

12.12.2019.

IP-2019/205

Dear Prime Minister Plenković,

Will Croatian EU Presidency boost legislative and lobby transparency in the Council?

We are a group of Croatian and European civil society organisations and we are writing to propose that the upcoming Croatian Presidency of the Council of the EU prioritises both legislative and lobby transparency. The opacity in the Council's law-making is deeply problematic: it precludes citizens from participating but provides a real advantage to the big business lobbies with the capacity, resources, and networks to understand what is going on and to influence it at both the Brussels' and national levels.

European laws have a direct impact on citizens in all European Union member states. As just one example, in the Croatian Parliament as many as 42 per cent of legislative acts had the purpose of aligning Croatian legislation with those of the EU. Yet no position advocated by the Government of Croatia at meetings of the Council of the EU had been previously discussed publicly or debated with the Parliament or its European Affairs Committee.

With such a closed approach, the Government sends a message that citizens, civil society, journalists, and other stakeholders are not entitled to gain insight into Croatia's positions at the Council. This strengthens the perception that the EU is a remote and opaque bureaucracy. How can citizens participate in decision-making and influence the positions of their own government when such secrecy prevails? Unfortunately, this situation is replicated across much of the rest of the EU.

Compounding this problem is the fact that the Council is the least transparent of all EU institutions. This view is confirmed by the findings of the European Ombudsman but also of the European Court of Human Rights (Case 280/11 P - 17/10/2013, AccessInfo Europe vs. Council of the EU). Often the documents under discussion are secret, minutes are not made when draft laws are discussed in the Council's 150 preparatory bodies, nor are member state positions published. This situation has gone on for far too long. As you will know, the Finnish Government, along with nine other EU governments, has supported a non-paper demanding higher legislative transparency at the Council. We deeply regret that the Croatian Government and 17 other member state governments have not yet joined them.

Transparency is not just a good in itself. It is also an essential first step in starting to tackle the excessive corporate influence that surrounds too much of the Council negotiations on new regulations and directives. Meanwhile there is growing concern across civil society that the interests of some industries, such as the fossil fuel sector, are so opposed to the public interest that they should no longer have easy access to decision-makers. The corporate sponsorship of almost all recent Presidencies by car, software, soft drinks, or other corporate interests has also become a deeply regrettable symbol that the Council is too close to big business.

We urge the Croatian Presidency of the Council to:

- Become a champion for legislative transparency in the Council by endorsing the non-paper 'Increasing transparency and accountability of the EU' and prioritising efforts to unblock this agenda in the Council. All documents relating to legislative files should be proactively published by the Council, with the LIMITE classification used as the exception rather than the rule. Additionally, we ask you to support the position of the European Parliament that the Council and its preparatory bodies should be opened to the public via web-streaming, and that minutes of these meetings should be written and published, including national positions, to ensure a high level of transparency in the legislative process.
- Follow up on good practices initiated by previous presidencies by publishing all lobby meetings held by the Croatian Permanent Representation, refusing to meet with any group not included in the EU lobby transparency register, and publishing all meetings by Croatian Government ministers on EU matters during the Presidency.
- To initiate a debate in the Council about reducing the influence of big business interests on both EU and national policy-making, and committing to keeping all dealings with fossil fuel lobbyists to a minimum. The Croatian Government should additionally refuse to accept any corporate sponsorship for its Presidency, and seek agreement at the Council level that this practice will be fully discontinued by those that follow.
- Finally, in order to allow far greater scrutiny and accountability, we request all member state governments to publish their proposed positions on new EU laws and policies before they are discussed at Council meetings, to enable scrutiny by citizens and national parliamentarians. The Croatian Government could show leadership on this matter by committing to do this as soon as possible. Member state governments must take far more responsibility for the agreements reached in Brussels, which are too often presented to the public as being 'imposed by Brussels'.

