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'I' ITEM NOTE

From: Presidency/General Secretariat of the Council
dated: 14 July 2020
To: Permanent Representatives Committee

No. prev. doc.: 9420/20

Subject: Strengthening legislative transparency

1. Following the presentation by the GSC of a draft policy paper on legislative transparency in July 2018 (document 11099/18), several discussions took place in Coreper and in Antici+1 format in 2018 and 2019.
2. The Finnish Presidency undertook a pilot initiative (see document 11999/19 and 14856/19 + COR 1) on many of the elements discussed in this framework; the same approach on legislative transparency was continued under the Croatian Presidency. This allowed to test in practice the feasibility and implications of those elements. No difficulties were encountered.
3. In light of the experience gained in application of this pilot initiative, the approach in annex is submitted to Coreper for endorsement.

Strengthening legislative transparency

1. The following will be issued as public documents, in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure:
 - a. the Council document containing the Commission proposal, in accordance with existing practice;
 - b. working party agendas on which legislative files feature as items, in accordance with existing practice;
 - c. progress reports submitted to Coreper, provided no objection has been raised in Coreper to their disclosure. Such an objection may be raised by any delegation in accordance with Article 6 (1) and Annex II of the Council's Rules of Procedure, which apply as concerns making a document directly accessible to the public.
 - d. progress reports submitted to Council, as well as other documents relating to legislative files and which feature on the Council agenda, will continue to be made public in accordance with existing practice;
 - e. the initial Council mandate, whether endorsed at Council level in the form of a General Approach, or at the level of Coreper;
 - f. the document drafted for the purposes of trilogues, containing the initial positions (not compromise proposals) of the institutions, will be made public upon circulation;
 - g. the final position of the Council reflecting the final outcome of negotiations, after examination by Coreper;
 - h. the offer letter once sent to the EP, along with its annex;
 - i. documents relating to the adoption stage of a legislative file, including PE-CONS document, approval or non-approval of EP position at first reading, Council position at first reading, statement of reasons, approval or non-approval of EP amendments at second reading.

2. Active communication and social media will be used to inform on the progress of legislative files, including trilogues.

3. The Council will continue to monitor which steps could be taken in the future as necessary to guarantee legislative transparency. Coreper will revert to the issue as appropriate.

