

Ambassador Michael Froman

United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW Washington, DC 20508 USA

Commissioner Cecilia Malmström

European Commission
Rue de la Loi, 200 1049 Brussels Belgium

20 October 2016

Transparency and engagement with civil society in Trade in Services Agreement (TiSA)

Dear Ambassador Froman and Commissioner Malmström,

The Transatlantic Consumer Dialogue (TACD) is a long-established forum of consumer organisations which develops joint consumer policy recommendations to the United States government and the European Union (EU), in order to promote the consumer interest in their policy making. The TACD secretariat is supported by Consumers International (CI), the international federation of consumer organisations. CI also has members in many countries that are part of the TiSA negotiations.

In January 2015 we wrote to you underscoring the importance of a fully open process for negotiating the TTIP deal, so that all citizens are able to offer meaningful input. “Nothing is more important to an open process than publication of negotiating texts as they are developed,” we wrote¹. Today, we are writing to you to stress the same need in the framework of the TiSA negotiations.

We are very pleased with the European Commission’s decision to publish its TiSA proposals as well as information such as the recent factsheet and detailed reports of the rounds. This is a very important step forward for openness and the democratic process.

This should also be a very important example for the United States. Publication of broad policy is useful, but by far not enough.

Ambassador Froman, we have noted in the past the many examples of trade and other international negotiations where negotiating texts have been made public, for instance 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. Now, in the TiSA negotiations, the U.S. negotiating partners such as the EU, Norway and Switzerland are making public their textual proposals. We urge you immediately to follow suit and publish all U.S. formal negotiating proposals at the time they are presented to the TiSA partners.

¹ <http://tacd.org/wp-content/uploads/2015/01/TACD-letter-to-Froman-and-Malmstr%C3%B6m.pdf>

The publication of the EU negotiating proposals is a significant advance because it enables citizens and organizations on both sides of the Atlantic to review and critique actual proposals. This enriches the debate and can only lead to a stronger text that is more protective of consumers and public well-being.

However, while necessary, publication of initial proposals is not sufficient. The public must be able to analyse and comment not only on opening proposals, but on concepts actually under negotiation. Thus it is vital that all TiSA Parties commit to publish consolidated negotiating texts on an ongoing basis, and we urge the United States and the European Union to facilitate such an initiative. There are many possible protocols to publish negotiating texts; most important is that the updated texts be made publicly available on some regular basis.

Regarding engagement with civil society in the TiSA negotiations, we welcome the recent openness of both EU and US negotiating teams to meet with TACD members and other stakeholders in Geneva during the 20th round. This dialogue allowed stakeholders to better understand the content of the negotiations and the intentions of the Parties.

The next logical step for such an ambitious negotiation as TiSA would be the organisation of stakeholder events, on the basis of what has been done during the TPP negotiations and what is organised during the TTIP rounds.

We acknowledge the fact that organising such events during each TiSA round is challenging, especially as the negotiations will intensify in the coming months. Nevertheless, it is crucial at this point of the negotiations to establish a formal dialogue with stakeholders. This could take the form of a meeting organised by the TiSA chairs, where stakeholders could present their views and give constructive input to the negotiators.

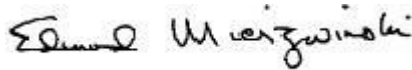
Both initiatives, on transparency and engagement, may contribute to improve trade's democratic process.

Thank you for considering these proposals, and we look forward to your timely reply.

Yours sincerely,



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