



Opinion of the Advisory Council on Policy Coherence for Development “Decision-making in trade policy”

1. Introduction

01. This opinion relates to decision-making in Belgium’s policy on trade. It was approved by the meeting of the Advisory Council on 13th November 2015.

Original language of this document: Dutch

2. Presentation of the issue

02. The impact of trade liberalisation (reducing tariffs and regulatory obstacles to trade) and trade integration is significant, but not unequivocal. A positive impact is not guaranteed and depends on a great many policy choices.

03. In order to make Belgian trade, or more accurately, Belgian participation in the European Union’s trade policy, more consistent with development, it is important to understand how decisions in this area come to be made: how choices are made, based on what information is presented and who has an influence over those choices.

04. The way in which Belgian points of view are arrived at as part of the European policy on trade appears to be a closed matter: the government does not provide information or engage in consultation on a regular basis. Nor does it systematically gauge its viewpoints against coherence with development objectives.

05. The institutional setting of trade policy is not by nature to promote policy coherence for development. In this advisory statement, the Advisory Board will not so much delve into the content of policy, but rather it will examine how action can be taken in the way decisions are made in order to promote policy coherence.

3. Recommendations

How can better coherence on policy for development evolve in line with trade policy?

06. Trade policy’s coherence on development clashes with major economic interests and is an extremely political matter. **For this reason, it is particularly important that the development coherence of trade policy should not be approached from outside that policy, but rather from within it and pre-emptively.**

The “regulation impact analysis” established by the Act of 15th December 2013 is not sufficient for this purpose, all the more so since it is limited to preliminary draft acts of parliament or drafts of Royal Decrees or ministerial decrees for which the intervention of the Council of Ministers is required. This analysis is also not applied to preliminary drafts relating to concordance with



international treaties and agreements¹.

Recommendations:

Greater transparency and more information:

1. The policy on trade must become more transparent so that everyone can be aware of what the various viewpoints are, how they were reached, when they were taken and by whom.

1.1. Belgium's government(s) must inform the parliament in a systematic way about forthcoming and current negotiations, as well as about Belgium's offensive and defensive interests and about the points of view adopted by the government.

1.2. This must become a permanent item on the agenda of the Parliamentary Committees for Foreign Affairs.

1.3. Similarly to Members of the European Parliament, members of parliament in Belgium must also be able to view and consult documents that are at the disposal of the "Trade Policy Committee" (TPC). This is already the case in the majority of Member States, such as Germany, Austria and Denmark.

2. The policy on trade may not become the virtually exclusive domain of business since the its broad social impact is too great.

2.1. A trade policy that seeks to have a "deep and significant" impact must also provide serious, in-depth information and consultation, both prior to decisions being taken to commence negotiations, as well as during the period of negotiations and prior to their conclusion.

2.2. For this to be the case, governments must hold open information and consultation meetings at least four times a year, comparable to the dialogue engaged in by the European Commission with civil society.

3. The Belgian government must consult the parliament and civil society before adopting positions in the working groups of the Council of the European Union and the European Council regarding new matters (in particular new directives on negotiations).

Readiness to mitigate self-interest

4. The parties involved who shape this trade policy must accept that the special circumstances and needs of developing countries must be taken into account and that the contribution of trade policy to development and fighting poverty is not self-evident. This means that the decision-makers must be prepared to weigh up the individual interests and needs of the fight against poverty and sustainable human development on a global scale. Political will and a readiness to mitigate against individual interests are essential.

5. Political will can be underpinned by including an obligation on coherence in the form of an inter-institutional agreement, which simultaneously sets out the principles of trade policy, the various steps taken in reaching decisions, openness, consultation requirements, the persons, places and times at which coherence on policy must be discussed and implemented.

¹Act encompassing various provisions regarding areas of administrative simplifications passed on 15th December 2013. *Belgian State Gazette*, 31st December 2013, p. 103694 and ff.



