



Brussels, 24 February 2017
(OR. en)

6642/17

INF 21
API 17

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations
Subject: Working Party on Information of 21 February 2017

1. Adoption of the agenda

The agenda was adopted as set out in CM 1561/17.

Upon request of a delegation an item on two new ECJ cases was added under AOB.

2. Transparency

a) **Commission Proposal for an Inter-Institutional Agreement on a Mandatory Transparency Register**

5151/1/17

12882/16

– Information from the General Secretariat of the Council - State of play

The Working Party (WPI) was informed of the outcome of the meetings of the General Affairs Group (GAG) on 27 January and 10 February 2017 concerning the opinion of the Council Legal Service (CLS). A majority of delegations in the GAG were in favour of more transparency but acknowledged the legal obstacles raised in the CLS opinion. The Presidency would prepare a paper on the follow-up to the discussions on the IIA which would continue in forthcoming GAG meetings.

Whereas some delegations welcomed the fact that the item would be maintained on the WPI agenda and suggested providing the GAG with appropriate expert input from the WPI, other delegations stated that they would be satisfied with information only.

b) European Ombudsman

i) Own-initiative inquiry OI/8/2015/JAS concerning the Transparency of Trilogues: follow-up

6276/17

The GSC informed the Working Party of the receipt of a follow-up letter from the Ombudsman requesting to be informed by the end of November 2017 of the progress made regarding her proposals to increase the transparency of trilogues and of the conclusions drawn by the Council from the ruling in the case pending before the General Court about the 4-columns document. Her particular interest in the development of the joint legislative database provided in the Interinstitutional Agreement on Better Law-Making was also highlighted in the letter.

ii) Decision in case 916/2015/OV on the refusal of the Council of the EU to grant full access to documents concerning irregular immigration into the EU

6208/17

6192/17

- Information from the Council Legal Service

Following receipt of the decision of the Ombudsman concerning complaint 916/2015/OV, the Legal Service presented its information note on this decision.

c) Informal interinstitutional forum on application of Regulation 1049/2001

- Information from the General Secretariat of the Council

The GSC presented its initiative to invite the administrations of the other institutions and bodies set up by the treaties to an informal gathering on 28 March in order to exchange information on their respective practices as regards access to documents. The WPI would be kept informed of any outcomes.

d) Confirmatory applications

i) No 1/c/01/17

5961/17 INF 10 API 5

ii) No 2/c/01/17

6224/17 INF 17 API 13

- Information from the General Secretariat of the Council

The delegations discussed the two confirmatory applications which were still being examined by GSC services. Draft replies will be submitted to the WPI in due time.

3. Any Other Business

a) Questionnaire on the Member States' legislation on access to documents

The WPI was informed of the state of play: 27 replies from Member States had been received and could be accessed through Delegates Portal. Results of the analysis and a compilation of replies would be presented at a forthcoming WPI meeting.

b) Delegates Portal survey

- Information from the General Secretariat of the Council

WPI delegates were called upon to participate in the anonymous online customer satisfaction survey on Delegates Portal which would be available shortly. The aim of this survey is to receive feedback in order to assess to what extent the portal meets current business requirements and, where necessary, to improve or broaden its functionalities.

c) Court cases (new item)

Upon request of a delegation, the representative of the Legal Service explained that the possibility of intervening in cases T- 851/16 and T-852/16 had been considered but, taking into account the fact that only Commission documents were concerned, it had been ruled out in conformity with Council practice.
