

Press Release

**125,047 people against CETA: Campact, foodwatch and Mehr Demokratie submit the biggest constitutional complaint in history**

- Trade agreement with Canada breaches four elements of the Basic Law
- Interim order is to prevent "provisional application" of CETA
- Photo opportunities today in Erfurt and tomorrow in Karlsruhe

**+++ NOT FOR RELEASE UNTIL: TUESDAY, 30 AUGUST, 11 A.M. +++**

*Erfurt/Karlsruhe/Berlin, 30 August 2016.* Today the organisations Campact, foodwatch and Mehr Demokratie submitted a constitutional complaint against the CETA trade agreement to the Federal Constitutional Court. 125,047 people have endorsed the "No to CETA" complaint – making it the biggest citizen suit in the history of the Federal Republic of Germany. Split between more than 70 boxes, the powers of attorney were loaded onto a lorry in Erfurt today, Tuesday, and sent on their way to Karlsruhe. Christophoruswerk, the Erfurt-based charitable organisation, had recorded and sorted the powers of attorney. – Tomorrow (Wednesday) morning the powers of attorney with which the citizens have endorsed the CETA complaint will be handed over to the Federal Constitutional Court.

**+++ NOTE TO EDITORIAL TEAMS: PHOTO OPPORTUNITY IN KARLSRUHE ON WEDNESDAY, 31 AUGUST 10.45 A.M. IN THE SCHLOSSPARK, NEXT TO THE FEDERAL CONSTITUTIONAL COURT +++**

In the judgement of the organisations, the planned agreement between the EU and Canada breaches the Basic Law in four respects. The alliance has also applied to the Federal Constitutional Court for an interim order: With it the court would require the German representative on the Council of Trade Ministers – at present Federal Economy Minister Sigmar Gabriel – to vote against the planned "provisional application" of CETA, with which the agreement is to be enacted even before a vote in the Bundestag (The German lower house). Such a "provisional application" is to be passed by the Council of Ministers this autumn.

*"The provisional application of CETA is highly dangerous because it will create a fait accompli. Committees with no democratic legitimacy and investor-friendly judges would already get down to*

*work, the principle of due diligence could be evaded – and all without the consent of the Bundestag," explained Roman Huber, Executive National Chairman of Mehr Demokratie.*

*"It is beyond doubt that CETA is harmful for democracy and for that reason it must be rejected. We intend to obtain clarification from the Federal Constitutional Court, as to whether the agreement also infringes the Basic Law," added Thilo Bode, head of foodwatch.*

Jörg Haas of Campact said, *"This constitutional complaint has the backing of more than 125,000 citizens. They are sending a clear signal: We are fighting for our democracy – right up to the Constitutional Court! In the light of growing political frustration, the Federal Government and the parties would do well to take this signal very seriously,"*

The starting point for the constitutional complaint is that CETA would weaken the influence of parliaments, which would also devalue the votes of the electorates. In his submission to the Constitutional Court as the legal representative of the Alliance, Prof. Dr. jur. Bernhard Kempen, Director of the Institute of International Law and Comparative Public Law at the University of Cologne, listed four points which are not compatible with the Basic Law in the view of the complainants:

- CETA is intended to give joint EU-Canadian **committees** far-reaching powers. They can interpret the agreement and even change it, while bypassing the parliaments. The top CETA body, the "Joint Committee" is to be manned solely by representatives of the Executive; there is no provision for parliamentarians or German representatives.
- The planned **Investment Courts** would establish an inadmissible parallel justice system with special rights for Canadian investors. This would represent a discrimination against European investors, for whom this route would remain closed. The mere possibility that a court of arbitration could oblige the German state to make high compensation payments would have a considerable influence on regulation and legislation.
- The **principle of due diligence** – a core element of European regulatory policy – is not adequately safeguarded in the CETA agreement. It would mean that many improvements to the protection of the environment or health would be virtually excluded.
- **Provisional application:** Even before the national parliaments in the EU states have voted on CETA, the agreement is to be applied "provisionally" – possibly for years to come. The "provisional" application would thus create a *fait accompli*, because the

citizens would be fully exposed to the negative consequences of the agreement long before any vote in the Bundestag.

**Editorial notes:**

- Please note that this is NOT FOR RELEASE UNTIL: TUESDAY, 30 AUGUST, 11 A.M.
- Photo opportunity in Karlsruhe at 10.45 a.m. on Wednesday, 31 August, in the Schlosspark near the Federal Constitutional Court

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- At the venue in Erfurt (30.8.): Ralf-Uwe Beck, Mehr Demokratie, 01 72 / 7 96 29 82
- At the venue in Karlsruhe (31.8.): Jörg Haas, Campact, 01 52 / 22 88 87 99