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RECOMMENDATIONS FOR MORE TRANSPARENCY OF EUROPEAN AFFAIRS DURING THE CROATIAN PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION 2020

The Presidency of the Council of the EU is a unique opportunity for Croatia to take a step forward in the transparency of European affairs, thus to genuinely bring Europe closer to its citizens.

The European Union cannot survive without its citizens' acceptance. Non-transparent European affairs and the policy of secrecy of national governments in the process of adopting European legislation develop a culture of 'blaming Brussels,' thereby reinforcing Euroscepticism.

The lack of information and limited civic participation in policy-making at the EU level creates the impression that principles of democratic governance are violated by interest groups that have access to decision-makers. At the same time, the Council, as one of two legislative bodies, is far from the standards of parliamentary and participatory democracy today, as criticized by the European Ombudsman Emily O'Reilly. O'Reilly insists that citizens have the right to know what their country's representatives are doing on their behalf.

During the Croatian Presidency, the biennial [Conference on the Future of Europe](#) will begin, and Ursula von der Leyen, President of the European Commission, has set bringing Europe closer to its citizens as one of the priority goals of her term. The European Parliament [launched the process in February 2019](#), recognizing the need to make European decision-making processes more open and democratic. Compared to the existing methods of reaching agreements among the governments of the Member States, European publics and national parliaments should be more involved in decision-making.

Croatia is in a position to implement and support historical change. We, therefore, call on the Government of the Republic of Croatia to use its chairmanship to transform the way national and European bureaucracies work, and to speed up the process of reforming the transparency of the EU Council's working procedures.

MEASURE 1: Involve citizens in shaping national views before deciding in the EU Council

Without involving citizens in discussing positions on new European acts, it is impossible to bring Europe closer to citizens. Croatia should first set up open working groups for EU affairs (around ministries). They would gather, on a monthly (or weekly) basis and include representatives of civil society and other stakeholders interested in a structured and open dialogue on national framework positions before presenting them in Brussels.

It is necessary to end the current practice of secrecy of the Government positions before negotiating them on the Council meetings. Particularly the non-transparent method of preparing positions on acts that significantly affect the lives of citizens in Croatia, without any possibility of prior discussion with the interested public. The Government should receive a confirmation from the Parliament for its positions prepared for the Council meeting based on the impact assessment process and/or public consultations. According to the ruling of the European Court of Justice, [the right to transparency](#) is

stronger than the right of the state to secrecy, except in exceptional cases in which the public could jeopardize the efficiency of its decision-making.

MEASURE 2: Give up the practice of corporate sponsorship of the Presidency

Unfortunately, the Croatian government ignored an open letter from the Gong and the Corporate Europe Observatory signed by 40 European civil society organizations. We urged the Croatian government to end its sponsorship practice and reach an agreement at Council level to forgo corporate sponsorship of the Presidency. Sponsorship of Croatian oil company is the best evidence of the potential reputational risk, coming at the time the European Commission is issuing a European Green Plan by which 2050 Europe will become the first neutral climate continent.

The involvement of sponsors by the presiding country leaves an open question of what those sponsors receive in return. The potential harm of the sponsors influencing decision-makers could be more significant than the direct costs that would spill over to the budget in a non-sponsorship scenario.

MEASURE 3: Regulate communication with lobbyists

The lack of awareness and limited civic participation in policy-making at EU level reinforces the impression that stakeholders who have a more advanced approach to decision-makers violate the democratic governance principle of public engagement.

The increasing influence of corporate lobbyists on European policies over the citizens' influence should be addressed by increasing transparency. The [Croatian Permanent Representation to the EU](#) should follow the practice of the Finnish Presidency and publish a list of meetings with stakeholders.

Responding to Gong's FOI request, the Permanent Representation of the Republic of Croatia to the EU has [published a list of meetings held in 2019](#). However, the list should be supplemented by a meeting topic and should be published proactively in an open format with regular updates.

Ministers should make public announcements for meetings with lobbyists as well, as Finnish ministers did during their Presidency. The Permanent Representation of the Republic of Croatia and the Ministers of the Government of the Republic of Croatia should not consent to meetings with lobbyists who have not registered in the EU Transparency Register. Such a decision does not require amendments to the Law on the Prevention of Conflict of Interest. However, the issues of comprehensive lobbying and introduction of the Croatian Transparency Register remain open to regulate to respect high standards of transparency at both the EU and national level.

MEASURE 4: Publish documents from meetings of the EU Council Working Groups

The Council of the EU should publish in due time all documents relevant to the adoption of a single legally binding act, and the "LIMITE" secrecy mark should be the exception, not the rule. The [European Ombudsman's report](#) rated the Council as the least transparent European institution and it was confirmed in the ruling of the European Court of Justice ([Case 280/11 P - 17/10/2013](#), AccessInfo Europe vs. the Council of the EU). The Croatian Government should urge the Council to support proposals for greater transparency and publication of documents.

MEASURE 5: Publish documents of Trilogues

Due to the complexity of the EU's multi-level policy-making process and the complexity of its bureaucratic structures, it can sometimes be difficult for citizens to monitor the competences and hold the EU institutions accountable for the decisions they make. Trilogue activities are a crucial stage in the legislative process and should entail respect for public rights. Documents from the informal negotiations of the European Parliament, the Commission and the Council (trilogues) should be published proactively and promptly so that the public can review the process of reaching inter-institutional agreements through these informal negotiations, in line with the judgment of the EU Court in the [De Capitani case](#). The Croatian Government should encourage the Council to develop a system that would allow better transparency of the entire decision-making process. It should be done in cooperation with other European institutions, and above all, with the European Parliament.