



Brussels, 10 November 2016
(OR. en)

14235/16

API 113
INF 190

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 9 November 2016
To: Delegations
Subject: Working Party on Information - 28 October 2016 AM

1. Adoption of the agenda

The agenda was adopted as set out in document CM 4453/16.

2. Communication / Information Policy

a) East Stratcom Task Force evaluation - Year One

The EEAS representative (seconded GSC official) summarised the progress made by the EEAS Stratcom Task Force in its first year of activity to achieve the three objectives of the Action Plan on Strategic Communication presented to the June 2015 European Council (communicating EU policies effectively; strengthening media environment; forecasting and responding to disinformation).

The EEAS recalled its multi-faceted campaigning approach to implement the Eastern Neighbourhood Policy and the variety of initiatives carried out in the Eastern partner countries, in close coordination with the European Commission. In this context, it referred to the "OPEN" programme which focuses on revamping on line presence, enhancing social media activities and developing public opinion surveys.

The EEAS' representative stressed the need, among others, to increase public awareness of disinformation tactics and foster civil society's involvement; to continue to support independent media in the countries of the region; and to develop language skills to improve outreach (new EEAS Russian language web page since February 2016).

Finally, the EEAS announced the launch of a dedicated "disinformation website" in 2017 and stressed the need to encourage the information flow on the ground and to provide adequate resources to support fighting against violent extremism.

The Commission representative congratulated the EEAS Stratcom Team for its achievements and encouraged Member States to use all information sources and communication tools developed so far. He outlined the initiatives carried out by the Commission in this domain, in particular targeting young audiences, through the abovementioned OPEN programme (20M€ in four years) and its Media Hub as a valuable training tool for journalists, and the EU Neighbourhood Info Centre. He finally announced a new international media conference in 2017.

Delegations' (BE, CZ, DE, EE, LV, LT, NL, PL and SE) welcomed the EEAS' evaluation report and confirmed their support to the ongoing implementing actions, highlighting in particular:

- the challenging task of Stratcom players;
- the need to further integrate Stratcom on the ground, increasing synergies with Member States and having their embassies more involved;
- the need to continue to reinforce the Stratcom Team and help develop its expertise;
- Stratcom's importance as a tool to help contrast growing euroscepticism;
- the EP's support to Stratcom with regard to budget perspectives;
- the need to increase the information flow among the institutional partners and with multipliers;
- the WPI's role as a good platform to coordinate Stratcom messaging;
- the need to apply Stratcom concepts in other geographic scenarios (in particular the Western Balkans).

The Chairman congratulated the EEAS for its evaluation and encouraged delegations, the EEAS and the Commission to continue to enhance cooperation and resolve concerns on the efficiency of existing resources. Moreover, he confirmed that the WPI stands ready to come back on this issue at one of its future meetings

b) "Europa" building: update on practical arrangements

While approaching the "mise en fonction" of the new building (fully operational from January 2017), the General Secretariat of the Council outlined the latest arrangements regarding the organisation of press activities, including practical elements relevant for WPI members. WPI members were also informed about the main communication messages.

3. Transparency

a) Interinstitutional Agreement on a mandatory Transparency Register

– **Information on the state of play**

Doc. 12882/16 API 99 INST 396 POLGEN 114 AG 14

The WPI took note of the state of the play of the discussions at the General Affairs Group.

The Commission underlined its commitment regarding transparency.

The WPI will be informed of the developments on this file.

b) European Ombudsman

– **Information from the General Secretariat of the Council (GSC)**

i) Own-initiative inquiry OI/8/2015/JAS on transparency in trilogues

Doc. 13075/16 API 103 CODEC 1414 INST 408 OMBUDS 14 JUR 515

The WPI took note of the European Ombudsman's decision to close the inquiry by letter of 12 July 2016. In her letter, the Ombudsman addresses eight recommendations to the three institutions concerning the transparency of trilogues. The draft letter to the Ombudsman will be sent by mid-December.

The Legal Service noted that there was no findings of maladministration. It referred to the Legal Service opinion set out in document 11440/15 on the scope of the Ombudsman's mandate and pointed out that three out of the eight recommendations went beyond the notion of maladministration and rather stepped into the co-legislators' discretion in organising the legislative activity. In the merits, the recommendations appeared globally moderate and the Ombudsman expressly acknowledged the Institutions' need for a "privileged negotiating space".

The WPI will be informed on the internal on-going discussions about these proposals.

- ii) Meeting with Ombudsman representatives on the transparency of Council working parties

The WPI took note of the meeting between the Ombudsman services and the GSC Transparency team on the working methods of the Council working parties. The good cooperation between the two services was stressed.

- iii) Complaint 21/2016/JAP

Doc. 6158/16 OMBUDS 2 INST 5 INF 22 API 16

The WPI was informed that the opinion related to complaint 21/2016/JAP will be circulated before submission to COREPER.

c) Information by the Legal Service

- Judgment of the General Court in case T-710/14 (Herberth Smith Freehills LLP v Council)
- Judgment of the General Court in case T-755/14 (Herberth Smith Freehills LLP v Commission supported by the Council)

The WPI was informed on the recent case-law regarding access to documents containing legal advice. The Legal Service will circulate an information note on this matter.

In this context, the Legal Service referred to three other cases against the Commission:

T-800/14 (Philip Morris v. Commission), T-796/14 (Philip Morris v. Commission) and T-18/15 (Philip Morris v. Commission).

d) Questionnaire on Member States' Legislation on Access to documents

– **Presentation of the questionnaire**

Doc. 13558/16 INF 185 API 107

The General Secretariat of the Council presented the questionnaire aimed at collecting information on the main aspects of national legislation on access to documents and invited the WPI to provide their replies by 15 December 2016.

The replies will be consolidated and presented to the WPI in the beginning of 2017.

e) Questionnaire on LIMITE documents

– **Presentation of the results**

The WPI took note of the oral presentation regarding the GSC practice on the issuing of LIMITE documents.

One delegation welcomed the GSC's follow-up of the fruitful WPI discussion in May and noted that upon request LIMITE documents are often released and that a more proactive release could be considered.

In reply to the questions of two delegations, the General Secretariat of the Council informed the WPI that a document summarizing the practice in the GSC will be issued, which will include an analysis of the results of the questionnaire.

The Chair concluded that WPI will discuss the matter in the next meeting.

f) Confirmatory applications

i) Confirmatory application no 03/c/01/16

Docs 5673/16 INF 15 API 13

5764/16 INF 16 API 14

Delegations agreed with the draft reply including the corrections to be included in the "I/A" item note and with the publication of the votes.

The draft reply will be listed on the agenda of Coreper II on 4 November 2016 in view of its adoption by the Council on 11 November 2016.

ii) Confirmatory application no 21/c/07/16

Docs 12037/16 INF 155 API 94

12038/16 INF 156 API 95

Delegations agreed with the draft reply and with the publication of the votes.

The draft reply will be listed on the agenda of Coreper II on 4 November 2016 in view of its adoption by the Council on 11 November 2016.

4. A.O.B.

Update on the Agora - Delegates' Portal

The General Secretariat of the Council drew delegations' attention to the new functionalities of the portal and to the nominated delegates' important role to ensure that all colleagues involved in the WPI agenda are connected. Delegations' questions can be addressed to the relevant services of the General Secretariat of the Council which are responsible to ensure smooth implementation.
