



Tweede Kamer

DER STATEN-GENERAAL

To the Presidents of the European Affairs committees
of the national parliaments of the European Union
and the President of the Constitutional affairs committee
of the European Parliament

The Hague, June 12, 2019

Transparency in EU negotiations

Dear colleagues,

The European electorate is calling for more democracy in Europe. The highest turnout for twenty years in the European elections is testament to the fact that our citizens want greater control over European decision-making. Together with the European Parliament, the national parliaments have an important role to play in influencing decision-making. However, this democratic influence is not possible without openness and transparency in the legislative processes. We are therefore writing to you again about this important subject.

In November 2017, we jointly submitted four proposals for greater transparency in the EU to the Council, Commission and the Eurogroup. The national parliaments received evasive responses from the European institutions. In the COSAC conclusions of June 2018, we called on institutions to reflect further on our proposals to increase the transparency of discussions on legislation.

We would like to update you on developments since then. The European Ombudsman has written several good, critical reports about the transparency of legislative documents and discussions. The European Parliament has welcomed these reports. The European Court of Justice has issued a groundbreaking judgement on the transparency of trilogues. In July 2018, following pressure from the judiciary, national parliaments and the European Parliament, the Council launched a reflection into the current working procedure with regard to legislative documents. In May 2019, there were discussions at ambassador level about potential measures. In our view, the direction that the member states are taking is too limited and unsatisfactory.

We are seriously concerned about the European Union's lack of openness. Because of all the secrecy in the Council, national parliaments are unable to fulfil their monitoring and scrutinising role. They must be able to call their governments to account for their policies and positions, including in a European context. That is not possible without openness. The Dutch House of Representatives has therefore asked the European Commission for Democracy through Law (the Venice Commission) to issue an opinion on the relationship between national constitutional law and the often confidential negotiations around new European legislation.

At the upcoming COSAC, we would again like to engage in discussion with delegations on the positions adopted by our governments in Europe with regard to the transparency and openness of democratic processes. To this end, we would like to invite you to a side meeting. We would like to take the opportunity there to explain why we think the implementation of the COSAC proposals on transparency is still unsatisfactory and why an opinion from the Venice Commission is necessary. We will also provide you with proposals for concrete steps that we can take as national parliaments to move this issue forward.

The electorate expects us to do our best to make the EU more democratic. Only by means of concerted and persistent efforts will we be able to make progress. We are therefore counting on your support.

Yours sincerely,

Pieter Omtzigt,
Renske Leijten

Rapporteurs on transparency in European decision-making