



The Consumer Voice in Europe

# Transparency in TiSA negotiations

(BEUC Letter sent to the EC/ Commissioner Cecilia Malmström on 4 March 2015)

Contact: Monique Goyens – [directoroffice@beuc.eu](mailto:directoroffice@beuc.eu)

Ref.: BEUC-X-2015-024 - 04/03/2015

Dear Commissioner Malmström,

BEUC closely follows and contributes to the work on international trade agreements such as the Transatlantic Trade and Investment Partnership (TTIP), the Trade in Services Agreement (TiSA) and the Comprehensive Trade and Economic Agreement (CETA), as these cover a broad range of economic sectors and will inevitably affect consumers.

Our organisation is an active supporter of trade agreements which are beneficial for European consumers and do not undermine vital EU principles, rights and standards.

Accordingly, BEUC warmly welcomes your initiative to rapidly declassify TiSA's negotiating directives. Following the example of TTIP, where some important first steps have been taken, BEUC urges you to extend transparency to TiSA negotiations.

Bearing in mind the non-completion of ACTA and the strong concerns of civil society with regards to TTIP, transparency is a crucial factor for the successful conclusion of a comprehensive trade agreement. Civil society should not be marginalised from TiSA negotiations.

In order to achieve an agreement which sets the European consumer as a priority, BEUC requests essential advances in public access to documents, public consultations and information with regards to negotiation rounds.

Whereas with TTIP documents become gradually available to the public, on TiSA only a very limited number of documents are released. We are still awaiting the publication of the final report of the sustainability impact assessment. Further to the release of the TiSA mandate, BEUC supports the publication on DG's Trade website of EU position papers, factsheets and explanatory documents for every field of the TiSA negotiations. Moreover, we request the release of negotiating texts after their presentation to our partners in the form they are submitted.

Following the example of other free trade agreements, DG Trade could publish on its website the consolidated texts each time the negotiators reach a consensus. The Commission could also promote the creation of a common website, together with the other TiSA chairs, the United States and Australia. This common website could gather official negotiating documents and inform the public on the content of all the TiSA negotiating rounds, as it is presented on the website of the Australian Foreign Affairs and Trade Department<sup>1</sup>. At least, DG Trade should publish information before and after each negotiating round, starting with the next TiSA round in April. We encourage the Commission to keep briefing stakeholders during civil society dialogue meetings.

---

<sup>1</sup> <http://www.dfat.gov.au/trade/agreements/trade-in-services-agreement/Pages/trade-in-services-agreement.aspx>

Such transparency initiatives are neither unknown nor novel. In fact, such initiatives are necessary for the healthy and sustainable development of international trade. DG Trade already informs civil society on other trade negotiations in such fashion.

The WTO, the WIPO and the WHO are organisations which have already adopted a high level of transparency concerning the publication of documents. World Health Organisation (WHO) documents from the meetings of its governing bodies are fully available on the internet. The same policy could and should be followed in TiSA.

The WTO and WHO have also adopted measures granting NGOs access to information. In thereby enhancing the role of civil society, the best outcome could be reached from the negotiations if civil society's needs are clearly reflected.

While the public consultation is a settled mechanism, BEUC would welcome further reforms which aim to promote European citizens' voices. A public consultation should be held on the EU's initial position in every field of services liberalisation and the consolidated text before they are signed.

The Commission, in respecting its institutional role, should ensure full implementation of Article 218 of the Treaty of the European Union (TFEU) and of the European Court of Justice (ECJ) ruling, *C-350/12 P*, with regards to the transparency and access to documents in international trade agreements.

We look forward to your commitment towards a more transparent TiSA and remain at the disposal of your services for any further exchange of views.

Yours sincerely,

Monique Goyens  
Director General