

President Barack Obama

The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
USA

1 June 2015

Dear Mr. President,

Re: US and EU consumers urgently call for more transparent US-EU free trade negotiations

As the Transatlantic Consumer Dialogue (TACD), we represent a network of more than 75 US and EU-based consumer organisations, created in 1998 with the blessing of the Clinton Administration. Our mission is to promote the interests of consumers on both sides of the Atlantic, by exchange of information and best practices, and by providing policy input on issues of common concern. This mission becomes particularly relevant in the context of the current trade negotiations – the Transatlantic Trade and Investment Partnership (TTIP) and the Trade in Services Agreement (TiSA).

We are writing to you today to share with you our major call for more transparency in the TTIP negotiations. Our repeated letters to the United States Trade Representative (USTR) calling for more transparency have fallen on deaf ears.

Secrecy is not the norm

You are no doubt aware that the public debate around the transparency of the ongoing trade negotiations between the US and the EU is unique in history. In fact there are many models and precedents for disclosing negotiating texts in international contexts, for example in the current Doha Round negotiations at the World Trade Organization, the Free Trade Area of the Americas, or the treaties of the World Intellectual Property Organization.

Societies and markets develop, and the expectations of citizens become ever more sophisticated, requiring full accountability from their policy makers. This is even more imperative as the modern trade deals shift from tariffs and market access agreements to much more sensitive discussions on regulatory cooperation and ‘cohesion’ that have a direct impact on domestic regulatory processes. This shift calls for more democratic scrutiny over what is negotiated by non-elected civil servants.

Transparency is more than oral explanations

From our perspective as consumer and citizen representatives, a policy is not transparent unless there is public access to the actual legal texts that are the basis of negotiations. Outreach exercises of different forms (meetings, press releases, dialogues, etc.) do not allow for serious public scrutiny of what is at stake. If negotiators want the public to be reassured, they need to give people textual evidence; reassurances are not enough. The public trust in governments is at very low ebb, as surveys repeatedly show.

Previous USTR responses to TACD are not satisfactory or relevant

TACD has called for such transparency in the TTIP on many occasions and in particular for access by the public to the negotiating texts. While the European Commission has accepted civil society requests, the responses to our letters received by USTR Michael Froman and his deputy Ambassador Michael Punke have been consistently formulaic and cosmetic, and did not provide for a satisfactory follow-up.

Currently, progress made by the EU is blocked because your Administration does not allow sharing of consolidated texts by the European Commission. We very much regret this, and our regrets are officially shared by the European Ombudsman, who seriously questions whether this condition set by the US outweighs the fundamental right of EU citizens to have an accountable negotiation team.

Why hide a text from public opinion?

The refusal to share negotiating texts was based on the need not to disclose a negotiation strategy to the other party. But the parties are disclosing the texts to each other, and in many chapters the two texts are consolidated, so this argument has no meaning – the only real effect is to keep texts hidden from the democratic scrutiny of the citizens and their representatives in whose name these negotiations take place. There is no valid argument to defend such an outdated approach. On the contrary, it is fundamentally against democratic principles of accountability of policy makers towards their constituency.

Making consolidated texts publicly available can be good for content of negotiations

The short EU experience of sharing texts with stakeholders has proved to be constructive and has allowed for corrections where necessary. The multidimensional scope and complexity of TTIP calls for multiple expertise to intervene and to engage in consistency checks that need feedback from different perspectives. Applying this also to consolidated versions could only make them better.

Showing the texts would lead to enhanced legitimacy for a controversial deal

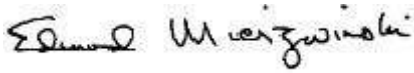
Trade deals are currently under fire, both in the US and in the EU. Their legitimacy is questioned, out of common sense, by public opinion: what is secret is suspect. Your

Administration would do itself a big favour in opening up to public scrutiny as it would allow for unfounded suspicion to be wiped away, for concern to be diminished, and more fundamentally, for options to be subject to a democratic debate.

Therefore we urge you to instruct your Administration to share with the US and EU public the consolidated versions of the negotiated chapters, as they are discussed, after each negotiation round.

We are confident you will find our requests reasonable and look forward to a meaningful follow-up by your Administration.

Yours sincerely,



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Consumer Programme Director, U.S. PIRG
US Co-Chair of TACD



Monique Goyens
Director General, The European Consumer
Organisation (BEUC)
EU Co-Chair of TACD

On behalf of the TACD Steering Committee:

Rhoda Karpatkin, Consumers Union
Robert Weissman, Public Citizen
Susan Grant, Consumer Federation of America

Benedicte Federspiel, Danish Consumer Council
David Miguel Ortega, Organizacion de
Consumidores y Usuarios, Spain
Gerjan Huis in 't Veld, Consumentenbond, The
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Cc: Ambassador Michael Froman, United States Trade Representative