Deploying resources in order to keep coherence under constant supervision

6. In Belgium, more resources must be deployed at all levels (or jointly) to examine Belgian points of view on trade in terms of their coherence with development in the broadest sense, emanating from the Lisbon Treaty, the International Labour Laws and international obligations regarding human rights. More resources means: more people available to track and monitor matters from a development perspective, more time for consultation and more financial resources for research and for measuring impact.

7. In relation to human rights, measuring impact must meet the United Nations (UN) Guidelines for human rights impact studies relating to trade and investment agreements².

8. In view of the strong link between trade and development, there must be sufficient capacity within DGD: at least one permanent person working full-time on the impact that trade policy has on development. Trade policy must also be a fixed part of the work programme of the Interdepartmental Committee for Policy Coherence (ICBO in Belgium), established by the Royal Decree (RD) of 2nd April 2014.

9. The organisations and institutions that are represented in the ICBO (RD 2nd April, 2014 art.4 §1) must exchange information and develop recommendations in conjunction with the ICBO about policy coherence for development. However, to the same extent as their input on policy trade to DG E Coordination and to the Interministerial Economic Committee (IEC) is assessed, so too ought they demonstrate that they have examined coherence with development objectives.

10. The secretariat of the ICBO and/or the “department charged with policy coherence for development within DGD” must be present at all coordination meetings relating to trade policy.

11. In the same way, a person representing the minister for Development Co-operation must be present each time any trade policy aspect of the Interministerial Economic Committee is discussed. The Interministerial Conference charged with policy coherence for development will maintain trade policy as a permanent point on the agenda.

4. Justification of the recommendations

4.1. With which objectives must trade policy be consistent?

4.1.1. The Treaty of Lisbon requires very broad coherence

07. Within the European Union, trade policy is an exclusive community competence. The powers of the member states are limited to the promotion of exports and taking part in defining European trade policy via the Council (of Ministers) of the EU (referred to hereinafter as “the Council”). Belgium’s policy coherence for development in relation to trade can therefore not be separated from the European context.

08. Policy coherence for development means that all areas of policy that have an impact on

²VN A/HRC/19/59/Add. 5



development must be consistent with development objectives. This was stated in 1992 in the European Union Treaty, as amended by the Maastricht Treaty in effect since 1st November 1993 (art.130 v). Since then, it has been enshrined in numerous European policy documents and declarations. The Treaty relating to the functioning of the European Union arising from the Treaty of Lisbon (art.208.1 VFEU), contains the following article about development: *“In conducting policy with possible consequences for developing countries, the Union takes the objectives of development and co-operation into account”*. The same article states: *“The main aim of the Union’s policy in this area is to push back poverty and ultimately to eliminate it altogether”*.

09. However, the Treaty also says about policy on trade: *“The common trade policy will be conducted in the context of the principles and objectives of the Union’s external actions”*(art.207.1 VFEU). Through this definition, European trade policy is linked to broader objectives for the first time. These principles and objectives are summarised in art.3.5 and art.21 VEU.

10. Art.3.5 VEU states: *“In its dealings with the rest of the world, the Union maintains and furthers its values and interests and in so doing contributes to the protection of its citizens. It contributes to the peace, security and sustainable development of the earth, solidarity and mutual respect between people, free and honest trade, the banishment of poverty and the protection of human rights, in particular the rights of children, as well as the strict honouring and development of international law, including taking the principle of the Union Nations Charter into account”*. In so doing, the Treaty links free trade with fair trade. This is also something new.

11. Art.21 VEU states: *“The international actions of the Union are based on and are targeted at the worldwide dissemination of the principles that form the foundation of the establishment, development and expansion of the Union”*. The article mentions the promotion of democracy, the constitution, peace, human rights, sustainable development and sound global governance, in addition to the fight against poverty (principal objective 4 of development policy) and *“the integration of all countries in the world economy, including the steady elimination of obstacles to international trade”*.

12. This latter objective states the *“integration of countries in the world economy”* more as a goal than a resource. The treaty also mentions ‘the gradual elimination of obstacles to international trade’ as only one of the ways – and not the sole one – of achieving this integration. This is in line with the new article dealing with trade policy (Art.207.1 VFEU) which, as mentioned, refers not only to trade objectives in the narrow sense, but also to the broader objectives of external European policy.

