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

**Subject: Your letter of 26 January 2017 relating to your own-initiative inquiry OI/8/2015/FOR concerning transparency of trilogues**

Dear Ms O'Reilly,

Thank you for your letter of 26 January 2017 by which you asked to be informed, by 30 November 2017, about both the progress made in Council in the discussions related to your strategic inquiry, and on the development of the joint database on the state of play of legislative files.

As signatory of the 2016 Inter-institutional Agreement on Better law-making, the Council has expressed its strong commitment to "further improving the work done under the ordinary legislative procedure in line with the principles of sincere cooperation, transparency, accountability and efficiency"<sup>1</sup>. Therefore, the Council, together with the other two Institutions, has actively started the process of implementation of this Inter-institutional Agreement, and in particular the joint database on the state of play of legislative files.

As regards the joint database on the state of play of legislative files, I am pleased to inform you that the three Institutions are working on the identification of the main features of the joint database.

In order to offer both further traceability of the various steps in the legislative process, and the possibility to retrieve the related documents, the future tool should consist in a platform reusing existing data available from the Institutions, but aggregating it in one single joint portal. As the main target audience is the general public, the portal would provide easy access to comprehensive information, in an understandable and user-friendly manner, with direct links to existing

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<sup>1</sup> OJ L 123, 12/05/2016, p. 1 (par. 32).

repositories run by the individual Institutions. The portal would also give access to content linked to the legislative process, which at present may not appear in any existing information tools or databases of the individual Institutions. This would allow for both a complete and easy view of all the steps of the legislative process, with the documents related thereto, and a timeline view. In order not to delay its implementation, in an initial phase, the portal would be limited to the ordinary legislative procedure.

Once the identification of the main features of the future platform is accomplished, the services of the three Institutions will engage in the process of elaborating the technical specifications of the IT tool, and the detailed estimate of the financial costs with a view to taking the relevant operational decisions on the implementation of the project. Institutions expect the development of the database to start already in 2018.

As regards the publicity of the negotiating mandates before trilogues begin, the Council has continued its internal reflections on the topic in the framework of the implementation of the commitments assumed with the Inter-Institutional Agreement on Better Law-Making. In many cases already, the mandates for trilogue negotiations are approved by Council by means of a General Approach. The documents submitted to Council for approval, and notably the negotiating mandate, are made public upon circulation, in line with the relevant provisions of the Council Rules of Procedure (notably article 11 of Annex II of the Rules). After having considered all relevant factors, including the recommendation received by the Ombudsman, the Council will soon discuss the systematization of the practice of authorising the opening of the trilogue negotiations, as a general rule, at Council level.

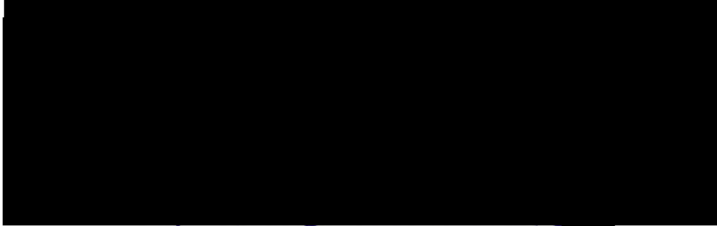
As regards your proposal on the lists of participants, further work has been done by the Institutions. The Council intends to provide the name of the competent Minister and the responsible Coreper Chair for each legislative file under negotiation. The Council configuration will be added in order to further enhance traceability. The follow up given to this proposal would be implemented in the context of the Joint Legislative Portal.

As regards your proposals on the publicity of calendars and of "general summary agendas", further collective reflection is needed by the co-legislators as, even in the context of the Joint Legislative Portal, these proposals concern the organisation of the legislative process, which is an institutional prerogative of the co-legislators.

Finally, your two remaining proposals, namely the identification and publication of four-column tables and the publication of lists of documents tabled during trilogue negotiations, touch on matters which are still before the General Court in the case T-540/15 de Capitani v Parliament. The Council will therefore await the Court's decision before deciding which steps to take on their implementation. It is however useful to stress that the Council already makes proactively public the final text agreed in legislative trilogues when the text is placed on the agenda of the Council ahead of the legislative deliberation on the legislative proposal.

I trust that our services will continue to remain in touch, so that you will be regularly informed on the concrete follow-up we are going to give to your proposals.

Your sincerely,



Jeppé TRANHOLM-MIKKELSEN

