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Dear Member of European Parliament,

**CETA: Support Resolution (2016/2981(RSP) seeking an Opinion of the ECJ on compatibility of ICS in CETA with EU Treaties**

The European Parliament will vote in plenary on resolution (2016/2981(RSP) seeking an Opinion of the European Court of Justice (ECJ) on the compatibility with the Treaties of the proposed agreement between Canada and the European Union on a Comprehensive Economic and Trade Agreement (CETA).

**On behalf of ClientEarth I call on you to support this Resolution. This request for an Opinion is essential to demonstrate the European Parliament's and your commitment to the rule of law and avoids serious legal difficulties the EU may face if CETA is challenged at a later date.**

**The main arguments why the Members of the European Parliament should request an Opinion by the ECJ:**

- Members have made clear in their TTIP resolution of 8 July 2015 that they want investment protection in EU trade agreements to respect 'the jurisdiction of the Courts of the EU and of the Member States'. A request for an Opinion will ensure that this condition is met.
- The Lisbon Treaty has given the European Parliament important new powers in the field of trade. It is essential that you, as its Members, exercise these new powers with diligence and a commitment to the rule of law in Europe.
- The academic community and the German and European Association of Judges have voiced serious concerns about the compatibility of ICS in CETA with the Treaties. A request for an Opinion will ensure that the European Parliament hears these critical voices.
- A request for an Opinion will not delay the ratification of CETA. CETA will have to be ratified by all the Member States before it can enter into force and this will take a long time. For example, Germany will have to wait for its Constitutional Court's ruling on CETA.
- A potential legal challenge at a later stage may have serious consequences for Europe.

The EU and its Member States might be faced with the daunting choice of complying with EU law by not paying awards of investment tribunals or with international law, a choice which would either result in an internal constitutional crisis or in international embarrassment for the EU.

**For these reasons, an Opinion by the European Court of Justice offers much needed legal certainty and would put the trade policy of the EU on solid legal footing.**

Yours faithfully,

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