Citizens' participation is a component of the Regulation on Rights and Values 2021-2027, which will enter tripartite negotiations with the European Parliament and the European Commission during the Croatian Presidency. We expect urgent action to be taken to tackle the democratic deficit in how the Council operates. Such reform is necessary to enable member states' parliamentary scrutiny of, and accountability for, government decision-making at the EU level.

Signatory organisations:

1. Gong
2. Corporate Europe Observatory
3. Brodsko ekološko društvo-BED
4. Dugine obitelji
5. "Documenta - Centar za suočavanje s prošlošću/Center for Dealing with the Past"
6. Iuricum Remedium, z.s.
7. CROSOL - Platforma za međunarodnu građansku solidarnost Hrvatske/Croatian Platform for International Citizen Solidarity
8. Observatoire de multinationales
9. Terra Hub
10. Dijaspورا Afrikanaca u Hrvatskoj- DAH

11. Transnational Institute
12. Foodwatch International
13. Zagreb Pride
14. Greenpeace
15. Democracy Forum Vasudhaiva Kutumbakam
16. Human Rights Institute
17. War on Want
18. European Federation of Public Service Unions
19. SOMO
20. Kairos Europe WB
21. Udruga Biom
22. AccessInfo Europe
23. ALTER-EU, the Alliance for Lobbying Transparency and Ethics Regulation
24. Food & Water Watch
25. Access Now
26. European Network Against Arms Trade
27. European Digital Rights (EDRi)
28. Change Finance
29. "D3 - Defesa dos Direitos Digitais"
30. LobbyControl
31. Danes je nov dan / Today is a new Day
32. Friends of the Earth Europe
33. Nyt Europa
34. Democracy International
35. Politiscope
36. Formindep
37. Bits of Freedom

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Poštovani premijeru Plenković,

Hoće li hrvatsko predsjedanje doprinijeti zakonodavnoj i lobističkoj transparentnosti u Vijeću EU?

Mi smo grupa hrvatskih i europskih organizacija civilnog društva i obraćamo se s prijedlogom da transparentnost donošenja zakona i utjecaja lobiranja postavite za prioritete skorog hrvatskog predsjedanja Vijećem Europske unije. Oznake tajnosti u procesu donošenja zakona duboko su problematične: sprječavaju građane_ke da sudjeluju u donošenju odluka, i pružaju [stvarnu prednost](#) velikim poslovnim lobijima koji raspolažu potrebnim resursima te razgranatim mrežama koje im omogućavaju izravni utjecaj na zakone na europskoj, ali i na razini država članica.

Europski zakoni imaju izravni utjecaj na sve građanke i građane u zemljama članicama Europske unije. Primjerice, samo u ovom sazivu Hrvatskog sabora čak [42 posto zakonodavnih akata](#) doneseno je zbog usklađivanja sa zakonodavstvom Europske unije. Ipak, ni o jednom stajalištu koja Republika Hrvatska zagovara na sastancima u Vijeću Europske unije ne raspravlja se javno, pa čak niti Sabor i nadležni saborski Odbor za europske poslove ne sudjeluju u njihovoj pripremi prije sastanaka u Vijeću EU. To smatramo nedopustivim. Takvim, zatvorenim pristupom, Vlada šalje poruku da javnost, civilno društvo, mediji i drugi dionici nemaju pravo uvida u stavove Hrvatske u Vijeću, što dodatno osnažuje percepciju EU kao daleke i netransparentne birokracije. Jer, kako se građani_ke mogu uključiti u odlučivanje i utjecati na stajališta vlastite Vlade ako ih ona taji? Na žalost, ovakva praksa prisutna je u većini europskih zemalja.

Složenosti ovoga problema doprinosi činjenica da je Vijeće Europske unije najmanje transparentna europska institucija. Potvrđuju to [nalazi iz izvještaja europske ombudsmanice](#), kao i presude Europskog suda. ([Case 280/11 P – 17/10/2013](#), AccessInfo Europe vs. the Council of the EU). Dokumenti o kojima se raspravlja često su tajni, ne postoje zapisnici s rasprava o prijedlozima zakona u 150 pripremnih tijela Vijeća, niti se objavljuju stajališta država članica. I to već predugo traje.

