



## **CEBRE – Czech Business Representation to the EU**

- **Protects the interests of Czech business community in the EU**
- **Informs Czech businesses about EU legislation**
- **Organize internships, debates and trainings**

Brussels, 31<sup>st</sup> March 2016

### **CEBRE INPUT TO TRILOGUES CONSULTATION**

#### **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.**

*The role of trilogues in the EU decision-making process is becoming increasingly important. More and more legislative dossiers end up in trilogue meetings. Trilogue negotiations are taking place behind closed doors. The level of disclosed information about ongoing negotiations in trilogue is very low which decreases, respectively, the level of transparency of such a process to all parties concerned and the “decision power” lies in hands of few decision-makers. More alarming fact is that the trilogue agreement brings substantive changes to the final text that might have an important impact on stakeholders concerned without consulting them. We deem that this limits the characteristics of democratic process.*

*Negotiations on General Data Protection Regulation reform can be taken as an infamous example of how the negotiations can take the wrong direction and end up with a legislation that doesn't live up to its full potential.*

#### **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.**

*In the legislative process, the information provided to policy makers by stakeholders are of vital importance. As the policy makers do not often have the capacity to fully assess all the possible impacts of given legislation, the voice of stakeholders and businesses is often the one that can critically evaluate the proposal. When dealing with complex issues, even the slightest change of wording can have a vast impact on the functioning of the legislation in real life. Therefore, it is crucial that stakeholders and businesses have their say in the preparatory phase of the trilogues. In our opinion, greater transparency would lead to better policy making resulting in lower administrative burden for businesses as there are no impact assessments done before the final text is adopted in trilogue.*

#### **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**

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Founded by CZECHTRADE, Confederation of Industry, Czech Chamber of Commerce and Confederation of Employers and Entrepreneurs  
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**all documents exchanged between the institutions during trilogue negotiations, for example "four-column tables"<sup>[6]</sup>, 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.**

*Yes, release of all documents negotiated during trilogue would ensure greater transparency. However, it is necessary that stakeholders are provided with draft compromise texts before the actual negotiations take place so that they have enough time for analysing it and providing all the negotiating parties arguments for the negotiations. After each trilogue meeting there should be an information disclosed to the stakeholders about what conclusions have been reached. Today the rapporteurs in the European parliament provide only general and vague debriefing to other Members of the European parliament and stakeholders as the committee meetings are open to public.*

**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?**

*In our opinion, announcing the date of trilogue meetings is not sufficient for ensuring greater transparency. The information provided to stakeholders should contain further details, including agenda, provisional list of participants, background documents for the negotiations as well as preliminary positions of the parties. As already mentioned, greater transparency can lead to better regulation which consists in substance and not in date. The date is only a milestone which gives us an idea about the timeline of the negotiations.*

**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.**

*As explained before, participation of stakeholders in the legislative process is of vital importance and leads to better policy making. All the institutions involved in trilogue negotiations have very strict internal policies about lobbying, so as far as the lobbying is done in a well-mannered way and leads to informing about possible impacts of the proposal, there is nothing wrong with it. The final decision still lies in hands of the co-legislators concerned.*



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**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.**

*Yes, the positions should be available before the trilogue negotiations begin. Only then can the stakeholders properly assess the proposal and inform the policy makers.*

**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?**

*A dedicated webpage where all the documents from trilogue meetings would be placed would increase user-accessibility. In addition, debriefing meetings with relevant stakeholders after each trilogue round would increase transparency of the process.*

**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?**

*Yes, the distinction should be made between the two. Political trilogues are usually given bigger attention by general public and the transparency demands are higher. But that doesn't mean that technical trilogues should not be made more transparent. On the contrary, participants of the technical meetings should be closer to stakeholders and consult them before such meetings take place and afterwards to assess preliminary conclusions of the technical trilogue as it will be later submitted to political level.*