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European Union

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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 27 April 2023
To: Delegations

Subject: Summary of discussions at the meeting of the Working Party on
Information (Transparency) on 27 April 2023

1. Adoption of the agenda

The WPI agenda was adopted as in document **CM 2502/1/23 REV 1**.

2. Twenty-first annual report of the Council on the implementation of Regulation No 1049/2001 (8311/23)

The General Secretariat presented the main elements of the draft report, highlighting the number of initial requests (over 30%, trend still being noticed in 2023), the highest interest attached in getting access to documents related to justice and home affairs, CFSP matters and economic and monetary matters, and the shorter time to reply to the applicants compared to the previous year.

Delegations welcomed the draft report and expressed their agreement on its contents.

- FR suggested that delegations be consulted more often on requests of higher complexity (i.e. for access to legal service documents) and to elaborate, in the future, on the topic of section IX (third parties” and “interest representatives”). The General Secretariat indicated that that section will be more detailed in next year report, provided that the in-house technological features allow so.
- NL, supported by BE, indicated that more efforts should be made to release more legislative documents at an earlier stage and in producing less WK documents and lowering the use of the LIMITE marking.
- CZ welcomed the inclusion of the sub-section on case law.

The Chair informed delegations that Coreper’s approval and Council’s adoption are respectively foreseen on 17th and 30th May 2023.

3. European Ombudsman Recommendation on Complaint 1834/2022/NH (8134/23)

The Council Legal Service (CLS) representative presented the item (complaint related to a CLS opinion on the proposed EU directive on adequate minimum wages), outlining the main elements of the Ombudsman’s letter on 4th April and indicating that the Council should react within 3 July 2023.

Moreover, the CLS representative observed that the Ombudsman’s recommendation incorrectly specifies (see footnote 20 of doc. ST 8134/23, re. point 24) that the validity of the legislative act concerned was not challenged before the EU, whilst indeed there is an ongoing case (C19/23, Denmark v/EP and Council) on the matter.

FR indicated that it shares the GSC approach to refuse access, whilst BE, DK, EE and NL reiterated their position in favour of a full release of the requested document, already expressed when voting against the draft reply to the confirmatory application.

The Chair concluded by informing delegations that the draft detailed opinion of the Council will be submitted to the WPI via written consultation.

4. Updates on the implementation of the Interinstitutional Transparency Register

The Chair recalled the annual meeting of the Management Board (chaired this year by the Council) held on 31st March and indicated that, in 2024, the coordinator's duties for the inter-institutional secretariat of the register will be fulfilled by the DG COMM Head of the Council Transparency Unit.

The General Secretariat outlined the main figures of 2022 (first full year of implementation of the 2021 Inter-Institutional Agreement on the mandatory transparency register¹), highlighting the increasing public demand for high quality data and scrutiny of the register, as well as the investigative actions and suspensions undertaken following recent politically sensitive developments. It also mentioned the remarkable increase in the number of complaints and the importance attached to external awareness-raising and staff training activities.

Moreover, the General Secretariat summarised the priorities adopted by the Management Board for 2024, with focus on monitoring and screening activities, the new IT system for the Register, the communication strand and synergies with other EU actors.

5. Any Other Business - Confirmatory application No 07/c/01/23 (8310/23)

The General Secretariat presented the file (WK documents forming the evidence package for new restrictive measures linked to the war in Ukraine, more specifically on child trafficking), recalling the exceptions used to justify the refusal in first instance (protection of international relations and personal data).

The Chair informed delegations that the General Secretariat will launch the WPI consultation on the draft reply as soon as it is finalised.

¹ OJ L 207, 11.6.2021, p. 1–17
([https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021Q0611\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021Q0611(01))).