

Annex 4: Lack of Transparency of CETA Committee decision making

A. Lack of Transparency of CETA Committee decision making

This is the information we have received on CETA:

1. Public information

Information concerning the work of the committees can be found on the following website:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1811>

[When searching a document, we are now led to a database which has a login section or a 'guest visitor' with limited access.](#)

[The following complaint is based on what information is and is not available/accessible to the guest visitor.](#)

- a. What can be found on the website?
 - Agendas of the meetings of the committees
 - "Reports" of the meetings of the committees – these reports are short summaries of the outcomes of the meetings and do not reflect details of the negotiation process
 - Work plans
 - Recommendations
 - Minutes (there is only one document online containing actual minutes of the meeting of the SPS committee 2018: [Joint report on the EU-Canada SPS Committee \(europa.eu\)](#). It is called "Joint report". The corresponding report in this case is called "short joint report").
 - Decisions
 - Consultations - Call for Proposals and Results

- b. What cannot be found on the website?
 - Detailed minutes of the meetings (exceptions are mentioned above)
 - Lists of participants of the meetings. Note that in the letter from the European Commission dated [02/08/2021](#) the European Commission claims that the reports include lists of participants in the relevant meetings. In a few cases the list of organisations present is given, e.g. the report of the meeting of the Agriculture Committee in September 2018 - [CETA Agriculture Committee report \(europa.eu\)](#). Nevertheless, this is not a common practice across all meetings.
 - Presentations given at the meetings, background documents distributed there.
 - Information on resolutions in preparation.
 - Information on preparatory meetings incl. with lobby organisations

With the publicly available documents it is not necessarily possible to know what was discussed in a meeting, what views were expressed and who was participating or invited as an external expert. Although, as the European Commission points out, the Joint reports have partly become more detailed (e.g. SPS Committee 2020, 24 pages - [Report - Meeting of the Sanitary and Phytosanitary Joint Management Committee \(europa.eu\)](#)), others have remained

short and not sufficiently detailed (e.g. Agriculture Committee 2020, 6 pages - [Report - 3rd meeting - Ceta Committee on Agriculture \(europa.eu\)](#)).

2. Public Access to Documents Requests

Since the beginning of 2020, foodwatch has filed access to documents requests pursuant to Regulation (EC) No 1049/2001 regarding the meetings of various CETA committees in 2018, 2019 and 2020. They include requests for:

- **all preparatory documentation**—including briefing notes, emails and other internal correspondence as well as correspondence with stakeholders - regarding meetings of different committees;
- **the lists of participants and minutes** of the meetings of different committees (Committee on Agriculture, Committee on Geographical Indications, Committee on Sanitary and Phytosanitary Measures, Bilateral Dialogue on Biotech Market Access Issues) for different years as well as **documents and presentations** discussed there.

Some of the access to document requests were granted, others refused. Sometimes, the documents were redacted extensively and a confirmatory application was needed in to obtain a clearer document. For every document that we requested, we had to wait a long time and the work we put in was extensive. The process shows the lengths the interested public has to go to, in order to gain even a superficial overview of the work of the committees. In many cases we either had to make a confirmatory application, which is more time investment than an interested citizen would do, and even then we were not always successful in receiving the documents requested.

Furthermore, we have the impression that parts of the requested preparatory documentation – namely briefing notes, emails, other internal correspondence, correspondence with stakeholders –, documents that clearly must exist, were not included in the documents released. We also did not receive detailed minutes of committee meetings or documents and presentations discussed in the meetings of CETA committees.

Overview of Access to Documents requests by foodwatch:

reference number	date of request	What did we ask for?	Date of decision	Date of confirmatory application	Date of final decision
GestDem 2020/1421	09.03.20	Die Teilnehmerlisten und Protokolle sämtlicher Sitzungen der folgenden CETA Ausschüsse: • Des Gemeinsamen CETA-Ausschusses „CETA Joint Committee“ • Des Ausschusses für Warenhandel „Committee on Trade in Goods“ • Des Landwirtschaftsausschusses „Committee on Agriculture“ • Des Ausschusses für geografische Angaben „Committee on	26.08.20	10.09.20	27.01.21

		<p>Geographical Indications“ • Des Gemischten Verwaltungsausschusses für gesundheitspolizeiliche und pflanzenschutzrechtliche Maßnahmen „Committee on Sanitary and Phytosanitary Measures“ • Des Ausschusses für Handel und nachhaltige Entwicklung „Committee on Trade and Sustainable Development“ • Des Zivilgesellschaftlichen Forums „Civil Society Forum“ • Des Forums für die Zusammenarbeit in Regulierungsfragen, „Regulatory Cooperation Forum“ • Des Dialogs über Fragen des Zugangs zum Biotechnologiemarkt „Bilateral Dialogue on Biotech Market Access Issues“ Darüber hinaus ggf. sämtliche Dokumente und Präsentationen, die während dieser Sitzungen behandelt wurden.</p>			
GestDem 2020-5411	14.09.20	<p>Die Tagesordnungen, Teilnehmerlisten, Protokolle der Sitzungen der folgenden CETA- Ausschüsse im Jahr 2020 (falls solche stattgefunden haben): • Des Gemeinsamen CETA-Ausschusses „CETA Joint Committee“ • Des Ausschusses für Warenhandel „Committee on Trade in Goods“ • Des Landwirtschaftsausschusses „Committee on Agriculture“ • Des Ausschusses für geografische Angaben „Committee on Geographical Indications“ • Des Gemischten Verwaltungsausschusses für gesundheitspolizeiliche und pflanzenschutzrechtliche Maßnahmen „Committee on Sanitary and Phytosanitary Measures“ • Des Ausschusses für Handel und nachhaltige Entwicklung „Committee on Trade and Sustainable Development“ • Des Zivilgesellschaftlichen Forums „Civil Society Forum“ • Des Forums für die Zusammenarbeit in Regulierungsfragen, „Regulatory Cooperation Forum“ • Des Dialogs über Fragen des Zugangs zum Biotechnologiemarkt „Bilateral Dialogue on Biotech Market Access Issues“; ggf.</p>	12.10.20	-	