Zbog toga je finska vlada, zajedno s još devet vlada EU-a, podržala [non-paper](#) sa zahtjevom za veću zakonodavnu transparentnost Vijeća EU. Iskreno žalimo što im se Vlada RH i još 17 zemalja članica nisu pridružili.

Transparentnost je ključni prvi korak u suzbijanju prekomjernog korporativnog utjecaja primjetnog u brojnim pregovorima Vijeća o novim propisima i direktivama. Istovremeno, u civilnom društvu raste zabrinutost da su interesi pojedinih industrija, kao što je [sektor fosilnih goriva](#), toliko suprotstavljeni javnom interesu da bi im trebalo onemogućiti izravan pristup donositeljima odluka. Korporativna sponzorstva gotovo svih nedavnih predsjedavanja Vijećem EU, od automobila, softvera, bezalkoholnih pića ili drugih korporativnih interesa, postalo je tužnim dokazom da je Vijeće preblizu velikom biznisu.

Pozivamo da hrvatsko predsjedanje Vijećem EU postane:

- Prvak zakonodavne transparentnosti u Vijeću kroz podršku non-paperu deset država članica te uloži potreban napor da ovu temu stavi na dnevni red Vijeća. Vijeće bi trebalo pravovremeno

objavljivati sve dokumente relevantne za donošenje pojedinog zakona, a oznaka tajnosti LIMITE trebala bi biti iznimka, a ne pravilo. Pored toga, tražimo podršku [stajalištu Europskog parlamenta](#) da sastanci Vijeća i pripremnih tijela moraju biti otvoreni javnosti putem online video prijenosa uz objavu zapisnika i nacionalnih stajališta zbog što jasnijeg uvida u proces donošenja zakona.

- Nasljednik dobre prakse prethodnih predsjedanja na način da Stalno predstavništvo RH pri EU objavljuje sve svoje sastanke s lobistima i ne pristaje na sastanke s lobijima koji nisu prijavljeni u Registar transparentnosti EU-e, kao i da objavljuje sve sastanke ministarstava Vlade RH vezane za europske poslove tijekom predsjedanja.

- Inicijator rasprave o smanjenju utjecaja velikih korporacija na kreiranje europskih i nacionalnih politika država članica te svođenje poslova s lobistima industrije fosilnih goriva na minimum. Hrvatska vlada trebala bi, osim toga, odbiti bilo kakvo korporativno sponzorstvo i tražiti dogovor na razini Vijeća o napuštanju prakse korporativnog sponzorstva predsjedanja.

- I konačno, od svih vlada država članica EU tražimo objavu prijedloga nacionalnih stajališta o novim zakonima i politikama EU prije rasprave na sastancima Vijeća, zato da bi javnosti i nacionalni parlamentarni zastupnici imali bolji nadzor nad europskim poslovima. Hrvatska Vlada mogla bi pokazati vodstvo i preuzeti tu obavezu čim prije. Sve bi vlade država članica trebale preuzeti svoj dio odgovornosti za sporazume postignute u Bruxellesu, u javnosti često predstavljene kao nametnute od briselske administracije.

„Sudjelovanje građana“ je komponenta Uredbe o programu „Prava i vrijednosti 2021-2027“ i izgledno tema tripartitnih pregovora s Europskim parlamentom i Europskom komisijom tijekom hrvatskog predsjedanja. Zato očekujemo hitnu akciju radi smanjenja demokratskog deficita u djelovanju Vijeća Europske unije. Tražimo hitne mjere kako bi se riješilo pitanje demokratskog deficita u djelovanju Vijeća Europske unije. Takva reforma je nužna da bi javnosti, prije svega nacionalni parlamenti država članica, mogli raspraviti o učincima zakona na građane i držati svoje vlade odgovornima za odluke koje donose na razini Vijeća EU.

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