



To: José Manuel Barroso, President of the European Commission

Re: Open Letter to President Barroso on the privileged access and undue influence of business interests in drafting and implementing the Global Europe strategy

Brussels, 17 October 2008

Dear President Barroso,

We would like to express our concern over the privileged access and undue influence the Commission's Directorate-General for Trade (DG Trade) has granted business representatives, particularly BusinessEurope (formerly UNICE), in developing and implementing the Global Europe strategy during Commissioner Peter Mandelson's tenure. We find DG Trade's one-sided open door policy to be strikingly at odds with the Commission's *General Principles and Minimum Standards for Consultation of Interested Parties*. We would like to ask you to undertake an immediate assessment of the influence of interest groups on the development and implementation of the Global Europe strategy and to use the departure of Peter Mandelson to break with DG Trade's habit of joint policy-making with big business.

The rationale for the Commission's consultation process as it is has been codified in the *General Principles and Minimum Standards for Consultation of Interested Parties*ⁱ is one "of ensuring an adequate and equitable treatment of participants in consultation processes". In particular, the Commission has stressed its willingness to "reduce the risk of the policy-makers just listening to one side of the argument or of particular groups getting privileged access".ⁱⁱ

We think that DG Trade has gravely violated this rationale in the consultation process relating to the development and the present implementation of the Global Europe strategy in at least two ways:

The drafting of the Global Europe strategy is a clear example of DG Trade's "policy-makers just listening to one side of the argument":

- While NGOs and trade unions were invited only *once* to comment on the strategy,ⁱⁱⁱ there is evidence of numerous meetings with corporate lobby groups, particularly BusinessEurope, the European employers' confederation.^{iv} Moreover, the draft of the Global Europe strategy dated 26 June 2006 was only sent to BusinessEurope. There was clearly no attempt of DG Trade to assemble a diversity of viewpoints on its trade strategy.
- The final Global Europe strategy includes many of the demands made by corporate interest groups on issues such as bilateral free trade agreements (FTAs) and the so called Singapore Issues. The focus on emerging markets as well as the reference to internal deregulatory policies also reveals the lack of "equitable treatment of participants in consultation processes". Trade unions, developmental and environmental NGOs as well as representatives of small and medium enterprises in Europe had all voiced positions on these aspects that differ remarkable from the Global Europe strategy.

DG Trade is now also granting corporate interests privileged access and undue influence in the ongoing implementation of the Global Europe strategy:

- There is ample evidence of DG Trade sharing insights on the ongoing free trade negotiations with BusinessEurope, while refusing to give similar insights to other groups

or citizens.^v In addition, BusinessEurope has also been given access and opportunities to influence the implementation of the new Market Access strategy, which aims to dismantle “barriers” such as environmental and social regulations in third markets. This facilitates the continuous input of business into decisions over trade policy priorities.

- The inappropriate access granted to BusinessEurope in the implementation of the Global Europe strategy is also reflected in its conference “Going global” on 28 October 2008.^{vi} Here, the lobby group and the Commission will together discuss their assessments of the strategy and they will do it right in the home of DG Trade, the Charlemagne Building, which DG Trade is offering BusinessEurope free of charge. Furthermore, the conference programme lists an unprecedented amount of Commissioners and other high-ranking Commission officials – a clear example of the continued joint policy-making between BusinessEurope and the Commission on Global Europe.

This one-sided open door policy for BusinessEurope and other corporate interests by DG Trade has resulted in a trade policy which puts aside all other concerns in favour of large corporations. It encourages their use of a huge share of world resources while fuelling poverty, inequality and environmental destruction.

We therefore urge you to

- undertake an immediate assessment of interest groups’ influence on the development and the present implementation of the Global Europe strategy;
- use the departure of Peter Mandelson to break with DG Trade’s habit of joint-policy making with big business and make a u-turn on EU trade policy to put the interests of people and the environment first;
- as a gesture towards ending privileged corporate access and influence, cancel the mass participation of Commissioners and high-level Commission officials during the BusinessEurope conference on October 28th.

We look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Erik Wesselius', written over a horizontal line.

Erik Wesselius

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- ⁱ Communication from the Commission. Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission, 11.12.2002, COM(2002) 704 final.
- ⁱⁱ Similarly, the *Principles and Guidelines on the Collection and Use of Expertise* underline the Commission’s aim “to minimise the risk of vested interests distorting the advice” and assemble “a diversity of viewpoints” resulting “from differences in scientific approach, different types of expertise, different institutional affiliations, or contrasting opinions over fundamental assumptions underlying the issue”. Communication from the Commission: On the collection and use of expertise by the Commission: Principles and guidelines. „Improving the knowledge base for better policies“, 11.12.2002, COM(2002) 713 final.
- ⁱⁱⁱ That was during a Civil Society Dialogue meeting on 8 March 2006 about the Commission’s *Issue Paper on Trade and Competitiveness* where business was also present.
- ^{iv} The Commission’s *Impact Assessment* of Global Europe mentions a special meeting for business groups on 18 January 2006 and “consultations with UNICE between January and April 2006”. Through access to documents requests, we have evidence of seven Global Europe meetings between BusinessEurope, Peter Mandelson and/or other top officials of DG Trade between February 2005 and October 2006. For more information see “Global Europe: an Open Door Policy for Big Business Lobbyists at DG Trade“, Corporate Europe Observatory, October 2008 <http://www.corporateeurope.org/docs/GlobalEurope-OpenDoors.pdf>
- ^v For example, DG Trade refused to disclose full details of a meeting between Peter Mandelson and BusinessEurope in January 2008. From the limited information disclosed, it is clear that BusinessEurope were consulted on the on-going negotiations on Free Trade Agreements between the EU and India, Korea and ASEAN. The Commission’s Secretary General Catherine Day backed DG Trade’s refusal to grant CEO access to the full minutes, without justifying the discriminatory treatment between corporate groups and other citizens. The case is now under investigation by the Ombudsman. For more examples see: “Global Europe: an Open Door Policy for Big Business Lobbyists at DG Trade“, Corporate Europe Observatory, October 2008 <http://www.corporateeurope.org/docs/GlobalEurope-OpenDoors.pdf>
- ^{vi} <http://www.businesseurope.eu/Content/Default.asp?PageID=538>