



## EUROPEAN COMMISSION

Directorate-General for Trade

The Director General

Brussels,  
E.1/JVH/dd (2017) 4652812

Dear Petitioners,

I am writing in response to your email of 29 May 2017 to President Juncker, who has asked me to reply on his behalf. First and foremost, let me emphasise that I very much agree with many of the elements you highlight in your email. Above all, I fully agree that transparency and public participation at all stages of the negotiating process are essential for the legitimacy of trade policy and public trust. This commitment was also clearly spelled out in the Commission's Communication "Trade for All" which included numerous initiatives to enhance transparency at all stages of the negotiating cycle <sup>(1)</sup>.

As regards the citizens' initiative "Stop TTIP", the Commission accepts the judgement of the General Court of the European Union in case T-754/14 and has taken the necessary measures to comply with the judgment. A new decision on the registration of the proposed European Citizens' Initiative (ECI) entitled "Stop TTIP"<sup>2</sup> was therefore adopted on 4 July 2017<sup>3</sup> and the initiative was formally registered in the ECI register on 10 July 2017. I would like to reassure you that this initiative has not been and will not be without impact. Even if not registered formally previously, the Commission and in particular those directly involved in the negotiations have registered the messages and concerns that the petition transmitted. As part of this process, we have also engaged directly with the initiators of the European Citizens' Initiative to clarify and respond to their concerns. It would also be relevant to highlight that there are currently no TTIP negotiations taking place. At this time it is premature to anticipate if and when negotiations could be re-engaged.

However in response to the concerns laid out in your petition on the lack of transparency I would like to point out that both in the TTIP negotiations and the CETA negotiations and its ratification process, the Commission has engaged extensively and in a transparent way with all relevant stakeholders. This engagement is in line with the Commission's firm belief in inclusive and transparent policy making which ensures that all interested stakeholders are able to contribute to policy formation.

Throughout the span of trade negotiations we seek to ensure that there is a multitude of opportunities for citizens to share their input, priorities or concerns. We know we will

<sup>1</sup> [http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc\\_153846.pdf](http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf)

<sup>2</sup> <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2017/000008?lg=en>

<sup>3</sup> C(2017) 4725 final

only get trade agreements right when they benefit EU citizens and have democratic support. That is why we consult the public and regularly meet Members of European Parliament (MEPs), governments, outside experts, consumer groups, trade unions, NGOs, academics, business, and industry bodies. The Commission has continued with its open doors policy towards stakeholders after the TTIP negotiations.

It is important to highlight that in light of the comprehensive nature of the TTIP negotiations and the keen interest they evoked, early in the negotiations the Commission set up a dedicated Advisory Group of experts representing a broad range of interests notably, environmental, health, consumer and workers' interests and different business sectors. This innovative consultative mechanism provided valuable input to EU trade negotiators to develop well-balanced proposals and negotiating positions reflecting the interests of the widest section of stakeholders. In light of this experience, President Juncker has taken the decision to extend this constructive mechanism to all the EU's trade negotiations.

The spirit of openness was also reflected in the important changes that the Juncker Commission initiated as regards the sharing and publication of negotiating documents for all ongoing and new trade negotiations. The new policy allows all interested parties to have access to much more detailed information as regards the state of play of negotiations, such as EU negotiating texts or round reports, so that they are able to contribute more effectively throughout the negotiating process.

To provide citizens with additional tools to have informed opinions on TTIP and CETA, the Juncker Commission had also repeatedly urged the Council to publish the adopted negotiating directives for TTIP and CETA. Both have been made public respectively in 2014 and 2015 by the Council. More generally, since the level of interest in trade policy and negotiations has grown substantially in recent years and in light of the broader scope of current agreements, President Juncker has decided to not only encourage the Council to publish the final adopted versions but for the Commission to already make public the recommendations for negotiating directives at the time of the Commission's proposal to Council. This new extended practice has just started with the publication of recommendations for negotiating directives for agreements with Australia and New Zealand and the Multilateral Investment Court. These recommendations were shared (for information purposes) with all EU national Parliaments and the European Parliament at the same time as they were sent to the Council. The Commission is hopeful that this new practice will foster early public and political engagement in national debates. Hence promoting broader public participation, which you rightly highlight as a very important element in trade policy making.

As regards CETA, during its ratification procedure the Commission, EU Member States and Canada provided further clarifications and included additional guarantees to respond to the concerns of stakeholders. The provisional application of CETA has been decided unanimously by EU governments and a significant majority of MEPs gave their consent. The vote acknowledges the guarantees included in CETA, which were confirmed by the Joint Interpretative Instrument. This Instrument is a permanent legal interpretation of the intentions of the negotiating Parties and provides a clear and unambiguous statement of what Canada and the European Union and its Member States agreed in a number of CETA provisions that have been the object of public debate and concerns. I invite you to

have a closer look at this interpretative document <sup>(4)</sup>. To fully enter into force, CETA will need to be ratified in all Member States according to their national procedures, which will give the opportunity for further public debate. Note that all the elements subject to provisional application in CETA have been considered by the European Court of Justice to fall under the exclusive competence of the EU and that other elements will only come into force after ratification by national parliaments.

Finally, I would like to stress more generally that the Juncker Commission has taken practical steps to make the European Citizens' Initiative work better, including an open approach to the registration of European Citizens' Initiatives, ensuring that decisions are taken at political level by the College of Commissioners and partial registration of proposed initiatives have been authorised in some cases in order to stimulate citizen participation and the democratic debate. The Commission is committed to making the European Citizens' Initiative instrument more accessible and citizen friendly. In September 2017, the Commission adopted a legislative proposal for a new Regulation on the European Citizens' Initiative to improve how the instrument functions by addressing the shortcomings identified over the past years. The proposal aims at making the ECI more accessible, less burdensome and easier to use for organisers<sup>(5)</sup>.

I sincerely hope the concrete initiatives which the Commission has been taking in this regard reassure you and that they demonstrate that we are working very hard to put EU citizens and good governance at the heart of EU policy.

Yours sincerely,



Jean-Luc DEMARTY

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<sup>4</sup> <http://data.consilium.europa.eu/doc/document/ST-13541-2016-INIT/en/pdf>

<sup>5</sup> <http://ec.europa.eu/citizens-initiative/public/regulation-review>