



October 31, 2014

## **European Ombudsman Public Consultation in Relation to the Transparency of the Transatlantic Trade and Investment Partnership Negotiations**

The Trans-Atlantic Business Council (TABC) welcomes the opportunity to submit comments concerning transparency and public participation in relation to the negotiations for the Trans-Atlantic Trade and Investment Partnership (TTIP). The TABC is a cross-sectoral business association representing global companies headquartered in the European Union and the United States. TABC provides one voice for EU and US member companies in TTIP.

- 1. 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.)*

TABC recognises the steps undertaken by the European Commission to improve transparency in the negotiations for the TTIP thus far. The establishment of an Expert Advisory Group, publication of numerous papers outlining the EU Commission's positions and objectives on the DG Trade website, regular stakeholder events during each round, and the public consultation on Investor-State Dispute Settlement in response to public concerns are positive signals that stakeholders' views are taken into consideration. Several public consultations in the preparatory phase prior to the launch of the negotiations provided opportunities for interested groups and individuals to submit input. The decision of the European Council to make the negotiating mandate publicly available was another important step to address public concerns. In addition to these measures, we propose the following suggestions to further improve transparency in the negotiating process:

➤ Issue specific stakeholder briefings

Issue specific stakeholder briefings are needed to address concerns and queries on the many aspects of the TTIP. Sessions with lead negotiators who are in a position to provide detailed answers on complex subject matters would provide a direct and effective channel of transparent communication between stakeholders and negotiators.

➤ Access to negotiating documents

Access to the negotiating documents for MEPs of the INTA Committee, as well as leading members of other relevant committees such as JURI and IMCO, would increase transparency and enhance the legitimacy of the negotiations. In addition, stakeholders beyond the European Commission's advisory group, such as civil society, business and other relevant groups, should have access to certain relevant parts of the negotiating documents. This measure would not only increase transparency but also be a possibility to receive immediate and specific input from different stakeholders. Protected online portals should be considered to facilitate and improve access to the documents.

➤ Schedule/grid of negotiations

The early publication of timelines and meeting schedules of negotiating groups as well as the earlier announcement of the dates for each negotiating round is important to keep stakeholders involved in the process. Earlier notice of these dates would allow more time to prepare for and draft a comprehensive response to developments.

➤ Improvements of DG Trade TTIP Website

DG Trade's website features many documents and background information about the TTIP negotiations. Its reach is however limited. A more catchy and simple web address could improve the range of the website to a broader audience. Currently, information on the site is available predominantly in English. Key documents should be made available in other languages as well. New information should be published promptly following each round and regular updates (e.g. weekly) on the status quo of the negotiations should be provided. Online webinars to explain the process of trade negotiations and to inform about free trade generally would be a helpful tool to provide a better understanding of the EU's trade policy to a broader public.

2. *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.*

--

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

Greater transparency will contribute to broader acceptance and legitimacy, and also provide for a robust agreement carried by public support. Better access for MEPs to negotiating documents would help to shift the discourse in the Parliament and wider EU politics away from speculation. Transparency in the negotiations is key to combat misinformation and misperceptions about TTIP. Enhanced transparency will help to clarify the objectives of the negotiations vis-à-vis the public.

TTIP is not a traditional trade agreement and its scope exceeds any past trade negotiations. For this reason many of the preconceived notions for a certain level confidentiality surrounding the talks should be adjusted to reflect a new approach of negotiating a 21<sup>st</sup> century agreement. TABC encourages a broad debate about the TTIP and welcomes this consultation as an attempt to further improve transparency in the process.