

# XLII/XLIIème COSAC



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## Openness and transparency in the EU institutions and in the national parliaments when handling EU matters

### Introductory address

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Chair – dear Anna – honourable Members of Parliament, Mr Speaker, ladies and gentlemen;

Four days ago the Irish people brought us a step closer to full ratification and implementation of the Lisbon Treaty. As everyone here knows, this means a step closer to an increased role for the national parliaments. And it means a step closer to better transparency and democracy.

I've always said that we need to listen better, to explain better and to go local. The Irish referendum is a very good example of that.

- The Irish had a referendum because that's their constitutional condition and democratic tradition.
- They were indeed listened to and they got new legal guarantees.
- And everything was explained far better than before. For example, the Commission contributed with a citizens' summary of the Lisbon Treaty: and easy to read and objective short version of an otherwise complicated text.

Compared to a year ago, this referendum had a higher turnout and a very clear majority in favour of the Lisbon Treaty. Because everyone listened better, explained better and went local.

But let me know focus on the theme for this session: openness and transparency.

One month ago I had the opportunity to speak just a few hundred metres away from here, at a conference organised by the Minister of Justice, Mrs Beatrice Ask. The subject was "transparency and clear legal language".

This subject was described by me and others as two essential components in a modern democracy. Another indispensable component is of course national parliaments. So what can be more appropriate than having a discussion with you on "openness and transparency in the EU institutions and in the national parliaments when handling EU matters"?

And what can be more appropriate than continuously striving for more and better relations between national parliaments and the EU Institutions? I don't think I need to give you a more elaborate answer to that rather rhetorical question. But in all honesty I want to say that I'm proud of what we have achieved together during the time of this Commission.

The national parliaments and the Commission – we have lead by example and we have shown that sometimes it's easy to go from words to deeds.

Nobel Peace Prize laureate Wangari Maathai has said that *"Until you dig a hole, plant a tree, water it and make it survive, you haven't done a thing. You are just talking."* We all know this is a common phenomenon in politics.

But together we have both dug and planted and watered. Now it's a question of nurturing and cultivating. And we actually do that by talking. Or, perhaps I should say, by having a dialogue.

Our ongoing dialogue both contributes to raising awareness on European issues in your parliaments and constituencies, and to giving us in the Commission a better view of the national political landscapes.

This brings Europe a step closer to citizens. I could even go as far as saying this is somewhat of a turning point for democratising the EU and to communicating better with citizens.

And that is what openness and transparency is all about: the citizens' right to know is just as important to democracy as the right to vote. For that we need proper and functional tools for democracy: openness, transparency, public access to documents, clear language.

And for this, all of us here have a special responsibility. So, most important is perhaps our personal engagement and commitment. Members of Parliament and civil servants alike; practitioners and policy makers, each in his or her own respective field of work.

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Already in January 2005 this Commission identified transparency as one of its strategic objectives. And our transparency agenda must go hand in hand with our communication policy.

At the heart is the citizens' right to know: political decision-makers are accountable to the public, so they must be open to public scrutiny.

This is very much along the lines of where the EU Member States – so to speak – put down the ideological marker already back in 1992. That was when they adopted a Declaration on the right of access to information, attached to the final act of the Maastricht Treaty.

The reason why I bring up this 17 year old Declaration is that it stated a very important principle:

*"Transparency of the decision-making process strengthens the democratic nature of the institutions and the public's confidence in the administration."*

The credo and foundations are the same today. But we have changed both rules and practices. Most importantly, we have changed a few minds.

That's not to say we can afford to be complacent – and definitely not sanctimonious! And we're not – I can assure you! We need to take more concrete steps and make even more improvements!

Take the European Transparency Initiative that the Commission launched as early as November 2005. That's a good and proactive example. It has kicked off improvements in many different areas, for example

- transparency and lobbying;
- access to documents;
- publication of the beneficiaries of European funds;
- stakeholder consultations.

Let me elaborate a bit on a couple of these points.

### 1. Transparency and lobbying:

With the launch of the European Transparency Initiative, the Commission decided that those who try to "*influence the policy formulation and decision making processes of the European institutions*" should sign up to a public, online register.

