

## EU-TTIP-Angebot

**TTIP: Positivliste bei Marktzugang, sonst Negativlisten (= "Hybridliste")**

**EU-Angebot ("Services and investment offer"), veröffentlicht am 31.07.2015:**  
 (auch zu finden unter "EU negotiating texts", Part I: Market Access, Services  
 zugehöriger core text, "EU's proposal for a text on trade in services, investment (...)"

[http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc\\_153670.pdf](http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153670.pdf)  
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230>  
[http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc\\_153669.pdf](http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153669.pdf)

zum Aufbau Negativliste (Annex I und Annex II) s. Tabellenblatt "Negativlisten"  
 neu: Annex III: Positivliste nur für Marktzugang  
 Die Ausnahmelisten werden auch erklärt im "Reading guide" auf S. 3f:

[http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc\\_153668.pdf](http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153668.pdf)

### **Trinkwasser:**

**Eintragung unter "Environmental Services":**

**a) Marktzugang: Positivliste (Annex III):**  
 keine Eintragung, d.h. nicht liberalisiert

**Lücke.**

**b) Negativliste (Annex II) für National Treatment, Most-Favoured-Nation Treatment, "Performance Requirements", "Senior Management and Boards of Directors"**

Fast vollständige Eintragungen in Annex II auf S. 87 als Reservation Nr. 18 - "Environmental Services" (es fehlt jedoch noch die Innerstaatliche Regulierung – auch im core text)  
 aber: **kein Schutz vor Investitionsschutzstandards "fair and equitable treatment" und "expropriation".**

<b>Vorbehalt bei Liberalisierungselement ("Type of Reservation")</b>	<b>Marktzugang (market access, MA)</b>	<b>Meistbegünstigung (most favoured nation treatment, MFN)</b>	<b>Inländerbehandlung (national treatment, NT)</b>	<b>Innerstaatliche Regulierung (domestic regulation)</b>	<b>Leistungsanforderungen (Performance Requirements)</b>	<b>(Senior Management and Boards of Directors)</b>
GATS-Modus (Erbringungsart)						
GATS-Modus 1, grenzüberschreitende Leistungen (TTIP: "cross border provision of environmental services")	s. Positivliste	The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.	The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.	<b>Kapitel noch nicht vorliegend</b>  <b>(s. EU TTIP core text proposal, CHAPTER V - SECTION I, Artikel 5-1 Nr. 3, S. 16 in</b> <a href="http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153669.pdf"><b>http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153669.pdf</b></a>	The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.	The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.
GATS-Modus 2, Konsum im Ausland (TTIP: "cross border provision of environmental services")	s. Positivliste	The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.	The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.			
<b>GATS-Modus 3, kommerzielle Präsenz, Niederlassung ausländischer Unternehmen im Inland (CETA: "Investment")</b>	<b>s. Positivliste</b>	<b>The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.</b>	<b>The EU reserves the right to adopt or maintain any measure with respect to the following:  The EU with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.</b>			

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GATS-Modus 4, temporärer Aufenthalt natürlicher Personen zu Geschäftszwecken (CETA: "Temporary presence of natural persons for business purposes")	s. Positivliste				

### Achtung: Parallele Eintragung unter Energiedienstleistungen:

Trinkwasser ist nicht nur unter "environmental services",  
sondern auch zweimalig parallel unter Energiedienstleistungen eingetragen.

Bei Marktzugang mit eindeutigen Code: ISIC rev 3.1: 410

(zu ISIC Rev 3.1 s. EU-offer, S. 6)

Hierfür gelten andere, weitergehende Liberalisierungsverpflichtungen:

a) Marktzugang: Positivliste (Annex III) auf S. 126:

5 D. Collection, purification and distribution of water (ISIC rev 3.1: 410)

--> nur folgende Eintragung: GATS-Modus 3: unbound

Wenn keine Eintragung der Eintragung "none" entspricht, bedeutet dies die Liberalisierung bei Marktzugang Trinkwasserversorgung im GATS-Modus 1 und 2.

Trinkwasserversorgung würde damit gegenüber GATS1994 bei grenzüberschreitender Erbringung liberalisiert.

b) Negativliste (Annex II) für National Treatment, Most-Favoured-Nation Treatment, "Performance Requirements", "Senior Management and Boards of Directors"

Erwähnung auf S. 111 unter Reservation Nr. 25 - Energy related activities: ISIC 41

"In the EU, any measure with respect to the provision of services relating to collection, purification and distribution of water to household, industrial, commercial or other users including the provision of drinking water, and water management."

