



Ombudsman calls for more trilogues transparency

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The European Ombudsman, **Emily O'Reilly**, has called on the European Parliament, the Council of the EU and the European Commission to further increase the transparency of law-making in the EU by publishing key documents related to their informal negotiations known as "trilogues".

These documents include **trilogue dates** and summary **agendas**; the positions of both co-legislators on the Commission's proposal; and **the names of the decision-makers** present in trilogue meetings. Documents that track the main stages of the process should be published as soon as possible after the negotiations end.

Ms O'Reilly stated: "The EU institutions are making efforts to increase transparency generally in all of their work. Trilogues are an important tool for reaching agreement between the democratically elected legislators of the Parliament and the Council alongside the Commission. They are efficient, allowing 85% of laws to be agreed at an early stage. However, it is difficult to find out when trilogues are taking place, what is being discussed and by whom without a great deal of time and effort. My inquiry concerns the right balance between the public interest in transparency and the public interest in an effective and efficient legislative process.

"Making this information available should enable citizens to hold their representatives to account and to engage effectively in the legislative process. My proposals also allow for legislators to have the political space they need to negotiate, deliberate and to come to agreement."

"The conclusion of my inquiry comes at a period of marked uncertainty for the EU. This uncertainty requires us all to reflect on how we can better engage with citizens throughout the Union."

The Ombudsman has also proposed that the institutions make available **lists of documents tabled** during trilogue negotiations to facilitate public access. The institutions should also develop a single, easy to use, database on which all the above information concerning trilogues would be published.

Background

Trilogues are an informal part of the EU legislative process involving representatives of both legislators who negotiate directly with one another, with the assistance of the Commission. These representatives try to agree a common text which then goes before the European



Parliament and the Council of the EU for final approval. The Ombudsman opened her inquiry into trilogue transparency in May 2015. During the course of her inquiry she received opinions from the three institutions on the matter and inspected the trilogue files of two recent EU laws: the Mortgage Credit Directive and the Clinical Trials Regulation.

The Ombudsman also conducted a public consultation on the issue, receiving 51 submissions, including five responses from national Parliaments; two from Members of the European Parliament; 10 from NGOs, and seven from business associations. The consultation responses overwhelmingly favoured bringing more transparency into the process while some also noted the public interest in leaving some space for private deliberation and negotiation.

In the EU's ordinary legislative procedure - which became the main legislative procedure in 2009- Parliament and Council jointly adopt legislative proposals submitted by the Commission. While the legislative procedure can entail up to three readings, the increased use of trilogues meant that around 85% of EU laws were agreed at first reading during the last legislature (up from 29% two terms earlier). The same period saw over 1,500 trilogue meetings take place.

The Ombudsman has asked the institutions to inform her by 15 December 2016 of action they have taken in relation to her proposals. The European Ombudsman's decision is available [here](#) .