They are asked to declare who they are and what their remits and goals are. Also, they describe what policy areas they are interested in, give financial information about their lobbying efforts, and sign a Code of Conduct

Since the launch of the Register in June 2008, well over 1.900 organisations have signed up, with new registrations coming in steadily.

It shows – and everyone can now see – the huge diversity and multitude of interest representatives active in Brussels: not only big business is lobbying, but also a plethora of smaller, non-for-profit organisations. Such information has not been available before the launch of the Register – and there are very few EU Member States where such a system exists.

We're now reviewing the first year's experience of this pioneering effort to regulate European lobbying. For example, we need to improve the clarity and comparability of the required financial disclosure. And we would of course like to see many more of the lobbyists and law firms signing up to the register.

I'm also very pleased that we agreed this spring with the European Parliament to make this a joint register. Parliament's power and importance has increased – so they have become more of a lobby target as well.

We have also held constructive talks with the Swedish Presidency about including the Council. I hope we have progress around the corner and that we will soon have a common register, shared between all the European Institutions.

This will help us to dispel suspicions about how decisions are taken in Brussels. We will have more clarity, transparency and accessibility for citizens.

### 2. Access to documents legislation

I don't need to go into any particular detail why public access to documents is important. Again, it is a question of the right to know and the possibility to scrutinize – one fundamental right and one essential possibility.

And as you know, Regulation 1049/2001 is currently undergoing a review. I don't want to prejudge the discussions I hope the Swedish Presidency will be able to conclude with the European Parliament during the coming months. So I will not use this opportunity to repeat the Commission's position and arguments.

All three EU institutions have agreed that, overall, Regulation 1049 has worked remarkably well, for about 8 years now. Parliament, Council and Commission are much more open now than ever before. You could say that the change of rules lead to a change of practice and to a change of minds and attitudes.

But I would like to see more citizens make use of this Regulation. It was them we aimed for, not the Brussels lobbyists.

1049 has definitely proven its value, so a complete overhaul is not necessary. This being said, even a good tool can always be improved. And that is where we are right now. I hope the Swedish Presidency will help us conclude the review successfully very soon.

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But of course there are many improvements we can make also outside the formal legislation. What I believe is important is to find pragmatic and efficient ways to mainstream transparency into all our policies. We need to lead by example! And with "we" I don't mean only the European Commission, but all EU Institutions – and of course national institutions and authorities as well.

Beyond legal texts, it is how we put things into practice that really counts.

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As a final point I would like to mention another example of how we have gone from words to deeds, with words about deeds (if you pardon the expression): the Commission's Citizens' Summaries.

In a way, this is what it all boils down to; openness and transparency not just as an ideology or for the sake of it, but at the service of citizens. It is a clear example of how we fairly easily can sort out that even complex issues become accessible and understandable.

Since last year, all strategic and priority initiatives in the Commission's annual work programme should be accompanied by a Citizen's Summary. That is, a maximum of two pages, explaining in clear and simple, but yet precise language, basic questions on a report, recommendation or proposal for European law presented by the Commission:

- what's the issue
- what is being proposed
- who would benefit and how
- why does action have to be taken by the EU [and]
- when will action be taken?

There was some resistance at first, as with many new ideas. But now the clear word is spreading! And many have realised that the benefits extend far beyond strategic and priority initiatives.

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Ladies and gentlemen,

We all benefit from openness and transparency – both institutions and citizens. No-one is perfect – not even the Commission 😊 – and we all have to continue going forward.

- We need a broad perspective and an ambitious approach to be able to continue changing minds and attitudes.
- We have to mainstream transparency into all our policies.
- We need to lead by example, because it is how we put things into practice that really counts.

At this my final COSAC meeting as European Commissioner I want to thank you all for what you have done to change Europe; to improve Europe. I have been challenged quite a few times, but I have also felt a great support from you. Together we have taken both small steps and made giant leaps.

And I know I can count on you to continue. Because there can be no more important goal than better anchored democracy and citizen outreach. So we all need to be serious in our obligation to be accurate and in our duty to be visionary.

Thank you.