

CECILIA MALMSTRÖM
MEMBER OF THE EUROPEAN COMMISSION

Brussels, **24 MAI 2017**
JN/as Ares(2017)

Dear Minister,

Transparency is a fundamental democratic principle that enhances the legitimacy of policy-making and the accountability of decision-makers to citizens. It also contributes to a better informed debate with EU citizens, businesses and the civil society and, by extension, better informed policy-making.

For this reason, at the beginning of my mandate, I made a commitment to make EU trade policy more transparent and accountable. The negotiations with the United States served to pioneer this approach in many areas. Consequently, the European Commission (hereafter the Commission) took a commitment in the "*Trade for All*" communication adopted in October 2015 to extend this practice to all other EU trade negotiations.

I welcome the support of the Council for the Commission's efforts in putting this commitment into practice. In the same vein, I also count on the Council to take concrete actions to further enhance the transparency of the ongoing EU-Japan free trade agreement negotiations.

The conduct of these negotiations by the Commission is based on negotiating directives issued by the Council. Given their importance for the overall negotiating process, and the increased public interest in EU trade policy, I consider it important that those negotiating directives are made available to public scrutiny.

Dr Christian CARDONA
Minister for the Economy, Investment and Small Business
Republic of Malta
Cc: Trade Ministers of EU Member States

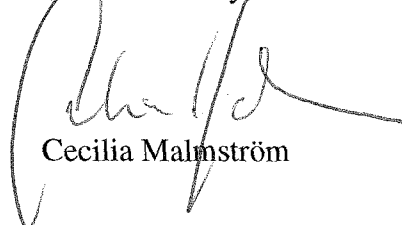
Let me recall that in “*Trade for All*”, the Commission invited the Council to disclose all negotiating directives for trade agreements issued after the publication of the Communication, i.e. after October 2015. Consequently, I wrote to the Presidency of the Council in September 2016, suggesting that the Council publishes the negotiating directives for the ongoing negotiations with Mexico, Mercosur and Tunisia, respectively.¹ Even though the Council has not yet followed up on that suggestion, the matter has not lost its relevance. In fact, quite the contrary.

Although the negotiating directives for the EU-Japan free trade agreement negotiations were adopted prior to the publication of “*Trade for All*”, there are increased public demands for more information and transparency on these talks. As we are aiming at an early conclusion of these negotiations, possibly still this year, releasing the negotiating directives would not only help ground the public debate in facts and reinforce the legitimacy of the future agreement with Japan. It would also demonstrate that EU trade policy is fully based on, and actively promotes, EU's fundamental interests and values, including respect for the right to regulate at all levels of government in the public interest, and environmental protection.

As the negotiator on behalf of the EU, I do not consider that publication of the EU-Japan FTA negotiating directives would undermine the EU negotiating position or harm the public interest of the Union as regards its international relations. On the contrary, I believe that their publication at this stage of the negotiating process would be beneficial, and help assuage fears and speculation as regards the objectives the EU pursues.

This is, in my view, a good opportunity for the Council to demonstrate its commitment to transparency and open policy-making in the EU. Therefore, I am kindly asking you to bring my request to the Council's attention, with a view to taking without delay the necessary steps for the publication of the negotiating directives for the EU-Japan free trade agreement negotiations, as adopted on 29 November 2012 (15864/12).

Yours sincerely/



Cecilia Malmström

¹ https://ec.europa.eu/carol/index-iframe.cfm?fuseaction=download&documentId=090166e5ac9ceb5d&title=CM_Letter%20Minister%20%C5%BDiga.pdf