--> nur Ausnahme hinsichtlich National Treatment, es fehlen: Most-Favoured-Nation Treatment, "Performance Requirements", "Senior Management and Boards of Directors", ggf. innerstaatliche Regulierung

**Lücke.**  
**Widerspruch innerhalb Annex II zwischen Eintragung unter  
Energiedienstleistungen und Eintragung unter Umweltdienstleistungen.**

### Abwasser:

kein vorgesehender Schutz vor Investitionsschutzstandards "fair and equitable treatment" und "expropriation".

#### a) Positivliste bei Marktzugang (Annex III):

ggf. Ausnahme in GATS-Modus 3 durch Public-Utilities-Klausel von Marktzugangsverpflichtungen

"ungebunden" ("unbound"): keine Liberalisierungsverpflichtung

"keine" ("none"): keine Beschränkung, d.h. liberalisiert

Eintragung auf S. 153f:

Beschränkung von Liberalisierungselementen (WTO-Prinzipien)		Limitations on market access
Sektor/Teilsektor		
Sector		
11. Environmental Services		
subsector		
A. Waste Water Services (37) (CPC 9401)	1) EU: Unbound except for consulting services. 2) EU: None. 3) EU: None. 4) BVEP; ICT; SeSe: Unbound except as indicated in the horizontal section.	evtl. Lücke, s. Blatt "Public Utilities-Klausel";  Nach dieser Eintragung in wichtigen GATS-Modus 3 liberalisiert.  Entschließung EU-Parlament zu Folgemaßnahmen Right2Water fordert klare Herausnahme.
(37) Corresponds to sewage services.		

1) GATS-Modus 1, grenzüberschreitende Leistungen

2) GATS-Modus 2, Konsum im Ausland

3) GATS-Modus 3, kommerzielle Präsenz, Niederlassung ausländischer Unternehmen im Inland

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4) GATS-Modus 4, temporärer Aufenthalt natürlicher Personen zu Geschäftszwecken

### b) Negativliste (Annex II) für National Treatment, Most-Favoured-Nation Treatment, "Performance Requirements", "Senior Management and Boards of Directors"

Eintragung in Negativliste nur in GATS-Modus 1 und 2 (S. 87):

Vorbehalt bei Liberalisierungselement ("Type of Reservation")	Marktzugang (market access, MA)	Meistbegünstigung (most favoured nation treatment, MFN)	Inländerbehandlung (national treatment, NT)	Innerstaatliche Regulierung (domestic regulation)	Leistungsanforderungen(CETA: performance requirements)	(CETA: senior management and boards of directors)
<b>GATS-Modus (Erbringungsart)</b>						
GATS-Modus 1, grenzüberschreitende Leistungen (TTIP: "cross border provision of environmental services")	s. Positivliste	The EU reserves the right to adopt or maintain any measure with respect to the following: The EU with respect to cross border provision of environmental services, except for consulting services (CPC 9401, 9402, 9403, 9404, 9405, 9406, 9409).	The EU reserves the right to adopt or maintain any measure with respect to the following: The EU with respect to cross border provision of environmental services, except for consulting services (CPC 9401, 9402, 9403, 9404, 9405, 9406, 9409).	<b>Kapitel noch nicht vorliegend</b>  <b>(s. EU TTIP text proposal, CHAPTER V - SECTION I, Artikel 5-1 Nr. 3, S. 16 in <a href="http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153669.pdf">http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153669.pdf</a>)</b>	The EU reserves the right to adopt or maintain any measure with respect to the following: The EU with respect to cross border provision of environmental services, except for consulting services (CPC 9401, 9402, 9403, 9404, 9405, 9406, 9409).	The EU reserves the right to adopt or maintain any measure with respect to the following: The EU with respect to cross border provision of environmental services, except for consulting services (CPC 9401, 9402, 9403, 9404, 9405, 9406, 9409).
GATS-Modus 2, Konsum im Ausland (TTIP: "cross border provision of environmental services")	s. Positivliste	The EU reserves the right to adopt or maintain any measure with respect to the following:	The EU reserves the right to adopt or maintain any measure with respect to the following:		The EU reserves the right to adopt or maintain any measure with respect to the following:	The EU reserves the right to adopt or maintain any measure with respect to the following:
<b>GATS-Modus 3, kommerzielle Präsenz, Niederlassung ausländischer Unternehmen im Inland (CETA: "Investment")</b>	s. Positivliste				Lücke.	Lücke.
GATS-Modus 4, temporärer Aufenthalt natürlicher Personen zu Geschäftszwecken (CETA: "Temporary presence of natural persons for business purposes")	s. Positivliste			<b>Entschließung EU-Parlament zu Folgemaßnahme n Right2Water fordert Herausnahme.</b>	Lücke.	Lücke.

### Wasserrechte, Ausweisung von Schutzgebieten

s. Blatt "CETA"