



Transparency of legislative decision making in the Council of the EU

Case OI/2/2017/TE - **Opened on** 10/03/2017 - **Recommendation on** 17/05/2018 - **Special report on** 17/05/2018 - **Decision on** 15/05/2018 - **Institutions concerned** Council of the European Union (Closed after Special Report) | Council of the European Union (Maladministration found) |

In March 2017, the Ombudsman opened this own-initiative inquiry into the transparency of discussions on draft legislation in the preparatory bodies of the Council of the EU. In the course of the inquiry, the Ombudsman put specific questions to the Council, launched a public consultation and inspected legislative files of the Council.

The Ombudsman found that the Council's practices constituted maladministration. In particular, she criticised the Council's failure to record systematically the identity of Member States that take positions on draft legislation in preparatory bodies. She also criticised the widespread practice of restricting access to legislative documents (by marking them as 'LIMITE') while the decision-making process is ongoing.

In her [recommendation \[Link\]](#), on 9 February 2018, the Ombudsman made three specific recommendations and several suggestions to the Council on how to improve the transparency of its legislative process.



The Council did not reply to the Ombudsman recommendations within the legally-prescribed timeline of three months. The Ombudsman therefore closed the case, confirming her findings, her recommendations and her suggestions for improvement. Following this, she [submitted a 'special report' \[Link\]](#) to the European Parliament, which endorsed her findings.