

Call for Increased Transparency in EU Decision Making

Dóchas members have been asked to join a campaign for more openness in EU decision-making in general, and legislation in the EU Council of Ministers in particular.

Background

The Council of Ministers, which is made up of ministers from the 25 member states, adopts all EU laws. Despite numerous efforts from EU institutions in the past years to increase transparency and access to documents, critics have long complained that the Council of Ministers continues meeting behind closed doors when acting in its legislative capacity.

In June Tony Blair told the European Parliament that there was a "*strong case*" for the Council to legislate in public. Early September, MEPs of the five UK parties issued a declaration and wrote to *The Times*, describing secret legislation as "unacceptable" and calling for debates on new laws to be televised. In a report to the European Parliament on 11 October 2005 the European Ombudsman concluded that "*the Council of the European Union should review its refusal to decide to meet publicly whenever it is acting in its legislative capacity*".

Ways to bring about change

EU Member States already supported changes towards more Council Transparency when they signed up to the Constitutional Treaty, whose article I - 24.6 specifies that: "*The Council shall meet in public when it deliberates and votes on a draft legislative act. To this end, each Council meeting shall be divided into two parts, dealing respectively with deliberations on Union legislative acts and non-legislative activities.*" However, since the Constitutional Treaty has not been ratified at present, this rule does not yet apply.

Another way to achieve the desired change would be for the Council to revise its standing orders, which needs to be adopted by 13 of the 25 Member States. This is politically more difficult than it seems, as some Member States argue that this may be perceived as a denial of the referenda's outcomes.

Recently, parties in the European Parliament have opted to increase the pressure on the Council, by proposing a Written Declaration on the Council of Ministers and secretive law-making, calling on "*the Council of Ministers to apply the principles of openness and transparency to its legislative work by making the necessary change to its rules of procedure*". If signed by a majority of the MEPs within three months, it will be handed over to the Council which should then take it into account (since, despite its non-binding character, it would send a strong message). As of last week, it had been signed by 137 MEPs.

Scope of the initiative

The wording of the MEPs' initiative is quite general, since it calls on the Council "*to apply the principles of openness and transparency to its legislative work*". Yet their campaign is primarily intended to focus on the deliberation and voting phases, which was also the focus of Mr Blair's statement. This means other key phases of the decision-making process and the preparation phase, such as the conciliation committee (bringing together representatives of the Council and of the European Parliament in case no agreement can be found in the legislative process) and COREPER (committee of permanent representatives) will not be a priority in a first step.

Possible action by Dóchas members

There are a number of options open to Dóchas members wishing to get involved in this campaign:

- The UK MEPs' coalition hopes the written declaration will be adopted by the **European Parliament**. Dóchas members could choose to write to the Irish MEPs, highlighting this initiative, and asking the MEPs to vote in favour of adopting the proposed Declaration (text of the Declaration attached);
- As with all EU policies, ultimately the EU **Member State governments** decide. Dóchas members could choose to write to Minister Dermot Ahern TD, to call on the Government to support initiatives aimed at increasing transparency in EU decision-making (template letter available from the Dóchas office);
- Dóchas members could raise this issue in the context of the **National Forum on Europe**. The Forum has recently launched a public consultation process on the "broader issues facing Ireland and the EU" – the quality of EU decision-making falls well within this focus.

For more information, please contact the Dóchas secretariat.