

# GBTA EU BIWEEKLY WATCH

06/05/2016

## I. GENERAL EU DEVELOPMENTS

### TTIP

#### TTIP leaks rise doubts over 13<sup>th</sup> round of negotiations

- EU and US negotiators [met](#) during the week of 25<sup>th</sup> April in New York, for the 13<sup>th</sup> round of negotiations on TTIP. They [explained](#) they would not settle for a limited trans-Atlantic free trade deal that ignores deep divisions on agricultural products, services, public procurement and dispute resolution.
- However, according to negotiators, bridging gaps would take a lot of work and progress during this round has centered mainly on non-controversial technical language without going into the deepest divides, such as agriculture and food safety rules.
- On 3 May, Greenpeace also [leaked](#) certain TTIP classified documents, which according to the NGO, shows that the US is pressuring Brussels to roll back health and environmental standards. Following the scandal, [France](#) also said that the negotiations were likely to stop, criticizing Washington's reluctance to make concessions.
- The European Trade Commissioner [reacted](#) by qualifying the scandal as a "storm in a teacup" reiterating that no EU trade agreement will ever lower the EU's level of protection of consumers, the environment or food safety. In addition, the leaks only reflect the state of negotiations prior to the start of the 13<sup>th</sup> round of talks.
- **Next steps:** Following the outcome of the last negotiation round, the objective for the US and the EU is still to progress on technical details until the autumn, leaving out contentious issues for the end. This means that it is virtually impossible to assess progress towards an agreement by the end of the year until these real issues are put on the negotiations table.

### EU MIGRATION CRISIS

#### EU divided over granting visa free travel to Turkey

- The European Commission [proposed](#) on 4 May to introduce a visa waiver for Turkish citizens and nationals travelling in the Schengen zone for up to three months. This is part of an EU-Turkey deal agreed last March, under which Turkey has committed to take back all "irregular migrants" crossing from Turkey into Greece.
- Some Member States have however requested the inclusion of a suspension mechanism for the visa waiver, and the European Parliament has expressed some reservations regarding Turkey's respect for human rights .
- **Next steps:** The visa waiver agreement will have to be approved by the European Parliament and EU Home Affairs Ministers, but it is expected to be operational by the end of June 2016, provided Turkey also fulfills all requirements on its side.

### SCHENGEN

#### European Commission agrees to prolong temporary internal border controls

- On 4 May, the European Commission [proposed](#) a [Recommendation](#), to be discussed and approved by the Council of Member States, to prolong proportionate controls at certain internal Schengen borders, namely in Germany, Austria, Sweden, Denmark and Norway for a maximum period of six months.
- National measures have already been introduced by these countries to address the threat to public policy and internal security resulting from the secondary movements of irregular migrants.
- **Next steps:** The Commission's objective is still to return to a normally functioning Schengen area and to lift all internal border controls by the end of 2016.

## II. A FOCUS ON MOST RELEVANT ISSUES

## EU-US VISA WAIVER

### European Parliament discusses potential suspension of EU-US visa waiver

- On 20 April, the European Parliament's Home Affairs Committee (LIBE) [discussed](#) the possible suspension of the EU-US/Canada visa waiver, stressing the fact that suspending the waiver will have a strong impact on economic activity and tourism, while still pushing for the European Commission to fulfil its legal obligation to present a legislative proposal lifting the visa waiver.
  - The Commission responded to Members of the European Parliament, saying that it prefers spending 3 months discussing the issue with the European Parliament and EU Home Affairs Ministers before taking action.
  - **Next steps:** The coordinators for each political group in the European Parliament's LIBE Committee will hold a meeting on 10 May to discuss their group's position and potential way forward. A formal decision as to whether the visa waiver with the US will be suspended will only happen after the European Parliament and the EU Home Affairs Ministers have both taken a position. They have until 12 July 2016 to do so.
- ⇒ **IMPACT AND RECOMMENDATIONS:** According to Grayling sources, Member of the European Parliament (MEP) Mr. Ujhelyi, who was one of the MEPs to receive GBTA's [press release](#), is expected to discuss the issue with the European Commission soon as he is the rapporteur on various visa related legislative files. It could therefore be a good opportunity to follow-up with this MEP's assistant, reiterating GBTA's arguments against the lifting of the visa waiver as well as requesting a meeting with him for GBTA's next engagement round.

## AVIATION EMISSIONS

### Discussions on ICAO's global aviation emissions deal continues

- On 26 April, the European Parliament's Environment Committee held an exchange of views with EU Transport Commissioner on the future ICAO Global Market-Based Measure (GMBM).
  - Commissioner Bulc welcomed ICAO's [draft proposal](#) published last December 2015, while stressing that ongoing negotiations will require significant compromise and will be very difficult as not all stakeholders are "on board".
  - Members of the European Parliament agreed with the global approach taken with ICAO, but however demanded clear criteria when it comes to offsetting, ambitious climate goals and the opportunity for regional cooperation. They also criticized the opaque proceedings within ICAO.
  - In parallel, members of the ICAO Council's High-level Group on aviation emissions [concluded](#) a series of Global Aviation Dialogues (GLADs) outreach events where they received feedback from over 400 State and civil society experts on ICAO's draft aviation emission scheme proposal.
  - **Next steps:** All 191 ICAO Member States are invited to a formal round of negotiations at a High Level Meeting in May in Montreal, ahead of the final decision on the proposals at ICAO's next triennial General Assembly from September 27 to October 7, 2016.
- ⇒ **IMPACT AND RECOMMENDATIONS:** The next meeting in May will enable EU institutions to have more information on the outcome of the GLADs that ended on 22 April and in particular on some states' position regarding the ICAO's draft proposal (such as China or the US). However, it is still clear that EU institutions will push for an ambitious agreement and will not accept reducing the goal of capping aviation emissions by 2020.

## EU-US PRIVACY SHIELD

### Privacy Shield – give their opinion

- After Data Protection Authorities (DPAs) of the EU Member States published their [opinion](#) on the new [Privacy Shield agreement](#) on 13 April, Members of the European Parliament (MEPs) [discussed](#) the issue on 28 April with Commissioner for Consumer Affairs Věra Jourová.

- The discussions pointed out issues that still remain sensitive, such as the exemptions that will allow US intelligence agencies to collect Europeans' data in bulk.
  - Although MEPs have no formal role (the agreement just needs to be concluded by EU Justice Ministers), they are likely to pass a non-binding resolution on the agreement, in order to communicate their position to the European Commission and EU Justice Ministers.
  - **Next steps:** Member States are expected to meet on 19 May to discuss their position on this data transfer agreement, while MEPs will vote on whether to prepare a resolution on the matter during their plenary session on 25-26 May. The European Commission is still working to finalize the deal by June.
- ⇒ **IMPACT AND RECOMMENDATIONS:** We've heard that it is unlikely that the European Commission will finalize the text by June, considering all the remaining sticking points but we'll have to wait and see how internal negotiations within the EU institutions move forward. In the meantime, legal uncertainty for companies operating data transfers between the EU and the US remains, therefore companies are advised to seek legal advice.

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