



## TRILOGUES : THE CHALLENGES AHEAD - RECOMMENDATIONS

During our event of 18 June 2019 on the future challenges of trilogues, kindly hosted by the Representation of the Free State of Bavaria, all participants agreed that trilogues are indispensable to the EU legislative system. But there were calls for more accountability and transparency in interinstitutional negotiations.

Based on our research, we recommend the following to increase the accountability and transparency of trilogues, without jeopardizing the space to negotiate:

- 1. Implement the joint inter-institutional database.** Following the recommendation of the European Ombudsman, we recommend launching an inter-institutional database with information on trilogues. While this database in itself might not affect overall levels of transparency of the EU's legislative system, having such a *one-stop-shop* in place greatly facilitates public access to information.
- 2. Use feedback on trilogues to EP committees to its full potential.** The EP Rules of Procedure require rapporteurs or committee chairs to provide feedback on each and every trilogue to their respective EP committee. However, this rule is implemented erratically. In the clear majority of cases, feedback is lacking completely, provided months late or exclusively *in camera*, or lacks substantive information.  
We recommend to always provide feedback in the first EP committee meeting following a trilogue, and always in public. As a minimum, this feedback needs to include what issues have been discussed in trilogues, and why the Council and the EP took the positions they did.
- 3. Learn from bicameral systems in the member states.** Many member states have bicameral systems, and some of them feature an upper chamber that represents regional governments. All these systems have conflict resolution mechanisms between their two chambers in place. We recommend to further investigate these conflict resolution systems, as well as parliamentary scrutiny of trilogues. Best practices should be exchanged between the EU level and national bicameral political systems (for instance via COSAC).
- 4. Take Eurosceptic parties seriously.** Eurosceptic parties come in a wide variety, and not all are equally active in the EP's legislative work. Those that do want to participate are often not able to do so, while they do represent a significant share of voters. We recommend not automatically rejecting their contributions just because they come from a Eurosceptic group.

5. **Disclose positions taken by individual member states.** This makes it easier for national parliaments and citizens to scrutinize governments and hold them accountable for the decisions they make in the Council. A contribution to this could be the systematic use of the footnote system in Council documents – and making these documents fully available.
6. **Major changes warrant stakeholder consultation.** The principles of the Better Regulation agenda should apply to the trilogue process. When the co-legislators during trilogues agree on major changes to fundamental aspects of policy, they should have sufficient opportunities and time to consult stakeholders.
7. **Space to experiment!** Many changes to trilogue proceedings have been proposed by, among others, EU institutions and bodies. The effects of these are largely unknown. Before introducing these changes, they can first be tried and tested in a small number of pilot cases.

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#### **Further reading:**

Brandsma, G. J. (forthcoming 2019). Transparency of EU informal trilogues through public feedback in the European Parliament: promise unfulfilled. *Journal of European Public Policy*, DOI: 10.1080/13501763.2018.1528295.

Greenwood, J. & Roederer-Rynning, C. (2019). 'Taming trilogues: The EU's law-making process in a comparative perspective', in O. Costa (ed.) *The European Parliament in times of EU crisis* (Basingstoke: Palgrave Macmillan), pp. 121-141.

Greenwood, J. & Roederer-Rynning, C. (2019). In the Shadow of Public Opinion: The European Parliament, Civil Society Organizations, and the Politicization of Trilogues. *Politics and Governance*, DOI: 10.17645/pag.v7i3.2175

Panning, L., & Felder, A. (2019). Die Europawahlen aus der Innensicht: Was bedeuten die Wahlen für die zukünftige Zusammenarbeit der europäischen Institutionen? *Regierungsforschung.de*

Ripoll Servent, A., & Panning, L. (2019). Eurosceptics in trilogue settings: interest formation and contestation in the European Parliament. *West European Politics*, 42(4), 755-775.

Ripoll Servent, A., & Panning, L. (forthcoming 2019). Preparatory bodies as mediators of political conflict in trilogues: The European Parliament's shadows meetings. *Politics and Governance* 7(3), DOI: 10.17645/pag.v7i3.2197.

Roederer-Rynning, C. (2018). Passage to bicameralism: Lisbon's Ordinary Legislative Procedure at ten. *Comparative European Politics*, DOI: 10.1057/s41295-018-0141-2.

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