



Council of the
European Union

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Malik AZMANI, MP
Chairman of the Standing Committee on European Affairs
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Sir,

Thank you for your letter of 20 December 2017, co-signed by representatives of 26 chambers of national parliaments, regarding transparency of the legislative process in the EU. The Council attaches great importance to legislative transparency and it takes careful note of the proposals expressed in your joint letter.

In that regard, the Council shares your objective to enhance the traceability and documentation of the legislative process and it is committed to ensuring transparent and effective law-making.

Indeed, many Council documents are already made public as soon as they are circulated to delegations. These are, for example: provisional agendas for Council meetings (in all formations), any texts adopted by the Council intended to be published in the Official Journal, cover notes and copies of letters concerning legislative acts, documents relating to agenda items included as legislative deliberations or marked "public deliberation" or "public debate", notes submitted to COREPER and/or to the Council for approval of draft legislative acts (I/A and A item notes) and of course the draft acts to which these notes refer.

Documents not falling within these categories are made public upon circulation following a decision by the originating department, whereby the prevailing principle is that enshrined in Regulation 1049/2001: "*legislative documents (...) should, subject to Articles 4 and 9, be made directly accessible.*" It should be clear, however, that nor the Regulation, nor case law of the Court imposes an obligation on the Council to proactively and immediately publish all legislative documents.

It is also noted that the summary records of COREPER meetings are public and directly available in the public register, so the results of discussions on any legislative file dealt with at COREPER level can easily be retrieved. When the Council deliberates and votes on a draft legislative act, this is always public and video-streamed live from our website. After the adoption of the legislative act, documents are made public as soon as possible.

In addition to these existing measures, the Council has taken further initiatives to increase transparency in the legislative process.

Following the conclusion of the Interinstitutional Agreement on Better Law-Making in 2016, the Council is working with the European Parliament and the Commission on the establishment of a joint database on the state of play of legislative files. This future tool will provide easy access to comprehensive information, in an understandable and user-friendly manner, with direct links to existing repositories run by the individual institutions. This initiative will be an important tool to increase the accessibility of information and documents related to legislative files.

Furthermore, the Council is currently engaged in negotiations concerning the proposal of the Commission to establish a mandatory transparency register, which would now for the first time also include the Council.

In line with these ongoing initiatives and developments, the Council will continue its reflection on these topics and its efforts to increase the transparency of the EU legislative process and will keep you informed of its progress.

Yours faithfully,



D. TZANTCHEV
Chairman of the
Permanent Representatives Committee