

“The Relationship between MEAs and WTO Rules”

**Seminar to raise awareness of trade issues in civil society
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**“The Institutions and Actors involved
in making Trade Policy”**

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I'd say there are 4 main actors involved in the trade policy making process : Commission, Council, EP, and civil society.

Well aware that EP's role is limited; but Commissioner Lamy does undertake to keep the EP as informed as possible.

Among the other actors, Commission takes the lead and works with the Member States reps in the Council, notably in the 133 committee. These are reps of democratically appointed govts – so there is a clear element of democracy there.

Commission takes the lead – but it does not steam roller its way through; it listens – and it listens carefully – to what Member States have to say.

More directly, Commission has created a dialogue directly with reps of civil society

I'd like to take a few moments to outline the main features of this dialogue

First started meeting civil society regularly in 1998 – in the run up to Seattle Ministerial. It's come a long way since then:

Process began with certain degree of suspicion among some civ soc reps.

Some “discussions” at first limited to reading out policy statements, rather than an actual debate.

After a while, loosened up and real discussions got underway.

WHO do we meet?

Open meetings with organisations of civil society broadly defined – employers' associations, trade union movement, agricultural producers' organisations, non-governmental organisations of all kinds.

Some examples of the NGOs involved include: Friends of the Earth, CIDSE, OXFAM, WWF, Greenpeace, Solidar, Action Aid.

All these organisations are self-selecting, they “opt in” to the process and can if they wish register for inclusion.

Once registered they receive invitations to meetings, reports updates etc. About 600 have done already registered - including Trocaire. Full list of registered organisations available on our website.

Of course, MEPs and reps of Member States also welcome to participate in these meetings.

Format of the meetings

Meetings typically include a briefing from Commission officials working on the issue, followed by discussion.

Commissioner Pascal Lamy himself hosts three or four meetings a year – at next meeting, will be joined by Polish Commissioner Danuta Hubner. Please come if you can!

The process is designed to focus on issues where in a finite period of work we can get better mutual understanding of concerns and better contacts between all the key players

WHAT is the content of meetings?

Trade agenda topics – driven by the calendars of processes such as the WTO round, but also EU-ACP negotiations and others.

Organisations are able to suggest topics and to co-organise meetings with the Commission on specific areas of interest too.

To help ensure the issues discussed are those of greatest interest to civil society, there is a contact group.

This comprises a dozen individuals drawn from among regular participants and representative of broadly all sectors helps steer the process.

The contact group meets 5 - 6 times per year with DG Trade. It functions as a facilitator and sounding board for DG Trade.

Their task is to contribute to transparency in both directions, help with the circulation of information to the wider group of their "constituencies", and ensure together with DG Trade a measure of co-ordination on the running of the issue groups.

Tasks also include review of the results of the work of the issue groups, discuss possible subjects for dialogue with DG Trade and give advice on organisation matters.

The Contact Group's members operate on a personal basis but are selected by their "constituencies"; DG Trade does not intervene in this. In order to be able to fulfil its task efficiently, the composition of the contact group should reasonably reflect the major interests represented by civil society stakeholders.

WHERE do we hold meetings?

Meetings are usually held in Brussels, in Commission premises. Exceptionally, during WTO ministerial meetings, meetings also held on the spot, for e.g. in Cancún.

Advisers accompany the EU delegation for regular updates and exchanges on the spot.

When do we hold meetings ?

Every two months on a regular basis, with contact group meetings in between. Ad hoc meetings on special topics can be called at any time in addition to the regular programme, at Commission's initiative or in response to a request.

WHY do we have this process ?

In the interests of transparency, to raise awareness of trade issues and to provide accurate information about the EU's positions and actions.

To provide an opportunity for civil society to raise concerns or suggest new approaches. (Examples – access to medicines, Sustainability Impact Process)

To assist in the process of legitimising decisions made.

Now to turn to the mechanics of how decisions are made.

