

'Consensus and Transparency in Trade Agreements: Hearing on how to involve civil society in EU Member States when ratifying trade agreements', 14/06/2018

Summary of main messages

The conference on "Consensus and transparency in Trade Agreements: hearing on how to involve civil society in EU Member States when ratifying trade agreements" organised by the European Economic and Social Committee (EESC), took place at the EESC on 14 June.

The event counted on the participation of members of the REX Section and other civil society representatives, ranging from trade experts and diplomats to members of the European Commission, think-tanks and similar organisations, academics and other interested and informed stakeholders.

The main messages that were put forward by the participants during the conference were the following:

A timely moment for discussion

- Free Trade Agreement (FTA) negotiation procedures have gained visibility in the EU public sphere.
- The European civil society is very sensitive to aspects potentially regulated or indirectly affected by FTAs.
- EU Member States have different existing national structures, procedures and consultation methods, as well as ratification processes; however, citizens from most countries do not always seem to be able to fully express their voices in national debates on trade policy.
- Today the civil society's expectations are high, with a big emphasis on the implementation of high social and environmental standards.
- It is a common responsibility for civil society organisations (CSOs) to play a key role as interlocutors with the government and as mediators between governments and citizens.

On the current situation concerning the ratification process

- The distribution of competences between national and sub-national authorities differ greatly across EU Member States.
- There are eight EU Member States with legislative powers at the sub-national level (AT, BE, FI, DE, IT, PO, ES, UK).
- Belgium is the only EU Member State with formal regional competences in the ratification procedure of mixed agreements.
- Irrespective of legislative powers at the sub-national level, 13 EU Member States have the power to call a referendum to determine whether a mixed agreement will be ratified (AT, BG, HR, DK, FR, EL, IR, LI, NE, PL, RO, SK, UK).
- Some governments (i.e the French Executive) have recently understood that there is a need for transparency in trade agreements.
- In some Member States (i.e Belgium) there has been in recent years a concerted effort to work with civil society for more transparency in the causes and consequences of legislation. These included organising hearing of civil society organisations, conference with academics to share knowledge and visits from EU officials (e.g. Trade Commissioner).
- Researches on the democratic dimension of EU negotiations on EU Trade agreement showed that impacts of FTAs are nationally and regionally differentiated. Civil society involvement is therefore necessary as organised civil society acts as a whistle blower– either demanding more information or establishing counter facts with regards to national and regional consequences.

- The contribution of the EESC – representing organised European civil society and providing both its members' participation and the secretariat for the Domestic Advisory Groups, created under the Trade and Sustainable Development Chapters in FTAs– to the active involvement of civil society organisations in international relations is extremely valuable.

On how civil society is informed of and involved in free trade agreements

Achievements

- The European Commission has recently put in place a transformation regarding transparency in trade agreements. This has been shown by the publishing of mandates, publishing of final trade negotiating directives, publishing of first round proposals, reports on negotiating rounds, Sustainable Impact Assessments, and the setting up of DAGs on trade agreements (which involve the EESC).
- There is now the opportunity for CSOs to be involved in a structured dialogue and parliamentarians now have the opportunity to exchange views with them through institutional channels.

Shortcomings

- Increasing complexity – more sectors involved and affected (technology & services), more complex socio-economic interactions leads to subjective feeling of in-transparency of FTA for citizens.
- Transparency had increased because of regular debriefs, though these always occurred near the end of the process, so it has been impossible for CSOs to have an effective impact.
- Involvement of expert groups and civil society dialogues have been put in place, though it is commonly perceived that these have lacked for now an effective impact.
- The content of FTAs do not always shows the benefits wanted and CSOs are often told to wait for the implementation and the results.
- Whilst there cannot be a one size fits all approach, EU Member States still need to keep national parliaments and civil society informed, through providing timely and exhaustive information.

Experience to build on regarding involvement of civil society in ratification process (recommendations)

- More efforts to be made to involve and exchange ideas with civil society, members of National Parliaments, and members of the European Parliament in order to respond to the crisis of confidence caused by a general culture of secrecy.
- More attention to distributive effects of trade agreements – namely on consumers, workers and environment.
- More consideration towards involvement of a broad public at early stages, while ensuring a better access to consolidated trade agreements.

FINAL COMMENTS

The achievements made so far constitute a valuable basis for further steps and improvements can be made. Civil society needs to be taken into account, as gains are larger if CSOs are listened to. Transparency and consensus must be achieved throughout the process and this requires better implementation and communication, through an upstream approach involving a wide range of stakeholders.