

Commissioner Karel de Gucht
European Commissioner for Trade
European Commission
BE-1049 Brussels

March 10, 2014

Civil society call for full transparency about the EU-US trade negotiations

Dear Commissioner De Gucht,

The undersigned organisations are writing to express deep concerns about the lack of transparency around the ongoing trade talks on a Transatlantic Trade and Investment Partnership (TTIP). **We are calling on you to open the negotiation process to the public, by releasing the negotiating mandate, documents submitted by the EU, and negotiating texts.**

The European Commission has repeatedly stated that trade and investment between the European Union (EU) and the United States (US) are already highly integrated, and that the main focus of TTIP will be to achieve regulatory convergence by removing so-called non-tariff barriers to trade. This means that the outcome has much less to do with traditional trade issues such as tariffs, than with the regulations and standards that apply in the EU and the US and that affect every single aspect of citizens' daily lives – from the quality of the food we eat to the safety of chemicals we use, the energy we consume, or the impact of financial services on each of us.

Civil society groups in the EU and in the US have voiced concerns that this might lower standards and remove safeguards across the board. They have requested greater transparency about the negotiations to address these concerns. The setting up of a stakeholder advisory group for the negotiations by the EU – although an improvement compared to previous negotiations – is far from sufficient to make the process fully transparent. Members of the group will have limited access to the negotiating texts under strict confidentiality rules, and these will remain out of reach for the rest of interested civil society groups and citizens.

The European Commission has argued that secrecy in this process is inevitable because this is a matter of international relations. If these negotiations are intended to affect domestic regulations, standards and safeguards on each side, then citizens have the right to know what is being put on the table, and how this is being negotiated. The standard legislative process in the EU allows for public scrutiny of each step of policy-making as well as full involvement of the European Parliament. We would urge that those negotiations should comply with the same level of openness. The process should also allow for public accountability of the European Commission for the negotiating positions that it takes. Given that many of the issues under negotiation relate to the environment, this would also reflect the EU's obligations under Article 3(7) of the Aarhus Convention to promote access to information, public participation and access to justice in international environmental decision-making processes¹.

Furthermore there are several examples of international negotiation processes, which provide a greater degree of openness to civil society than the negotiations on TTIP do, and whereby negotiating documents are disclosed.

Examples include:

- **The World Trade Organisation (WTO):** Even the WTO, which is regularly the subject of criticisms by civil society and member states, makes submissions made by member states in the negotiations, as well as offers, and reports by committee chairs available on its websiteⁱⁱ.
- **The United Nations Framework for Convention on Climate Change (UNFCCC):** The negotiating texts and submissions from the parties are circulated before the negotiations start. Observers, including external stakeholders, attend the sessions, and can provide submissions on request by the partiesⁱⁱⁱ.
- **The World Intellectual Property Organisation (WIPO):** Draft negotiating documents are being released all along the process. Meetings are open to the public, and webcasted^{iv}.
- **The Aarhus Convention:** Meetings of the governing body and its subsidiary bodies are as a rule public. Accredited observers can participate in meetings of parties and in drafting groups working in collaboration with parties to develop text during the negotiations. They have the same speaking rights as parties^v.

With this letter, we would like to restate our call for openness and public accountability of the TTIP negotiations. Without full transparency, there can be no meaningful engagement of civil society representatives in the process.

Basic transparency requirements include making the following available for the public at the earliest possible stage and at regular intervals:

- The text of the EU's negotiating mandate;
- The initial position papers tabled by the EU;
- Any further papers submitted by the EU in the course of the negotiations that detail or explain the position of the EU on the topic, and that are being used in the course of the negotiations with the other party;
- The draft versions and final versions of individual chapters as well as the whole agreement at all steps of preparation and evolution (and at least before closing the negotiations and initialling so that parliaments and the public can still assess the outcome and make comments and recommendations).

If the European Commission is serious about openness and engagement of the public, it should also proactively make the following available:

- All written communications between the European Commission and other European institutional bodies (European Parliament and Member States) on this issue;
- All agendas and minutes of meetings between the European Commission and the European Parliament and Member States on this issue;
- All written communications between the European Commission and third parties –including industry and lobby organisations – on this issue;
- All agendas and minutes of meetings between the European Commission and third parties – including industry and lobby organisations – on this issue.

Yours sincerely,

Paul de Clerck
Friends of the Earth Europe
paul@milieudfensie.nl ; +32-494-8898

On behalf of:

11.11.11

AccessInfo Europe
ArbeiterKammer Europa (AK Europa)
Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)
ATTAC European Network
European Consumers Bureau (BEUC)
Campagna Stop TTIP Italia / Fairwatch Italy
Corporate Europe Observatory (CEO)
European Digital Rights Initiative (EDRI)
Electronic Frontier Foundation (EFF)
European Environmental Bureau (EEB)
European Federation of Journalists (EFJ)
European Public Health Alliance (EPHA)
Finance Watch
Friends of the Earth Europe (FoEE)
Greenpeace EU
Health and Environment Alliance (HEAL)
LobbyControl
Powershift
Re:Common
Seattle to Brussels
SOMO (Centre for Research on Multinational Corporations)
Spinwatch
Transnational Institute (TNI)
Transparency International EU (TI-EU)
Transport and Environment (T&E)

ⁱ <http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>

ⁱⁱ https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S001.aspx

ⁱⁱⁱ http://unfccc.int/parties_and_observers/ngo/items/3667.php

^{iv} <http://www.wipo.int/policy/en/index.html#bodies>

^v Aarhus Convention Task Force on Public Participation in International Forums, Innovations in Public Participation in International Forums – Advanced Draft, 23 February 2011, (“Innovations draft”), available at <http://www.unece.org/env/pp/ppif/6meeting/Innovations%20in%20public%20participation%20in%20international%20forums%20-%20draft%20for%20consideration%20by%20PPIF%20Task%20Force%20v.1%20.doc>