Role of 133 Committee and its relationship with Council

Let's focus on the famous – or should that be infamous -- Article 133 Committee. This is a working group of the EU Council of Ministers, which is established and operates on the basis of Article 133 of the EC treaty. The Treaty itself sets out the role and the basic features of the Committee. Its role is to advise the Commission in administering the Common Commercial Policy, in particular in the conduct of trade negotiations, as indicated in the text of the Treaty itself. The Committee can address all issues related to multilateral, regional or bilateral trade. Who sits on the committee? Answer: government officials representing and serving the democratically elected government of the Member States of the EU. Views expressed by Member States representatives in the 133 Committee will normally have been arbitrated between different interests in each Member State.

Note that the Committee is **consultative**. It does not adopt proposals or formally agree that proposals be adopted in COREPER and the Council of Ministers. In practice, before deciding to put forward a proposal (e.g. mandates to open trade negotiations) to the Council of Ministers, the Commission will have discussed the idea with Member States in the 133 Committee. This is much the same as in other areas of EU policy or law, where the Commission prepares the Council together with Member States in a number of working groups and committees. All important decisions of trade policy (new legislation, the adoption of trade measures at the border, the initiation of international negotiations, the conclusion of international agreements) are taken by Council according to the decision-making procedures prescribed by the Treaty.

The 133 Committee has a broad agenda, which implies the involvement of different services in the Commission as well as in Member States. Regular coordination to prepare the meetings takes place within the Commission as well as in Member States administrations. This enables all people involved in the process to take contributions to individual issues into account.

If necessary, issues are prepared by experts at the Commission and the Member States, including eg on trade and environment. They meet on an ad-hoc basis to prepare discussion in the 133 Committee. In the run-up to the WTO Ministerial Conference of Cancun these meetings

occurred quite often – and some of you will have been at those meetings, so you know exactly what I mean. On some occasions, informal meetings of Trade Ministers are held to prepare discussion in the Council of Ministers at the highest political levels.

To make the discussion in the 133 Committee effective, documents and proposals from the Commission are usually presented to Member States in sufficient time in advance. The Commission has timeframes for the circulation of 133 papers especially designed to allow for proper consultation both inside the Commission and in Member States. In the case of papers related to the WTO DDA process, we have adopted standard procedures and deadlines to ensure that Member States is given enough time for consideration before the discussion in the 133 Committee is to take place, and adequate time for 133 consideration before proposals are raised in the WTO in Geneva.

To summarise, the Commission administers the EU's trade policy on the basis of the advice it receives from Member States in the 133 Committee, which enables the Commission to establish a course of action that reflects the common European interest. In the course of this process, Member States actively shape EU trade positions. Many Commission proposals are modified after contributions by Member States in the 133 Committee and are discussed and amended several times before consensus can be achieved. Trade negotiations are led in close coordination with Member States who in the Council will eventually have to assent to the overall result by qualified majority or - in some cases - by unanimity.

Role of the European Parliament

Turning now to the role of European Parliament, this has grown, helping to foster overall transparency. Even though the European Parliament's formal say in trade policy is not normally required, the Commission keeps the Parliament fully informed of all trade policy matters. The Commissioner and other officials regularly meet with the EP and its respective committees to respond to questions relating to trade policy. The Commission transmits to the EP all the documents sent by the Commission to the 133 Committee, as well as important reports prepared by the Commission. Furthermore, 26 MEPs, reflecting all political groupings in the European Parliament, were included in the Commission's delegation to the WTO Ministerial Conference in Cancun. The role of the European Parliament might increase further in the European Constitution currently under discussion by the Intergovernmental Conference. In Article 217 of the Convention's proposal, the involvement of European Parliament in trade negotiations and trade decision is foreseen. The Commission has always strongly supported this and will continue to do so.

Conclusion – and outreach to new members

So that's a brief overview of how the process works, and of how the Commission is trying to involve civil society in the trade policy process.

We are always open to ideas as to how to further improve our dialogue process.

The Commissioner and senior officials consistently seek contact with civil society when travelling outside Brussels, whether within the EU or in third countries.

But challenge remains of how to reach out beyond Brussels.

Of course, many organisations which come to the Brussels based meetings are umbrella or national bodies who can both put forward views of their members, and report back to them.

Enlargement is also a challenge as we seek to involve civil society reps from the new Member States.

Doing so will be one of our priorities in the coming months.

NB : Organisations that do not have offices in Brussels can apply to have their fares refunded – our budget for 2004 is € 120 000.