13. On 25th November 2010, the provisions in art.35 and art.21 VEU prompted the European Parliament to request the European Commission, in a Resolution (2009/2219 (INI)) on human rights and social and environmental standards in trade agreements: *“... to carry out research into the effects on the human rights situation to supplement research into sustainable development, with clear trade indicators, based on human rights and social and environmental standards(§19b)”*.

The Council of the EU also raised this point by confirming its readiness to promote human rights in all areas of European external policy and to include that impact assessments on human rights



be conducted in trade agreements (Council document 11855/12 dated 25th June 2012. Human rights and democracy: Strategic EU context and EU action plan). Until now, this request by the European Parliament and this intention by the Council have remained unacted upon: human rights have a low level of visibility in the impact assessments carried out and no account has been taken of them insofar as neither a specific nor rigorous methodology has been used.

14. More recently, the European Ombudsman, Ms O'Reilly, made a statement about this issue. This resulted from a complaint about the European Commission's refusal to conduct a human rights impact assessment prior to the trade agreement with Vietnam. Nevertheless, the European Parliament had made an express request for this to be undertaken (Resolution 2013/2989 (RSP) dated 17th April 2014). The Ombudsman was of the opinion that this was a case of bad management, making reference to the Council's decree of 25th June 2012 mentioned above.

15. Although the notion of policy coherence derives from art.208.1 VFEU, the obligation of coherence goes further than the development of the objective to fight poverty. Trade policy is also required to serve the cause of sustainable development, sound global governance, the constitution, peace, democracy and human rights.

16. In particular, the obligation to respect and promote human rights deserves special mention, because this obligation also stems from the Universal Declaration of Human Rights of 10th December 1948; the International Treaty on Civic Rights and Political Rights, passed on 16th December 1966; the International Covenant on Economic, Social and Cultural Rights, passed on 19th December 1966; the Declaration on the Right to Development taken by the General Assembly of the UN on 4th December 1986; the Vienna Declaration and Programme of Action programme, passed on 25th June 1993 by the World Conference on Human Rights³.

4.1.2. Policy coherence with Belgian development objectives

17. The policy on trade is an exclusive area of European power, but development co-operation is a shared European power. This means that Belgian development co-operation can have no objectives other than European ones, as are enshrined in the European context. The Belgian policy that impacts on development co-operation must be consistent with the objectives of Belgian development co-operation. These objectives are set out in the Belgian Development Co-operation Act of 19th March 2013.

18. The fight against poverty is not an objective in its own right, but a means of achieving the principal objective of "sustainable human development" (art.3). The Act also specifies other objectives (art.4): co-operation must contribute towards the strengthening of democracy and the constitution and the respecting of human dignity, human rights and fundamental freedoms, with particular attention paid to fighting any form of discrimination.

19. In order to achieve these objectives, Belgian Development Co-operation promotes inclusive,

³For this summary, see art. 2, §18 of the *Belgian Development Co-operation Act* of 19th March 2013 (Belgian State Gazette, 12th April 2013, C – 2013/15084), p. 22563.)



fair and sustainable economic growth in which preference is given to local entrepreneurship, the social economy and the Decent Work Agenda of the ILO (art.5). This latter point in particular is of interest given that compliance with ILO Conventions is also part of the Sustainable Development sections of European trade agreements. This means there is therefore complementarity between Belgium's development objectives and the EU trade agenda.

20. Belgian policy coherence for development then also means that Belgian opinions in international and European institutions need to strive towards coherence with the objectives summed up in this Act.

4.2. European trade policy

21. European trade policy is very extensive and has various instruments to achieve its aims: multilateral and bilateral negotiations, trade dialogue, economic diplomacy, general and autonomous trade preferences, anti-dumping measures, safeguards, settlement of disputes via the World Trade Organisation (WTO), etc. The focus of this advisory statement lies on the negotiation of trade agreements as part of the European policy on trade that is supported by Belgium.

