



Preliminary report

(statistical overview)

Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Investment Partnership Agreement (TTIP)

July 2014

Context

In June 2013, the 28 EU Member States provided the European Commission with a mandate for negotiating the Transatlantic Trade and Investment Partnership Agreement (TTIP), stating that it should include investment protection and investor-to-State dispute settlement (ISDS), provided that certain conditions are met.

Given the strong public interest in the issue of investment protection and Investor-to-State dispute settlement (ISDS), the European Commission decided to launch a public consultation on a possible approach and has sought feedback on a series of innovative elements that could serve as the basis for the TTIP negotiations.

The public consultation was launched on 27 March 2014 and was closed on 13 July 2014. It was open to all interested parties.

The Commission sought views structured around **twelve key issues**:

- Scope of the substantive investment protection provisions
- Non-discriminatory treatment for investors
- Fair and equitable treatment
- Expropriation
- Ensuring the right to regulate and investment protection

Date: 18/07/2014

- Transparency in ISDS, multiple claims and relationship to domestic court
- Arbitrators' ethics
- Conduct and qualifications
- Reducing the risk of frivolous and unfounded cases
- Allowing claims to proceed (filter)
- Guidance by the parties on the interpretation of the agreement
- Appellate mechanism and consistency of rulings

This structured approach will enable the Commission to build on the views expressed on those specific issues. However, also the general views responding to the final open question of the consultation will be taken into account.

The replies to the questionnaire will now be given due consideration by the Commission and will be analysed in detail. This report gives a first statistical overview of the level of interest in the consultation and the range of voices and organisations that have participated.

General statistics on responses to the public consultation

The public consultation on investment protection and ISDS in TTIP has generated very substantial interest.

The Commission has received **a total of 149 399 online contributions** to the consultation. A preliminary overview¹ of these replies is presented below.

The distribution of the replies by country is the following:

Table 1: Distribution of replies by country

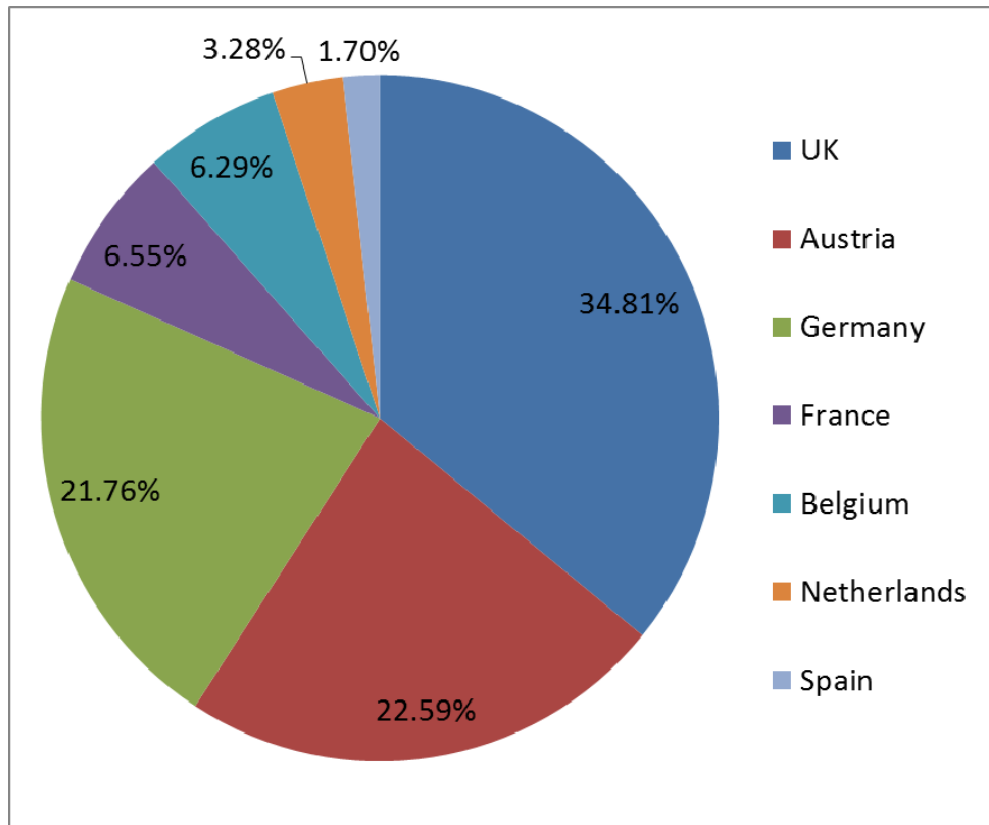
Country	Number of replies	% in total
Austria	33 753	22.59%
Belgium	9 397	6.29%
Bulgaria	176	0.12%
Croatia	62	0.04%
Cyprus	6	0.004%
Czech Republic	176	0.12%
Denmark	139	0.09%
Estonia	5	0.003%
Finland	95	0.06%

¹ The preliminary overview is strictly based on the statistical data provide by the database where the responses have been recorded. At this stage, it does not take into account the possible duplication of certain responses or other information that may result from qualitative processing. Such information will be identified and accounted for at a later stage of the analysis.

