



Ombudsman asks Council to improve transparency of its decision making

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The Ombudsman has asked the Council to take steps to improve the transparency of its decision making after examining the procedures it has been using during the COVID-19 crisis.

While noting the major efforts the Council made to continue its work in difficult circumstances, the Ombudsman's inquiry found that, for the initial four months of the COVID- 19 crisis, remote ministerial meetings did not meet the transparency standards that apply to in-person Council meetings in normal circumstances.

This was despite the fact that decisions on important issues - such as establishing a European funding programme to respond to the COVID-19 crisis - were taken in that time period.

The Ombudsman also found that the Council should immediately have made public a paper detailing the exceptional measures it could put in place to allow decisions to continue to be taken during the COVID-19 crisis.

Releasing that paper in March 2020, when the Council started to take decisions by written procedure, would have allowed the public to scrutinise the different options, and contributed to public trust in in the Council decision-making process during the crisis. Instead, the paper was made public over six months after one of the options in the paper had already been



implemented, and only after an access to document request.

From July 2020, the Council took steps to make virtual meetings of ministers more transparent. Around the same time, it improved the transparency of Working Party meetings, where national civil servants discuss draft legislation and other matters.

However the Ombudsman found that more could be done.

As part of her proposals for improvement, the Ombudsman asked the Council to **continue the wider use of written comments ahead of and after meetings of national civil servants.**

This practice, established for Working Party meetings that are no longer taking place in-person, appears to have increased documentation about Working Party discussions. A previous Ombudsman inquiry [\[Link\]](#) criticised the lack of information about these meetings.

The Ombudsman also asked the Council to **list all documents in its public register as soon as they are issued.** Currently, written consultations of Working Party members are registered in so-called 'working documents', which have no separate entry in the register and are made available with potentially months of delay. This substantially reduces the transparency of Working Party discussions.

Further proposals include **making public documentation related to the informal ministerial meetings that took place between March and June 2020**, as well as making public **internal guidance** on how the work of the Council and its preparatory bodies would be organised during the COVID-19 crisis.

The inquiry was part of wider monitoring by the Ombudsman of how EU institutions responded to the pandemic. She also examined the Commission, the European Investment Bank, the European Medicines Agency and the European Centre for Disease Prevention and Control.