22. The policy choices of the European trade policy are set out in numerous policy memos and Communications. The most important of these are the Communication on "*Global Europe. Competing in the World*" of 2006 and "*Trade, Growth and World Affairs*" of 2010⁴. The Council, of which Belgium is part, has always welcomed these Communications.

23. According to the Communications, European trade policy is based on the observation that the strong growth of trade in a number of developing countries has resulted in a reduction in the share of developed countries in world trade. In order to maintain its position, the Communication states that the EU must make greater efforts in order to open up the markets of the developing countries, while at the same time itself offering greater opportunity for the import of cheap *inputs* (whereby the European import can be produced more cheaply).

24. Bilateral negotiations must lead to "deep and extensive liberalisation". This means not only to opening up markets for the export of goods and services or to the dismantling of customs tariffs (import taxes), but also to the opening up of the markets to investors, the liberalisation of public spending and the removal as much as possible of 'non-tariff' obstacles.

25. Deep and extensive agreements must ensure that goods, services and investors are given as easy access as possible and that investors, under maximum protection, can participate fully in all local economic activities. In this way, European companies can obtain a "fair share" of the growth in developing countries. "Deep and extensive liberalisation" goes deep into the economy and affects a similarly increasing share of regulations and activities.

⁴"Global Europe. Competing in the World", Brussels, 01.10.2006, COM (2006) 567 final; "Trade, Growth and World Affairs", Brussels, 09.11.2010, COM (2010) 612. The European Commission intends to publish an updated trade strategy by the end of this year.



26. The Communications therefore illustrate a European trade policy that aims to be very offensive and in which the subject of this strategy is mainly the developing countries.

27. In January 2012, the European Commissioner for Trade and Development Co-operation issued the Communication on *“Trade, Growth and Development”*⁵. In this Communication, the same negotiations were to be achieved in the same guise as the offensive strategies from *“Global Europe”* and *“Trade, Growth and World Affairs”*, although this time they were presented as development tools. The Communication also goes on to mention the Economic Partnership Agreements (EPAs) with the ACP countries, the General System of Trade Preferences (GSP) and the Aid for Trade agenda.

28. The Communication contains few new initiatives and is more of an inventory of existing trade policy and the policy on trade-related development. However, the Communication does emphasise the role of the private sector as a player in trade-related aid and the need to differentiate between developing countries.

This differentiation must allow trade benefits and trade-related development co-operation to concentrate on the developing countries that have the greatest need for it. However, this need is not defined. In practice, all countries with a per capita income greater than \$4,000 per year are excluded from trade preferences, without other factors being taken into account to assess the real needs and opportunities of developing countries. At the same time, the differentiation also enables the European Commission to set tougher requirements on countries that are ‘less needy’, more specifically by heading towards the conclusion of reciprocal trade agreements.

29. From the Communications of 2006, 2010 and 2012 mentioned above, we arrive at a trade policy that is mainly focused on the offensive economic needs of the European Union, including where developing countries are involved. Non-reciprocal trade preferences are sharply wound back. In addition to reciprocal liberalisation, a greater effort is also made towards the liberalisation and integration of regulations in many areas, such as services, investments and public spending.

30. New trade agreements with developing countries also include provisions about “fair trade”, “sustainable development” and “human rights”(including the fundamental labour standards of the ILO), but engagements in this area are more non-committal than those relating to liberalisation and integration. They also make provision for dialogue between civil society from the EU, on the one hand, and trading partners on the other. However, this dialogue is still in its infancy and thus far has had no impact.

31. Conditions relating to human rights, labour standards and sustainable development are set out more explicitly in what is known as the GSP+ system, whereby the EU provides greater market access to countries that have already ratified and are implementing a series of international conventions. However, the number of countries that can accommodate GSP+ is limited and as a

⁵“Trade, Growth and Development”, Brussels, 27.1.2012, COM (2012) 22 final.



result of the proliferation of bilateral free trade agreements, the GSP+ mechanism is likely to continue to wane.

