

To Members and Alternates of the European Convention

Brussels, 7 April 2003

Concerning: completing the requirement of transparent decision making in EU legislation.

Dear member of the Convention,

The Convention is currently working on articles that define EU legislative procedures. We welcome the trend to make such decision making transparent, and in particular, the requirement, as laid down in draft article 25, for the Council and the European Parliament to debate and adopt legislative acts in public. We believe this is an essential element of a functioning democracy, where decision makers are at all times accountable to their electorates. For the European Parliament this has become standard procedure, but not within the Council. This fact constitutes, until now, a fundamental flaw in European decision-making.

Conciliation

However, we believe the current proposal is not clear on one essential element, that of the conciliation procedure.

As you know, in a number of policy areas, conciliation has become an important tool for the European Parliament. As use of co-decision becomes more widespread, this importance will increase. We consider the current situation, whereby negotiations take place behind closed doors, to be both disadvantageous to the European Parliament as well as being wrong in principle.

As we understand it, conciliation is formally speaking neither a meeting of the Parliament, nor of the Council. Therefore, strictly speaking, the current draft article 25 does not bind the Council or the Parliament to hold conciliation meetings in public, in contradiction to the separate meetings of these two bodies in the process of lawmaking.

We firmly believe that a public conciliation process would yield greater engagement of governments, leading to more flexibility and the increased possibility for the Parliament to find allies among governments. Behind closed doors, government officials will most likely concentrate on loyalty towards agreed Council positions. Under public scrutiny, governments would send more senior representatives and therefore would treat conciliation as a substantive negotiation. This may well lead to Council positions being more closely aligned with those of the Parliament.

As a safeguard to democracy, and in order to acquire a stronger position for the European Parliament, we call upon you to ensure that the public nature of the legislative procedure explicitly includes the conciliation procedure.

Comitology

Furthermore, we consider that transparency should also apply to the new comitology procedure, as outlined in draft article 27. We appreciate the safeguards built into this article allowing the Parliament and Council to reject so-called "delegated regulations". However, in order to help the Parliament, in particular to make a final decision, it is necessary to give stakeholders the opportunity to react, and if necessary to alert the Parliament. As a result, the comitology process ought to take place in public and include a detailed reporting procedure from which the different positions of each actor can be derived.

We look forward to your support or comments on our views and express our willingness to work with you to mobilise further support.

Yours sincerely

John Hontelez

Secretary General European Environmental Bureau,

Also on behalf of: BirdLife International European Community Office, Climate Action Network Europe, Friends of the Earth Europe, Friends of Nature International, Greenpeace European Unit, WWF European Policy Office, European Federation for Transport and Environment.