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**LIMITE**

**INF 199  
API 69  
OMBUDS 15  
JUR 356  
INST 177  
POLGEN 127  
CODEC 1248  
ANTICI 7**

**'I' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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Subject: Legislative transparency approach

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1. On 18 July 2018, Coreper held an exchange on the basis of a draft policy paper on legislative transparency presented by the GSC. Several discussions took place in Antici + 1, allowing further clarifications of the issues and of the positions of delegations.
2. On 2 May 2019, Coreper provided guidance on the use of General Approaches and targeted publication, and tasked Antici + 1 to take work forward on the basis of the guidance provided. A further discussion took place in Coreper on 12 June 2019 on the basis of an orientation note.
3. Following these discussions, the approach in annex is submitted to Coreper for endorsement.

**Legislative transparency approach**

1. The following documents will be made directly accessible to the public, in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure:
  - a. the Council document containing the Commission proposal, in accordance with existing practice;
  - b. working party agendas on which legislative files feature as items, in accordance with existing practice;
  - c. progress reports submitted to Coreper, after endorsement by Coreper and if no objection has been raised in Coreper to their disclosure. Such an objection may be raised by any delegation; Article 6(1) and Annex II of the Council's Rules of Procedure will apply as concerns making a document directly accessible to the public;
  - d. progress reports submitted to Council, as well as other documents relating to legislative files and which feature on the Council agenda, will continue to be made public in accordance with existing practice;
  - e. the initial Council mandate;
  - f. the final position of the Council reflecting the final outcome of negotiations, after examination by Coreper and in coordination with the other institutions;
  - g. the offer letter once sent to the EP, along with its annex;
  - h. documents relating to the adoption stage of a legislative file, including PE-CONS document, approval or non-approval of EP position at first reading, Council position at first reading, statement of reasons, approval or non-approval of EP amendments at second reading.

2. With regards to transparency measures concerning other documents relating to trilogues, the GSC will approach the other institutions involved in the trilogue process, in order to hear their views on the handling of these jointly-held documents. The GSC will report to Coreper to seek its guidance on any possible next steps.
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