

Big Business “Regulators” and the Transatlantic Trade and Investment Partnership (TTIP): Opening the Floodgates to Corporate Plunder

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A new leak concerning the talks around the Transatlantic Trade and Investment Partnership (TTIP) indicates that the floodgates could be opened even further for corporate influence. The leak has been analysed by the corporate watchdogs CEO and LobbyControl and shows that corporate influence on EU and US policies might dramatically increase via the chapter on so-called ‘regulatory cooperation’.

The leak of the EU draft negotiating proposal dated January 23rd makes unmistakably clear that the EU is seeking a very ambitious chapter that strengthens the role of business in future regulatory legislation possibly via a new institution, the Regulatory Cooperation Body (RCB). Its role would be to coordinate the process of regulatory coherence between the US and the EU and would effectively limit policy space and sideline the public and civil organisations.

Existing and future EU regulation would have to go through a series of investigations, dialogues and negotiations in this Council. This would move decisions on regulations into a technocratic sphere, away from democratic scrutiny. Also, there would be compulsory impact assessments for proposed regulation, which will be checked for their potential impact on trade. This would be ideal for big business lobbies: creating a firm brake on any new progressive regulation in the very first stage of decision-making.

Kenneth Haar of CEO says:

“The proposal fulfills the ambitions of some of the biggest business lobby groups. It will provide them with a big tool box they can use to roll back regulation adopted in the public interest.”

A December 2014 version of the draft indicates that there were even ambitions to include the municipal level in the list of those who are to report on planned regulations that affect trade. Even though this has been taken out of the proposal now, it clearly shows that there are desires on the EU-side to subjugate social and environmental legislation at all levels to international trade.

Max Bank of LobbyControl says:

“Trade Commissioner Malmström has to step back on regulatory cooperation in TTIP. Like Investor State Dispute Settlement (ISDS), it strengthens big business and threatens democracy on both sides of the Atlantic.”

‘Regulatory co-operation’ is a ploy to open the door to massive influence by big business over future laws. The EC argues that its proposal for regulatory co-operation in TTIP is nothing more than a rational dialogue, for example to avoid duplication of laws on both sides of the Atlantic, and that it would not restrict the ability of regulators and legislators to pursue public interest objectives.

However, there has always been a gap between the EC’s documents for public consumption and the actual texts from the negotiations that have emerged via leaks. And the recent leaks of new proposals from December 2014 and January 2015 not only confirm the validity of the criticism but show that the EC’s true negotiating position is even worse than critics imagined.

In late 2012, BusinessEurope and the US Chamber of Commerce had several meetings with the EU Commission to push their agenda. Regulatory cooperation is promoted as a solution to the problem that agreeing on harmonised standards or mutual recognition of standards can prove difficult in the short term. Consequently, on issues such as food standards, chemicals and financial regulation, because negotiators might not be able to strike a deal on common rules between the US and EU while the trade negotiations are under way, regulatory co-operation can provide a space for business groups and regulators to reach results to their liking after TTIP is agreed, in the long term and without much public scrutiny.

BusinessEurope and the US Chamber of Commerce presented the EC with a series of proposals in 2012, which would enable them – in their words – to [“co-write regulation”](#).

Despite claims by the EC that there is no secrecy concerning the negotiations, the notes of European Commission meetings with business lobbyists released to Corporate Europe Observatory (CEO) under the EU’s freedom of information law some time back were heavily censored. The documents showed that the EC invited industry to submit wish lists for ‘regulatory barriers’ they would like removed during the negotiations. The documents showed clearly that removing differences in EU and US regulations is the key issue in the talks: in other words, a race to the bottom in setting the lowest barriers possible. It is therefore no surprise that the strong similarities between the EC’s proposals and those of the industry lobbyists sparked a backlash against the onerous privileges being awarded to business groups

When the EC talks about the involvement of interest groups in regulatory issues, it uses the neutral term ‘stakeholder’. The overwhelming majority of lobbyists in Brussels represent business: ‘involving stakeholders’ is another expression for opening yet one more avenue for corporate lobbyists to influence policymaking. Past experiences of involvement of ‘stakeholders’ in ‘regulatory co-operation’ between the EU and the US have demonstrated that these procedures are easily open to big business and often closed to other interest groups.

The agenda of regulatory co-operation is first and foremost about promoting trade – not about securing consumer rights, public health, or any other public policy objective.

And, as if to underline the stitch-up of the European public between officials and big business, the only way the public has access to what is really being negotiated is through leaked documents.

(Much of the text for the above was sourced from the Corporate Europe Observatory website. A more detailed explanation of the issues surrounding regulatory cooperation are discussed [here](#).)

The British general election takes place in three months. The election campaign has already begun. Force TTIP onto the campaign agenda. Do not let get it get sidelined. TTIP could adversely impact us all in a huge way for decades to come.

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