



**Brussels, 16 September 2019  
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## **OUTCOME OF PROCEEDINGS**

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From: General Secretariat of the Council  
On: 9 September 2019  
To: Delegations  
Subject: Working Party on Information

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### **1. Adoption of the agenda**

The WPI adopted the agenda as set out in document CM 3666/1/19 REV 1 without any additional items.

Five delegations (Estonia, Italy, Latvia, Portugal and Sweden) were also connected in videoconference.

### **2. Transparency items**

#### **a) State of play of discussions in Coreper on legislative transparency**

The Chair, recalled the Coreper and Antici discussions which were mainly focused on two aspects :

- disclosure to the public of the initial mandates, independently of the level to which they are adopted (i.e. including Coreper mandates)
- targeted publication of documents at key moments of the legislative process.

The Chair noted that it was not yet determined when discussions would be resumed in Coreper.

**b) Transparency initiatives of the Finnish Presidency**

The Presidency summarised the key points of its information note in doc. 11999/19 circulated on 6 September 2019.

Referring to the legislative transparency principles enshrined in the Treaties, the Presidency underlined that its objectives were to keep the issue on the agenda and to think about the future, by implementing some balanced and pragmatic measures as a pilot during its mandate.

The Presidency's idea was to gain experience by envisaging some transparency measures that fall under its prerogatives and that have been considered during the discussion on legislative transparency. These measures encompass the proactive release of specific documents (progress reports, initial mandates to start trilogues if this is approved by Coreper, initial positions of the institutions other than compromise proposals and final outcomes of trilogues) and increased communication activities, including through social media.

At the end of the semester, the Presidency would then report on the implementation of those measures, together with the General Secretariat.

In this context, the Presidency also reminded delegations of its seminar on "The Future of EU Transparency" foreseen in Brussels on 24 September 2019.

Denmark, Estonia, Ireland, the Netherlands, Slovenia and Sweden welcomed the Presidency's initiative.

A number of delegations (Bulgaria, Croatia, France, Greece, Hungary, Italy, Malta, Portugal and Spain) asked for some clarifications about the process for adopting the measures on legislative transparency proposed by the Presidency:

- at what stage progress reports and mandates for trilogues should be considered for release
- if Coreper could oppose disclosure on a case by case basis
- on what legal basis the Presidency would decide to proactively release the documents and if the implementation of the measures envisaged in the Presidency's note could generate the risk of raising a legal issue

- how Regulation No 1049/2001 exceptions to disclosure would be checked
- what would happen if one or more delegations would oppose disclosure on a specific case
- how the Presidency would evaluate if the experiment was successful.

Several of these delegations indicated a need for more time to scrutinize the Presidency's note, urging a cautious approach, and for Coreper to be informed of the Presidency initiative, preferably with an opportunity for discussion.

The Presidency reassured delegations that its intention was neither to bypass Coreper nor to enter into a discussion in the Working Party, but to carry out an experiment concerning specific categories of documents during the semester and to then evaluate the outcome of this exercise. It confirmed that the matter would be taken to Coreper as an information item at its meeting on 18 September. It also underlined that the exceptions of Regulation No 1049/2001 continue to be fully applicable.

The Council Legal Service (CLS) representative confirmed that the measures envisaged by the Presidency in its note do not override the role of Council or Coreper. As regards initial mandates adopted at Coreper level, it results from the Presidency initiative that disclosure will be proposed to Coreper after endorsement of the mandate. Progress reports may be proactively disclosed by the General Secretariat under the provisions of Article 11(4) of Annex II to the Council's Rules of Procedure. In general, the legal basis of proactively making public documents lies in the Treaties, Regulation (EC) No 1049/2001 as well as the Council's Rules of Procedures, in particular Article 11 of its Annex II. This pilot project would not entail any change to the RoP's and is not intended to be binding for the future.

The Chair thanked delegations for their comments and invited their experts to contact the Presidency bilaterally for any further technical questions.

c) **Increasing transparency and accountability: the key to a better functioning of the Union**

The Netherlands delegation presented the Non-paper 105989/1/19 REV 1 drawn up in cooperation with the Belgian, Danish, Estonian, Irish, Luxembourg, Slovenian and Swedish delegations.

d) **European Ombudsman Decisions**

The CLS representative informed delegations on three recent decisions of the European Ombudsman concerning the following files:

- SI/3/2017/KR, Strategic Initiative with the Council of EU on the transparency of the negotiations on the UK withdrawal from the EU ('Brexit'). In her Decision, the Ombudsman welcomed the proactive approach and very high level of transparency anticipating citizen's and business' legitimate needs;
- complaints 1955/2017/THH and 2011/2018/MIG, concerning respectively the Council refusal to grant access to:
  - opinions drawn up by a Panel on judicial appointments established in accordance with Art. 255 of the TFEU, concerning candidates for the positions of Judges and Advocates-General at the ECJ and the General Court of the EU (only released partially)
  - a note from the EU Military Committee identifying the EU priorities regarding the CSDP-related military capability requirements for 2018 (access refused fully).

The Ombudsman decided that the Council approach to these two complaints was justified and found no elements of maladministration.

The CLS representative also outlined the ongoing procedure concerning Court Case T-252/19 which concerns the Council refusal to grant access to a CLS opinion in doc. 13593/18.

### 3. Communication / Information policy

#### a) Presidency's communication activities

##### - Presentation by the Finnish Presidency

The Presidency presented its communication strategy, web portal and social media channels.

The main social media channels of the Presidency are Twitter and Instagram. You Tube and Flickr will also be used.

<https://eu2019.fi/en/frontpage>

<https://twitter.com/eu2019fi>

[www.instagram.com/eu2019fi/](http://www.instagram.com/eu2019fi/)

#### b) Visitors' Centre of the Council

##### - Update by the General Secretariat of the Council

The GSC updated delegations on the visits offer of the Council, following the opening of the Council's Visitors' Centre in July 2018. The GSC offer includes group visits with a general or tailor-made presentation by a GSC speaker, the Visitors' Centre, guided tours and, in the near future, on-site Council simulations.

<https://www.consilium.europa.eu/en/contact/visits/>

#### c) Possible construction of a Presidency web portal by the General Secretariat of the Council for future Council Presidencies

##### - Update by the General Secretariat of the Council (GSC)

The GSC gave a short update on the possible construction of a Presidency web portal.

The delegations gave positive feedback to the questionnaire the GSC circulated in May. Based on this positive feedback, the Secretary General of the Council has confirmed his support for the principle of the project which is expected to be launched in January 2020.

**d) Services provided by the Library of the General Secretariat of the Council**

**- Presentation by the General Secretariat of the Council**

The GSC gave a presentation on the online services provided by the Library of the GSC to delegations, the staff of the GSC, the staff of other EU institutions and researchers.

**4. AOB**

**a) Information by the Presidency**

The Presidency informed delegations about its intention to organise, in close cooperation with the GSC, an information influencing exercise.

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