



Council of the
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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Outcome of proceedings of the informal videoconference of the WPI
members held on 29 June 2021

Delegations will find attached the outcome of proceedings of the informal videoconference of the members of the Working Party on Information held on 29 June 2021.

OUTCOME OF PROCEEDINGS

of the informal videoconference of the WPI members

held on 29.6.2021

The meeting was structured in two strands:

- standard transparency agenda items: European Ombudsman's files (focus on presidency's sponsorship) and confirmatory applications (general state of play of open files)
- a round table on "Negotiating mechanisms and transparency orientations: the decision-making process and public interest", organised under the auspices of the Portuguese Presidency.

1) Adoption of the agenda

The agenda was adopted as in [CM 3690/2/21 REV 2](#).

2) Sponsorship of the Presidency of the Council of the EU

Delegations agreed with the latest revised text of the draft guidelines (document [9897/1/21 REV 1](#), presented orally by the GSC) and thanked the GSC and the Portuguese Presidency for their efforts to finalise such a consensual text. The Chair thanked delegations for their support and announced that the GSC would integrate this text into the Presidency Handbook (see document [10325/21](#)).

3) AOB

- a) The GSC outlined the state of play on the most relevant confirmatory applications being currently processed.
- b) European Ombudsman file (doc. [10138/21](#)): the GSC informed delegations on the outcome of the complaint No 360/2021/TE, related to confirmatory application No 1/2021 focusing on trilogue negotiations documents, on which the Ombudsman proposed a solution. The GSC positively assessed the outcome of the enquiry by the Ombudsman.

c) The Dutch delegation, supported by the Danish delegation, explained that they have started a “transparency pledge” in the context of the Conference of the Future of Europe, with the idea to launch an alliance for transparency with as many stakeholders as possible to commit to renewing their efforts for greater EU transparency.

4) **Round table on negotiating mechanisms and transparency orientations**

Three key-notes were delivered by guest speakers from Portugal, Slovenia and France:

- e) Professor João Vacas, from the Institute for Political Studies, Catholic University of Lisbon (Portugal), focused on "Transparency, Openness and Changes Management" and in particular on the tension between consensus-oriented mechanisms and the increasing polarization of the political environment.
- f) Professor dr. Polonca Kovač, Faculty of Administrative Law and PA, University of Ljubljana (Slovenia), focused on "Transparency in Administrative Decision-Making Procedures", focusing on public vs private interest, legal obligations and interdisciplinarity, the inspiring principles for the EU and for Public Administrations and the reasons for administrative transparency, on the impact of digitalisation, de-bureaucratisation and the need for personal data protection and confidentiality.
- g) Dr. Bastien Brillet, former "deputy rapporteur-general" of the French Commission on access to administrative documents (CADA), Vice Director of policies, DG Legal Affairs at the Central Administration of Social Ministries, focused on the "The serenity of political decision-making in the age of Open Data" and in particular on the need to protect public authorities' decision-making processes involving sensitive information and safeguard legitimacy and efficiency in negotiations.

The Portuguese Presidency expressed its satisfaction with the contribution of the key-notes for the proposed exercise, highlighting the increasing participation of the transparency community on efficient processes and the need for more responsive institutions, hence the need for pursuing the presidencies' proactive role in promoting legislative transparency without putting in danger the protection of “public interest”, which differs from the notion of “interest of the public”.