

Welcome to the Civil Society Dialogue – DG TRADE discussion board

DG TRADE would like to improve how it reaches and listens to CSOs in Brussels and across the EU Member States. To do this, DG TRADE faces challenges:

- Ensuring that CSOs in the Member States engage on trade issues and have the information they need to effectively do so (outreach)
- Ensuring that DG TRADE receives timely information and feed-back from CSOs regarding their priorities and concerns in relation to EU trade policy, in particular as regards positions that are specific to certain Member States and that are relevant for e.g. the negotiation or in ratification of FTA's, or the implementation and enforcement of agreements (this requires also an active dialogue at national level)
- Ensuring that the CSD is as effective and efficient, as possible
- Optimising the use of digital tools that are available to increase the effectiveness and efficiency of the CSD, as well as engagement at Member State level

How to ensure that CSOs in the Member States engage on trade issues and have the information they need to do so.

1) DG TRADE wants to promote and further facilitate the engagement of CSOs in Member States to ensure they participate more actively in developments in EU trade policy. This means being more proactive in the Member States in presenting and explaining developments in trade policy and its implementation? Do you agree with this hypothesis – or not? In this respect, would you make a distinction between the development of trade policy and implementation issues?

EPHA considers that member state CSOs should be more actively engaged by the EU. Trade policy and implementation issues are both equally relevant to such organisations. Our members would appreciate the opportunity to bring the trade debate closer to home, and to translate the benefits and impacts into their context. Those Member State level dialogues however shall not be mean unilateral information sharing and promoting the benefits of trade in the given country but rather a mutual dialogue, allowing stakeholders to express their views and concerns with proper follow up mechanism.

2) Can – and should - umbrella organisations that engage in EU policy discussions in Brussels do more to help CSOs in the Member States to connect with trade issues? Can and should the umbrella organisations be reporting more on CSD meetings to their members, encourage their members to take part in CSD meetings of particular interest to them? If so, what are the obstacles – e.g. the need to be on the transparency register, human or financial resources, language (insufficient knowledge of English?), language (“Brussels” jargon)...?

EPHA is active in sharing information and knowledge about EU trade policy discussions with its national members. We report on the CSD meetings we attend to our members, and circulate the invitations and meeting reports. However, there are many obstacles, principally:

- the capacity of national CSOs to invest in working on trade policy, which is outside the traditional focus of public health policy.
- a lack of technical understanding of trade issues and EU policy conversations

(including the specificities of Brussels jargon).

- Brussels-level capacity to work on trade, which is certainly less than 1FTE in our case.

The combination of lack of capacity at both national and European levels therefore means that some relevant issues may slip through the gap. We would like to highlight that umbrella organisations like EPHA can facilitate that member state dialogue, but that should not mean shifting the dissemination work simply to NGOs which already have limited resources at EU level. Appropriate guidance, active engagement should be ensured in the process - if needed with the EC providing additional resources to help the dissemination.

How to ensure DG TRADE receives timely information/feedback from CSOs on their priorities and concerns re. EU trade policy, on positions specific to certain Member States and that are relevant for e.g. the negotiation or in ratification of FTA's, or the implementation and enforcement of agreements

1) Many CSOs in the Member States actively follow trade policy but their voices can get lost in the process of umbrella organisations reaching common pan-European positions. This can result in DG TRADE not being fully aware of national debates that influence developments in Member States, notably ratification of FTAs. Do you agree with this hypothesis – or not? What could DG TRADE or pan-European umbrella organisations do (or do more of) to mitigate this?

Umbrella organisations' positions are based on the inputs of their members. Their position means incorporating the concerns of national members therefore their voices are not lost but reinforced. Some national concerns of ratification (e.g. arbitration and ICS limiting the health policy space) can be similar in many countries. The problem is a lack of process or mechanism to capture country specific concerns as EU positions are usually general in the sense that they reflect the European Trade policy developments, usually in the context of an EU-third country agreement.

2) There are Member states where stakeholders appear to take a passive approach to trade policy because they have not fully taken aboard the relevance to them or feel that they have no influence over the outcome of trade negotiations or design of implementation mechanisms. How can DG TRADE make EU trade policy more relevant to CSOs that have never engaged with DG TRADE before?

a. Are there specific topics it should focus on? Rules of origin, investment rules, sustainability provisions...?

DG TRADE can make EU trade policy more relevant by acknowledging and working on the basis of the wide-ranging impacts of trade across many sectors, including health, climate and environment. For example, the impacts on nutrition through increased consumption of unhealthy foods and beverages as a result of the removal of tariff and non-tariff barriers; or restrictions in access to medicines as a result of cross-border flows of trade and investment and provisions in trade agreements on intellectual property rights; or investor-to-state dispute settlements (ISDS) and regulatory cooperation, which can constrain governments and public bodies seeking to implement measures to protect and promote public health.

Demonstrating the (potential) benefits on a more disaggregated level (i.e. benefits per MS) would also be beneficial.

Further, the lack of transparency around negotiations also makes it harder to follow specific issues for those who do not have a considerable Brussels/European level network. The threshold to getting usefully involved in trade policy is therefore quite high.

a) Focussing on Public health-relevant issues like rules of origin, investment rules, trade and sustainability provisions, intellectual property rules, sanitary and phytosanitary rules in communications would certainly be of benefit for EPHA's members. We would warn that trade policy which affects health and health equity yet does not take account of these challenges, risks eroding support for international trade and more widely, increasing scepticism towards the European project.

