Hearing at PETI Committee on "Restoring Citizens' trust in the European Project"

22 June 2017, Brussels

Good morning everyone and thank you for the invitation to speak to you here today.

I don't think any of us here this morning will pretend, or can pretend, that we have all the answers to the question of how to restore citizens' confidence and trust in the European Project. This is the issue that has taken up a lot of time and mental energy in the European Parliament and throughout all of the EU institutions and member states.

Last year, following Brexit and the election of President Trump, it became quite common to discuss the crisis as 'existential' and to worry about the domino effect of both those events on other EU states, as one by one, EU citizens went out to vote in various national and Presidential elections.

Yet here we are, in late June – one year after the Brexit vote – and the centre is still holding, even if both Eurosceptic and Europhobic parties and movements have undoubtedly influenced policy making both in Member States and in the EU itself.

The expected electoral gains for far right populist parties did not materialise, the UK Prime Minister did not get the mandate for the so called 'hard Brexit' she had asked her citizens for, and the pro EU centrist Emmanuel Macron marched on his election night to the sound of the EU anthem, Ode to Joy.

In the United States, Mr Trump is being taught the limits of his presidential authority through the confident assertion of many strong democratic US institutions and notably the courts and the media.

Some have speculated that rather than making the EU even more fragile, the twin events of Trump and Brexit may have made it stronger by providing a contrast to what we experience now and forcing a re-evaluation of the benefits of membership and unity.

The French journalist Jean Quatremer remarked last week, "Brexit has vaccinated the EU against populism". We shall see whether that statement is either correct or premature. We live in an age of quite extreme political volatility and predicting anything with confidence is increasingly difficult.

The voters in many states have not just become unknowable in terms of their likely voting preferences but they are also highly experimental with their votes willing to give promising newcomers a chance, but equally quick to banish them if they fail to deliver what they promised.

Recent events may have injected greater confidence into the EU but in what political direction this confidence will play out is unclear. A lot of attention is now being paid to the future development of the Eurozone and much of this will no doubt become clearer after the German elections in September.

But the question for today is what role the citizen will play in all of this and how will their voices be heard? Do we, can we, know what way the European citizen wants to advance the EU project or can we only know when there is resistance to it – in whatever shapes it emerges – at the individual member state ballot box?

How many citizens will read the White Papers or other research or think thank publications when the future of the EU – in other words THEIR future is being debated?

How many are even aware of the current shifts in thinking as critical election results come in? How many of them know the implications of high level political manoeuvring for their daily lives until it is mediated to them in the course of a polarised political debate?

Many British people are only now becoming aware of the possible implications of Brexit whether for healthcare for pensioners in the south of Spain, adequate staffing levels in their own health system, or many, many other issues across multiple sectors of public and private life.

Some are also only now becoming aware of the legal and political challenges of the separation process and so far, there is no sense that they will have an opportunity to vote on a deal that few of them could possibly have known the implications and outcomes of this time last year when they voted.

Perhaps exploring why they didn't know, or did know and voted to leave anyway, would answer the questions implied by this event. In the end UK citizens essentially had to take a bet on their future on the back of a blizzard of sound bites and competing information, facts and propaganda.

Separating out the responsibility of the EU institutions for this lack of engagement and understanding from the responsibility of the member states is an important task for all of us. Informed decision making must be a prerequisite for a healthy democracy.

As European Ombudsman, much of my work is spent in encouraging the EU institutions to be more open. That openness comes in many forms, whether through the simple proactive release of documents, the reaching out through public consultations, the translation of their work into all 24 EU languages and not just the standard three, the monitoring of ethical behaviour particularly in relation to the revolving door issue, engaged communication when dealing with member state infringement cases, and many other matters which have to do with the engaging of citizens in the work of the EU.

We can however sometimes overstate the degree to which we need this to be universally, comprehensively successful. Most people are too busy getting on with their daily lives and looking after their families and their jobs to care what a particular Commissioner or DG is doing or whether they get to see the minutes of a working group meeting as it prepares legislation for the Council. But what they do care about is that there is somebody in their name paying attention to this and pointing out any difficulties, or opportunities, that may arise because of it.