32. A trade policy that is consistent with development objectives and other broad-based objectives, such as those stated in the Treaty of Lisbon and in the Belgian Development Co-operation Act – in particular with regard to the promotion of human rights and sustainable development, should be based on the needs and requirements of people in developing countries. We need to scrutinise what trade policy is required for that and explore that which can be offered by the EU and Belgium. This applies both to agreements involving developing countries directly (bilateral, plurilateral or multilateral) or which affect them (for example the Trans-Atlantic Trade and Investment Partnership, TTIP).

4.3. How does European trade policy come into being?

33. In order to make a policy change direction, in this case to increase its coherence with development objectives, it is important to know how the policy comes into being.

34. Apart from a few exceptions, trade policy everywhere in the world is part of the prerogatives of executive power. This means that governments do not need the permission of parliaments to initiate and conduct trade negotiations. However, parliaments are usually required to give their blessing to the results of negotiations.

35. **In the European Union, it is the Commission that takes the initiative and then develops and implements trade policy.** There is not sufficient knowledge about how the Commission arrives at its initiatives and viewpoints. However, it appears from ‘freedom of information’ procedures that the Commission maintains very close contacts with European business, sharing or discussing strategic information therewith. Contacts with the rest of civil society, including worker representatives, are not covered.

36. Having said that, the European Commission is the largest formal source of information about European trade policy. The Commission (in particular DG Trade) publishes many documents and statistics. It also maintains a detailed website. Since 1999, DG Trade has also held regular civil society dialogues: these are (de)briefings for non-governmental organisations that also includes business organisations and trade unions. Until recently though, the Commission had never published any negotiating guidelines or released any negotiation proposals. Only very recently – under the pressure of protests against the negotiations for TTIP with the US – had any change come about. It is not certain that this new openness will also apply to other negotiations. The European Commission itself chooses what information is or is not made public and how certain matters are to be presented.

37. **However, the Commission does have the permission required from the Council of the EU** to be able to initiate negotiations and it is also the Council that approves the negotiation guidelines proposed by the Commission. During negotiations, the Commission reports to the Council about progress in the negotiations and the Commission consults with the Council about



the steps to be taken in the negotiations themselves. In practice, the ‘Council’ mainly means the “*Trade Policy Committee*” (TPC), which is the Council’s work group that monitors trade policy. The TPC meets very frequently in various configurations. Through the TPC, the member states participate in the European Trade Policy and they are constantly called upon to adopt points of view.

38. In addition to the TPC there are also other Council working groups that discuss certain aspects of trade, for example the Trade Issues Working Group, or the ACP Working Group that monitors EPAs or the GSP Working Group. But when it comes to trade policy, it is the TPC that has the final word.

39. In general, the deliberations of the TPC and the Council’s working groups are secret, hence most of the documents presented to them are too. The negotiation guidelines are also secret and even the composition of the TPCs is not made public. However, over the past few years, their meeting calendar has been published, as well as meeting agendas. This gives us some idea of what the TPCs are about, even if the agendas are sometimes only published the day before the meeting takes place.

40. The lack of transparency about the viewpoints of the member states makes it difficult to have democratic control and to adjust trade policy in the direction of greater coherence with development objectives and with the broader objectives of the European Union’s external policy.

41. **Since the Treaty of Lisbon came into effect, the consent of the European Parliament is always required** for the ratification of trade agreements. To be able to do this in an informed way, the Parliament also has the right to the same information as the TPC. In practice, this information is shared with INTA, the parliamentary committee responsible for trade policy, either via verbal notification and exchanges of thinking, or by submitting the documents themselves.

42. With the duty of information to the Parliament, the circle of confidentiality is expanded somewhat, but the notifications themselves are made increasingly behind closed doors and the documents submitted remain confidential. Recently, other parliamentary committees have been given access to information about trade policy, but only in relation to the hotly contested TTIP negotiations.

43. Since the Treaty of Lisbon, the ‘normal legislative procedure’ has also applied to trade, which means the joint decision-making between the Parliament and the Council. This has added greater pressure to the workload of INTA. Yet it is mainly the extended negotiation agenda that has induced INTA to designate permanent reporters and subgroups for each round of negotiations or legislative dossiers in order to control the flow of information. As a result, less information makes its way through to the public sittings of INTA.

