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## Summer Programme on International and European Environmental Law: *The Future We Choose*

### *The environmental implications of TTIP: can it tip the scale?*

The European Union and the United States are in the process of negotiating the largest international trade agreement ever to be concluded: the Trans-Atlantic Trade and Investment Partnership (TTIP). It is expected to generate economic growth, however, these negotiations also raise public concerns regarding the possible negative implications of such an agreement. Prominent amongst those is the EU's ability to regulate in the context of the protection of human, animal and plant health, and the environment in general. Fears exist for a potential clash between two opposing environmental and consumer protection ideas on both sides of the Atlantic.

While striving for a robust scientific base for all of its policies, historically the EU also makes use of the 'precautionary principle' where science cannot yet provide all answers. Contrary to the US, the EU does not allow for the use of growth hormones in beef and is more restrictive where topics like GMO's, chemicals and drilling for shale gas are concerned. Whereas in such cases the EU is stricter *ex ante*, the US approach seems to be to allow it until it is proven that it poses a threat to human health and/or the environment. Nevertheless, even in the US, fears exist that TTIP will cause standards to lower.

The negotiating texts provided on the Directorate General Trade's website affirm the EU's commitment to the preservation of its high environmental standards and stress that those should never be jeopardised by the conclusion of TTIP. If a system of Investor-State Dispute Settlement (ISDS) is introduced into TTIP, as presently envisaged by both negotiating parties, the EU strives to ensure that it does not pose an indirect threat to EU or Member States' environmental and consumer policy decisions. The fear in this case would be that US investors in the EU could overturn or prevent EU protection measures from being adopted in this manner.

The difference in approach on the two sides of the Atlantic is clear. Could TTIP tip the scale to the detriment of environmental and human health standards or is this unlikely to happen?

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