission request for comments earlier today. The submission on regulatory issues for a possible future trade agreement included 2 additional documents ( [Forging a Transatlantic Partnership for the 21st Century](#) and [Letter on Regulatory Compatibility](#) ) that were referenced in the joint statement. [Business Roundtable](#) , an association of CEOs leading U.S. companies, amplifies diverse business perspectives on the world's most difficult challenges. [Submission to the European Commission Directorate-General for Trade:Public Consultation on the Future of EU-U.S. Trade and Economic Relations](#) . October 19, 2012

#### American Chamber of Commerce to the European Union (AmCham EU)

[Discriminatory taxation of food and beverages is ineffective and distorts competition](#) , 6 November 2012

AmCham EU is concerned about discriminatory taxes applied to the food sector for the following reasons:

- Food and beverage taxes generate competitive disadvantages;
  - Food taxes are regressive in nature and hit lower socio-economic groups hardest;
  - There is no evidence demonstrating a positive impact of food taxes on the 'healthiness' of people's diets;
  - Punishing specific food products alone would not automatically lead to the elimination of bad diets and lifestyles; and
- 
- Food taxes hit companies that produce locally and could discourage investment in Europe by both European and non-European companies.

[AmCham EU's response to the European Commission Public consultation on the future of EU-US trade and economic relations](#) , 27 September 2012

Regulatory Cooperation and Coherence: -- Regulatory Cooperation and Coherence -- Common Impact Assessment procedures -- Common Impact Assessment procedures

[AmCham EU's Position on the 2013 Ban on Animal Testing](#) , 5 September 2012

- The goal of the testing and marketing bans of the Amendment 7 to the Cosmetic Directive was to eliminate the use of animals for EU cosmetics legislation purposes. The legislator has explicitly specified that the bans apply only to animal tests carried out 'in order to meet the requirements of this Directive' (emphasis added).
- There will be no positive impact on animal welfare by banning or refusing data that has been developed to meet EU non-cosmetic or third country regulatory requirements in line with applicable animal welfare standards.
- Refusing this data could run counter to OECD and WTO rules.

[AmCham EU's Position Statement on a Common European Sales Law](#) , 20 August 2012

The American Chamber of Commerce to the European Union (AmCham EU) welcomes the initiatives of the European Commission aimed at strengthening the internal market and easing cross border transactions. From this perspective, AmCham EU supports the Commission's intention to improve the quality and coherence of European contract law in the framework of the better regulation agenda

[State Toxic Chemical Regulations at Risk in Upcoming Trade Negotiations](#) / Oct 3, 2013 by Katie Weatherford, Center for Effective Government

On Oct. 7, the United States and European Union will resume negotiations that began earlier this year over the Trans-Atlantic Free Trade Agreement (TAFTA). Since tariffs and quotas between the U.S. and EU are already quite low, the negotiations will focus primarily on reducing "non-tariff barriers" (such as differences in standards and regulations) to expand trade across the Atlantic.

### More information

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#### Language



English

**Policy areas**

International Trade | Canada and United States | Consumer Protection

**Classification**

TRADE POLICY | EU CONSUMER POLICY | CONSUMER POLICY | FOREIGN TRADE | EU - US RELATIONS | Members' Research Service

**Country**

United States of America