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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Art. 50)
No. prev. doc.:	XT 21030/17 BXT 38 INF 102 API 74 OMBUDS 7 JUR 260
Subject:	Public information on the UK's withdrawal from the EU - Reply to a letter from the European Ombudsman (SI/3/2017/KR)

On 24 March 2017, the European Ombudsman sent a letter to the Secretary-General concerning *public information on the UK's withdrawal from the EU* (SI/3/2017/KR).¹

On 17 May 2017, Coreper (Art. 50) endorsed *Guiding principles for transparency in negotiations under Article 50 TEU* (XT 21023/17). These guiding principles, which have in the meantime been published, cover the questions raised by the Ombudsman in her letter.

The General Secretariat has therefore prepared a draft letter informing the Ombudsman of the content of these guiding principles (see annex to this note). Delegations were consulted on this draft (see XT 21030/17) and did not submit comments.

Consequently, it is suggested that the Permanent Representatives Committee (Art. 50) approve, as a "I" item, the draft letter at annex, in accordance with Article 19(7)(k) of the Council's Rules of Procedure.

¹ See 7772/17.

DRAFT

Brussels,

Ms Emily O'Reilly
European Ombudsman
1, avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex

Subject: Public Information on the UK's withdrawal from the EU (SI/3/2017/KR)

Madam,

Thank you for your letter of 24 March 2017 concerning the issue of public information on the UK's withdrawal from the EU (SI/3/2017/KR).

You have pointed out the importance of transparency in the context of the withdrawal negotiations, while acknowledging the need to create an appropriate and effective negotiating context, which may sometimes require keeping confidential certain documents at particular points.

At the same time, you underlined that it would be helpful to adopt a proactive approach from the outset and give citizens access to relevant information and documents at the appropriate time and without the need to ask for them.

You will have noted that both the European Council's Guidelines following the United Kingdom's notification under Article 50 TEU and the Council directives for the negotiation annexed to the Council decision authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement setting out the arrangements for its withdrawal from the Union have already been made public.

The guidelines of the European Council specify under section I on core principles that negotiations under Article 50 will be conducted in transparency. In the light of this core principle, on 17 May 2017, the Permanent Representatives Committee endorsed *Guiding principles for transparency in negotiations under Article 50 TEU* (document XT 21023/17, which you will find enclosed).

The proactive approach of these guiding principles also applies to the second relevant area you identified, i.e. citizens' rights and obligations in circumstances where many citizens have exercised their right of free movement. The European Council itself has identified this area as "the first priority for the negotiations" in its guidelines, which highlights delegations' awareness of the importance of this issue to citizens.

Sincerely yours,

Jeppe Tranholm-Mikkelsen

(Enclosure: XT 21023/17)
