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Brussels, 11 JAN. 2018

**Subject:** *Follow-up request of the European Ombudsman for a reply in the inquiry OI/8/2015/JAS against the European Commission*

*Dear Ms O'Reilly,*

*Thank you for your letter of 26 January 2017 regarding the above-mentioned case.*

*I am pleased to enclose the reply of the Commission on this request.*

*The Commission remains at your disposal for any further information you may require.*

*Yours sincerely,*

A handwritten signature in black ink, appearing to be "J. Juncker", written over a horizontal line.

**Enclosure:** *Commission reply to the follow-up request for information in relation to the Ombudsman's own-initiative inquiry OI/8/2015/JAS concerning transparency of trilogues*

*Ms Emily O'REILLY*  
*European Ombudsman*  
*1, Avenue du Président Robert Schuman*  
*B.P. 403*  
*F-67001 STRASBOURG Cedex*



**Commission reply to the follow-up request for information in relation to the Ombudsman's own-initiative inquiry OI/8/2015/JAS concerning transparency of trilogues**

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**I. BACKGROUND**

On 26 May 2015 the European Ombudsman opened an own-initiative inquiry concerning the European Parliament, the Council and the Commission as regards the disclosure of documents and the transparency of the trilateral negotiations between these institutions during the legislative process, the so called "trilogues".

The Ombudsman asked a series of questions – to which the Commission replied – and requested to inspect two closed trilogue files. The inspections at the Commission's premises took place on 14 and 16 September 2015.

The Ombudsman closed her inquiry with a decision of 12 July 2016 which included a series of recommendations to the European Parliament, the Council and the Commission.

The Commission set out its views on the follow-up to these recommendations in a letter on 16 December 2016.

On 26 January 2017, the Ombudsman wrote to the Commission asking to be updated on further developments in follow-up the recommendations before the end of November 2017. The present document is the Commission's response.

**II. THE COMMISSION'S REPLY**

**General remarks**

The Commission shares the Ombudsman's commitment to enhancing transparency of the legislative process and therefore welcomed the added impetus in that direction provided by the inquiry. As noted in the Commission's response of 16 December 2017, the organisation of trilogues and the detailed arrangements for their conduct are first and foremost a matter for the co-legislators.

**Recent developments**

Work has progressed with the other institutions in developing the concept for the future Joint Legislative Portal, which is intended to be a way for a non-specialist audience to find information and documents relating to all legislative files, linking up the different sources of information from the Institutions and presenting it in a user-friendly timeline approach. The next stage is to draw up a detailed technical specification for the new service, on the basis of which development could begin.

This portal would be the logical place to publish information on the Member of the Commission and the Directorate-General responsible as regards the Commission. In the interim, the Commission notes that these details are typically already identified in Parliament's Legislative Observatory.

The pending court case to which the Commission referred in its previous reply remains pending. Regarding an indicative schedule of trilogues and, after a trilogue has taken place, an outline agenda showing the list of subjects actually discussed, the Commission considers this is a matter for the co-legislators, and confirms it has no objection to any future decision by them to publish such details.

The Commission will continue its engagement with the co-legislators to fulfil the commitments to enhance transparency of the legislative process which were set out in the Interinstitutional Agreement on Better Law-making.