

POLICY BRIEF

Insufficient oversight of EU affairs by citizens and national parliaments in Slovenia and Croatia

Open EU affairs to the citizens of Europe. Without more open, inclusive and transparent management of EU affairs in the Member States, the debate on the future of European democracy will not be effective.

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Strengthening of European democracy is one of the key topics of the Conference on the Future of Europe which seeks to encourage greater participation of European citizens in debates on the priorities and challenges facing the EU. In the context of discussions on the reasons for the low interest of citizens in the work of EU institutions, it is necessary to draw attention to the fact that the development of European democracy must begin with greater democratization of the management of EU affairs in the Member States, but also with increased transparency of the EU institutions in shaping European public policies.

The lack of effective parliamentary oversight of the process of adopting national positions of governments of Member States in the Council of the EU, the passive and disinterested approach of national parliaments towards EU affairs, the lack of timely access to information on activities of national authorities in the EU legislative processes, absence of open public consultations on proposals of national positions on EU acts, and general unwillingness of domestic ministries to engage in open communication on EU issues are only some of the indicators of the predominant non-democratic, elitist and non-transparent character of management of European affairs in the Member States.

When it comes to the ordinary legislative procedure of the EU, the inter-institutional negotiations among European Parliament, Council of the EU and European Commission continue to be conducted behind closed doors which leads to growing distrust and loss of motivation of citizens to participate in consultations on draft EU policy and legislative initiatives.

The striking passivity of national parliaments regarding procedures of decision-making on the EU acts could be best illustrated by the cases of Slovenia and Croatia. Since 2009, when a more systematic monitoring of the activities of national parliaments in the EU ordinary legislative procedure was introduced within the framework of their new powers of control of the compliance with the subsidiarity principle, Slovenian National Assembly has issued only one reasoned opinion on the proposed EU act, while Croatian Parliament has done so twice¹.

Since Croatia's accession to the European Union, the Croatian Parliament has not challenged the government's national position in the Council of the EU² with any amendments, nor has it once asked for an assessment of possible economic, financial and other effects of EU acts at the domestic level, although it has the right to do so under Article 7 of the Law on Cooperation between the Parliament and the Government in European Affairs³. Also, the Slovenian National Assembly, as a rule, only confirms the views of the government, with rare amendments that have no or limited impact⁴.

In addition, governments do not proactively publish documents on their activities in the Council of the EU and prevent the public from questioning the justification and validity of certain views. Furthermore, the European Ombudsman has repeatedly warned⁵ about the problem of non-transparency of inter-institutional negotiations (so-called trilogues) between the Council of the EU, the European Parliament and the European Commission, organized for 85% of acts in the ordinary legislative procedure, which further reinforces the impression of the prevailing culture of secrecy of decision-making at EU level and distance from citizens. Despite the rulings of the European Court of Justice indicating the importance of transparency in the trilogues⁶, there is still no progress in this area.

Finally, for the approximately 1,500 implementing acts adopted by the European Commission each year in the comitology procedure under the supervision of representatives of the relevant ministries from the Member States, only summary reports with limited information from these meetings are available in the official Comitology Register⁷, without essential information on how individual Member States voted on important acts that often have a concrete impact on the quality of life of citizens. The unavailability of this information deprives interested citizens, civil society organizations and other stakeholders of the opportunity to hold the relevant ministries accountable for

¹ <https://www.europarl.europa.eu/relnatparl/en/subsidiarity-and-ipd/subsidiarity-check>

² <https://www.sabor.hr/hr/europski-poslovi/postupanje-s-dokumentima-eu>

³ https://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_81_1698.html

⁴ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690704/EPRS_BRI\(2021\)690704_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690704/EPRS_BRI(2021)690704_EN.pdf)

⁵ <https://www.ombudsman.europa.eu/hr/press-release/en/69214>

⁶ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-03/cp180035en.pdf>

⁷ <https://ec.europa.eu/transparency/comitology-register/screen/home?lang=en>

their voting behaviour, but also prevents any democratic dialogue on topics that directly concern them. As in the case of the trilogues, the European Ombudsman's recommendations on the importance of greater transparency in Member States' deliberations and votes in comitology committees⁸ have not yet resulted in any changes.

In short, improving the openness, inclusiveness and transparency of the management of European affairs at national levels is a fundamental precondition for strengthening the interests and competencies of citizens and other stakeholders to engage in policy-making processes at EU level. In the context of discussions on strengthening European democracy in the framework of the Conference on the Future of Europe and in order to strengthen citizens' trust in the work of EU institutions, but also promote greater accountability of national governments and parliaments in dealing with EU issues, several recommendations can be made:

- improve proactive transparency and openness of data on inter-institutional negotiations (trilogues) between the European Parliament, the Council of the EU and the European Commission
- enable public access to information on activities of government bodies of Member States in the process of adopting implementing acts within comitology committees, including the data on individual votes of Member States' representatives
- governments of the EU Member States should respect minimum standards of public consultations on the proposals of national positions on draft EU acts discussed in the Council of the EU
- national parliaments of the EU Member States should proactively open public debates on the effects of the EU acts at the domestic level, also by organizing open thematic sessions of the relevant parliamentary committees, with the possibility of active participation of interested stakeholders
- national governments' positions on EU acts should be publicly available in an open format on the websites of the parliament or government
- competent ministries should consider the creation of cross-sectoral working groups for the purpose of ensuring a more inclusive process of formulating national positions on the EU acts in which interested experts from civil society, business, academia and other sectors could be involved.

⁸ <https://www.ombudsman.europa.eu/en/recommendation/en/130710>

Without adequate access to essential information on the EU-level decision-making processes or access to discussions on national positions on EU acts at the level of responsible bodies in the Member States, any citizen participation in discussions on the future of the EU is neither meaningful nor effective.

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