



2015/2041(INI)

11.12.2015

OPINION

of the Committee on International Trade

for the Committee on Constitutional Affairs

on transparency, accountability and integrity in the EU institutions
(2015/2041(INI))

Rapporteur: Bernd Lange

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SUGGESTIONS

The Committee on International Trade calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that the Treaty on European Union (TEU) marked a new stage in the process of creating an ever closer union in which decisions should be taken as openly and as closely as possible to the citizen (Article 1 TEU); takes into account the lively public debate across the Union on current trade negotiations and the concerns voiced by EU citizens regarding EU trade-policy making; believes that, in order to ensure the legitimacy of EU trade policy, more should be done to increase the level of information related to trade policy and negotiations and the way in which related data are gathered by Member States and the Commission and communicated and made publically available, while recalling that a balance must be struck between transparency and effectiveness; considers that citizens should also be empowered to better understand policy-making and the internal functioning of the EU administration (including within the Committee on International Trade (INTA)); welcomes, therefore, the Commission's transparency initiative and the new trade strategy 'Trade for All', which aims, inter alia, at creating a higher level of transparency in trade policy;
2. Recalls that, in accordance with Article 12(f) TEU on the role of national parliaments within the EU, various instruments for cooperation have been created to guarantee effective democratic scrutiny of EU legislation at all levels; stresses that more meaningful engagement with civil society and social partners – commensurate to the EU's obligation to recognise and promote the role of the social partners as expressed in Article 152 of the Treaty on the Functioning of the European Union (TFEU) – is crucial in order to achieve greater legitimacy (including with respect to the drafting of negotiating directives); stresses, in this connection, the important need for actual engagement with all stakeholders through meetings, briefings and other events and the optimisation of domestic advisory groups engaged in the implementation of existing trade agreements; calls on the Commission to improve the inclusiveness of all public consultations;
3. Recommends that the Commission's ongoing efforts to increase transparency in all current and future trade negotiations should entail the strengthening of the European Ombudsman's mandate as an independent oversight body;
4. Calls on the Council and the Commission to commit fully and seriously to the principle of sincere cooperation with Parliament by immediately providing, through the relevant channels, full and accurate information pertaining to the Union's external action, including its Common Commercial Policy (CCP), as regards decision-making and implementation of primary and secondary legislation; calls on the Commission to take into full consideration Parliament's requests concerning the interinstitutional agreement, in particular as regards a set of clear criteria for the provisional application and implementation of trade agreements; calls on the Council to accept these criteria and guarantee that the provisional application of trade agreements is contingent upon the prior consent of the European Parliament;
5. Recalls that, pursuant to the principle of sincere cooperation, the Union and the Member

States must, in full mutual respect, assist each other in carrying out certain tasks (Articles 4 and 13 TEU), which is a precondition for Parliament to adequately exercise its legislative and budgetary functions, and those of political control (scrutiny) and consultation (Article 14 TEU); notes that, even though an interinstitutional cooperation agreement exists between Parliament and the Commission, an equivalent arrangement does not exist between Parliament and the Council, which creates certain hurdles for scrutiny;

6. Welcomes the fact that the INTA Committee and the Commission's Directorate-General for Trade have been collaborating pro-actively to enhance cooperation, establish best practices and improve communication channels, and that this collaboration has been especially useful for monitoring trade negotiations through INTA Standing Rapporteurs and targeted monitoring groups; stresses recent efforts by the Commission to increase the transparency of trade negotiations; believes, nevertheless, that the Council and the Commission should still improve their working methods to better cooperate with Parliament as regards access to documents, information and decision-making for all issues and negotiations related to CCP (such as information relating to negotiations – including scoping, mandates and evolution of negotiations – the mixed or exclusive nature of trade agreements and their provisional application, activities and decisions taken by bodies created by trade and/or investment agreements, expert meetings, and delegated and implementing acts); regrets, in this regard, that the Council has not made available to the Members of the European Parliament (MEPs) the negotiating mandates for all agreements currently under negotiation, but welcomes that finally after one year of negotiations between the Commission and Parliament on access to documents related to negotiations on the Trans-Atlantic Trade and Investment Partnership (TTIP) an operational agreement has been reached to grant access to all MEPs, making the TTIP negotiations the most transparent so far; welcomes, in this sense, the Commission's ambition to use the current transparency initiative on TTIP as a model for all trade negotiations, as outlined in the Trade Strategy 'Trade for All'; notes that Regulation (EC) No 1049/2001 on public access to documents grants very broad rights to ordinary citizens in terms of access to documents, which can go beyond the access that is currently given to MEPs;
7. Stresses that, as pointed out by the European Court of Justice (ECJ), imperatives for transparency derive from the democratic nature of governance within the EU, and that, where confidential information is beyond the reach of public access, as in the case of trade negotiations, it must be available to parliamentarians who scrutinise trade policy on behalf of citizens; considers therefore that access to classified information is essential for scrutiny by Parliament, which in return should abide by its obligation to manage such information properly; considers that there should be clear criteria for labelling documents as 'classified' to avoid ambiguity and arbitrary decisions, and also that the document should be declassified as soon as its classification is no longer necessary; notes that the case law of the ECJ makes it clear that where a document originating in an EU institution is covered by an exception to the right to public access, the institution must clearly explain why access to this document could specifically and effectively undermine the interest protected by the exception, and that this risk must be reasonably foreseeable and not purely hypothetical; calls on the Commission to implement the recommendations of the European Ombudsman of July 2015 with particular regard to access to documents for all negotiations;

