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Attachments: ETUCE reponse to the European Ombudsman's Public Consultation on Tranparency in TTIP Negotiations.pdf

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To Public consultation OI/10/2014
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To Public consultation OI/10/2014

Subject European Ombudsman's Public Consultation in relation to Transparency of the Transatlantic Trade and Investment Partnership (TTIP) Negotiations

Content

Concerning the European Ombudsman's Public Consultation in relation to Transparency of the Transatlantic Trade and Investment Partnership (TTIP) Negotiations

Dear Mrs. Emily O'Reilly

Please find attached the response of the European Trade Union Committee for Education (ETUCE), representing 129 Teacher Unions and 11 million teachers in 45 countries of Europe, to the European Ombudsman's Public Consultation in relation to Transparency of the Transatlantic Trade and Investment Partnership (TTIP) Negotiations. ETUCE is a Social Partner in education at the EU level and a European Trade Union Federation within ETUC, the European Trade Union Confederation. ETUCE is the European Region of Education International, the global federation of teacher unions.

Kind regards,

Louise Hoj Larsen, ETUCE

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European Ombudsman's Public Consultation in relation to Transparency of the Transatlantic Trade and Investment Partnership (TTIP) Negotiations

The European Trade Union Committee for Education (ETUCE), representing 129 Teacher Unions and 11 million teachers in 45 countries of Europe, is delighted to give its opinion on the issue of transparency in the context of the TTIP negotiations. ETUCE is a Social Partner in education at the EU level and a European Trade Union Federation within ETUC, the European Trade Union Confederation. ETUCE is the European Region of Education International, the global federation of teacher unions.

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.)*

Initially, it is worth noting that the TTIP negotiations differ from traditional trade negotiations that mainly dealt with tariff rates and quotas. Instead, the main emphasis in the TTIP is on so-called non-tariff barriers or behind the border disciplines. Accordingly, regulations applying to the providers of goods and services are under discussion in TTIP. Negotiations touching upon the core regulatory competences of the state require a very different kind of transparency than traditional trade negotiations.

While the ETUCE has welcomed the efforts made by the Commission in recent months to improve transparency such as the TTIP Advisory Group and the stakeholder events organised during the rounds of negotiations, we consider that there is still considerable room for improvement. In particular, more transparency is required regarding the public access to TTIP documents. The Commission has published some documents on its TTIP page, but this is still a very limited amount of documents. In order to allow stakeholders to provide input, they would need access to TTIP documents including position papers and offers. It is understandable that such documents setting out precise negotiation tactics (e.g. landing zones) will not be made public accessible. However, currently the approach to publicly accessible documents is too limited. The demand for transparency is supported by the recent ECJ ruling of 3 July 2014, which found that documents on international relations or negotiations should not be automatically exempt from the principle of openness of government. At the same time, it is unacceptable that business organisations are treated in a preferential manner. The access and information provided to business organisations should be equally accessible to other social partners and stakeholders. In the case of the Advisory Group, the members have

only access to documents on the reading room basis. Similarly, only a small group of MEPs have access to the relevant TTIP documents on the reading room basis. The recent practice of publishing a state-of-play document is in theory an improvement, but in practice the description provided is far too limited to give stakeholders a valuable overview and accordingly it should include considerably more details on the discussions of each chapter or negotiating team. Also, it must be provided much more promptly. Regarding the consultation with stakeholders, including the possibilities given to stakeholders during the rounds of negotiations, the current approach to stakeholder consultation is not a real dialogue, but is more like a one-way dialogue. Therefore, we suggest the Commission consults with stakeholders in a much more active and genuine way.

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.

The World Intellectual Property Organisation (WIPO) is often mentioned as a best practice example of transparent international negotiations. WIPO disseminates documents early and on a continuously basis, provides translation into different languages and delivers ongoing releases of draft negotiating documents. Stakeholders are permitted to follow negotiations through audio feeds and webcasts. The example of WIPO can be used for inspiration of how to improve the transparency in the current TTIP negotiations.

Based on the fact that the EU has 24 official languages, it would seem logical to provide documents not only in English, but to make some effort to make documents more easily available in other languages to all EU citizens. Currently, for example the Commission's TTIP page is available in English only.

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

Transparency is a crucial element in democratic decision-making both in order to ensure the best result reflecting the view of the entire community, but also from a the point of legitimacy. The outcome of the TTIP negotiations cannot be legitimate if it is negotiated secretly with reflections from only a limited group. Transparency is also a treaty value of the EU as set out in TEU article 1; paragraph 2 requiring decisions to be taken as open as possible and as closely as possible to the citizens.