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Ombudsman opens investigation to promote transparency of “trilogues”

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The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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The European Ombudsman, Emily O'Reilly, has opened an investigation into the transparency of “trilogues” with a view to boosting transparent law-making in the EU. Trilogues are informal negotiations between the European Parliament (EP), the Council and the Commission aimed at reaching early agreements on new EU legislation.

The Ombudsman has asked the three institutions for information about their disclosure policies on trilogue documents, including details of meetings, documents relating to ongoing trilogues, minutes or notes drawn up after such meetings, as well as lists of participants. She is expecting a reply by 30 September 2015. In order to get a full overview of the documents exchanged during trilogue negotiations, the Ombudsman will inspect the same two trilogue files in each of the three institutions. The files she has chosen are those concerning the Clinical Trials Regulation and the Mortgage Credit Directive.

Emily O'Reilly explained: “Trilogues are where deals are done that affect every EU citizen. They are now an established feature of how the EU adopts laws. European citizens, businesses and organisations should be able to follow each stage of the law-making procedure and to understand how the negotiators arrive at the endpoint. Parliament, Council and Commission have a Treaty obligation and an interest in legislating as openly as possible to maintain public trust.”

In the EU's co-decision procedure, Parliament and Council must jointly adopt legislative proposals submitted by the Commission. While the procedure can entail up to three readings, the increased use of trilogues has meant that around 80% of EU laws are now agreed at first reading. An estimated 1 500 trilogue meetings took place over the past five years.

The opening letters in this investigation are available here: <http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/59978/html.bookmark>

The Ombudsman's Annual Report 2014

Lack of transparency, ethical issues, such as conflicts of interest, and problems with citizens' participation in EU decision-making were among the concerns citizens, companies, and other complainants brought to the Ombudsman's attention in 2014. The complete Annual Report 2014 is available here: <http://www.ombudsman.europa.eu/activities/annualreport.faces/en/59959/html.bookmark>