4.4. How does the Belgian input into European trade policy come into being?

44. Although trade policy is an exclusive EU area of power, the member states still play a major role in how the policy comes into being. Like all member states, Belgium takes part in this policy-



making on a daily basis and is constantly required to adopt points of view on it. Because the ‘deep and extensive’ trade policy in Belgium affects various regional and community powers, the federated states are called on to express opinions about these issues daily. Representatives of the federated states, in particular the regions, are represented in the Belgian Permanent Representation with the EU and take part in the Belgian coordination meetings (see §46 below). Unfortunately, none of the governments in Belgium makes regular, spontaneous announcements about their viewpoints, including in their own parliaments. However, spontaneous consultations with parties other than business tend to be the exception rather than the rule.

45. Indeed, the European Union still has a long way to go as an international institution in which the member states participate diplomatically. The whole internal decision-making process that leads to the definition of Belgian viewpoints and those viewpoints themselves belong to diplomatic confidentiality. At the same time, trade is still seen as a technical subject that is only of interest to companies and traders – despite the many repercussions that trade policy has on employment, the environment, access to services, development and so on.

46. Totally in line with diplomacy, the ultimate coordination of Belgium’s viewpoints is in the hands of FPS Foreign Affairs, Foreign Trade and Development Co-operation, in particular with DG E and especially with DG E5, the Directorate for Trade Policy. DG E5 organises internal consultations, takes part in the TPCs and issues reports about them. DG E5 regularly convenes broad consultation with the representatives of all FPSs and policy units (cabinets), and with the representatives of the communities and the regions. Someone from DG D also takes part in this consultation.

47. This pattern is translated *mutatis mutandis*, albeit on a much smaller scale, on the regional level: an administrative unit is given responsibility for monitoring trade policy and organising consultations with other ministries and cabinets.

48. In general, the ministries for Foreign Affairs and Agriculture play the most important roles. They maintain extensive contacts with business. Yet they remain very much outside the field of vision: it is the Foreign Affairs minister who is officially responsible for trade policy.

49. The whole thing is also very formal. There is barely a person in the cabinets who handles trade policy on a full-time basis. Nonetheless, policy coherence for development requires a political balance between the various aims of trade policy.

50. Finally, the parliaments in Belgium also play a very limited role at the end of the process. When the Council of the European Union decides that a European trade agreement relates not only exclusively to European trade powers, but also to those of the member states, the agreement also has to be approved by the parliaments of the member states. In that case, Belgium examines how these member state powers are to be distributed across the federal and federated state level. Usually, approval is required from all six Belgian parliaments. When they are finally asked to approve European trade agreements, they usually do so without any debate, investigation or hearing. They confirm without further ado the approvals that their governments have already given to the decisions about the negotiating mandate of the Commission, about the signing of the



agreement and about the tabling of the draft legislation containing consent to the agreement.

4.5. Where and how does the test of policy coherence for development take place?

4.5.1. On a Belgian level: no cohesive approach

51. Given that the decision-making process for trade policy is a very closed matter, it is difficult to indicate whether, where and how thought is given or an investigation is carried out as to whether the necessary conditions have been met for European trade policy to contribute to the reduction of poverty in developing countries; or indeed what the actual impact is on fighting poverty and on development in developing countries.

52. It would already be an important step were it to be examined where, when and how we currently ensure as much coherence as possible with development objectives in the various steps involved in taking decisions.

