



Council of the European Union
General Secretariat

The Secretary-General

SGS17/11055

Brussels,

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Médiateur européen

11 DEC. 2017

Date d'arrivée

Ms Emily O'REILLY
The European Ombudsman
Avenue du Président Robert Schuman, 1
67001 STRASBOURG Cedex
FRANCE

Subject: Own-Initiative Inquiry OI/2/2017/AB concerning access to documents relating to Council preparatory bodies when discussing draft EU legislative acts

Madam,

Thank you for your letter of 4 October 2017 in which you request that your services are allowed to inspect, in accordance with Article 3(2) of the Ombudsman's Statute, three files relating to legislative acts adopted in 2016, including internal notes or email exchanges on certain aspects of the handling of the relevant legislative documents by the Council.

I am glad to inform you that, following your indication, the General Secretariat of the Council (GSC) has identified the following files as the object of the inspection:

- Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work (2014/0124 (COD))
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (2012/0011 (COD))
- Directive (EU) 2016/2012 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (2012/0340 (COD)).

I would like to bring to your attention that, in line with the Council's Rules of Procedure, the legislative documents relating to the above files have already been made public following the adoption of the relevant legislative acts. They can be found in the Council's public register of documents. For your convenience, I have instructed the services of the GSC to provide any assistance your staff may require for consulting the documents.

As for the additional internal documents that you have asked to inspect, I am pleased to inform you that Coreper has agreed to allow the consultation by your services of all the relevant documents following the procedure agreed in relation to complaints 944/2008/OV, 90/2009/(JD)OV, 523/209TS and 1170/2009/KM.

This implies that a member of your staff designated to consult the documents concerned may do so at their convenience in a secure environment in the GSC. An acknowledgement will be signed by your staff member upon consultation in order to record the fact that the consultation has taken place in relation to the said documents. Notes and photocopies of the documents in question may be taken, as deemed necessary in the framework of the consultation, on the understanding that Article 4(1) of the Statute requires you and your staff not to divulge any information or documents obtained in the course of your inquiries.

Upon your acknowledgement of this letter and acceptance of the procedure set out above, my services will contact you in order to arrange for a date and time for the consultation.

Yours faithfully

A large black rectangular redaction box covering the signature area.

J. TRANHOLM-MIKKELSEN