

## ZINCK Caroline

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**From:** Peter Bay Kirkegaard <[REDACTED]>  
**Sent:** 21 October 2014 12:43  
**To:** Consultation-OI-10-2014  
**Subject:** [EOWEB] Response by Confederation of Danish Industry to EU Ombudsman Public Consultation on Transparency in TTIP  
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### Sender

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**Sender** Peter Bay Kirkegaard <[REDACTED]>  
**To** Public consultation OI/10/2014  
**Date** Tuesday, October 21, 2014 12:42:43 PM CEST

### Your data

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#### Part 1 - Contact information

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**Language you would like to receive an answer in** en - English

#### Part 2 - Data

**To** Public consultation OI/10/2014  
**Subject** Response by Confederation of Danish Industry to EU Ombudsman Public Consultation on Transparency in TTIP  
**Content**

The European Ombudsman  
Brussels, Belgium

## Response by Confederation of Danish Industry to EU Ombudsman Public Consultation on Transparency in TTIP

**Question 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 priorities your suggestions.)*

**Answer:** The Confederation of Danish Industry (DI) recognizes the need for transparency in the TTIP negotiations, not least in view of the increasing public interest in the TTIP. DI therefore welcomes the unprecedented measures already adopted by Commission as regards informing, and engaging in dialog with, civil society stakeholders on numerous aspects of the TTIP negotiations.

Some level of confidentiality is however necessary in trade negotiations. This is certainly the case for documents containing specific information on the content of the negotiations or strategic considerations. To this end, clear and unambiguous rules on classification of documents are therefore needed.

Further to the new and positive transparency measures already put in place by the Commission, the following recommendations should be considered:

- All non-confidential documents related to TTIP should be made accessible on an online register. Such documents should include explanatory briefings on the purpose and the scope of the TTIP negotiations, non-confidential detailed summaries of the various negotiation positions, preferably also from the US side, as well as a list of all TTIP related meetings held by the Commission with stakeholder groups.
- Consolidated negotiating text should be available at least to a restricted public, i.e. advisory groups, selected MEPs (INTA members) and Member State representatives.
- The Commission should provide up-to-date digital access to confidential documents through accredited password systems. This system should allow tracking of documents. Sanctions for breach of confidentiality should be put in place.
- The advisory group should be allowed in a timely manner to comment on all EU proposals to the US. Also, the advisory group should be presented with comprehensive

briefings on the US positions even if these are not made public by the US. Breach of this trusted access should have implications for members of the advisory group, for instance by excluding them from the advisory group.

**Question 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.

**Answer:** The TTIP negotiations represent the most transparent and inclusive process to date in the view of DI. Further improvements could be introduced by the means outlined under our answer to question 1.

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

**Answer:** In light of the increasing public concern about the TTIP and the corresponding demand for information about the TTIP from civil society, transparency in relation to the ongoing TTIP negotiations is surely needed. If the demand for transparency is not met, to a reasonable degree, those stakeholders wishing to discredit the TTIP will be granted free ammunition to further discredit the TTIP negotiations, thereby fuelling the campaigns against a successful conclusion of the TTIP.

An inclusive and transparent process is the best means at hand to dismantle myths and misperceptions of the TTIP. Greater transparency should focus on giving access to information to all interested parties on what the TTIP entails, what the potential benefits are as well as on the overarching policies priorities the EU.

With this in mind, DI believes that transparency should be handled carefully. As in any other negotiations, the specific details on how the negotiations are conducted – the exact content of the proposals etc. - must be kept confidential in order to have a meaningful negotiation. This means that the strategic interests and considerations of the European Union must remain confidential throughout the negotiations. If not, it is likely to have detrimental effects on the outcome of the negotiations.

We remain at the disposal for the Ombudsman if further information is needed.

Kind regards,

Peter Thagesen  
Director of Trade policy  
Confederation of Danish Industry