53. As far as the Belgian level is concerned, the following image can be outlined on a preliminary basis:

- The Belgian contribution to trade policy consists mainly of including the Belgian (including regional) offensive or defensive economic interests⁶; and the practical interpretation of what Belgium can or is willing to offer in terms of opening up markets (goods, services, government spending);
- It is also part of the Belgian tradition to emphasise the interest of including environmental standards and especially social norms (in particular the ILO agenda) in trade agreements;
- There is barely any examination of the impact of Belgian (and regional) trade viewpoints on development, nor of the actual needs and capabilities that are in place in the partner countries;
- Nor are any specific departments given responsibility for conducting a systematic examination;
- In DGD there was, some time ago, a person who was responsible for 'trade and development', i.e. for monitoring specific 'development-relevant' matters, such as the EPAs, the GSP, the WTO development package, and "*Aid for Trade*". It is not certain whether that person was able to have any say in more offensive matters. At the present time, there is no permanent person responsible for 'trade and development in DGD, although the DG.D2 unit is the point of contact;
- There used to be a person in DG.E5 who was responsible for the same areas. He coordinated Belgian viewpoints on the matter and monitored the relevant working groups in the Council. It was unclear whether this function included defending the interests of developing countries or whether it carried any weight in more offensive matters. At the present time there is no longer a permanent person, but the department consults with DG.D2, directly or in the DGE led coordination. Developments in DGD and DG.E5 have to do with a reduction in staff numbers;
- On a federal and regional level, the broad coordination meetings play a major role in determining viewpoints: in this area, administrative bodies and cabinets may be responsible for other areas of policy;
- Politically sensitive matters are discussed at inter-cabinet meetings and, if necessary, in the

⁶FPS Economy is conducting a short impact study in consultation with business that will then be discussed in DG E5 or at the Interministerial Economic Conference.



Council of Ministers, the Inner Cabinet and in an Interministerial Conference. It is not known whether matters of policy coherence for development are dealt with at these levels.

54. How strong the presence of administrative bodies and cabinets responsible for development co-operation may be cannot be said, nor how great their weight is. However, it is known that the viewpoints of the representatives of the vice-premiers, depending on the weight of their parties in the government, do have a major influence. In a number of cases, they have managed to ensure the moderation of Belgian viewpoints in favour of development, such as a more flexible attitude in the EPAs, or the withdrawal of Belgian support in the European demand for the liberalisation of drinking water distribution in the context of GATS (services) negotiations. In this area, there has been strong pressure from civil society. Yet coherence for development would benefit from a more systematic approach.

4.5.2. On a European level there is a more systematic, yet no more effective approach

55. In the European Commission since the beginning of the 2000s, the Directorate-General for Development (currently 'DevCo') no longer has responsibility for trade relations with developing countries. That is now handled by DG Trade. This change makes it all the more important to provide for effective policy coherence between trade and development.

56. Within the Commission, there is an "*interservice consultation*" between the various DGs. There is no considered evaluation of this; however, there are indications that the contribution and influence of the other DGs, including DG DevCo, is not very great⁷.

57. DG Trade regularly organises online consultations and "*civil society dialogue*" aimed at finding out about the views of stakeholders. There is recurring criticism that it is not clear what is done precisely with this input.

58. DG Trade organises "*sustainable impact assessments*" (SIAs) of its negotiating proposals, conducted by independent institutes and paid for by the Commission. Here again there is doubt about the effect that these impact studies have on European trade policy. A researcher, who worked for years on the SIAs of DG Trade, as well as on the study of the impact of SIAs, concluded that the Commission did not respond to the studies – or did not do so in a timely fashion – and that it took little account of them⁸.

59. Under pressure from the huge protest against the EU-US negotiations for a "*Transatlantic Trade and Investment Partnership*" (TTIP), the European Commission recently took two innovative steps. For the first time it published negotiating proposals and set up an Advisory Group with representatives from the social partners and NGOs which were given privileged access to information. It is not clear whether these innovations will also be applied to other negotiations. At the same time, access by the member states and the Council to information has been reduced:

⁷WWF (2003): *A League of Gentlemen. Who really runs EU Trade Decision-Making?*

⁸C. GEORGE. *The truth about trade. The real impact of liberalization*. London, 2010



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ten gunste van ontwikkeling
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des politiques en faveur du développement

they are not given the negotiating proposals of the US to see and can only view consolidated negotiation wording in a closed space (i.e. the wording is not sent out electronically).

60. Recent trade agreements also provide for the implementation of a structured dialogue between the civil societies of both parties. At the present time, this system is still struggling with teething problems (difficult selection of civil society in partner countries, problems of logistics and of organisational capacity, lack of clarity about mandates and agenda content, etc.). It remains to be seen whether the *civil society forums* can play an effective role for policy coherence for development.