

'Cautious praise for Council's new transparency rules' from the Bulletin Quotidien Europe (7 July 2006)

Caption: In his editorial, published in the Bulletin Quotidien Europe on 7 July 2006, Ferdinando Riccardi comments on the adoption, by the European Council of 15 and 16 July 2006, of an overall policy on transparency in the Council of the European Union.

Source: Bulletin Quotidien Europe. 07.07.2006, No 9227. Brussels: Agence Europe SA.

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URL:

http://www.cvce.eu/obj/cautious_praise_for_council_s_new_transparency_rules_from_the_bulletin_quotidien_europe_7_july_2006-en-11a34728-56b0-4736-9a9e-b0686026b5dc.html

Publication date: 19/09/2012

Cautious praise for Council's new transparency rules

By *Ferdinando Riccardi*

The measures decided by the last European Council to enhance transparency in the work of the Council of the EU (Annex I of the "Presidency conclusions, see 2439/2440 in our EUROPE/Documents series) have, in the main, been well received. Some political figures and commentators, indeed, have seen them as the only real success of the June Summit. On the level of principles, how can one fail to share this enthusiasm? Europe is often criticised for being too distant from its citizens, of being badly understood and unloved: how then can one not rejoice at any opening of deliberations? But there has to be a certain amount of caution as to the real impact. The central element of the measures decided on is that all Council debates on legislative acts to be adopted by Council/Parliament co-decision, the votes and the explanation of votes by Ministers will be open to the public; and legislative decisions that are not yet subject to co-decision may also be. Any and every citizen, then, will be able to be present at the discussion and approval of the "European laws" which now govern a large part of the lives of Europeans. It can only be welcomed.

Some dangers. As far as I am aware, the citizens who have been spoiled in this way have not yet expressed their joy; no parades or other demonstrations of celebration; maybe that will come. All the more so as the Summit decision goes further: ministerial debates on issues of general interest will also be open to the public, as will multi-annual programmes and debates on six-monthly Council priorities. Why the concern about the real effects of these innovations? I can see some dangers:

- made in public, the statements of the various ministers will be determined more by national concerns than by the desire to find a European outcome. Knowing that everyone can hear what is said, any typical minister will want to demonstrate his/her firmness in defence of the national interest and in his/her faithfulness to the party. A minister being filmed would not like to be shown haggling;

- concessions needed to allow a final settlement are difficult in an open debate where 25 ministers each presents his/her national position. Genuine negotiation could, then, take place elsewhere, in confidential meetings, sometimes of a restricted number of Member States. Something which already happens too often for the liking of those who are not included would become the norm, and the ceremony of official position taking would lose interest and significance. Whoever is prepared to make a concession is not necessarily ready to do it in public, without being able to negotiate compensation and with the prospect of being attacked the following day in his/her country and parliament;

- when the issue of general interest on which a debate is being held concerns international negotiation, the outcome would be to reveal the European position before talks even began, not necessarily the wisest or most effective tactic;

- it is doubtful that citizens will turn these new opportunities to listen in into a popular success. The danger is it will present a gift to lobbyists, always seeking useful information for the interests they represent, and pressure groups.

Real advantages. So is this a useless initiative? Certainly not! The significance in these new forms of transparency does not lie so much in being able to be present at public debates (this will be used not so much by the ordinary citizens as by lobbyists, NGOs and students), but in the additional arrangements, such as:

a) for one month at least, the recorded version of the debate will be available on the Council internet site. Everyone will be able to consult the part that is of interest to him/her, and save it if necessary. Universities, research institutes, specialist students will be able to take great advantage of this, without needing always to be there in person, something that is practically impossible.

b) the arrangement whereby the Council Secretariat informs citizens in advance of forthcoming public debates and provides them with "*appropriate background material*" for each event.

As soon as everything is in place, citizens will no longer be able to complain about not knowing what is going on, even though, no matter the efforts of those concerned, they will never in reality know everything.

(F.R.)