



Submission on EU-US regulatory cooperation

by LobbyControl, PowerShift and Corporate Europe Observatory (CEO)

Dear DG Trade,

thank you very much for carrying out a consultation with stakeholders on regulatory cooperation activities with the United States of America.

LobbyControl, PowerShift and Corporate Europe Observatory (CEO) have been working on EU trade policy for many years. We would like to stress our deep concern with the second initiative of the EU-Commission for a regulatory cooperation mechanism with the US in a trade agreement. We see this as an initiative that might increase the impact of lobbyists on legislation and which risks regulations and standards in the public interest.

Due to the following reasons it is in our opinion highly problematic to start negotiations on conformity assessment/regulatory cooperation with the US at this moment in time:

1. US and EU standards and regulations vary greatly, also with respect to product admission procedures. High EU standards may be watered down when it comes to mutual recognition of product admission procedures and to regulatory cooperation in specific sectors.
2. The US has made quite clear that it will push for negotiations on controversial issues such as agriculture or data flow, both fields in which the two parties' approaches differ and could be addressed via a regulatory cooperation mechanism. The aggressive negotiation targets of the US become evident in the negotiating objectives published by USTR Robert Lighthizer.
3. In a situation in which the US is making enormous pressure by threatening the EU with imposing tariffs on automobile products, we are worried that EU-negotiators – despite their good will to do the best in the interest of European citizens – may be pressured to make concessions on standards and regulations. The European Parliament has highlighted this danger, too.
4. As the Executive Working Group, which has prepared the negotiations, is working secretly behind closed doors and as we don't know the content of the current Council discussions on the mandate, the public is in the dark again with respect to the question which sectors may be addressed under regulatory cooperation. This increases the dangers that standards will be watered down behind closed doors, too. We would therefore welcome if you ask the Council to be more transparent on the mandate and in the further process of negotiations, both on regulatory cooperation and other aspects of the mandate. We welcome the transparency efforts that DG Trade is making.
5. Finally, we would like to express our concern about the fact that the mandate on conformity assessment adopted by the Council does not include a Sustainable Impact Assessment (SIA). Whereas this is the case with the mandate on industrial tariffs, we would like to stress that in our view there is a need to carry out a Sustainable Impact Assessment for the regulatory

cooperation/conformity assessment mandate, too. Generally, Sustainable Impact Assessments are in our opinion important measures of transparency. They increase the inclusion of civil society in trade negotiations.

You find our complete analysis of the current mandate on conformity assessment under the following link: <https://www.lobbycontrol.de/wp-content/uploads/Warning-TTIP-2.0-is-about-regulatory-cooperation.pdf>

Thank you very much in advance for keeping us in the loop on further developments with respect to the consultation process and ongoing negotiations with the US on regulatory cooperation and conformity assessment.

Kind regards,
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