



RESOLUTION:

Increasing the transparency of the European legislative procedure

Adopted at the YEPP Council Meeting in Milan, 17.02.2018

Recognising that:

- Citizens of the European Union have the right to hold their representatives accountable for the political choices made on their behalf¹.
- The European Parliament, the Council of the European Union and the European Commission often negotiate in so-called trilogue to informally reach an agreement on a common text before it is voted on according to the formal legislative procedure².
- Due to the informal nature and the absence of a legal basis, the documents used during trilogues meetings cannot be requested for access under the current European regulations³.

Acknowledging that:

- Citizens can only hold their representatives accountable when the decision-making processes are transparent.
- The European Union developed during a decades-long incremental process, whereby certain practices, including informal procedures such as trilogues, have evolved with minimal planning.
- The European Court of Justice has stated that the ability of EU citizens to find out the considerations that underpin legislative action is a precondition for the effective exercise of their democratic rights⁴.

¹ <https://www.ombudsman.europa.eu/nl/cases/summary.faces/nl/69213/html.bookmark>

² <https://www.ombudsman.europa.eu/nl/cases/summary.faces/nl/69213/html.bookmark>

³ https://www.eerstekamer.nl/eu/id/vk9dmvrmfxhm/document_extern/position_paper_van_de_commissie/f=vk9dmx511fjg.pdf

⁴ <https://www.ombudsman.europa.eu/nl/cases/summary.faces/nl/69213/html.bookmark>

- Up to 60 to 85 percent of all European laws are discussed in trilogues before entering the formal legislative procedure⁵, and there are as many as 25 different trilogue meetings each week⁶.
- Trilogues are widely recognized as 'black boxes', whose considerations for pursuing a legislative action remain indiscernible to outside observers both during the trilogue and once the legislation enters the formal legislative procedure⁷.
- The European Ombudsman declares trilogue transparency to be an essential element of EU law-making legitimacy⁸.

YEPP calls on:

- The European institutions and the member states to emphasize transparency, when there is a trade-off between the efficiency and the transparency of a European decision-making process.
- The European institutions and the member states to reduce the transparency deficit within the European Union to a minimum in order to safeguard the democratic legitimacy of EU law-making.
- The European Commission to propose legislation that obligates the formal and informal institutions involved with EU law-making, including trilogues, to make the minutes of their negotiations on legislative proposals accessible to the public.
- The European Court of Justice to be the institution to review on a case-by-case basis any exemptions made to the obligation to publish the minutes of negotiations about legislative proposals.

⁵ <https://www.trouw.nl/home/in-het-achterkamertje-schendt-eu-eigen-verdrag~a9d8a984/>

⁶ <https://euobserver.com/investigations/123555>

⁷ https://www.eerstekamer.nl/eu/id/vk9dmvrmfxhm/document_extern/position_paper_van_de_commissie/f=/vk9dmx511fjg.pdf

⁸ <https://www.ombudsman.europa.eu/nl/cases/summary.faces/nl/69213/html.bookmark>