

TTIP Consultation European Ombudsman

Contribution of the European Movement International as of 7 October 2014

Please give us your views on what concrete measures the Commission could take to make the TTIP negotiations more transparent. Where, specifically, do you see room for improvement? (We would ask you to be as concrete as possible in your replies and also to consider the feasibility of your suggestions, in light of the timeframe of the negotiations. It would be most helpful if you could prioritise your suggestions.)

EMI contribution

The following concrete measures could, in our opinion, be taken by the European Commission to make the TTIP negotiations more transparent (in order of priority):

1. To take an open and constructive approach towards the measures that will be (and have been) suggested by the Ombudsman and those participating in the consultation, and to indicate, for each separate measure that will be suggested by the Ombudsman, how and when this measure will be implemented. Or, in case a certain measure will not be implemented, a legitimate explanation for this decision. Furthermore, an explanation how of the adoption or rejection of suggested measures fits into the vision of the Commission on transparency in the context of the TTIP negotiations.

The prioritisation of this concrete action comes from the conviction that the main problem regarding transparency is that the European Commission is not believed to be genuinely convinced of the importance of stakeholder consultations in the TTIP negotiations. Seriously addressing and adopting the suggested measures, and explaining how this fits into a clear vision of the Commission on transparency in the TTIP negotiations, might alleviate this problem.

2. A key role for the European Parliament, which should be involved in all stages of the negotiations, having the opportunity to scrutinise the draft and final versions of each chapter of the trade agreement. All MEPs should be allowed to consult the negotiation documents and have to opportunity to be regularly updated in detail about the negotiations. As the European Parliament is accountable to all European citizens, its involvement would ensure the representation of civil society interests.

3. The European Commission reasons that the number of meetings the negotiating team has with business representatives transcends the number of consultations held with CSOs (CSOs, NGOs, Trade Unions and Consumer Organisations), because these are CSOs who are reluctant to request meetings. This explanation contradicts the impression of civil society. However, to meet the expectations of both the Commission and CSOs on this point, it is proposed to offer CSOs an open invitation to register for a (personal) meeting with a member of the negotiation team to present their position on TTIP. This would then increase the number of consultations with CSOs, increase CSO confidence in the process, and give CSOs a clear opportunity to present their views on this crucial topic.
4. To involve the TTIP Advisory Group fully in the negotiations; to modernize the closed “reading room” practice, which seems outdated in the 21st century, and to provide the Advisory Group members with the opportunity to access the negotiation documents outside Brussels (i.e. online), so there is no need to travel to Brussels especially for access to the documents, which provides an obstacle for exercising their role. Also, to allow the members of the Advisory Group to meet regularly after concluding a negotiation round to discuss the texts of documents among one another and formulate a joint recommendation for the Commission. Furthermore, to publish the Advisory Group advice regarding the negotiation texts, as well as communicate how their advice has been taken into consideration in the negotiations and worked through in the negotiations outcome.
5. Publication of a full list of the meetings that took place with stakeholders, as well as a detailed list of the negotiation documents which circulate. Both lists should be updated continually. The full list of negotiation documents should state exactly who has been granted access to these documents. In this list the documents that have been made publicly available already (i.e. through the access to information procedures) should be directly accessible through the European Commission’s website
6. Opinions of stakeholders that have been sent to the negotiation team, or have been expressed in meetings with the negotiation team, should be made public by principle, unless the data they contain is sensitive (e.g. figures, business strategies). In such cases, lack of publication should be motivated. We are convinced that the negotiation team should form its opinion considering statements expressed by all relevant stakeholders, and that these opinions should be public by principle, excluding the exceptions mentioned above, so all interested stakeholders and citizens can reconstruct the consideration and balancing of stakeholder positions that the negotiation team has made.

7. To expand the 'State of play' document, which is published after each negotiation round, to include information on the actual content of what is agreed or presented per subject, and which issues remain to be discussed; instead of the general statements on the progression of negotiations per subject that the 'State of play' document is now.
8. To increase the TTIP taskforce within the Commission, with particular emphasis on the communications and liaison points for the civil society, in order to achieve the above mentioned goals.

Please provide examples of best practice that you have encountered in this area (for example, in particular Commission Directorates-General or other international organisations) that you believe could be applied throughout the Commission.

No EMI contribution

Please explain how, in your view, greater transparency might affect the outcome of the negotiations.

EMI contribution

The European Movement International is convinced that greater transparency will foster trust in the European Commission and negotiation team, reinforcing the idea that all different stakeholders and all European citizens are represented by the European Commission at the negotiation table. Reaching out to all stakeholders and allowing them to voice their concerns at the negotiation table would deliver a more effective deal that safeguards European citizens' interests, and that will probably gain the support and trust, rather than opposition of, civil society.

Greater transparency will make the public discussion on TTIP more fact-based and take out the element of fear and distrust which currently characterizes this discussion. More transparency will both reassure – in confirming, for example, that environmental standards, consumer protection or other standards are not compromised on – and raise concerns, for those stakeholders that disagree with certain provisions. But importantly, it gives these stakeholders a chance to address these concerns directly, express them to the negotiation team, and propose amendments as well as arguments for their proposed changes. This will enrich the discussion as well as the agreement itself, providing a trade agreement that is based on the weighed positions of all relevant stakeholders, and not a 'lucky few'.

Furthermore, greater transparency allows also those that will be affected by the outcome of the agreement, but not involved in any of the consultations so far, to track and possibly influence the course of negotiations. This specifically refers to the European candidate, potential candidate and EFTA countries, who are absent at the negotiation table but will be affected by the outcome of the TTIP negotiations directly.