

TTIP: "Regulatory Cooperation" a threat to democracy

Statement from 45 organisations on the new EU proposal on Regulatory Cooperation

Dear Commissioner Malmström,

The undersigned organisations are writing to express our deep concern with [the new EU proposal](#) (1) on horizontal regulatory cooperation (dated 21. March 2016) in the EU-US TTIP negotiations . We consider it a threat to democratic decision-making and regulation in the public interest.

The new EU position paper on "regulatory cooperation and good regulatory practices" offers an insight into how negotiators hope to avoid future "nontariff" and "technical barriers" to trade. While it is unclear precisely what form such "cooperation" would take, we understand that the proposals would entail several changes to EU and US law-making processes. (2)

Here is our critical assessment of the new EU proposal:

1. The proposal makes it possible for the US to exert undue influence at a very early stage of decision-making, before any proposal is considered by elected bodies, namely the Council and the European Parliament. Judging from past experience, such an approach can have a detrimental impact on regulation in the public interest. It also undermines democracy.
2. The proposal provides big business groups with the tools to influence legislation that they have been demanding, including a mechanism by which transatlantic business coalitions can include their own preferences in the regulatory cooperation working programme. The establishment of a broad advisory group with the presence of public interest groups does not offset this institutionalisation of lobbying.
3. The new proposal clearly identifies the European Commission and US regulatory agencies as drivers and responsible actors for transatlantic regulatory cooperation. The question of how it is supposed to function is postponed until after the ratification of TTIP and thus to a moment when it gets less public attention is on it. So we see no major improvement here. It implies an unacceptable power grab by the Commission, strengthens the US impact on EU regulation and weakens the role of the European Parliament. Even though the proposal does not contain a Regulatory Cooperation Body (RCB) any longer, its functions still remain.
4. The proposal gives immense powers to "regulatory authorities" (the European Commission in the case of the EU) to decide on the development of regulatory cooperation, including on the selection of areas which the two sides are to cooperate on.

5. The new proposals imply an importation of elements of the US regulatory system to the EU, among them an enhanced role for impact assessment by means of cost-benefit analyses in the planning phase of legislation. The balance between trade criteria and environmental and social issues is not met.

This could lead to the watering down and delay of important legislation in the public interest.

Given the five points mentioned above, we ask you to end the TTIP negotiations, as trade agreements are not the appropriate fora to decide on our public interest laws.

Signed,

Amis de la Terre France
Asociația România Vie/Romania Alive Society
Attac Austria
Attac Bizkaia
Attac Denmark
Attac Germany
Attac Spain
Bund für Umwelt und Naturschutz Deutschland (BUND)
Campact
Campagna Stop TTIP Italia
Coordinadora de Organizaciones de Agricultores y Ganaderos (COAG)
Corporate Europe Observatory (CEO)
Ecologistas en Acción
Electronic Frontier Finland
European Digital Rights (EDRI)
Fairwatch (Italy)
Finnish TTIP Network
FÍS NUA
Forum für Umwelt- und Entwicklung
Global Justice Now
Greenpeace
Keep Ireland Fracking Free
Koalicija Proti Tajnim Sporazumom
LobbyControl
Mehr Demokratie e.V.
Oplysningsforbundet May Day
Plataforma Não ao Tratado Transatlântico
Portuguese Platform No to the Transatlantic Treaty
PowerShift e.V.
Protestival Slovenia
Red Solidaria contra la Ocupación de Palestina (RESCOP)
Seattle to Brussels Network (S2B)
Skiftet
Slovenski E-forum
Society Movement for Sustainable Development of Slovenia – TRS
Solidarna Bulgaria
Stop TTIP UK
SumOfUs
Bündnis TTIP Unfairhandelbar
Transnational Institute (TNI)
War on Want
Women in Europe for a Common Future (WECF)

Wittener Bündnis gegen TTIP/CETA/TISA
Xnet
4th Group of the United Left

Notes

(1) http://trade.ec.europa.eu/doclib/docs/2016/march/tradoc_154377.pdf

(2) *further see:* **TTIP: Big business and US to have major say in EU trade deals, leak reveals** -- Exclusive: Document obtained by campaign group shows legislation will be influenced before it reaches European Parliament, by Paul Gallagher; The Independent, 17 March 2016 – URL: <http://www.independent.co.uk/news/business/news/ttip-big-business-and-us-to-have-major-say-in-eu-trade-deals-leak-reveals-a6937141.html>