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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 4 July 2016
To: Delegations

Subject: Working Party on Information - 30 June 2016 (Transparency items only)

1. Adoption of the agenda

The agenda was adopted as set out in document CM 03279/2016.

2. Confirmatory applications

- a) Confirmatory application no. 08/c/01/2016
Docs 7380/16 INF 51 API 37
7381/16 INF 52 API 38

The Chair explained the approach proposed in the draft reply (doc. 7381/16). The WPI agreed with the draft reply and with the publication of the votes.

The "I/A" item note (doc. 7382/1/16 REV 1) will be submitted to Coreper II on 7 July 2016 in view of its adoption by the Council (Economic and Financial Affairs) on 12 July 2016.

- b) Confirmatory application no. 10/c/01/2016
Docs 8159/16 INF 64 API 45
8161/16 INF 65 API 46

In reply to comments and questions from some delegations, the Legal Service referred to the relevant case-law, that clarifies the principle of transparency with regard to legislative procedures. The Legal Service also pointed out that in case access to documents related to a legislative process is refused, the reasoning should be clearly detailed and connected with one or the exceptions provided for in Regulation 1049/2001.

The Chair informed delegations that they will be informed by e-mail of the new deadline to send comments and of the new timetable for adoption of the draft reply.

- c) Confirmatory application no. 13/c/01/2016
Docs 9501/16 INF 92 API 62
9502/16 INF 93 API 63

The Legal Service informed delegations that a revised draft reply will be circulated after the WPI meeting. Delegations will be invited to send their comments by e-mail on the revised text of the draft reply (doc. 9502/2/16 REV 2).

The "I/A" item note (doc. 9503/16) will be submitted to Coreper II on 7 July 2016 in view of its adoption by the Council (Economic and Financial Affairs) on 12 July 2016.

- d) Confirmatory application no. 12/c/04/16
Docs 9266/16 INF 83 API 56
9267/16 INF 84 API 57

The Chair explained the approach proposed in the draft reply (doc. 9266/16). The WPI agreed with the draft reply and with the publication of the votes.

The "I/A" item note (doc. 9268/16) will be submitted to Coreper II on 7 July 2016 in view of its adoption by the Council (Economic and Financial Affairs) on 12 July 2016.

- e) Confirmatory application no. 14/c/05/16
– Information from the General Secretariat of the Council
Doc. 10044/16 INF 104 API 69

The Chair informed delegations that this confirmatory application concerns documents relating to the work of the Code of Conduct Group. Delegations will be consulted by e-mail on the draft reply to be issued as document 10045/16 within the coming days.

- f) Confirmatory application no. 3/c/01/16
Docs 5763/16 INF 15 API 13
5764/16 INF 16 API 14 (to be issued)

Withdrawn from the agenda.

3. European Ombudsman inspection - complaint 21/2016/JAP

- Information from the General Secretariat of the Council

The Legal Service recalled that, following the inspection by the Ombudsman's services regarding complaint 21/2016/JAP, the Council was asked to provide an opinion on the allegations and claims in this complaint by 31 August 2016.

4. Deployment of the Agora and Delegates' Portal

- Information from the General Secretariat of the Council

The General Secretariat of the Council informed delegations on the deployment of Delegates' Portal and the new functionalities available to delegates. Since 15 June, Extranet users are automatically redirected to Delegates' Portal.

All the functionalities of the Delegates' Portal should be activated by the end of October 2016, the Chair invited delegations to send comments during the transition period.

5. AOB

- a) Fourteenth annual report of the Council on the implementation of Regulation (EU) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents

- Information from the General Secretariat of the Council

The General Secretariat of the Council recalled that the Council Annual report had been adopted by the general Affairs Council on 24 June 2016, and that an individual press release highlighting the main figures had been published following the adoption of the report.

- b) Handling of "LIMITE" documents

- Information from the General Secretariat of the Council

The Chair referred to the exchange of views on the handling of "LIMITE" documents held at the WPI meeting on 19 May 2016 at the request of the NL Presidency. In this context, the Chair informed that, at the initiative of the NL Presidency, the GSC had prepared a questionnaire concerning the reasons for issuing and subsequent release of "LIMITE" documents to the public.

This questionnaire is addressed to the Heads of Unit of the policy departments of the GSC to be completed in collaboration with the chairmen of the Working Parties for which each DG is responsible.

The WPI will be informed on the outcome of the of survey during the SK Presidency.

c) Outcome of the General Affairs Council (IIA on Better Law-making)

– Information from the Presidency

The Presidency informed delegations on the outcome of the General Affairs Council on transparency issues. Focus of the discussion was a note of the Presidency regarding three transparency elements mentioned in the IIA on Better-Lawmaking: database on legislative files, delegated acts register and trilogues. The MS broadly endorsed the Presidency note.

Regarding trilogues, the President indicated that discussions had shown the need to balance transparency with the efficiency of the decision-making process and that further discussions were needed.

The SK Presidency will continue the work on these transparency issues.

d) Unconference on Transparency held on 1 June 2016

– Information from the Presidency

The Presidency gave a brief overview of the Unconference on Transparency held in Amsterdam on 1 June 2016 and presented a video on this event.