		sämtliche Dokumente und Präsentationen, die während dieser Sitzungen behandelt wurden.			
GestDem 2021/0822	02.02.21	Die Teilnehmerlisten und Protokolle sämtlicher Sitzungen der folgenden CETA Ausschüsse im Jahr 2020: • Des Landwirtschaftsausschusses „Committee on Agriculture“ • Des Ausschusses für geografische Angaben „Committee on Geographical Indications“ • Des Gemischten Verwaltungsausschusses für gesundheitspolizeiliche und pflanzenschutzrechtliche Maßnahmen „Committee on Sanitary and Phytosanitary Measures“ • Des Dialogs über Fragen des Zugangs zum Biotechnologiemarkt „Bilateral Dialogue on Biotech Market Access Issues“ ; ggf. sämtliche Dokumente und Präsentationen, die während dieser Sitzungen behandelt wurden.	10.03.21	-	
GestDem 2021/0821	02.02.21	Die Teilnehmerlisten und Protokolle sämtlicher Sitzungen der folgenden CETA Ausschüsse im Jahr 2020: • Des Landwirtschaftsausschusses „Committee on Agriculture“ • Des Ausschusses für geografische Angaben „Committee on Geographical Indications“ • Des Gemischten Verwaltungsausschusses für gesundheitspolizeiliche und pflanzenschutzrechtliche Maßnahmen „Committee on Sanitary and Phytosanitary Measures“ • Des Dialogs über Fragen des Zugangs zum Biotechnologiemarkt „Bilateral Dialogue on Biotech Market Access Issues“ ; ggf. sämtliche Dokumente und Präsentationen, die während dieser Sitzungen behandelt wurden.	10.03.21	-	
GestDem 2020/7707 - documents concerning DG Trade	11.12.20	all preparatory documentation —including briefing notes, emails and other internal correspondence as well as correspondence with stakeholders - regarding all meetings in 2020 of the following CETA committees: CETA Joint Committee, Committee on Trade	19.04.21	06.05.21	05.08.21

		in Goods, Committee on Agriculture, Committee on Geographical Indications, Committee on Sanitary and Phytosanitary Measures, Committee on Trade and Sustainable Development, Regulatory Cooperation Forum, Bilateral Dialogue on Biotech Market Access Issues			
GestDem 2020/7932 - documents concerning DG Agri	11.12.20	all preparatory documentation —including briefing notes, emails and other internal correspondence as well as correspondence with stakeholders - regarding all meetings in 2020 of the following CETA committees: CETA Joint Committee, Committee on Trade in Goods, Committee on Agriculture, Committee on Geographical Indications, Committee on Sanitary and Phytosanitary Measures, Committee on Trade and Sustainable Development, Regulatory Cooperation Forum, Bilateral Dialogue on Biotech Market Access Issues	10.02.21	26.02.21	20.04.21
GestDem 2020/7933 Documents concerning DG Sante	11.12.20	all preparatory documentation —including briefing notes, emails and other internal correspondence as well as correspondence with stakeholders - regarding all meetings in 2020 of the following CETA committees: CETA Joint Committee, Committee on Trade in Goods, Committee on Agriculture, Committee on Geographical Indications, Committee on Sanitary and Phytosanitary Measures, Committee on Trade and Sustainable Development, Regulatory Cooperation Forum, Bilateral Dialogue on Biotech Market Access Issues	10.03.21	30.03.21	06.05.21

3. Missing: detailed minutes of CETA Committee meetings

In a video meeting with DG Trade on 20 October 2020, the European Commission informed us that a decision was taken in the Joint Committee to **no longer produce detailed minutes**. However, the European Commission was unable to provide documentation of that decision.

The taking of minutes of meetings is provided for under rule 9 of the CETA Joint Committee's decision on its own rules of procedure (Decision 1/2018 -

https://trade.ec.europa.eu/doclib/docs/2019/february/tradoc_157677.pdf. Abandoning this practice is thus contrary to its own rules of procedure. We have asked and looked ourselves and still cannot find any written record of the decision to stop producing minutes of the meetings. This shows that there is no clear practice of publishing important and far reaching decisions.

All in all, the published summary reports do not provide a satisfactory insight into the activities of the committees.