

Prime Minister Juha Sipilä  
Snellmaninkatu 1 A, Helsinki  
PO Box 23  
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cc. Mr Kare Halonen, State Secretary for EU Affairs

3 April 2019

Arvoisa pääministeri Juha Sipilä,

We are a cross-party group of Members of the European Parliament, writing to you in advance of the Finnish Presidency of the Council of the EU, to urge you to boost transparency of decision-making in the Council, to tackle unregistered interest representation, and to end privileged access to decision-makers.

We are concerned with how our governments adopt EU decisions. While the European Parliament and the European Commission have improved their transparency and lobbying rules, the Council of the EU remains a “black box”. The Council neither takes part in the EU transparency register, nor does it grant adequate access to its legislative deliberations, especially within its more than 150 preparatory bodies.

With this letter, we seek to build on the recent work of the European Ombudsman<sup>1</sup>, the European Parliament,<sup>2</sup> and civil society organisations.<sup>3</sup> We also welcome the support that the Finnish Government has already shown in promoting transparency within the Council, as well as its publication of lobby meetings held by the Finnish Permanent Representative and Deputy.

Now is the time for a new effort and we hope the upcoming Finnish Presidency will play a major role in this. Our proposals are as follows:

- **Prioritisation of the negotiations on a reformed EU transparency register to include the meaningful participation of the Council of the EU and all permanent representations.** Assuming that no agreement is reached on a revised lobby register prior to the European elections, it will need leadership from the Finnish Presidency to get these negotiations back on track. As an expression of commitment towards lobby transparency, we propose **an extension of the current practice of publishing meetings with interest representatives held by the Permanent Representative and Deputy to all officials at the Finnish Permanent Representation in Brussels. This should be accompanied by clear rules to prevent meetings with interest representatives absent from EU or national transparency registers, and to prevent privileged access by better-resourced groups.** We hope that good practice by Finland in this area would encourage others to follow suit.

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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>

- **Prioritisation of 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. **We hope that your Presidency would 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 should be proactively published by the Council, with the LIMITE classification used as the exception rather than the rule**
- **Ensure the incoming President of the European Council follows a new, strict transparency and ethics regime, including publication by the President and Cabinet of all meetings held with interest representatives.**
- **Refuse all corporate sponsorship of the Finnish Presidency and make a proposal to other member states that all future presidencies agree to such a rule.** The sponsorship of the current and previous presidencies by automotive, software, and beverage companies, many of whom have an active interest in influencing EU decision-making, is politically damaging.
- **Review the practice of inviting interest representatives to address Council working party meetings.** BusinessEurope and other organisations have been invited to make presentations to recent meetings of the Working Party on Competitiveness and Growth. Such invitations should only be extended in exceptional circumstances and invitees should reflect the different sides of a debate. Furthermore, there must be full transparency when interest representatives have been granted access. There must be no privileged access for any specific interest.

Finally, we consider that many changes must happen at the member state level to open up government decision-making on EU proposals. All member states' national and / or regional parliaments must have effective oversight of their governments' behaviour in the Council. Civil society and citizens must also have the opportunity to make their voices heard, and the ability to influence decision-making must not be left to those with the most resources. **The Finnish Presidency, coinciding with the renewal of the EU institutions in the second half of 2019, would be an appropriate time to kick-start a full debate on how to ensure improved democratic and accountability practices in the Council and across member states.**

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

Yours sincerely,

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