



Transparency Policy in DG TRADE



Listening and Engaging

The European Commission is strongly committed to ensuring trade policy is transparent and inclusive in order to enhance legitimacy and public trust.

Over the past few years significant efforts have been made – both in terms of how we engage with civil society and stakeholders, and the documents that publish at the different stages of a trade negotiation.

Trade

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1. Before the launch of a negotiation

Since September 2017, starting with Australia and New Zealand, the Commission systematically publishes its **recommendations for negotiating directives** for trade agreements. This is the official document produced when the European Commission asks the Council to authorise the opening of negotiations for a free trade agreement (FTA) with a non-EU country. The document explains the reasons behind the proposal and sets out the objectives that the Commission plans to achieve during the negotiations, as well as the expected scope of the agreement.

The publication of these draft negotiating directives allows all interested organisations and individual members of civil society (both at EU and member state level) as well as the relevant parliaments in member states, to have a better informed view and to discuss issues of interest and concern right from the start of preparations for a negotiation.

The Commission also encourages the Council to publish **the final adopted negotiating directives** (i.e. the final document by which the Council authorises the European Commission to start the negotiation), which is adopted after discussions between member states in the Council. Since this is a Council document,

the final decision on publication rests with the Council. Lately, we have seen more and more final negotiating directives being published. This was the case for TTIP¹, TISA² and CETA³, as well as more recently for Japan, Chile, the Multilateral Investment Court, Australia and New Zealand, and Mexico.



2. During the negotiations

Once negotiations have started, **the Commission publishes substantive material**, to allow all interested stakeholders to follow the development of discussions. More specifically, since October 2015, the Commission systematically publishes the **EU's initial proposals for legal text**.

These documents represent the initial position of the Commission in the different sections of the agreement (e.g. rules of origin, intellectual property, public procurement, trade in goods, etc.) which will then evolve during the negotiations.

The publication of the initial text is often accompanied by explanatory material, so

¹ The Transatlantic Trade and Investment Partnership is a proposed trade agreement between the European Union and the United States.

² The Trade in Services Agreement is a proposed international trade agreement between 23 parties, including the European Union and the United States.

³ The Comprehensive Economic and Trade Agreement is a free trade agreement between Canada and the European Union.

that interested stakeholders can better understand what the EU's proposal is trying to achieve in practice.

After each negotiating round, a **round report** is published on line. This allows all interested stakeholders to follow the evolution of a negotiation.

Throughout the negotiations, the Commission also engages with stakeholders through regular **Civil Society Dialogue** meetings that are open to any European civil society organisation, be it non-governmental organisations, trade and business unions from various fields, or national trade associations. Increasingly we also organise ad hoc meetings with civil society from both sides during negotiations rounds.

Another important element of outreach to Civil Society is the **Sustainability Impact Assessment (SIA)** process that is conducted in parallel to any major negotiation.

The SIA is a trade-specific tool developed for supporting trade negotiations. SIAs are conducted by independent external consultants in parallel with the negotiations. They provide a robust analysis of the potential economic, social, human rights and environmental impacts that the trade agreement under negotiation could have. SIAs help identifying possible trade-offs and ensuring that the related policy choices are optimised.

SIAs are highly participatory. An open, transparent and wide-ranging consultation process is at the core of every SIA. The SIA process typically also includes the creation of a dedicated website, as well as interviews and workshops or roundtables. Draft reports are published for comments and discussed in meetings with civil society before they are finalised.

In the end of 2017, the Commission created an **Expert Group on EU trade agreements**. This group provides technical expertise and practical experience relevant to negotiations in bilateral, plurilateral and multilateral trade agreements. The perspectives and insights of this wide and balanced group of stakeholders, ranging from trade unions, employers organisations, consumer groups and other non-governmental organisations, informs the Commission both in the context of negotiations and regarding the overall implementation of the trade agreements once in force. The group's meeting documents are published in the Commission's Expert Groups' Register.



3. After finalising the negotiations

Shortly after a negotiation is finalised, we publish online the **consolidated negotiated text** as it stands, without waiting to complete the legal revision. Once again, the text is supported by information material explaining the results of the negotiations in practical terms.

An **economic assessment of the negotiated outcome** is published after the end of the negotiations, with a view to informing EU institutions, other stakeholders and civil society of the likely *economic* impact of the trade measures actually negotiated and agreed.

DG TRADE is also **stepping up transparency efforts during the implementation phase of the EU's FTAs**. In the case of CETA, for example, **agendas and reports of all the committee meetings have been published**. This is becoming standard practice for all future FTAs.

After enough time has passed from the moment the agreement comes into force (usually 5 years), the Commission prepares and publishes an **ex post evaluation** of the effects of the agreement. The results of these *ex post* evaluations draw in large measure on input from relevant stakeholders and wider civil society (including an open public consultation). This input is also made public.



4. Engaging Member States

The EU's transparency and engagement practices should also contribute to national debates on trade agreements within the EU's member states.

In the end, however, ensuring an effective open debate at national level is largely the responsibility of each member state. Practices vary widely from one member state to another – in terms of engagement with their parliaments and civil society in the context of the ratification of trade agreements; and more broadly, in the conduct of trade policy.

Whenever possible, the Commission tries to support these efforts by directly participating in discussions with national parliaments or through “citizens’ dialogues”: Commissioner Malmström had undertaken more than 60 such visits to member states in the first four years of this Commission.



5. Where are the documents published?

DG TRADE's Transparency in Action page is the focal point for all the most published recent documents:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1395>).

The individual pages of the different countries include additional documents: <http://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements>).

Information on EU trade meetings with Civil Society can be found here:

<http://trade.ec.europa.eu/civilsoc>