

Press Release

## **Action Group Files Constitutional Complaint against EU Trade Agreement with Singapore – Organisations Warn against Weakening of Democracy in Europe**

- Mehr Demokratie, Campact and foodwatch are demanding that the German Parliament (Bundestag) be given the right to approve or reject new EU trade agreements
- “treaty bodies” make far-reaching decisions without parliamentary control
- Undemocratic trade deals weaken public acceptance of the EU

+++ *Photo stunt in Karlsruhe: photos for free editorial use available from approx. 3 p.m. under [https://www.mehr-demokratie.de/verfassungsbeschwerde\\_eu\\_singapur](https://www.mehr-demokratie.de/verfassungsbeschwerde_eu_singapur)* +++

*Karlsruhe/Berlin, 16 May 2019.* The NGOs Mehr Demokratie, Campact and foodwatch have joined forces to file a constitutional complaint against the EU free trade agreement with Singapore (EU Singapore Free Trade Agreement, EUSFTA). The organisations discussed their complaint at a press conference in Karlsruhe on Thursday. According to the action group, the agreement exemplifies a new type of free trade agreement that confers far-reaching competences to the European Union – without the participation of the German Parliament (Bundestag). In their opinion, the EUSFTA would empower trade committees with no democratic legitimation to make decisions on issues that profoundly impact the lives of European citizens, such as the labelling of food products and the liberalisation of services. Accordingly, they believe that the Singapore agreement is in violation of Germany’s Basic Law (Grundgesetz). Mehr Demokratie, Campact and foodwatch are demanding not only that the Bundestag have the right to approve or reject trade agreements like the EU agreement with Singapore, but also that it is clearly defined which competences and rights are to be transferred to the EU committees. Otherwise, democracy will be weakened, and the European Union will lose the trust of its citizens. The organisations believe that the decision of the Constitutional Court judges in Karlsruhe will have a decisive impact on how the EU will make decisions on trade agreements in the future.

*“The EU-Singapore agreement would bring about an unlawful transfer of competences from the nation state to the EU – without the approval of the Bundestag. This transfer of competences weakens the democratic participation of the German Parliament in European politics,”* said Prof. Dr Wolfgang Weiß, who holds the Chair in Public Law, European Law and Public International Law at the University of Speyer and is the attorney representing the action group. *“The EU-Singapore agreement establishes committees which have the power to make extremely far-reaching decisions that are binding under international law – and nevertheless are not subject to any democratic control. Through this system of treaty bodies, a new level of political power is being created that fundamentally changes the structure within the EU and weakens the democratic participation of both the European Parliament and national parliaments.”*

The negotiations on the EU’s trade agreement with Singapore have been concluded. The European Parliament consented to the agreement in February, and the European Council is now set to give its final approval. However, the EUSFTA will not require ratification by the national parliaments of the individual EU Member States. After facing criticism for previous trade deals like the CETA free trade agreement with Canada, the EU has decided to split its new trade agreements into two parts: one part that covers investment protection and another that deals with the liberalisation of trade and services. This much more extensive trade part is classified as a so-called “EU-only” agreement, which only requires the approval of the Council and the European Parliament. Mehr Demokratie, Campact and foodwatch are of the opinion that this strategy is unacceptable. The three organisations would like the Federal Constitutional Court of Germany to examine whether the “EU only” procedure is compatible with the country’s Basic Law (Grundgesetz).

*“To be clear, the constitutional complaint is not directed against the European Union, and also not against international trade,”* said Roman Huber, Executive National Chairman of the organisation Mehr Demokratie. *“However, if the EU manages to implement its EU-only strategy, the EUSFTA will be followed by dozens more agreements that deny the parliaments of the Member States the right to have their say on decisive issues. This weakens democracy in Europe.”*

Thilo Bode, Executive Director of foodwatch International, explained: *“We can’t leave it to the Eurosceptics to criticise the actions of the EU. It is precisely because we support Europe that we are criticising the new European trade agreements. With their undemocratic treaty bodies, they are widening the gulf between the EU institutions and the citizens. The agreements provide an open door for corporations to exert an even stronger influence over politics in Europe – to the detriment of consumer, environmental and health protection.”*

The comprehensive, “new-generation” trade agreements, like the CETA deal and the agreement with Singapore, are no longer simply about classic external trade policies, like the dismantling of tariffs, but instead focus on regulations with profound impacts “beyond the border”. According to the organisations, these agreements enable the EU to interfere in the domestic affairs of the Member States without democratic control. One particular point of criticism: newly established committees, so-called treaty bodies, will be given the power to exercise regulatory and legislative functions without proper democratic control by the European Parliament. For example, the Singapore agreement would establish a Trade Committee whose competences include the power to make labelling rules for food products, as well as the SPS Committee, which can set standards for pest and disease control in the import and export of products of animal origin. Such committees would even be authorised to amend the text and structure of the international treaty between the EU and Singapore. The decisions made by these treaty bodies are binding under international law.

Eligible voters were invited to join the constitutional complaint on the basis of a written power of attorney. As a result, more than 14,000 citizens signed as co-complainants. At a photo stunt today in Karlsruhe, the action group submitted its constitutional complaint, together with the signed powers of attorney, to the Federal Constitutional Court.

**More information and references:**

- All important information on the constitutional complaint: [LINK](#)
- Official text of complaint, plus summary: [LINK](#)
- Overview: The new EU trade agreements are as follows: [LINK](#)

- Photos from the photo stunt will be available for free editorial use from approx. 3 p.m.  
under: [https://www.mehr-demokratie.de/verfassungsbeschwerde\\_eu\\_singapur](https://www.mehr-demokratie.de/verfassungsbeschwerde_eu_singapur)

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