

**Subject: Publication of EU-Japan FTA negotiating directives**

Dear Minister,

Transparency is a fundamental democratic principle. It enhances the legitimacy of trade policy and public trust. It also contributes to a better informed debate among citizens, business and civil society and, by extension, better informed policy-making therefore. For this reason, at the beginning of my mandate I made a commitment to make EU Trade Policy more transparent and accountable. The TTIP negotiations served to pioneer this approach in many areas, not least in the publication of EU texts online. Since, the Commission has taken a commitment, in the *Trade for All* communication to extend this practice to all other EU trade negotiation and we have put that commitment into practice.

But transparency is not the work of the Commission alone and I have been glad of the support fo the Council - alongside the European Parliament of course - to date. The Council now has a new opportunity to demonstrate its commitment to transparency and open policy-making.

The conduct of EU trade negotiations is based on negotiating directives issued by the Council when authorising the Commission to open negotiations with third countries. Given the importance of those negotiating directives for the overall negotiating process and the increased public interest in the EU trade policy, I consider it important to have those directives published.

In *Trade for All* the Commission invited the Council to disclose all FTA negotiating directives issued after the publication of the Communication, i.e. after October 2015. And I have followed up by writing to the Presidency of the Council in September 2016, suggesting to reconsider the publication of the negotiating Directives for the modernization of the EU-Mexico FTA and consider publishing the negotiating Directives for the FTA with Mercosur and the DCFTA with Tunisia. Even though the Council has not yet followed up on that suggestion, the matter has not lost its relevance. In fact, quite the contrary.

I would therefore invite Member States to make public the EU-Japan FTA negotiating directives. Those directives were adopted prior to the publication of *Trade for All*. However, there are increased public demands for more information and transparency in the EU-Japan FTA negotiations. We must also consider the objective of concluding the FTA as early as possible in 2017. In this light releasing the negotiating directives would not only help the ground the public debate in facts and reinforce the legitimacy of the FTA with Japan, but

would also demonstrate that the EU is strongly advocating EU values and principles in its trade agreements. I believe the negotiating directives send a clear message of how EU trade policy is fully based on, and actively promotes EU's fundamental societal and environmental values.

As the negotiator on behalf of the EU, I do not consider that a publication of the EU-Japan FTA negotiating directives would undermine the EU negotiating position or harm the public interest of the Union as regards its international relations. On the contrary, I believe that such a publication would be important to strengthen the legitimacy of the negotiations and to dissolve any speculation as regards the objectives of EU trade policy.

Therefore, I would like to ask you to bring this issue to the Council, with a view to taking the necessary steps for the rapid publication of the EU-Japan FTA negotiating directives, as adopted on 29 November 2012 (15864/12).

Yours sincerely,

Cecilia Malmström

Cc: Trade Ministers of EU Member States