



Factsheet

Transparency in EU trade negotiations

Transparency in EU trade negotiations

It is the European Commission that negotiates trade agreements with countries outside the EU on behalf of the European Union and all its Member States. This factsheet explains how EU governments, the European Parliament, stakeholders, interest groups and civil society are involved in the process to ensure that the agreements reflect views of the European society.

Democratic scrutiny and public involvement are encouraged at all stages of negotiations:

1. How does the preparation stage look like?

The EU is very open to a broad range of views when preparing for trade negotiations. Specifically, the European Commission asks for information through:

- **Public consultations** - the Commission publishes an electronic questionnaire for all stakeholders send in their views. The consultation takes place very **early in the reflection process** to make sure that suggestions can be taken into account from the very beginning. Interested organisations have **at least two months to reflect on the topic and send back their views**. They can also be call for comments later in the process to check if the public views have evolved or to get some views on a specific aspect of negotiations. To give an example, the Commission invited stakeholders to express their opinions on future trade relations with the US trade not less than **three times** during just one year, to feed into the reflections of the EU-US High-Level group on Jobs and Growth.

Once the consultation period is over, **the Commission publishes the contributions, analyses them and draws conclusions** that will serve as guidance throughout the negotiation process.

- **Civil society dialogue** - the Commission invites non-governmental organisations (for example, Oxfam, etc.), consumer groups, industry associations, and other interested parties to participate in **regular meetings** in Brussels. To encourage participation by civil society representatives based elsewhere in Europe, the Commission reimburse travel costs.

- **Sustainability impact assessment** – the Commission commissions an **independent study** to look at the economic, social and environmental impacts of any agreement. Before being published, the study is also **scrutinised by the civil society**, the draft and the final report being discussed in civil society meetings. The results of the impact assessment are fed into the preparations for negotiations and are taken into account in the negotiations themselves.
- **Dialogue with the Council and European Parliament** – Member States and Members of the European Parliament also contribute towards the preparation of the negotiations. **The Commission discusses the objectives and scope of the negotiations** with the representatives of Member State's governments who sit in the Council and with the Members of the European Parliament (MEPs).

The idea of a new bilateral negotiation is discussed first in the Council's weekly Trade Policy Committee that brings together the Commission and the Member States. The decision which country to start negotiating with and what topics to cover is taken by the Council. Based on the preparatory work, **the Council authorises the Commission to start negotiations and gives instructions** for the Commission to negotiate on its behalf in a document commonly referred to as 'a negotiating mandate'.

The European Parliament may also express its views at this stage through a 'resolution'. Even if legally not binding, a **resolution adopted by the European Parliament sends a political message** to the negotiators. It will eventually depend on the MEPs if the outcome of the negotiations receives their approval and enters into force. For that reason, negotiators are very attentive to the Parliaments' views.

The negotiating guidelines adopted by the Member States and the views expressed by MEPs reflect what they hear from their respective constituencies.

2. What happens during the negotiations?

The start of the negotiations is publicised and the **information about major negotiating meetings and progress in the negotiations is available on the Commission website**.

Negotiations do not take place in a vacuum. The European Commission is sensitive to concerns raised by Member States, by the European Parliament and by other stakeholders. The Commission has every interest in trying to take such concerns on board during the negotiations because it is ultimately for the Council and European Parliament to decide on the agreement.

The European Commission does not want to negotiate agreements for the sake of it. It wants to conclude agreements with other countries that are in the best interests of the EU as a whole and, as such, that the Council and the European Parliament will adopt.

The European Commission negotiates on behalf of the EU according to instructions from EU Member State governments in the Council and regularly **informs the Council and the Parliament of how the negotiations are going**. After each negotiation round and at other key points in the negotiations the Council and the European Parliament are simultaneously informed about the state of play. The **Trade Policy Committee** continues as the main forum for dialogue between the negotiators and the representatives of Member States. The Commission is also always available to answer any questions from MEPs or to attend the meetings of **MEPs involved in the International Trade Committee ("INTA")**. Discussion takes place regularly with Council and with the Parliament at working level, but it may also be raised periodically at Ministers level or in plenary debates.

The Commission also **updates civil society in regular meetings** to explain how the negotiations are progressing.

The negotiations and their texts are not themselves public. This is entirely normal for trade negotiations, not just those involving the EU. There are several reasons for this:

- **A certain level of confidentiality is necessary to protect EU interests** and to keep chances for a satisfactory outcome high. When entering into a game, no-one starts by revealing his entire strategy to his counterpart from the outset: this is also the case for the EU.
- Negotiators have to trust each other to come to a deal that satisfies both sides. For the EU, this means the result must meet the objectives set out in the instructions from the Council. If there is no **climate of confidence**, then negotiators on both sides cannot work together **to come to the best deal possible**.
- **The texts are not final until the whole agreement is agreed upon**. Releasing them early could send out the wrong information and lead to businesses making wrong decisions. Trade negotiations work on the principle that nothing is agreed until everything is agreed; in other words it is a "package" decision. Only when this package is decided can the details be released of the whole agreement.

3. Public debate before the deal is approved

To become binding for the EU, all trade agreements negotiated by the European Commission **need to be approved by** the Council of Ministers, i.e. by **representatives of EU Member States, and by the European Parliament**.

Once the negotiations are finished, the European Commission publishes the draft text of the agreement. It makes a point of stressing that the text is not legally binding. It is then up to the Council and the European Parliament to decide whether to say **"yes" or "no" to the agreement**¹.

¹ The process is more fully explained here: http://trade.ec.europa.eu/doclib/docs/2012/june/tradoc_149616.pdf

During this decision making phase, **all the information is in the public domain**. The Commission aims to explain further what is in the draft agreement through:

- Information provided to the press;
- Meetings with civil society;
- Information factsheets on the website of the Commission's trade department (DG Trade),
- Brochures and;
- Specific meetings with interested parties.

The abundant information about the proposed agreement usually inspires a **lively public debate**. Members of the public have several months to form an opinion regarding the outcome of the negotiations and **influence the decision** of the European Parliament and the Council **in a democratic process**. After all, no agreement can be applied without a “yes” from the Member States’ governments and from the Members of the European Parliament.

To summarise, the European negotiators rely on the information received from the public before the negotiations start. Their work can only be a success if it meets the expectations of European citizens. The views of civil society play a crucial role in the preparatory phase of the negotiating process and in the final stage, when the outcome of the negotiations comes under public scrutiny before being approved.

During the negotiations themselves, the Commission acts according to the instructions received from the Member States and remains fully accountable to the European civil society, the Member States and the European Parliament that exercise democratic control.

The EU trade policy is created and implemented in a transparent and democratic manner to serve the European citizen, create jobs and ensure economic prosperity.

To stay informed:

- visit [our website](#),
- subscribe to interesting [news feeds](#) and [newsletters](#),
- and engage in a discussion on [Twitter](#),
- For more information about the negotiating process read [Trade negotiations step-by-step](#).