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COVER NOTE

From:	The Presidency
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To:	Working Party on Information
Subject:	Openness and Transparency - Finland's Presidency of the Council of the European Union

Delegations will find attached an information note drawn up by the Presidency concerning item 2b of agenda of the Working Party on Information on 9 September 2019.

Encl.: 1

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Openness and Transparency - Finland's Presidency of the Council of the European Union

The principle of transparency is enshrined in the Treaties and the right of access to documents is recognised as a fundamental right in the Charter of Fundamental Rights. According to the Strategic Agenda of the European Council for 2019–2024, the institutions will respect the principle of transparency. Furthermore, the Strategic Agenda states that each institution should revisit its working methods and reflect on the best way to fulfil its role under the Treaties.

Transparency and open communication play a significant role in bringing the EU closer to citizens and in making it more understandable. Additionally, they increase the trust, legitimacy and accountability of the EU and are an effective means to combat disinformation.

Enhancing the openness and transparency of the EU is one of Finland's long-standing goals. During our Presidency, we envisage to facilitate the discussion between Member States and EU institutions on transparency and implement some pragmatic and well-balanced measures to make the Council's work more open and understandable to citizens.

More public discussions in the Council meetings

In the context of incorporating the Strategic Agenda for 2019–2024 into the work of the Council, future-oriented discussions are being held in different Council configurations. Citizens should have access to these discussions and therefore there are good reasons for making them public.

Open, active and clear communication

We aim to ensure open, professional, reliable, fast and engaging communications. The purpose is to ensure that citizens, media and stakeholders have better access to information concerning preparatory work and decisions on public affairs. The entire Finnish Government from ministers to public officials are involved in the communication effort.

Practices in legislative transparency during the Finnish Presidency

The Treaties and the case law of the Court of Justice emphasise the importance of legislative transparency as a guarantor of the democratic principle and participatory rights in the EU. The Interinstitutional Agreement on Better Law-Making commits the three institutions to ensure the transparency of legislative procedures. At the same time, digitalisation changes our ways of handling information and communicating with the institutions and between Member States. This also influences access to information.

It is important to strike the right balance between the effectiveness of decision-making and transparency. There are various ways to improve transparency while also leaving a space to think for the institutions. Partly due to the current system, which is based mainly on access to document requests, the Council is left in a reactive position when making documents public. This may also affect the way the Council communicates about its positions in the media and towards other institutions. Should the Council make more documents public on its own initiative and communicate them actively, it would have better tools to shed light on EU affairs in public discussions. Furthermore, this could help reduce the administrative burden that access to document requests cause for the institutions, citizens and companies.

Following the Council discussions on legislative transparency initiated on 18 July 2018, the Finnish Presidency will apply certain of the elements discussed that fall within the prerogatives of the Presidency. This would provide valuable experience about the possibilities of enhancing legislative transparency. The Presidency and the General Secretariat of the Council will report on the experiences in December. On this basis, discussions on longer-term solutions could be resumed.

In addition to existing rules applied already by the General Secretariat, the practices presented below will be followed:

- Provided that they are clearly not covered by any of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001, progress reports submitted to Coreper will be made available to the public as soon as they have been circulated or at the latest after examination in Coreper. Progress reports will be drafted paying due respect to confidentiality requirements.
- The initial Council mandates to start trilogues are made public by default. Should the mandate be endorsed at the level of Coreper, the Presidency will propose to Coreper the disclosure of the mandate after its endorsement.

- The document drafted for the purposes of trilogues containing the initial positions (not compromise proposals) of the institutions will be made public upon circulation.
- The document containing the final outcome of trilogues will be made public after it has been endorsed by Coreper.
- Active communications and social media will be used to distribute information on the progress of legislative files, including trilogues.

These practices and measures are without prejudice to the application of Regulation (EC) 1049/2001 and other relevant European Union law.

Transparency in lobbying political decision-makers

Finland's Permanent Representation to the EU publishes information on all meetings of the Permanent Representative and her deputy with interest groups. The Permanent Representation requires all interest groups to sign up in the EU transparency register.

The Finnish Government publishes information on all EU-related meetings between its ministers and interest groups during the Presidency.

Future of EU transparency

The transition to a new institutional cycle provides an opportunity for a wider discussion on concrete measures to increase transparency during the coming legislative term. Finland will organise an expert seminar on this theme in Brussels on Tuesday 24 September. This event will be open to the public.