8. Believes that the EU must take the lead when it comes to furthering transparency of trade negotiations, regarding not only bilateral processes, but also plurilateral and multilateral ones where possible, with no less transparency than the negotiations organised in the World Trade Organisation (WTO) framework; stresses, however, that the Commission must also persuade negotiating partners to increase transparency at their end to make sure that this is a reciprocal process in which the EU's negotiating position is not compromised and to include the aspired level of transparency in its scoping exercises with potential negotiating partners; stresses that increased transparency is in the interest of all the EU's negotiating partners and stakeholders worldwide, and that it can strengthen global support for rules-based trade;
9. Recalls the importance for the CCP legislative process to count on Union statistics consistent with Article 338(2) TFEU and on impact assessments and sustainability impact assessments conforming to the highest standards of impartiality and reliability, a principle which should lead all respective revisions in the framework of the Commission's 'Better Regulation' policy; considers that sector-by-sector impact assessments would provide EU trade agreements with a higher level of reliability and legitimacy;
10. Stresses that the Commission must promote the general interests of the Union, be led by members chosen on the grounds of their competence and independence, and refrain from any action incompatible with its duties (Article 17 TEU); welcomes initiatives aimed at greater transparency, accountability and integrity, including the decisions adopted by the Commission on 25 November 2014 and the new impetus given to the Transparency Register, which should be mandatory and binding for all EU institutions, bodies, offices and agencies; welcomes further reflection on how to improve the existing Transparency Register – the register of EU lobbyists – to make the legislative process more fact-based and transparent for citizens and stakeholders; calls for Parliament, in this respect, to coordinate action to enhance transparency within the institutions as regards the activity of lobby groups, non-governmental organisations, trade unions and special interest groups;
11. Believes firmly that transparency, integrity and ethical behaviour, accountability and good governance should inspire and be mainstreamed into all EU administrative and political initiatives, and considers that further commitment and interinstitutional coordinated work towards higher standards of integrity should be sought, and that, for example, the Commission should not adopt guidelines implementing legislation which would run counter to the position of Parliament and the Council;
12. Believes that the credibility of the EU's ethical behaviour will be ultimately judged by citizens in relation to the consistency of the EU's political initiatives with its internal administrative standards; commends in this regard the EU internal standards on the fight against corruption and the protection of whistle-blowers;
13. Believes that Parliament should cooperate in a more targeted manner with the ECJ, the Court of Auditors, the European Ombudsman and the Commission's Anti-Fraud Office so that they can report to one another in detail on the evolution of CCP within the framework of their respective powers and responsibilities.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	10.12.2015
Result of final vote	+: 33 -: 0 0: 3
Members present for the final vote	Maria Arena, David Borrelli, David Campbell Bannerman, Daniel Caspary, Santiago Fisas Ayxelà, Karoline Graswander-Hainz, Ska Keller, Jude Kirton-Darling, Gabrielius Landsbergis, Bernd Lange, Emmanuel Maurel, Emma McClarkin, Artis Pabriks, Godelieve Quisthoudt-Rowohl, Viviane Reding, Inmaculada Rodríguez-Piñero Fernández, Marietje Schaake, Helmut Scholz, Adam Szejnfeld, Hannu Takkula, Iuliu Winkler
Substitutes present for the final vote	Klaus Buchner, Dita Charanzová, Nicola Danti, Sander Loones, Lola Sánchez Caldentey, Ramon Tremosa i Balcells, Marita Ulvskog, Wim van de Camp, Jarosław Wałęsa
Substitutes under Rule 200(2) present for the final vote	Edward Czesak, Eleonora Evi, Maurice Ponga, Dario Tamburrano, Derek Vaughan, Flavio Zanonato