



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

Fumio Kishida, Minister for Foreign Affairs of Japan
Kasumigaseki 2-2-1, Chiyoda-ku,
Tokyo 100-8919, Japan

October 20th, 2014

Dear Commissioner Karel De Gucht and Minister for Foreign Affairs of Japan Fumio Kishida

Ahead of the negotiations in Brussels this week, we are writing to express our concerns about the EU-Japan Free Trade Agreement (FTA). Firstly, we would like to urge you to provide full transparency around the negotiations, in order to enable an open and informed debate. We note that some steps have recently been taken to increase transparency around the EU-US trade and investment negotiations (TTIP) in response to the intense public discussion and the widespread concerns about these negotiations. The transparency improvements for TTIP, which include the publishing of the EU's negotiating mandate last week, are far from sufficient, and largely symbolic, in that the mandate has been in the public domain for more than a year due to a leak. However, we note that all negotiating documents for the EU-Japan FTA remain secret. This lack of transparency is unacceptable as it prevents citizens in the EU and in Japan from scrutinising what is at stake in the negotiations. We therefore call upon you to make key negotiating documents available to the public. This should include releasing the negotiating mandate, documents submitted by the EU and Japan, and negotiating texts.

With this letter we would also like to state our opposition to the inclusion of investor-state dispute settlement (ISDS) in the EU-Japan FTA. During the last two years, the public as well as decision-makers in Europe have become increasingly aware of the serious risks emerging from including

ISDS in the TTIP negotiations. ISDS grants foreign corporations the right to go before private trade tribunals and directly challenge government policies and actions that corporations allege reduce the value of their investments. In recent years, the use of ISDS to challenge a diverse range of government policies has expanded dramatically. Inclusion of ISDS in free trade agreements and bilateral investment treaties has allowed corporations to file over 500 cases against 95 governments. Many of these cases directly attack public interest and environmental policies. Japanese and European legal systems are capable of handling investment disputes and there is therefore no justification for including ISDS in the EU-Japan FTA.

Finally, we would like to express our concerns about the possible impacts the EU-Japan FTA negotiations could have on public procurement, services and 'non-tariff barriers'. Unless clear carve-outs are introduced, negotiations on these areas could lead to privatisation of public services and lowering of social, environmental and health standards. The citizens of the EU and Japan have the right to know what is being negotiated in order to assess these risks. We therefore call on you to open the full negotiation process to the public.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Satoko Kishimoto', with a stylized, flowing script.

Satoko Kishimoto
Transnational Institute (TNI)

On behalf of:

Transnational Institute (TNI), The Netherlands
Pacific Asia Resource Center (PARC), Japan
Corporate Europe Observatory (CEO), Belgium
European Federation of Public Services Unions (EPSU), Europe
Powershift, Germany