



Plenary sitting

A10-0021/2024

4.12.2024

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the European Union, of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration
(07011/2024 – C10-0080/2024 – 2015/0012(NLE))

Committee on International Trade

Rapporteur: Anna Cavazzini

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion, on behalf of the European Union, of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (07011/2024 – C10-0080/2024 – 2015/0012(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (07011/2024),
 - having regard to the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (07012/2024),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4) first subparagraph and Article 218(6) second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C10-0080/2024),
 - having regard to Rule 107(1) and (4) and Rule 117(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on International Trade (A10-0021/2024),
1. Gives its consent to the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States, as well as to the UNCITRAL Secretariat.

EXPLANTORY STATEMENT

The UN ‘Mauritius’ Convention on transparency for Investor-State Dispute Settlement (ISDS) marks a step towards greater public access to documents and hearings, as well as the inclusion of civil society in disputes brought by investors against States under investment treaties.

Its ratification by the EU has been a long standing request by the Parliament, including in the 2022 European Parliament resolution on the Future of EU International Investment Policy. Under the arbitration rules that commonly govern ISDS proceedings, disputes can remain hidden from public view from their launch until their conclusion. One of the parties can demand this secrecy, even though cases can target democratically decided measures, and lead to awards in the billions. Ensuring full transparency should be a minimum requirement.

The Mauritius Convention facilitates the application of the United Nations Commission of International Trade Law (UNCITRAL) Transparency Rules to investment treaties concluded prior to 1 April 2014. These rules require all documents, including tribunal decisions and party submissions, to be made public; that hearings be open to the public; and that interested parties, such as civil society organisations, be allowed to make submissions to the tribunal. All EU agreements concluded after 2014 already include similar transparency requirements.

The convention retroactively applies to investment treaties signed before the introduction of the UNCITRAL transparency rules. Contracting parties who ratify the convention can have the new rules applied in disputes under older treaties, without the need to renegotiate them individually.

Approximately 1,200 agreements involving EU Member States fall under the scope of the Convention. The Energy Charter Treaty (ECT) is the only treaty covered at EU level.

Ratifying the Convention is a first step in the broader reform of investment dispute settlement within the framework of the United Nations Commission for International Trade Law for the creation of a Multilateral Investment Court. Its method should be replicated, for instance in the framework of the Organization for Economic Cooperation and Development's work to align investment treaties with the Paris Agreement climate goals.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under her exclusive responsibility that she did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Conclusion, on behalf of the European Union, of the United Nations Convention on transparency in treaty-based investor-State arbitration
References	07011/2024 – C10-0080/2024 – 2015/0012(NLE)
Date of consultation or request for consent	12.7.2024
Committee(s) responsible	INTA
Rapporteurs Date appointed	Anna Cavazzini 30.9.2024
Discussed in committee	18.11.2024
Date adopted	3.12.2024
Result of final vote	+ : 34 - : 0 0 : 2
Members present for the final vote	Manon Aubry, Christophe Bay, Brando Benifei, Lynn Boylan, Anna Bryłka, Udo Bullmann, Daniel Caspary, Benoit Cassart, Markéta Gregorová, Céline Imart, Karin Karlsbro, Rudi Kennes, Sebastian Kruis, Bernd Lange, Ilia Lazarov, Miriam Lexmann, Gabriel Mato, Javier Moreno Sánchez, Ștefan Mușoiu, Daniele Polato, Majdouline Sbai, Lukas Sieper, Francesco Torselli, Inese Vaidere, Kathleen Van Brempt, Marie-Pierre Vedrenne, Catarina Vieira, Bogdan Andrzej Zdrojewski, Juan Ignacio Zoido Álvarez
Substitutes present for the final vote	Mika Aaltola, João Cotrim De Figueiredo, Barry Cowen, Borja Giménez Larraz, Cristina Maestre
Members under Rule 216(7) present for the final vote	Delara Burkhardt, Loránt Vincze
Date tabled	4.12.2024

FINAL VOTE BY ROLL CALL BY THE COMMITTEE RESPONSIBLE

34	+
ECR	Daniele Polato, Francesco Torselli
NI	Lukas Sieper
PPE	Mika Aaltola, Daniel Caspary, Borja Giménez Larraz, Céline Imart, Ilia Lazarov, Miriam Lexmann, Gabriel Mato, Inese Vaidere, Loránt Vincze, Bogdan Andrzej Zdrojewski, Juan Ignacio Zoido Álvarez
PfE	Sebastian Krus
Renew	Benoit Cassart, João Cotrim De Figueiredo, Barry Cowen, Karin Karlsbro, Marie-Pierre Vedrenne
S&D	Brando Benifei, Udo Bullmann, Delara Burkhardt, Bernd Lange, Cristina Maestre, Javier Moreno Sánchez, Ștefan Mușoiu, Kathleen Van Brempt
The Left	Manon Aubry, Lynn Boylan, Rudi Kennes
Verts/ALE	Markéta Gregorová, Majdouline Sbai, Catarina Vieira

0	-

2	0
PfE	Christophe Bay, Anna Bryłka

Key to symbols:

+ : in favour

- : against

0 : abstention