

European Parliament President Martin Schulz  
European Commission President Jean-Claude Juncker  
Secretary-General of the Council Jeppe Tranholm-Mikkelsen

CC: European Ombudsman Emily O'Reilly

30 September 2015

Dear President Schulz, President Juncker, Secretary-General Tranholm-Mikkelsen,

We, the undersigned organisations, hereby express our concern regarding the pervasive use of so-called "trialogue" negotiations within the EU decision-making process. It is our view that the trialogues have, regardless of intent, become a means for EU institutions to bypass democratic good practices, prevent public participation and are contrary to the principles of transparency and accountability recognised under the EU treaties, including citizens' right to access public documents.

Trialogues involve a series of informal inter-institutional dialogues between the European Parliament, the Council of the European Union and the European Commission, wherein the institutions attempt to agree on a piece of EU legislation. Despite not being mentioned in the EU treaties, trialogues have become the mechanism of choice to circumvent parts of the ordinary legislative procedure, with the number of trialogues increasing very rapidly since the entry into force of the Lisbon Treaty.

Trialogues lack transparency, accountability and undermine democratic principles:

- Trialogues involve a restricted number of participants whose names are often not disclosed for "data protection reasons";
- Negotiations take place behind closed doors, without minutes or recordings of the meetings.
- Triologue documents are kept away from the public. In fact, access to preparatory documents and multicolumn documents is not granted. However, they are always informally accessible to a small number of stakeholders, on the basis of personal contacts of negotiators and not any transparent process;
- Ultimately, trialogues function as if designed to weaken the Parliament's position in the legislative process, serving to almost immediately and significantly reduce the historic increase in power of the Parliament secured in the Lisbon Treaty. The European Parliament is the only directly elected EU body. However, once an "early agreement" has been reached in this opaque procedure, it is very difficult for the Council or the Parliament to change it.

The obligations for transparency in law-making set out in Articles 11, 12 of the TEU and Article 15 of the TFEU, as well as protocol 1 and 2 to the Treaty are thus circumvented. Efficient law-making is an important objective. However, efficiency cannot be prioritised at the cost of transparency, accountability and respect for democracy.

In light of the outlined problems, we are calling for a major reform of the triologue process in order to end this unacceptable democratic deficit in the EU decision-making. We call for the publication of all documents in a timely and systematic manner. Further, we ask that disclosure not be limited to the multicolumn meeting documents, but also to public access to the meetings and access to any reports or notes discussed over the course of the process, in line with the procedures for normal Parliament committee meetings. There is an overriding public interest in

the timely and systematic disclosure of these documents in order to enable proper public scrutiny of EU decision-making.

In a corroboration of the pressing need for reform, the EU Ombudsman has launched an inquiry into the transparency of the dialogues, for which she is expecting responses from the institutions by 30 September 2015. We strongly support the European Ombudsman's initiative.<sup>1</sup>

We look forward to your rapid response and remain at your disposal to support the necessary initiatives to enhance transparent, accountable and democratic decision-making in the EU.

Sincerely,



*, a coalition of 33 civil rights organisations*



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<sup>1</sup> In this sense, we strongly urge the Council to reconsider its position, as detailed in Document 11873/15: <http://www.statewatch.org/news/2015/sep/eu-omb-council-response.htm>.