France	9 791	6.55%
Germany	32 513	21.76%
Greece	45	0.03%
Hungary	1 450	0.97%
Ireland	170	0.11%
Italy	222	0.15%
Latvia	9	0.01%
Lithuania	8	0.01%
Luxembourg	90	0.06%
Malta	15	0.01%
Netherlands	4 906	3.28%
Poland	200	0.13%
Portugal	78	0.05%
Romania	313	0.21%
Slovakia	156	0.10%
Slovenia	16	0.01%
Spain	2 537	1.70%
Sweden	125	0.08%
UK	52 008	34.81%
Other/no reply	938	0.63%
Total	149 399	100.00%

The **largest number of replies** was received from the United Kingdom, followed by Austria, Germany, France, Belgium, Netherlands and Spain, which together account for 97% of the replies.

Figure 1: Top distribution of replies by EU Member States



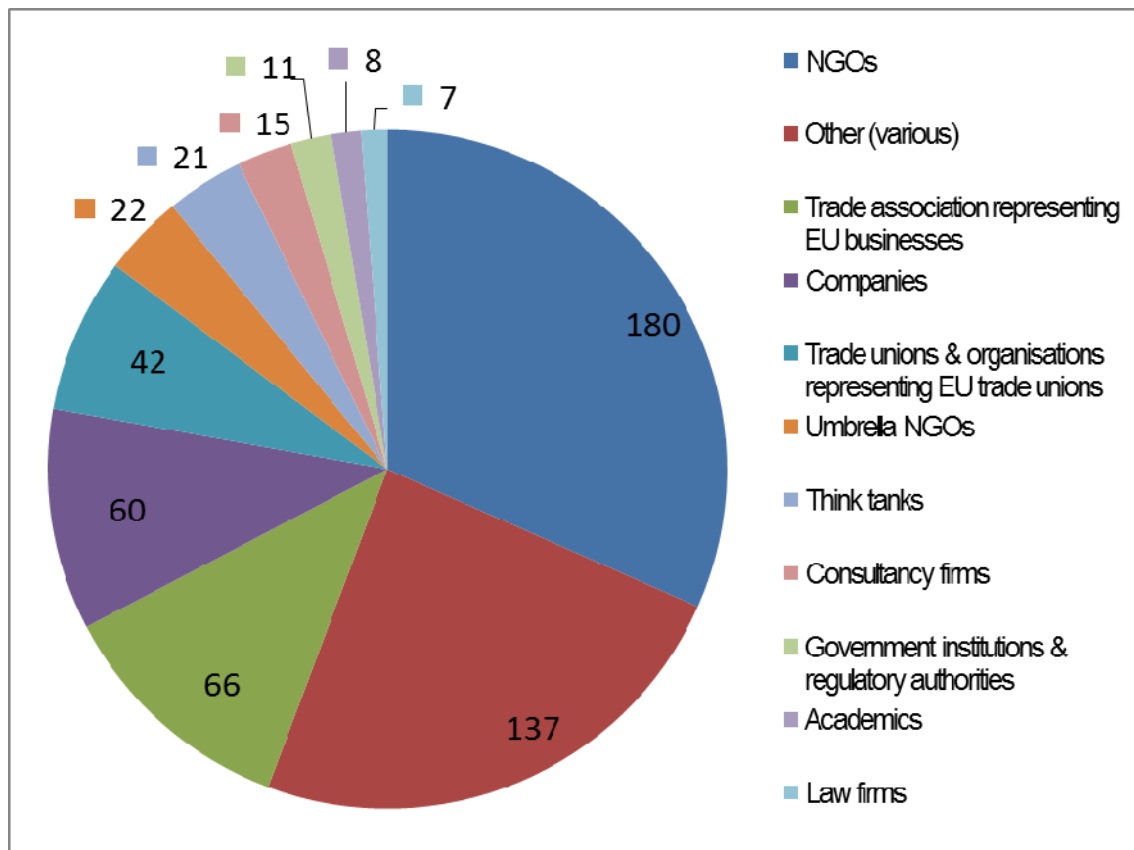
Profile of respondents to the public consultation

The vast majority of replies (more than 99%) were submitted by **individuals**. In particular, a large number of replies were submitted collectively through actions coordinated within the civil society. 569 organisations also responded to the consultation, many of these being NGOs.

Table 2: Distribution of replies by main type of respondent

Type of respondent	Number of replies	% in total
Individuals	148 830	99.62%
Organisations	569	0.38%
Total replies	149 399	100%

Figure 2: Distribution of the replies submitted by organisations



Only a small number of the replies, whether from business or individuals, (738 respondents, representing 0.5% of the total) indicated that they **have made an investment in the USA**.

Less than half of the respondents (46.82%) **agreed that their contribution could be made public** on the European Commission's website.

Table 3: Agreement/disagreement on the publication of the contribution

Publication of contributions	Number of respondents	% in total
Agree that the contribution shall be made public	69 955	46.82%
Disagree that the contribution shall be made public	79 444	53.18%

Finally, 39.37% of the individual respondents and 91.39% of the organisations have agreed to the **publication of their name** together with their contribution.

3. Next steps

Over the coming months, the Commission will be looking carefully at the replies received. Once the work of analysis is completed it will report on the outcome of the consultation and present the details of the replies received. The Commission shall also publish on its website the contributions for which the respondents have agreed to publication.

Our current estimate is that the analysis will take several months and is unlikely to be completed before November.

Once the analysis will have been completed, the Commission will also provide indications regarding the next steps.