



Council of the
European Union

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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Draft Council Conclusions on the European Court of Auditors' Special Report No 14/2019 "Have your say!": Commission's public consultations engage citizens, but fall short of outreach activities" (Non-legislative activity)

- Adoption

1. On 5 September 2019, the European Court of Auditors published Special Report No 14/2019 entitled "Have your say!": Commission's public consultations engage citizens, but fall short of outreach activities"¹.
2. Under the rules laid down in the Council conclusions on improving the examination of special reports drawn up by the Court of Auditors², the Permanent Representatives Committee instructed the Working Party on Competitiveness and Growth (Better Regulation) to examine the report in accordance with those rules.³

¹ This special report is available in all official languages on the Court's website:
<https://www.eca.europa.eu>.

² Doc. 7515/00 + COR 1.

³ Doc. 12208/19.

3. This Special Report was presented by the Court of Auditors to the above Working Party in the presence of the Commission on 9 October 2019. At this occasion delegations had a general exchange of views on the content of the report and its observations.
 4. Based on the observations of the Special Report, the Finnish Presidency prepared draft Council Conclusions which have been examined by the Working Party at two meetings and consensus was reached on them at the meeting on 28 October 2019.
 5. The Permanent Representatives Committee (Part I) is therefore invited to recommend to the Council (Competitiveness) to adopt, as an "A" item of its agenda, the draft Council conclusions on the European Court of Auditors' Special Report No 14/2019 "‘Have your say!’: Commission's public consultations engage citizens, but fall short of outreach activities", as set out in the Annex to this Note.
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Draft Council Conclusions on the European Court of Auditors' Special Report No 14/2019

“Have your say!”: Commission’s public consultations engage citizens, but fall short of outreach activities”

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the Special Report No 14/2019 from the European Court of Auditors (hereinafter referred to as “the Court”) entitled ““Have your say!”: Commission’s public consultations engage citizens, but fall short of outreach activities”. REAFFIRMS the importance of public consultations, in improving the transparency and accountability of the EU measures as well as in building coherency in the EU legal framework. UNDERLINES the need to ensure the highest possible degree of objectivity of consultations. HIGHLIGHTS the importance of other participation measures complementing online public consultations;
2. NOTES the Court’s overall finding that the Commission’s framework for public consultations is of a high standard but that there is still room for improvements. TAKES NOTE that the Commission mainly accepts all of the Court’s recommendations;
3. SUPPORTS the Court’s recommendation to further develop the stakeholder consultation guidelines as regards monitoring and systematic assessments of public consultations. ENCOURAGES the Commission to advance its consultation strategies and the outreach of its public consultations in order to promote broad and inclusive participation in public consultations. CALLS on the Commission to pay attention to the quality of consultation documents, including readability, as well as to sufficient time for contributions, especially during holiday seasons. HIGHLIGHTS the current role of the Regulatory Scrutiny Board and the contribution of its work to the quality of consultations;

4. CALLS on the Commission to clarify the criteria for classifying initiatives, which serve as a basis for language arrangements, and to translate questionnaires and other key consultation documents for all priority initiatives and initiatives of broad public interest into all official languages. ENCOURAGES the Commission to continuously improve the design and quality of questionnaires, and confirm that each public consultation has a general questionnaire for the public with additional questions for specialists where necessary;
5. STRESSES the importance of high standards of data processing and security, in particular protection against manipulation of results. INVITES the Commission to further improve its data processing and security for all public consultations. ENCOURAGES the Commission to be clear on the analysis and interpretation of responses by stakeholders, including the extent of representativeness and their geographical distribution;
6. NOTES the Court's findings that the Commission has not always been able to give timely feedback on the outcome of the consultation. CALLS on the Commission to improve its feedback mechanism and publish the results duly after the consultations and, where relevant and appropriate, translate the consultation feedback into all EU official languages.
