

European Ombudsman public consultation on the transparency of trilogues

Public consultation - 10/12/2015

Background

On 26 May 2015, the European Ombudsman opened a strategic inquiry into the transparency of trilogues. Trilogues are informal negotiations between the European Parliament, the Council of the European Union and the European Commission aimed at reaching agreement on legislative proposals [1]. The Commission proposes the initial legislation to the two co-legislators.

Invitation to submit comments

The Parliament, Council and Commission have, in the context of the inquiry, submitted opinions to the Ombudsman on the transparency of trilogues [2]. The Ombudsman has also inspected two closed trilogue files to see what types of documents are normally exchanged between the Parliament, Council and Commission during trilogues [3]. The Ombudsman now invites members of the public to put forward their views on this issue.

As the Ombudsman emphasised in her speech of September 28 in the European Parliament [4], the inquiry is not about the way in which the institutions organise trilogues or about any issue concerning any specific legislative proposal. The inquiry is **only** about the transparency of trilogues, for example, the extent to which documents tabled by the institutions during and after trilogue negotiations can and should be made proactively available, and at what point in time.

The Ombudsman invites you to give your views on the following points:

1. In your opinion, is the way in which EU legislation is negotiated through the trilogue process sufficiently transparent? Please give brief reasons for your answer.
2. Please explain how, in your view, greater transparency might affect the EU legislative process, for example in terms of public trust in the process, the efficiency of the process or other public interests.
3. The institutions have described what they're doing about the **proactive publication** of



trilogue documents [5] . In your opinion, would the proactive release of all documents exchanged between the institutions during trilogue negotiations, for example "four-column tables" [6] , **after the trilogue process has resulted in an agreement on the compromise text**, ensure greater transparency? At which stage of the process could such a release occur? Please give brief reasons.

4. What, if any, concrete steps could the institutions take to inform the public in advance about trilogue meetings? Would it be sufficient a) to publicly announce only that such meetings will take place and when, or b) to publish further details of forthcoming meetings such as meeting agendas and a list of proposed participants?

5. Concerns have been expressed that detailed advance information about trilogue meetings could lead to greater pressure on the legislators and officials involved in the negotiations from lobbyists. Please give a brief opinion on this.

6. In your opinion, should the initial position ("mandate") of all three institutions on a legislative file be made publicly available before trilogue negotiations commence? Briefly explain your reasons.

7. What, if any, concrete measures could the institutions put in place to increase the visibility and user-accessibility of documents and information that they **already** make public?

8. Do you consider that, **in relation to transparency** , a distinction should be made between "political trilogues" involving the political representatives of the institutions and technical meetings conducted by civil servants where no political decisions should be taken?

9. Please comment on other areas, if any, with potential for greater trilogue transparency. Please be as specific as possible.

How to contribute

The deadline for submitting comments is **31 March 2016** .

By e-mail:

http://www.ombudsman.europa.eu/email?to=contactform_email_EO-TriloguesConsultation
[Link]

or

By letter: European Ombudsman, 1 avenue du Président Robert Schuman, CS 30403, F - 67001 Strasbourg Cedex, France

Please clearly indicate 'trilogues consultation' at the start of your contribution.



Contributions may be submitted in any of the 24 official languages of the EU.

The Ombudsman will forward to the Parliament, Council and Commission all contributions received. The Ombudsman may also make these contributions available on her website. Physical persons who consider that, in accordance with Regulation 45/2001 on the protection of personal data [7] , their name should not be published should inform the Ombudsman.

Should you require any further information, please contact Mr Jan Stadler, Legal Officer at the Ombudsman (tel: +32 2 284 35 86).

[1] For a **detailed explanation of trilogues** , see the Codecision and Conciliation Guide prepared by the European Parliament's Conciliations and Codecision Unit, available under http://www.europarl.europa.eu/code/information/guide_en.pdf [Link].

[2] See below for the **Parliament's opinion** , **Council's opinion** , and **Commission's opinion** (available in English).

[3] See below for the inspection reports with the **Parliament** , **Council** , and **Commission** (available in English).

[4] <http://www.ombudsman.europa.eu/en/activities/speech.faces/en/60991/html.bookmark> [Link]

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[5] See page 5 of Parliament's opinion and paragraph 17 of Council's opinion.

[6] A document that usually contains the initial position of each institution and compromise solutions that emerge during the negotiations.

[7] Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ 2001 L 8, p. 1. See also: <http://www.ombudsman.europa.eu/en/resources/dataprotection/home.faces> [Link].