How to make the CSD is as effective and efficient, as possible

1) It is a challenge for DG TRADE to achieve real dialogue through the CSD. Do you agree with that hypothesis – or not? If so, what more could DG TRADE do so that there is more discussion?

Real dialogue for EPHA is when the exchanges go beyond general statements of position to more detailed cooperation, such as was possible in the former TTIP advisory group, and the Trade advisory group. Enabling CSOs and a range of stakeholders to give concrete input on real negotiating texts and proposals is far preferable to the more common “talking shop” type events where all stakeholders (including the Commission) give their prepared statements, often regardless of what others have said.

Highlighting the importance of mutual dialogue instead of unilateral information sharing is key. The aim of CSDs should not be to convince stakeholders about the benefits of a given trade agreement but instead to present the expected impact and to listen to the concerns and be ready to make correction measures, if needed. Hence, our [joint letter to Vice President Dombrovskis](#) to ask for the renewal of the free trade agreement expert group.

In our view, the group was a very positive step in the Commission's strategy to improve engagement with civil society in trade policy and to increase transparency. It was also the logical continuity of the TTIP advisory group, that many of us were members of. This expert group made it possible for public and private interest groups to talk to the Trade Commissioner and lead negotiators on all EU trade agreements. It constituted more than a dialogue as we were able to discuss in detail and provide input on key EU proposals. It was also a forum where we could better understand the challenges and opportunities of trade deals for the different interests that we represent. It contributed to build bridges between the different organisations.

Input from civil society is essential to get trade policy right and to ensure it responds to all interests, including sustainable development and public interest needs. Such consultation groups should be tasked with providing expertise on all aspects of EU trade policy: multilateral and bilateral engagements, negotiations, enforcement, and other trade policy tools. To be able to provide relevant advice, experts should have access to draft EU proposals. In addition, the Chief Trade Enforcement Officer should be involved, using the expertise of the civil society organisations within the group. These aspects would drastically improve the scope of support that could be delivered by the previous group and contribute to the work of DG Trade in an inclusive manner.

2) From any experience you may have of the CSD, do you think that the views of some Member States get more of a hearing than others? Do you think the views of some sectors get more of a hearing than others? What are the reasons and what are the solutions?

Certainly those MS with larger, more developed economies have more influence. Sectors with more resources to dedicate to their representation of course are more able to benefit than those with less. For instance, large pharmaceutical companies have more influence than genetic medicines manufacturers or associations for instance.

There is a double bias as trade associations, economic actors have significantly more resources to be dedicated to follow ongoing Trade negotiations while public interest group are definitely less resourced and having less capacity. In general those representing economic interests often have more sway, as trade remains primarily focussed on economic growth. Solutions include shifting to a trade policy which serves people's well-being, focussing on delivering overall societal benefits rather than focusing solely on improvements in GDP. A trade policy which affects health and health equity and does not take account of the challenges we face, risks eroding support for international trade and increasing scepticism towards the European project. This would require more robust sustainability, social and health impact assessments – which must be completed before negotiations, and be binding for EU negotiators' positions.

Sustainable impact assessments of potential agreements must take a coherent approach to health, climate, environment and social issues, covering all aspects including healthcare services, access to medicines, diet-related health and chronic and infectious diseases. Trade negotiations between large global economic actors have considerable implications for current and future generations, the environments in which they live and the domestic policy-making process

A pure GDP and economic focus makes the EU's trade position extremely fragile since, if people do not realise the trade benefits, it can erode societal support for international trade. The fundamental point of trade is to promote well-being, and that should be prioritised over the economic gains or losses of any one sector.

3) Would you like the CSD to give more opportunities for discussion between different interest groups and/or facilitate more focussed discussion by sector or by type of CSO – business/non-business? How could it do this?

It is important to ensure that stakeholders are not segregated – NGO and industry representatives should always be balanced. If you simply look at the numbers of meeting as an indicator, that shows that imbalance. More focussed discussion by sector could be of benefit if considering a particular concrete text, or issue, in an expert group as mentioned above. However these more focused meetings should remain fully transparent – with minutes and meeting recordings made publicly available.

How to optimise the use of digital tools to increase the effectiveness and efficiency of the CSD, as well as engagement at Member State level

1) Would you like to see DG TRADE engage more with CSD participants digitally? What are your proposals?

Meeting online can certainly increase the possibility for CSOs based outside Brussels to

join in CSD events, and should be continued into the future, either as fully online events or as blended in-person/online events.

It could also open up possibilities to do joint dialogues with CSOs from partner countries. The existing methods of digital engagement like submitting consultation responses online should be continued.

2) Would you like to engage more in discussion via social media to prepare CSD meetings or on topics of particular interest to you on which there is not necessarily a CSD meeting scheduled? If so, how could this work?

Social media has an underused potential. Facebook event, twitter dialogues, question and answer sessions with key DG TRADE experts could allow for the wider society to engage more. Umbrella organisations can inform their members and via that way DG TRADE could reach out to stakeholders not reached by the CSD meetings.

3) Would you like a digital alert when new material goes on to the website (minutes, presentations....)? In what form?

Yes, via email, for themes/events for which you register an interest