EU institutions need to be open not so that every single citizen can be fully informed all the time about the minutiae of what's going on, but rather that their elected representatives, or the civil society organisations that promote their issues of concern, or their local businesses that they need to provide them with jobs, be fully aware of what's going on and can act accordingly in their interests because of that knowledge.

And I believe that Council transparency is particularly important in this regard. Because it's the Council, the individual Ministers sent to Brussels precisely to represent national interests that is particularly critical to the issue at hand. And if it unreasonably avoids that openness and accountability then the corrosive caricature of the faceless Brussels bureaucrat dictating the play in an undemocratic way

will remain and will do further damage to the perceived legitimacy of the European Union.

I am currently investigating precisely that issue, looking at how legislation is debated and amended as it moves up the chain from working group to Permanent Representatives to the Council itself. It has been remarked that Council secrecy has less to do with keeping certain information from their Council colleagues and more to do with keeping it from the voters back home.

I fully appreciate that it can be difficult politically to show how you have allowed an early position to be amended for the sake of an eventual agreement, but mature political societies must engage with that dilemma and be a bit more confident in the electorate's capacity to understand those dilemmas if given a chance to do so.

It's too easy always to blame the institutions for a failure to communicate. Yes they could do more, we all could, but most citizens rarely lift their gaze beyond their own borders and it is therefore the primary responsibility of the member states to increase awareness and to find innovative and attractive ways of involving their own citizens in the work that plays such a role in defining the quality of their lives. Because it is the people who best know how an administration's laws and regulations – or indeed lack of them – impacts on their daily lives and who better then to include in the decision-making process.

I work too on lobbying transparency, on who gets to influence in the Brussels bubble in ways that the vast majority of EU citizens have little awareness of. If most citizens are not fully aware even of the different roles that the different institutions play and their relationships to each other, then how could they possibly understand the power that corporations and others have precisely because they know down to the last detail the minutiae of the legislative process and how to amend it to protect or promote a particular interest.

All of that is both legitimate and necessary. But allowing the citizens – either through media or civil society – to be aware of who the players are and what the play is vital for citizen trust and overall democratic legitimacy. The same applies to the revolving door, the need to be aware of the controls in place when EU public servants or former Commissioners and others move to the private sector and the risks to the public interest that that might entail.

I also appreciate how difficult it is for journalists to expand their EU coverage beyond the latest crisis. The EU is complex, confusing, over there, and ultimately boring in the eyes of many editors even those charged with a public service remit. Yet, again, counter intuitively, Brexit and its fallout, allied to the attraction of figures such as Macron and Merkel, curiosity around figures such as le Pen and Wilders, and the increased visibility of institutional figures

such as President Juncker, parliament negotiator Verhofstadt, and chief negotiator Michel Barnier, is slowly turning the citizen's gaze across their own border and into a wider European one.

I think that this time presents a wonderful opportunity to EU media, perhaps even especially public service media, to capitalise on that interest and through innovative programming, entertainingly inform citizens about the EU. However, so called traditional media face stiff challenges from the increasing dominance of social media in shaping public opinion and the specific challenges of fake news and the use of algorithms to manipulate the way in which we understand and interpret our world.

We may now be entering a period of significant change in the Union, although this is still unclear. It is said that no good crisis should go to waste and if change is in the air and if Brexit could bring an unexpected belief and vision boost to the Union, then everyone with the capacity or the duty to do so, should put the needs of the citizen to the forefront as that change is managed.

The tragedy of the fire at the Grenfell tower block in London last week showed clearly what people most want in their lives and also showed what happens when governments fail truly to look after their needs or leave it to the market to decide even matters as vital as fire prevention.

People want control, they want agency. They want to be treated as they are entitled to be treated, as the primary focus of the work of the state and of its administration. They want to be treated as citizens not customers. They want to be an equal part of the conversation whether that conversation is about the safe maintenance of their precious homes or the future of the Union that decides so much of the way they are enabled to live their lives.

To conclude, it has become almost a cliché of debates such as this one, to state that what is needed in trust. But that is the essence of stable citizen-focused democracy. Countries that thrive across multiple indicators from health to education to security are those with high levels of trust very often created and nurtured by high levels of income equality, smaller gaps between the haves and the have nots. But the creation of that is the work of politicians such as those here present. What I as Ombudsman can do, alongside my colleagues in the members states, is reflect back to you how the decisions that you make feel like to the people we all collectively serve.