

Bundeskanzleramt
Bundeskanzlerin Angela Merkel
Willy-Brandt-Strasse 1
10557 Berlin

12 June 2020

Sehr geehrte Frau Bundeskanzlerin,

We, the lobby watchdogs Corporate Europe Observatory and LobbyControl along with a cross-party group of 92 Members of the European Parliament, are writing in advance of the German Presidency of the Council of the EU, to urge you to boost transparency of decision-making in the Council, to prioritise lobby transparency, and to end privileged access to decision-makers.

Undoubtedly the coronavirus pandemic, and the policy responses to it, will dominate the German Presidency. At the same time, the climate crisis becomes ever more urgent. We are united in calling for an EU coronavirus recovery package based on social justice, solidarity among nations, and green stimulus which truly puts sustainability at its heart.

But we are equally united in calling for a Presidency which delivers the highest standards of transparency and accountability. Now, more than ever, the transparency of decision-making and lobbying in both Brussels and Berlin is vital at a time when industry lobbyists are demanding bail-outs and deregulation, and difficult decisions are to be made about the winners and losers of post-coronavirus recovery programmes.

You will undoubtedly be aware that the Council of the EU is often referred to as a “black box”. As repeatedly pointed out by the European Ombudsman,¹ the European Parliament,² and civil society organisations,³ the Council does not permit adequate transparency and scrutiny of its legislative deliberations, including among its more than 150 preparatory bodies. It has repeatedly failed to join the EU’s lobby transparency register, while the lobby transparency provided by the 27 member states national governments is patchy at best. This situation does a massive disservice to EU citizens.

¹ European Ombudsman. *Summary of the decision in strategic inquiry OI/2/2017/TE on the transparency of the Council legislative process*. May 2018. <https://www.ombudsman.europa.eu/en/summary/en/94906>

² Jo Leinen. Yana Toom. *Final report on the Ombudsman’s strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU*. Committee on Constitutional Affairs. Committee on Petitions. January 2019. <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2019-0045&language=EN&ring=A8-2018-0420>

³ Corporate Europe Observatory. *Captured states: when EU governments are a channel for corporate interests*. February 2019. <https://corporateeurope.org/capturedstates>

We urge you to implement the following:

- **Prioritisation of legislative transparency in Council policy-making.** We find it unacceptable that Council working parties do not consistently produce minutes of meetings, and that negotiating positions of the member states are neither systematically recorded, nor made public. It seems irrefutable to us that citizens are entitled to know how their member state government participates at the Council. We hope that your Presidency will introduce good practice in this area, by proactively publishing Presidency minutes of working party meetings, including negotiating positions, and securing agreement for this practice to be continued into the future. Documents relating to legislative files and trilogues should be proactively published, with the LIMITE classification used as the exception rather than the rule. We are aware that the German Government has yet to formally support the initiative to boost legislative transparency which is led by the Netherlands and supported by nine other member states, and we urge you to sign-up immediately.⁴
- **Prioritisation of lobby transparency in the Council and in Berlin.** We urge you to champion a reformed EU transparency register during the ongoing inter-institutional negotiations, to include the meaningful participation of the Council of the EU and all permanent representations. We welcome the fact that the German Permanent Representative and his Deputy now proactively publish a list of their lobby meetings. However, this list likely reflects only a small percentage of the overall number of lobby meetings held by German officials in Brussels, and should be rapidly expanded to cover all meetings with lobbyists. We note that during the 2019 Finnish Presidency its Government published a list of all ministerial meetings with lobbyists on EU matters. Until the Federal Government is able to create its own domestic lobby transparency register, this good practice should be followed.
- **The German Government must urgently adopt new rules and a new culture to prevent excessive corporate influence on its EU Presidency and beyond.** Member state governments must ensure that the public interest is centre-stage at all times when it comes to access to ministers and officials. The lack of legislative transparency in the Council advantages corporate lobby groups with the resources and networks to be able to gather the information themselves, and this must urgently change.
- **Refuse all corporate sponsorship of the German Presidency.** The sponsorship of the current Croatian Presidency, and previous Presidencies, by automotive, fossil fuel, and beverage companies, some of whom have an active interest in influencing EU decision-making, is politically damaging. It is disappointing that the German Presidency has nonetheless signed some sponsorship contracts aiming to promote “regional interests” for its Presidency.⁵ The Government must cancel all existing contracts for corporate sponsorship for its own Presidency, and initiate a process in the Council to ban the practice for all future Presidencies.

⁴ Permanent Representation of the Netherlands. *Non paper - Increasing transparency and accountability of the EU*. January 2020. <https://www.permanentrepresentations.nl/permanent-representations/pr-eu-brussels/documents/publications/2019/06/18/non-paper--transparency-and-accountability>. At the time of writing, the full list of supporting member states are: Belgium, Denmark, Estonia, Finland, Ireland, Latvia, Luxembourg, Slovenia, Sweden and the Netherlands.

⁵ Outcome of proceedings of Working Party on Information meeting of 31 January 2020. https://www.asktheeu.org/en/request/council_presidency_sponsorship

The German Presidency comes at a critical moment for the EU and its citizens. There cannot be a more appropriate time to prioritise transparency, accountability, and public-interest decision-making.

We look forward to hearing from you as soon as possible regarding these proposals.

mit ausgezeichneter Hochachtung.

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